

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
RALPH E. DOWNEY)
LOMA, COLORADO 81524)

PERMIT NO. B-2276

March 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 9, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
Commissioners

Dated at Denver, Colorado,
this 13th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
FLOYD AND MILDRED KECK, DOING BUSINESS
AS "FLOYD'S USED PARTS," 2215 LINDEN,
TRINIDAD, COLORADO. 81082

* * *

PERMIT NO. B-6085

March 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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


O R D E R

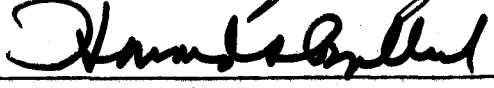
THE COMMISSION ORDERS:


That the above-entitled authority be, and the same hereby is, cancelled effective March 7, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 13th day of March 1968
ls

PUC

(Decision No. 71012)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
MATEO SANFILIPPO, DOING BUSINESS AS
"CITY CAB COMPANY", UNION DEPOT,
PUEBLO, COLORADO 81001

* * *
)
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}
}

PERMIT NO. A-6105

March 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 7, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
Commissioners

Dated at Denver, Colorado,
this 13th day of March 1968
1s

(Decision No. 71013)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BROADMOOR HOTEL WATER AND POWER)
COMPANY, COLORADO SPRINGS, COLORADO,) APPLICATION NO. 23082
FOR ORDER GRANTING PERMISSION TO)
FILE INCREASE IN RATES FOR WATER ON)
LESS THAN STATUTORY NOTICE.)

March 11, 1968

S T A T E M E N T

BY THE COMMISSION:

On March 11, 1968 the Broadmoor Hotel Water and Power Company, Colorado Springs, Colorado, filed an application requesting an Order of this Commission to permit it to file and publish in its tariff on less than statutory notice an increase in its rates for water service in its certificated area, which includes the Polo Park Addition to Broadmoor, Count Pourtales Addition to Broadmoor and adjacent territory.

Applicant filed its application pursuant to Rule 17A (1), of the "Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado". This Rule allows the Commission in its discretion to give its permission, without a formal hearing and on less than thirty days' notice to customers, to file such change in applicant's tariff. Such action does not bar or affect any subsequent proceeding relative to such changes. Applicant submitted, in support of its application, as required by the Rule herein, present charges, its proposed charges, a statement of all the circumstances and conditions relied upon in justification of its application and also a certificate that the affected customers were notified by letter dated March 9, 1968 of the pendency of the application before this Commission.

The last change in rates by the Applicant was on July 1, 1962, and even during this year Applicant suffered a net loss in its operations.

In each succeeding year since 1962 through 1967, Applicant has sustained operating losses on an annual basis varying from \$2,231 to \$28,071. For the year 1967, its operating loss was \$20,958. A prima facie case justifying an increase in revenues is made in the application.

Applicant states the proposed rates are at the same level as now charged by the City of Colorado Springs, as applied by said City in the fringe territory beyond its corporate limits. Applicant also declares that as a matter of policy it does not wish to exceed the rates now being charged by the City of Colorado Springs until no other choice exists.

The proposed rates will increase revenues by about \$23,000 per year. This increase in revenue only slightly exceeds the operating loss for 1967 and would not provide income to allow more than a minimal return on its capital investment.

F I N D I N G S

THE COMMISSION FINDS:

It has jurisdiction of the Applicant herein and of the subject matter of this application.

Applicant has complied with the provisions of Rule 17.

Applicant should be permitted to file on less than 30 days' notice its proposed increase in rates as follows:

For the first	3,750 gallons per month per thousand gallons	\$1.20
Next	26,250 gallons per month per thousand gallons	.53 1/3
Next	345,000 gallons per month per thousand gallons	.48
All over	375,000 gallons per month per thousand gallons	.45 1/3

A minimum monthly charge based on the meter size is also contained in the tariff filing. It varies from \$4.50 for one inch meter and under to \$202.50 for a ten-inch meter.

That this action, permitting a tariff to be filed increasing the rates and charges, does not bar or affect any subsequent proceeding relative to such changes.



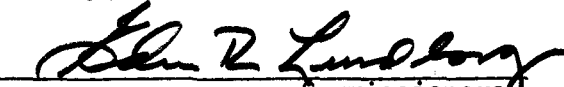
O R D E R

THE COMMISSION ORDERS:

That Broadmoor Hotel Water and Power Company be, and hereby is, permitted to file on less than statutory notice its rates and charges for water service in accordance with the Findings above.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of March, 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
MRS. ROSE KERRIGAN)	
BOX 203	)	<u>PERMIT NO. B-4960</u>
PENROSE, COLORADO 81240)	

March 13, 1968

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.

ORDER

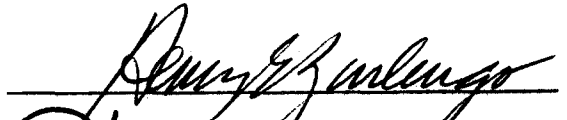


THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 23, 1968 to and including September 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 13th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN A. FRESQUEZ)
4700 GRANT STREET)
DENVER, COLORADO 80216)

PERMIT NO. B-4846

March 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

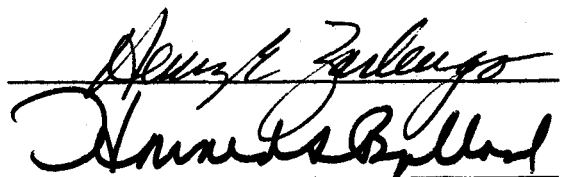
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 11, 1968 to and including September 11, 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 13th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ATCHISON ENTERPRISES, INC.)
3426 G Road)
CLIFTON, COLORADO 81520)

PERMIT NO. B-7130

March 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

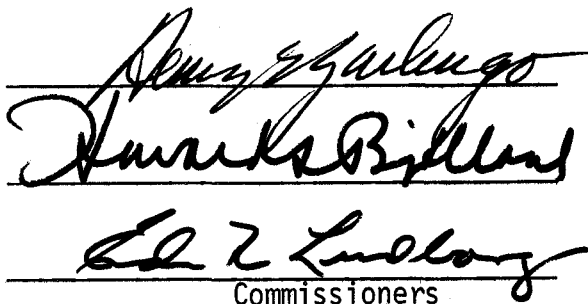
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 6, 1968 to and including September 6, 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 13th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS C. CLARK, GENERAL DELIVERY,)
NORWOOD, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23090-PP

March 15, 1968

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicant herein sought a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests; rough lumber from sawmills in said 75 mile radius to markets in the State of Colorado, provided, however, that no town-to-town service shall be rendered.

The Commission has now been advised by said Applicant that he no longer desires authority herein sought and requests that said application be dismissed.

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




ORDER

THE COMMISSION ORDERS:

That Application No. 23090-PP be, and the same hereby is, dismissed, upon request of Applicant.

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
15th day of March, 1968

(Decision No. 71018)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. J. SCHREINER, 5355 COLUMBINE)
ROAD, DENVER, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22929-PP

March 15, 1968

Appearances: Robert G. McIlhenny, Esq., Denver,
Colorado, for Applicant;
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Ashton
Trucking Co., Protestant;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 16, 1967, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- Applicant moved for a continuance, which motion was objected to by Protestants and the motion was denied. Applicant then moved to dismiss the application without prejudice which motion was granted.

All motions granted by the Examiner are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. This application was twice set for hearing and on both occasions, Applicant's shipper witnesses failed to appear.
2. To grant additional continuance would be inequitable and prejudicial to Protestants.
3. It would appear that there is insufficient interest from supporting shipper witnesses to warrant the granting of a continuance.
4. The application should be dismissed.

EXAMINER CONCLUSIONS

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

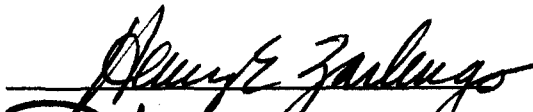

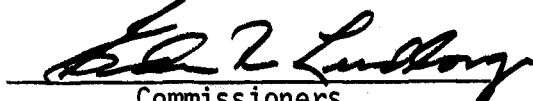
The Commission has given careful consideration to the record in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22929-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. S141)
)
BY: RYBERG CONSTRUCTION COMPANY)
5635 WELLINGTON PARKWAY)
ARVADA, COLORADO 80002)
)
Respondent.)

CASE NO. 138-T

SUPPLEMENTAL ORDER

- - - - -
March 14, 1968
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 31, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file Annual Report for calendar year 1966, as required by law and the Rules and Regulations of the Commission.

The Commission is now in receipt of a petition from respondent's counsel stating that through inadvertence and other pressing court matters the annual report to the Commission was not filed.

The records of the Commission now disclose that such annual report is now on file.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Fairbank
Donald B. Bell
Ed. R. Ludlow
Commissioners

Dated at Denver, Colorado
this 14th day of March, 1968.

dh

(Decision No. 71020)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MOTOR VEHICLE OPERATIONS OF)
YEAROUS TRUCK LINES, INC., 603) CASE NO. 5362
WEST PLATTE, FORT MORGAN, COLORADO,)
UNDER PERMIT NO. B-1236.)

March 15, 1968

STATEMENT AND FINDINGS OF FACT

A. L. Atwood, Keith Wiley and Robert Bell, by their Attorneys Stockton and Lewis, filed a Petition to Intervene as their interests may appear in the above-captioned proceeding and caused copies of said Petition to be served by mail upon parties of record in this proceeding.

The Commission states and finds that Applicants for intervention, A. L. Atwood, Keith Wiley and Robert Bell, are parties who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.



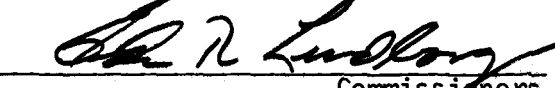
O R D E R

THE COMMISSION ORDERS:

That Petition to Intervene of A. L. Atwood, Keith Wiley and Robert Bell, as their interests may appear, be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1968.
1s

(Decision No. 71021)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF NORMAN C. ANDERSEN, P. O. BOX)
31046, AURORA, COLORADO, FOR AUTH-)
ORITY TO LEASE PERMIT NO. B-5788)
AND PERMIT NO. B-5788-I TO ELMER)
R. HILT, 1753 CLINTON STREET,)
AURORA, COLORADO.)

APPLICATION NO. 22552-PP-Lease
SUPPLEMENTAL ORDER

March 15, 1968

STATEMENT AND FINDINGS OF FACT

On June 22, 1967, the Commission entered Decision No. 69697, in the above-styled application, authorizing Norman C. Andersen to lease Permit No. B-5788 and Permit No. B-5788-I, according to the terms and conditions of written Lease Agreement dated April 25, 1967 on file with the Commission.

The Commission is now in receipt of a communication from Elmer Hilt requesting that said lease be cancelled.

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.

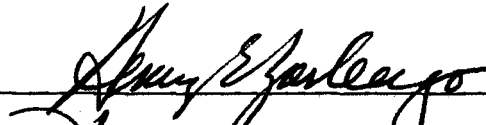
O R D E R

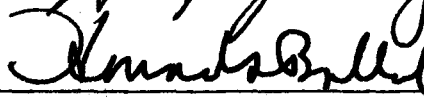
THE COMMISSION ORDERS:

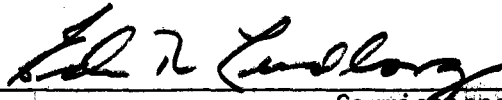
That lease of Permit No. B-5788 and Permit No. B-5788-I, granted by Decision No. 69697, dated June 22, 1967, be, and the same hereby is, cancelled, and the Secretary of the Commission is hereby directed to change the records of the Commission to show said Permit No. B-5788 and Permit No. B-5788-I is owned and operated by Norman C. Andersen.

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 15th day of March, 1968.

1s

(Decision No. 71022)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WM. R. DeQUASI, 608 DOUNCE STREET,)
LAFAYETTE, COLORADO.)

PERMIT NO. B-5601

March 15, 1968

STATEMENT AND FINDINGS OF FACT

The Commission is in receipt of a communication from the above-styled permit-holder requesting authority to do business under the trade name and style of Wm. R. DeQuasie, doing business as "DeQuasie Trucking," in lieu of Wm. R. DeQuasie, in the conduct of operations under Permit No. B-5601.

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.

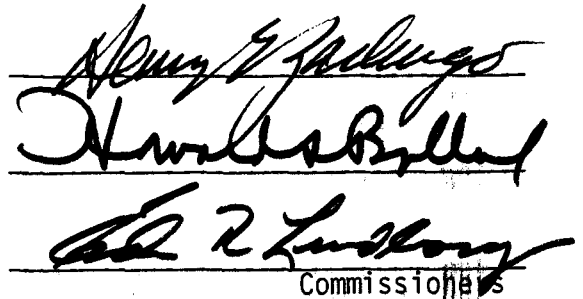
O R D E R

THE COMMISSION ORDERS:

That Wm. R. DeQuasie be, and hereby is, authorized to conduct operations under the trade name and style of Wm. R. DeQuasie, doing business as "DeQuasie Trucking," in the conduct of operations under Permit No. B-5601, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of March, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF)	
ELSIE A. AND ERNEST G. LANE, DOING	}	
BUSINESS AS "LANE CONSTRUCTION",	}	<u>PERMIT NO. B-6500</u>
BOX 155	}	
GRAND LAKE, COLORADO	}	

March 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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


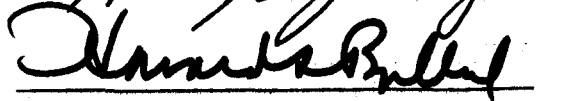

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 14, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
W. R. AND MARILYN I. McCARTNEY)
2714 NORTH ARCADIA)
COLORADO SPRINGS, COLORADO.)

PERMIT NO. B-6828

March 15, 1968

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 March 14, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
ANDERSON WAREHOUSE CO.)
1716 BLAKE STREET)
DENVER, COLORADO 80202)

PERMIT NO. B-7117

March 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 14, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin G. Zalusky
Harold B. Hill
Ed R. Lullong
Commissioners

Dated at Denver, Colorado,
this 15th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF

* * *
)
)
)
)

RAY A. ADLER
1803 26TH STREET
GREELEY, COLORADO 80630

PERMIT M-11564

March 18, 1968

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.

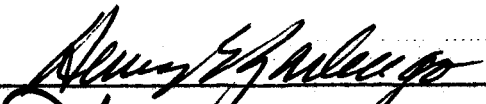


ORDER

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
GREGORY M. JENSEN)
4592 PARFET STREET)
WHEATRIDGE, COLORADO 80033)

PERMIT M-13403

March 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

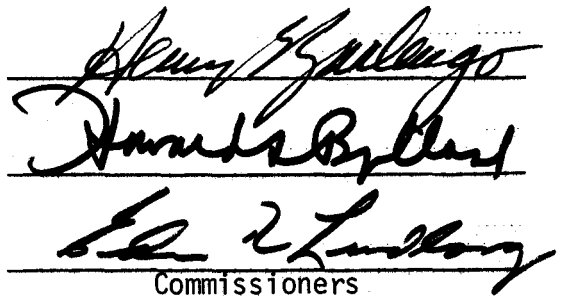
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 12, 1968

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)

* * *
)
)
)
)

LARRY G. EVERETT
BOX 456
MANCOS, COLORADO 81328

PERMIT M-9958

March 18, 1968

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 February 26, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin G. Salgado
James B. Bell
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
CHADWICK SALES CO.)
21 WAZEE MARKET)
DENVER, COLORADO 80204)
-----)

PERMIT M-12863

March 18, 1968

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 March 11, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]
Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)	
SYRACUSE REDI-MIX)	
BOX 705)	
SYRACUSE, KANSAS 67878		)	<u>PERMIT M-13977</u>

March 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective February 26, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
LAWLESS MOTORS)
125 FEDERAL BLVD.,)
DENVER, COLORADO 80219)

PERMIT M-9841

March 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

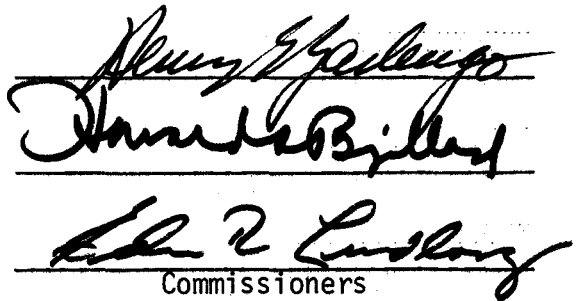
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 11, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
WELD COUNTY LIVESTOCK COMMISSION CO.)
204 E. 18TH)
GREELEY, COLORADO 80631)

PERMIT M-6211

March 15, 1968

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.

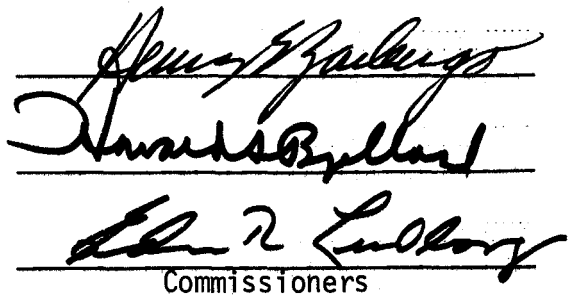
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 26, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)	
ANDERSON WAREHOUSE CO.)	
1716 BLAKE STREET)	
DENVER, COLORADO 80202		)	<u>PERMIT M-10309</u>

March 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 14, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin B. ...
Donald ...
Ed R. ...
 Commissioners

Dated at Denver, Colorado,
this 15th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY, 604 RIO GRANDE)
BUILDING, 1531 STOUT STREET, DENVER,)
COLORADO, TO DISCONTINUE THE OPERATION)
OF PASSENGER TRAINS NOS. 9 AND 10)
(YAMPA VALLEY MAIL) BETWEEN DENVER,)
COLORADO, AND CRAIG, COLORADO.)

APPLICATION NO. 22846

March 18, 1968

Appearances: Ernest Porter, Esq., Denver, Colorado,
and
John S. Walker, Jr., Esq., Denver,
Colorado, for Applicant;
James Pughe, Esq., Craig, Colorado,
for the Craig Chamber of Commerce,
Association of General Chairman
of the Railroad Brotherhoods, and
Moffat Tunnel Commission;
Frank Land, Esq., Granby, Colorado,
for the Granby Chamber of Commerce
and other individual protestants;
George Kemp, Denver, Colorado, Legis-
lative Representative of the
Railroad Clerks;
M. Carl Feather, Salida, Colorado,
for the Colorado Legislative Board,
Brotherhood of Railroad Trainmen;
Howard D. Hicks, Denver, Colorado, for
the Denver Chamber of Commerce;
Dexter M. Brinker, Boulder, Colorado,
pro se;
J. Thomas-Hazell, Denver, Colorado, pro se;
E. D. Davis, Esq., Craig, Colorado,
for the County of Moffat;
Robert L. Pyle, Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is a proceeding involving the proposed discontinuance by
The Denver and Rio Grande Western Railroad Company of passenger Trains
Nos. 9 and 10 operating between Denver and Craig, Colorado. After appropriate
legal notice, hearings were held in Denver, Steamboat Springs and Craig,
Colorado, for the convenience of public witnesses. Testimony was taken

by the Commission on four days. Formal protests were received from the Towns of Kremmling, Granby, Hot Sulphur Springs and the City of Craig.

The Denver and Rio Grande Western Railroad Company is a Delaware corporation operating a railroad system in the States of Colorado, Utah and New Mexico. As a part of its system the Rio Grande operates two trains daily for the transportation of passengers, baggage, newspapers, milk, etc., between Denver and Craig, Colorado. These trains are designated as No. 9 and No. 10. Train No. 9 leaves Denver at 9:05 A.M. each day and arrives at Craig at 4:20 P.M., serving the towns of Winter Park, Fraser, Granby, Hot Sulphur Springs, Kremmling, Yampa, Phippsburg, Oak Creek, Steamboat Springs, Craig, and other numerous smaller communities along the route. Train No. 10 leaves Craig each day at 9:50 A.M. and arrives at Denver at 5:20 P.M., serving the same intermediate points.

The normal consist of each of the trains operating between Denver and Craig is a 2-unit diesel locomotive, baggage car, and an air-conditioned vista dome chair car, none of which are new but are nevertheless in good condition.

Exhibits were introduced showing that during the calendar year 1965, the revenue derived from passengers, baggage, mail, express, newspapers, milk and other traffic carried by said trains, was \$134,151.00, while the out-of-pocket expense was \$372,531.00, resulting in a net loss to Rio Grande of \$238,380.00. During the calendar year 1966, the revenue from the traffic transported by said trains was \$113,065.00, and the out-of-pocket expense of operating the trains was \$383,564.00, resulting in a net loss to Rio Grande of \$270,499.00. During the first six months of 1967, a preliminary study indicated that the revenue from the traffic transported by said trains was \$48,671.00 and the out-of-pocket expense of operating the trains was \$202,522.00, resulting in a net loss to Rio Grande of \$153,851.00. The out-of-pocket expenses do not include any apportionment of overhead expense which must be borne by the Railroad; i.e., property taxes and maintenance of track, signal systems and other

appurtenances, supervision, sales expense, accounting expenses, and station expenses.

On April 1, 1967, the United States Post Office Department discontinued all use of the involved trains for mail service. In 1965, mail service contributed \$40,028.00 to the revenues of these trains; in 1966, it contributed \$24,193.00; and, during the first six months of 1967, mail service contributed \$5,724.00 to the revenues of these trains. The loss of these revenues appears to have constituted the final blow to the economic viability of these trains.

Thirty-seven communities are served by Trains No. 9 and No. 10. Of these communities, only one, Denver, Colorado, is heavily populated, and the next highest population is a community served by suburban service out of Denver. Of the remaining stations, the largest is the terminus in Craig with a population of 3,984 (now estimated by the Craig Chamber of Commerce at something over 5,000), and the next five in order are Steamboat Springs with 1,843; Hayden, 764; Oak Creek, 666, Kremmling, 576; and Granby, 503. Twelve points have no population whatever and the remaining points have populations ranging from 5 to 312. Not only is the population of the communities served very small, but the three counties comprising the area served, with a total land area of 8,938 square miles, had a combined population in 1960 of but 16,518, or slightly less than 1.85 persons per square mile. Prior to the advent of paved highways and motor vehicles, as well as airports and airplanes, such an area needed a passenger train and could support passenger service, but with a paved transcontinental highway traversing the territory, with one passenger automobile for each 2.2 people, with two bus schedules and one or two air schedules in each direction daily, with one train daily in each direction for the eastern half of the area, and Trains 9 and 10 for the western half, there is more transportation than is required and which can be economically justified.

The operations of Trains 9 and 10 during the 2½-years' period ending June 30, 1967, have resulted in a total out-of-pocket loss of \$662,730.00 during the period or an average of \$265,092.00 per year. The applicant should not be burdened with such expense to provide passenger service for a relatively few individuals as is shown by the fact that the daily patronage of the train amounts to little more than one passenger for each station served. The mail revenue and the express revenue have disappeared and there is nothing in the testimony to indicate an increase in the head-end business of the train, and therefore any increase in revenue to equalize the out-of-pocket expense must come from passenger revenue. For the year 1966, as an example, it would have required more than four times as much passenger revenue to make the total revenue approximate the out-of-pocket expense of operating the train. The evidence wholly fails to show a basis for any substantial increase in the passenger revenue in the future, especially when considered against the background of the remaining train service on a portion of the route, the bus and air service for the area, and the private automobile in the garage of practically every family.

The revenue of Trains 9 and 10 has consistently decreased during the 2½-year period from \$.79 per train mile in 1965, to \$.58 per train mile for the first six months of 1967, while the out-of-pocket expense has increased from \$2.20 per train mile in 1965, to \$2.42 per train mile for the first six months of 1967. For each of the periods shown by the exhibits the expense of the train crew alone has exceeded the total revenue of the trains. During 1966, the average revenue per passenger mile increased slightly from \$.028 to \$.029 but the number of passengers declined from 18 to 17 per train mile. Mail revenue dropped from \$.24 per train mile to \$.07, and since has disappeared.

The three counties of Routt, Grand, and Moffat have collected Moffat Tunnel taxes since 1927 amounting to \$1,154,867 from all sources.

The D&SL-D&RGW Railroads' support of schools, counties, and town governments through the payment of property taxes during this same period amounted to \$7,140,537 - 619% of these counties' investment in the Tunnel.

The Moffat Tunnel was constructed at a total cost of \$15,870,000. The Denver and Rio Grande Western Railroad as of December 31, 1966 has paid in rental and Moffat Tunnel taxes \$16,111,968. The creation of the Moffat Tunnel District and the construction of the Tunnel saved a railroad which had been bankrupt for ten years and was on the point of dissolution. The construction of the Tunnel saved for the three northwestern counties more than the railroad operation - it saved the Railroad's tax payments to the schools, the county, towns, and other local governments.

For example, since 1927, Routt County has collected \$517,266 on the Moffat Tunnel levy; this includes taxes paid by all utilities -- including the Railroad. Since 1927, Routt County has collected \$4,010,367 in tax payments from the D&SL-D&RGW Railroads. Thus, Routt County has been paid 775% of its investment in the Moffat Tunnel.

When the involved trains are discontinued, there will be no passenger train service beyond Bond (Orestod) west of Craig. With regard to train service between Denver and Bond (Orestod), there will remain a passenger train operated by the applicant, the California Zephyr, a transcontinental train operating from Chicago to Oakland, over the Denver to Bond (Orestod) segment of the Yampa Valley route. Moreover, there are available two (2) common carrier bus service schedules, in each direction daily, between Denver and Craig, serving most of the points now served by the trains involved in this application. Modern buses with restrooms are operated on these schedules. Also, Frontier Airlines operates daily flights between Denver and Hayden Airport which is 2½ miles from Hayden, 23 miles from Steamboat Springs, and 20 miles from Craig. The evidence further discloses that passenger car registrations and ratio of population to passenger car registrations is increasing, and that U.S. Highway 40 provides a popular, high speed mode of transportation between Denver,

Winter Park, Fraser, Tabernash, Hot Sulphur Springs, Kremmling, Steamboat Springs, and Craig, together with numerous small communities along the route. Other excellent all-weather State highways also serve the motoring public between Denver, Tolland and Rollinsville, on the one hand, and Winter Park, Granby, Fraser, Hot Sulphur Springs and Craig, on the other hand.

The evidence clearly indicates that the public use made of the involved trains and the need for said trains is slight except between Denver and Winter Park. By way of illustration, we find that the average number of passengers entraining per trip at Craig during the first six months of 1967, which incidentally are the months of most probable bad weather, was 4.37; and the average number of passengers detraining per trip at Craig as 3.86. For the same period, the average number of revenue passengers entraining at Granby, Hot Sulphur Springs and Kremmling per trip of No. 10 was 2.70, .53 and 1.34 respectively; and for Train No. 9, .14, .02. and .30 respectively. The comparable detraining figures at those three points per trip of No. 9 were 3.47; .53, and 1.19 respectively; and for Train No. 10, .15, .03 and .23 respectively.

The Commission has carefully analyzed the traffic originating and terminating on Trains 9 and 10 and the need of the public for that service, and is particularly concerned with the problem of trying to retain as much railroad passenger service in the State of Colorado as the needs of the public require. The fact that these trains are operating at a substantial loss does not, in and of itself, necessarily justify an order permitting their discontinuance. However, the Commission cannot find sufficient public need to operate these trains between Denver and Craig. Public convenience and necessity does not justify the continued operation of these trains. While we realize that the discontinuance of the above service will mean some inconvenience to those few people who now use the service offered by Trains Nos. 9 and 10, nevertheless, it is

our opinion that the inconvenience to this segment of the public is more than offset by the economy that will be effected by the Rio Grande, if authority is granted to discontinue said service. The Rio Grande should be permitted to effect reasonable economies in the conduct of its business. It is conceded by all that the Rio Grande's continued existence is vital to the welfare of our State and particularly to the area beyond Winter Park now served by these trains. The Commission has considered not only the present need, but also the future need of passenger train service between Craig and Denver, and finds, regretfully, that the continued operation of the involved trains between, for instance, Denver and Craig would shortly result in an estimated net deficit of nearly \$1,000 a day. With these premises in mind, after several days of formal hearing and after careful consideration of all the evidence of the Rio Grande, the public witnesses, and the Commission's staff, we find that a substantial saving would result to Rio Grande and that no substantial harm would result to the public. It is therefore our judgment, bearing in mind the welfare of the general public, that the Rio Grande should be permitted to discontinue the operation of passenger Trains Nos. 9 and 10 between Denver and Craig. We feel, and so find, that the financial loss that is being sustained outweighs the vestigial public convenience and necessity.

In determining whether a railroad should be permitted to abandon passenger service presently rendered the public, the paramount factor to be considered is public convenience and necessity. Passenger trains are operated primarily for the carriage of passengers, and if the public abandons the trains for passenger travel, there is no duty or obligation to continue their operation at a substantial loss.

The railroad has an obligation to all its users, and other users of the branch are dependent upon a financially healthy railroad for their economic survival to a far greater extent than are the rail passengers.

F I N D I N G S

THE COMMISSION FINDS:

From the above and foregoing statement, which, by reference is made a part hereof, the Commission is of the opinion, and finds:

1. That the public convenience and necessity no longer requires The Denver and Rio Grande Western Railroad Company to operate and maintain the operation of passenger Trains Nos. 9 and 10 between Denver and Craig, Colorado. That the cost of the operation of these trains is out of proportion to the revenue, and that the Railroad should not be compelled to continue this operation at substantial out-of-pocket loss where there is insufficient public patronage to justify such continued operation. It is our further opinion, and we so find, that the inconvenience that might be suffered by the public residing on the route between Craig and Denver is more than offset by the economy that will be effected by the Rio Grande if authority is granted to discontinue said service.

2. That public convenience and necessity and the public interest require the discontinuance of passenger Trains Nos. 9 and 10 between Craig and Denver, Colorado.

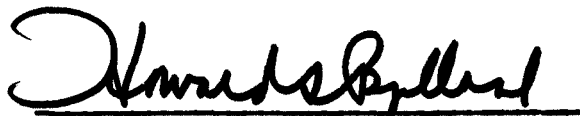
O R D E R

THE COMMISSION ORDERS:

1. That authority be, and the same hereby is, granted to The Denver and Rio Grande Western Railroad Company to discontinue passenger trains Nos. 9 and 10 operating between Craig and Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO DISSENTING

Dated at Denver, Colorado,
this 18th day of March, 1968.

1s

CHAIRMAN HENRY E. ZARLENGO DISSENTING

I respectfully dissent.

To indiscriminately allow elimination of service to segments of the public because those particular segments do not produce revenues which exceed, or equal, the expenses of operation, would inevitably result in attrition of service to the public. Thereby a carrier, although enjoying the privilege of a legal monopoly to operate a general transportation business with the concomitant assurance of a reasonable profit on its total investment, could gradually lop off the undesirable service to certain communities. On the other hand, to indiscriminately require a carrier to provide service to segments of the public regardless of the fact that revenues produced do not at least equal expenses of its operation could result in undue discrimination against the other customers of the carrier. Clearly when such question arises a line must be drawn based upon sound judgment exercised under the particular facts. The public as a whole must be served and the carrier must be allowed a fair and reasonable profit on its investment.

In the present case, according to its Annual Reports filed with the Commission, the Applicant for the last two calendar years has made an annual net profit of \$11,132,487 for 1965 and \$12,895,409 for 1966, and achieved an operating ratio of 69.24% and 68.69% for the respective years. It contends (using only full year figures) that it has lost \$238,380 in 1965 and \$270,499 in 1966, on operation of Trains 9 and 10. By elimination of the losses, and assuming other factors to be equal, the net profit for the year 1965 would be still greater, to-wit, \$11,251,677 and for 1966 would be \$13,030,659, and the operating ratios would be still better, to-wit, 69.05% and 68.48% for the same years. Even before elimination of losses these profits are, to say the least, very reasonable and the operating ratios are better than the average and provide an ample and reasonable return. Furthermore, there is no evidence that if the Trains are not discontinued the other customers will be unduly discriminated against. Theoretically there is some

subsidation by these customers, but in the light of the figures, taken to the best advantage of the Applicant, the discrimination is so minute that it plays no significant part. No evidence is adduced to show that to maintain a reasonable profit and operating ratio the rates of the other customers will have to be increased. Viewed as isolated items out of context the losses do seem substantial, but viewed as part of the Applicant's whole financial picture, such losses become insignificant to the issues.

This factor alone, although persuasive, does not prompt this dissent. There are other reasons.

In its last decision (Decision No. 57785, dated December 22, 1961) the Commission on a similar application of the Applicant to abandon these same Trains, refused to authorize their discontinuance. Certain implications were made in the decision, yet what has the carrier done in the last six years? Nothing, but continue down the same "cow path." Although it is uniquely in possession of expert know-how and of vital facts and figures relevant and pertinent to the problem, no innovations of any kind were tried. Faced with the Commission order to continue service, it has nevertheless continued to operate in the same old way and continued to absorb the losses which it here ardently contends are so detrimental. The evidence discloses a total lack of initiative to challenge the problem and an apathy which cannot be reasonably explained, except perhaps to wonder whether fear of some betterment of the situation might have resulted which might have lessened an opportunity to eventually be rid of the Trains. The mail was lost, yet no effort is pointed to, to avoid such loss. Was it welcomed? Promotion and advertising commensurate with good business practice is wholly lacking. Scenic beauty unsurpassed anywhere has been allowed to remain unknown to tourists. This, in spite of common knowledge that sightseeing by bus has been, and is, a lucrative business in Colorado. The ski industry in Colorado is a multi-million dollar

industry with proven tremendous potential in the areas served by these Trains. The Trains are still operated without thought of the present-day ordinary conveniences generally provided to the travelling public, i.e., no cigarets or candy, no soft drinks, no sandwiches, no radio, no music, no reading materials, etc. In other words, the Applicant continues to afford a bare service of transportation of persons, not attuned to modern conveniences and comfort rightly expected by the riding public.

Faced with the Commission's 1961 decision to continue the Trains, some experimentation was in order and reasonably to be expected with equipment used, and with schedules. None was tried, nor is any reason given why not. The Applicant has operated special passenger trains at substantial profits. Witness the generalized statement filed with the Commission pursuant to order of the Commission during the hearing (Special Passenger Trains Operated Over The Denver-Craig Line - Years 1965, 1966, 1967, 2/23/68) wherein it is shown by its own figures that the net revenue for special trains during the year 1965 was \$43,500, during the year 1966 was \$47,736, and during the year 1967 was \$32,590, if the loss included for injuries to persons in the sum of \$53,443 during 1967, is deleted, as it should be. The same equipment is interchanged with Trains 9 and 10, the same tracks are used, etc. The only difference is that the special passenger trains are operated at only certain times. It remains unexplained why this special passenger train service is not consolidated in some way with Trains 9 and 10, and even perhaps integrated in certain instances with freight trains, in order to reduce the alleged losses.

The Applicant complains of lack of sufficient use of service, yet, in spite of the fact that it appears that daily service for one train each way between Denver, Colorado and Craig, Colorado, or that 14 one-way trips between said points per week, are not needed, it remains unexplained why, for instance, 6 one-way trips each week (or

some other schedule more in conformity with the need) is not feasible to reduce passenger service costs. If this were done, may we not surmise that the alleged operating out-of-pocket expenses, to-wit, \$372,531 for the year 1965, and \$383,564 for the year 1966, would be cut by 8/14ths, or by more than 2/3rds, thus, there would be a reduction for the year 1965 of \$212,875, and for the year 1966 of \$219,179, while the revenues remain the same. Thus, the net loss for 1965 would have been \$25,505 and for 1966 would have been \$51,320, which losses would be still further substantially reduced by consolidation of Trains 9 and 10 with the Specials.

With regard to use of the Trains by the public, it is to be noted that the instant request seeking abandonment of Trains 9 and 10 has been the subject to detailed PUC hearings in 1957, 1961 (1962-1963 Interstate Commerce Commission) and currently, 1967.

A tabulation of riding data appearing in the above proceedings shows the Total Number of Passengers handled as follows:

PUC NO. 14727

Sept. 5, 1954 - Aug. 31, 1955	-	13,622
Sept. 1, 1955 - Aug. 31, 1956	-	12,833

PUC I&S 461 AND F.D. 21972

	1959	-	16,867
	1960	-	16,653
	1961	-	16,914
3 Mos.	1962	-	4,730

PUC NO. 22846 (Current)

	1965	-	39,073
	1966	-	37,623
6 Mos.	1967	-	19,985

It appears from these figures that the trend of riding these Trains is on the increase rather than on a continuing decline which is the current problem of the passenger train industry. Comparing the number of passengers carried in 1956 (12,833) with 1966 (37,623) we find an increase of 24,790, or an increase of 193% in ten years; and this in spite of Applicant's inaction in any manner to better the situation. As to the future, the testimony of scores of protestants from all walks of life clearly and unmistakably indicates that the future public convenience and necessity will require these Trains.

The current data also shows that the 37,623 passengers handled in 1966 by Trains 9 and 10 are largely accounted for as follows:

15,685	-	Denver
10,824	-	Winter Park
1,844	-	Granby
1,197	-	Steamboat Springs
1,235	-	Craig

and that, although use of these Trains may not be heavy, or sufficient to produce a profit on their operation, nevertheless, in all 32 communities are served by them. The public convenience and necessity is not to be measured in terms of profits.

Applicant's Map, Exhibit No. 1, shows that highway routing for alternate service of Continental Trailways bus operation does not closely parallel the railroad to serve all points. Some locations and rail riding during 1966 are as follows:

(a) Arvada to East Portal (Excludes Denver to Arvada)	8,066	}	No Bus Service or other service
(b) Kremmling to Toponas (Exclude Kremmling and Toponas)	648		
On and Off Patrons - Total	8,714)	

Unquestionably, railroad property is protected by constitutional guaranties, but these rights are not abridged by being subjected to reasonable governmental power of regulation. (216 U.S. 262)

In considering further the duties imposed upon a railroad company to furnish adequate transportation facilities, the court in Atl. Coast Line RR Co. v. N. C. Corp. Com., 206 U.S. 1, . . . said: "But where a duty which a corporation is obliged to render is a necessary consequence of the acceptance and continued enjoyment of its corporate rights, those rights not having been surrendered by the corporation, other considerations are, in the nature of things, paramount, since it cannot be said that the order compelling the performance of such duty at a pecuniary loss is unreasonable. To conclude to the contrary

would be but to declare that a corporate charter was purely unilateral, that it was binding in favor of the corporation as to all rights conferred upon it, and was devoid of obligation as to duties imposed, even although such duties were the absolute correlative of the rights conferred."

"The law imposes upon it (a railroad) the duty of furnishing adequate facilities to the public on its entire system, not a part; and it cannot be excused from performing its full duty merely because, by ceasing to operate a part of its system, the net returns would be increased;. . ." Colo. Etc. Co. v. RR Commission (54 Colo. 64, 93)

It is not my purpose here to tell the Applicant how to run its Railroad, however, too many essential factors remain unexplained. The burden is clearly upon the Applicant to prove its case -- to prove that the present public convenience and necessity no longer require operation of Trains 9 and 10 -- to prove that the future public convenience and necessity will not require operation of Trains 9 and 10 -- to prove that an order of the Commission requiring their continued operation is unreasonable. In my judgment, it has failed to carry this burden.


Chairman

Dated at Denver, Colorado,
this 18th day of March, 1968.

ma

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MORGAN COUNTY RURAL ELECTRIC)
ASSOCIATION, FORT MORGAN, COLORADO,)
FOR AUTHORITY TO ISSUE SECURITIES)
IN PRINCIPAL AMOUNT OF \$1,430,000)
AND THE APPLICATION OF THE PROCEEDS)
THEREFROM FOR CERTAIN SPECIFIED)
PURPOSES.)

APPLICATION NO. 23065-SECURITIES

March 18, 1968

Appearances: David L. Roberts, Esq., Fort
Morgan, Colorado, for Applicant;
Girts Krumins, Esq., Denver,
Colorado for the Staff of the
Commission, and
M. R. Garrison, Jr., Denver,
Colorado, of the Staff of the
Commission.

S T A T E M E N T

BY THE COMMISSION:

On February 23, 1968, Morgan County Rural Electric Association (hereinafter referred to as Morgan or Applicant) filed with the Commission the above-entitled application seeking authority (1) to issue a mortgage note for \$1,430,000 payable to The United States of America bearing interest at the rate of two percent (2%) per annum and payable within thirty-five (35) years after the date thereof; secured by a supplemental mortgage; and (2) to approve an amended loan contract dated November 29, 1967, amending the Loan Contract between Morgan and The United States of America dated August 5, 1952, as amended October 10, 1955 and May 14, 1957, and setting a maximum which may be borrowed by the Applicant at \$9,003,000.

The matter was set for hearing after due notice to all interested parties on March 7, 1968 at 10:00 o'clock A.M. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was there heard by the Commission and, at the conclusion thereof, 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 therein.

The Applicant is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its customers on its lines in the Counties of Adams, Logan, Morgan, Washington and Weld, all in the State of Colorado, and owns and operates certain electric distribution and related facilities in said Counties. Morgan's average number of customers in 1967 totaled 4,985.

By Application No. 20555, Morgan applied for full area certificate of public convenience and necessity of its service territory and was granted the same by this Commission under Decision No. 65162, June 28, 1965.

The Applicant's witnesses testified summarily as follows: Morgan needs the loan funds sought to be approved in this application for improvements in its electrical system and for the construction, completion, extension and improvement of its properties and for the improvement and maintenance of its service and for other lawful purposes. Applicant's President, C. C. Daily, identified Applicant's Exhibit F as the form of the proposed Mortgage Note between Morgan and The United States of America; the form of Supplemental Mortgage proposed between Morgan and The United States of America; and the form of Amending Loan Contract, dated November 29, 1967, between Union and The United States of America. The witness testified that if Morgan's application should be approved by the Commission, the proper officers of the Company would execute each of the foregoing forms of Applicant's Exhibit F, and deliver the originals thereof to the United States of America.

Morgan proposes to use the \$1,430,000 from its loan for the construction and installation of the following electric facilities:

Distribution:

New Line (Primary)		
87 miles three-phase line	\$243,600	
125 miles single phase	<u>206,250</u>	\$449,850
New Line (Consumer Service)		
1 mile three phase, overhead	8,000	
15.9 miles three phase, underground	100,800	
3.9 miles single phase, overhead	<u>23,400</u>	132,200
New Transformers		
120 three phase bank	144,200	
200 single phase bank	<u>65,300</u>	209,500
320 new meters		26,000
38.9 miles conversion and line changes		43,341
12 miles new tie lines		53,662
New substation (Bijou), switches, etc.		76,300
Increase capacity of Orchard, Hoyt and South Woodrow Substations		9,450
Miscellaneous Distribution Equipment:		
250 10-KVA Transformers	\$ 75,000	
250 Meters and Meter Loops	25,000	
250 Sets service wire	<u>25,000</u>	125,000
Sectionalizing equipment		60,050
Regulators and capacitors		7,980
Distribution Line replacements		37,400
Engineering fees, right of way and overhead		<u>184,267</u>
Total distribution		\$1,415,000

Transmission:

New Transmission lines and switches		13,050
Engineering fees, right of way and overhead		<u>1,950</u>
GRAND TOTAL		<u>\$1,430,000</u>

Applicant's witness, D. L. Hardy, a professional engineer, testified that a two-year construction plan for the years 1968 and 1969 had been prepared by a consulting engineering firm for which he prepared the basic information, Exhibit G. This study shows that the cost of needed construction to service new consumers and improvements in the system required because of increased usage of present customers will be \$1,430,000. A financial forecast, Exhibit H, was prepared by Mr. Hardy projecting the financial requirements of Morgan through the year 1972. This forecast projects revenues and expenses on the basis of anticipated new plant construction and shows that revenues will be sufficient to meet its long term debt requirements.

Applicant's office manager, Mr. R. E. Green, testified in regard to Applicant's Exhibit A, a description of long term debt; Exhibit D, a balance sheet as of January 31, 1968; Exhibit E, the income statement for the twelve-month period ending January 31, 1968; Exhibit I, Capital Credit Summary; Exhibit J, Schedule of Debt Payments for the twelve-month period ending January 31, 1968.

Testimony revealed that Applicant has a considerable amount of cash funds available for its operation. The balance sheet shows that as of January 1, 1968, Morgan had Contingency Funds of \$456,388, Temporary investments of \$210,000 and Cash in the amount of \$294,638 for a total of \$961,026.

The income statement shows that net margins and patronage capital for the year ending January 31, 1968 was \$321,672. The financial forecast indicates that net margins and patronage capital will be maintained above or near this level through 1972. Total Utility Operating Income for the year ending January 31, 1968 is \$317,574. Included in this income is depreciation expense of \$305,983, a non-cash item. This would bring the cash generation for this period to \$623,557. In addition, the Applicant received interest income of \$82,907 that would swell the cash generation available for general corporate purposes to \$706,464, an amount indicative of Morgan's future cash generation capabilities.

Ordinarily, provision for the payment of debt service would be made from these funds, but we find that Applicant has made advanced payments to the Rural Electrification Administration in the amount of \$2,281,452. This is approximately seven and one-half years in advance, including both principal and interest. Therefore, if necessary, Morgan would not have to apply any general funds to debt service over the next several years.

Applicant has a Member Capital Investment Fund of \$1,050,464 as of January 31, 1968. Investment certificates with a maturity of twenty years were issued to members at the end of each year in accordance with

investment charges made to them during the year beginning in 1952. All funds thus collected were deposited in the Capital Investment Fund, which use was designated for the payment of principal indebtedness to The United States of America and redemption of investment charges. The practice of making investment charges was discontinued at the end of 1964 and certificate holders are now encouraged to redeem them. Cash redemption is made at the rate of five percent for each year held with the remaining amount being credited to patronage capital credits in the year of issuance. These will be refunded as part of regular patronage capital refunds when authorized in accordance with Morgan's revised by-laws, Exhibit M. It is believed that most of the certificates will be redeemed on this basis in a relatively short time, thus liquidating the member capital investment fund.

Patronage ordinary capital refunds have been made in full for the years 1938 through 1949 and 1959 through 1964. Partial payments were made for the years 1965 and 1966. No payments were made for the years 1950 through 1958. Investment patronage capital credits remain outstanding for the years 1952 through 1964. Total patronage capital credits outstanding at the end of 1967 are \$3,718,179. It appears from the Credit Capital Summary, Exhibit I, the Applicant would encounter no difficulty in refunding capital credits on a regular basis from its anticipated cash generation and the member capital investment fund.

The balance sheet, Exhibit D, shows that Morgan has a total capitalization of \$6,779,417. Long Term Debt to the Rural Electrification Administration is \$3,054,166. The balance of total capitalization, \$3,725,251 was derived from members through memberships, margins and charges for which investment certificates were issued. This total of \$3,725,251 must be considered equity capital by this Commission. Therefore equity is 54.9 percent of total capitalization, placing Applicant in an enviable equity position.

It was brought out in the hearing that it is a policy of the Rural Electrification Administration not to advance funds to borrowers for reimbursement of general funds if the borrower's general funds are in excess of 15 percent of total plant. Applicant's witness stated that Morgan had encountered some difficulty with the Rural Electrification Administration because its general funds, including the Members Capital Investment Fund, exceeded 15 percent of plant. The balance sheet, Exhibit D, shows these general funds to be \$2,011,490 compared to a gross plant of \$8,363,415 or 24 percent of plant. However, Applicant was successful in persuading the REA to exclude the Members Capital Investment Fund of \$1,050,464 as a part of general funds, thereby reducing the total of such general funds to \$961,026 or 11.5 percent of plant. The Applicant thus became eligible for the loan funds for which approval is sought in this proceeding.

Applicant's requirements for construction during the next two years total \$1,430,000. Applicant's witnesses, including its President, stated that it was necessary to obtain a loan for this amount in order to maintain a sound financial position. This Commission does not argue Applicant's right to borrow these funds, especially when found qualified to do so under the Rural Electrification Administration Regulations, nor its business acumen in wanting to do so, but it does feel that the annual cash generation of Morgan along with its ample cash reserves would enable it to proceed with the proposed construction with an estimated cost of \$1,430,000 extending through 1969 out of its own funds if it so desired.

This leads us to a final point of discussion. Applicant has accumulated reserve funds in the amount of \$961,026 and an annual cash generation of approximately \$700,000 that may be expected to continue through 1972, as shown in Exhibit H. Morgan is now in an extremely strong financial position and, apparently, will become even stronger at its present rate of growth. Since Applicant chooses to borrow instead of using its own funds for construction purposes, this Commission cannot ignore

the possibility that the reserve funds of this Cooperative may grow to completely unnecessary proportions if the cash generated by current revenues continues on the same scale. It is believed that once redemption of investment certificates has been accomplished and patronage capital is revolved on an accelerated basis, both deemed desirable by Applicant's president, the management of Morgan will want to establish whether or not its revenue receipts from customers will result in an overabundance of reserve funds. If such is the case, it may wish to remedy the situation by reducing its revenues to prevent the accumulation of funds that are not judiciously required for a sound operation on a cooperative basis.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, Morgan County Rural Electric Association, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

That this Commission has jurisdiction over the Applicant and the subject matter of this Application.

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

That the financial position of Applicant and its ability to serve will not be impaired by this borrowing.

That this Commission is now fully advised in the premises.

That the issuance by Morgan County Rural Electric Association of a Mortgage Note in the amount of \$1,430,000, Applicant's Exhibit F (7-8) in this proceeding secured by a supplemental mortgage, should be authorized and approved.

That the Amended Loan Contract dated November 29, 1967, amending Morgan's loan contract with The United States of America dated August 5, 1952, as amended October 10, 1955 and May 14, 1957, Applicant's Exhibit F (1-6), should be authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$1,430,000 authorized herein, the Applicant should file with this Commission one conformed copy of such executed note and one conformed copy of the Supplemental Mortgage and Amended Loan Contract made in connection therewith.

That the issuance of the mortgage note in the amount of \$1,430,000 is not inconsistent with the public interest and that the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963.

O R D E R

THE COMMISSION ORDERS:

That the issuance of a Mortgage Note for \$1,430,000 by Morgan County Rural Electric Association to The United States of America, Applicant's Exhibit F (7-8) secured by a supplemental mortgage, herein, be, and the same hereby is authorized and approved.

That the Amending Loan Contract dated November 29, 1967, amending loan contract dated August 5, 1952, as amended October 10, 1955 and May 14, 1957, between Morgan County Rural Electric Association and The United States of America, Applicant's Exhibit F (1-6), be, and the same is, hereby authorized and approved.


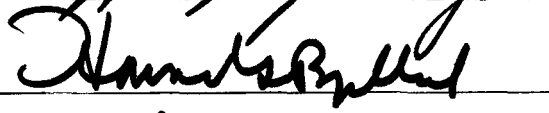
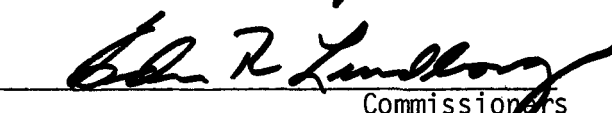
That within one hundred twenty (120) days of the execution of the Mortgage Note for \$1,430,000 authorized herein, Morgan County Rural Electric Association shall file with this Commission one conformed copy of such executed note and one conformed copy of each other document made and entered into in connection therewith.

That nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said issuance of the aforesaid securities on the part of the State of Colorado.

That the Commission retain jurisdiction of these proceedings to the end that it may make such further order or orders in the premises as it may seem necessary and desirable.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IOWA ELECTRIC LIGHT AND POWER COMPANY,)
P. O. BOX 351, CEDAR RAPIDS, IOWA, FOR)
AN EXTENSION OF THE CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY HERE-)
TOFORE GRANTED BY THE COMMISSION IN)
APPLICATION NO. 11982 AS EXTENDED IN)
APPLICATIONS NOS. 12242 AND 18115-)
EXTENSION, BY ADDING THERETO IN THE)
VICINITY OF THE CITY OF STERLING,)
COLORADO, THE FOLLOWING DESCRIBED)
AREAS: (A) SECTIONS 16, 17, 26, 27,)
28, 33 (East of the South Platte River),)
34 and 35, TOWNSHIP 8 NORTH, RANGE)
52 WEST: AND (b) SECTIONS 2, 3, and 4,)
TOWNSHIP 7 NORTH, RANGE 52 WEST, STATE)
OF COLORADO.)

APPLICATION NO. 22988-EXTENSION

March 18, 1968

Appearances: John F. Gaston, Esq., Cedar
Rapids, Iowa, and
John R. Barry, Esq., Denver,
Colorado, for Applicant;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

STATEMENT OF PROCEDURE AND RECORD

The above entitled application was filed on December 22, 1967,
and by this Application, Iowa Electric Light and Power Company (hereinafter
referred to as Applicant), seeks a certificate of public convenience and
necessity from this Commission to extend the natural gas service area of
the Applicant by adding thereto the following described areas:

- A. Sections 16 and 17, Township 8 North, Range 52 West;

- B. Sections 2 and 3, Township 7 North, Range 52 West;
Sections 26, 34 and 35, Township 8 North, Range 52
West; and those parts of Sections 27, 28, and 33,
Township 8 North, Range 52 West, and of Section 4,
Township 7 North, Range 52 West, which are situated
east of the South Platte River;

all in the County of Logan, State of Colorado, and as shown on Applicant's Exhibit "A", which is hereby incorporated herein by reference.

After due and proper notice to all interested persons, firms, or corporations, the matter was duly set for hearing on March 13, 1968, at 10 A.M. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado. At said time and place, the matter was duly heard by the Commission and, upon conclusion of the hearing, taken under advisement.

No written protests were received herein, nor did anyone appear in person at the hearing in opposition to the granting of the authority sought by this Application.

Applicant offered the following exhibits, all of which were admitted into evidence without objection:

Exhibit A -- a map showing the proposed area for which the certificate is sought, outlined in red.

Exhibit B -- a letter from the City of Sterling to the Applicant requesting extension of gas service to City-owned land adjacent to the interchange of Highways I-80S and U.S. 6.

Upon motion of the Applicant, official notice was also taken of a letter from Kansas-Nebraska Natural Gas Company, Inc., addressed to a member of the Staff of the Commission, the original of which is in the official files of the Commission. By this letter, Kansas-Nebraska Natural Gas Company stated that it has no objection to the granting of the certificate as herein sought by the instant application.

Testimony of Mr. Gordon Ferguson, Applicant's Commercial Manager in the Sterling, Colorado area, revealed, inter alia, the following:

That the Applicant is now providing natural gas service to retail customers in the City of Sterling, County of Logan, and surrounding areas; and that the area sought to be certificated is contiguous to its present service area. Applicant purchases natural gas for distribution in the Sterling Area from Kansas-Nebraska Natural Gas Company, Inc., under

a long term contract.

A total of 16 potential customers, including 10 commercial customers, are located within the proposed area. The commercial customers are located near the highway interchange referred to herein-above, which interchange is located within portions of Sections 27, 33 and 34, Township 8 North, Range 52 West.

In the event the authority sought herein is granted by this Commission, Applicant plans to start construction immediately to extend its gas distribution system at an estimated cost of \$27,254.

No other public utility now provides natural gas service to the area now sought to be certificated by the Applicant hereunder. The nearest public utility providing gas service is Kansas-Nebraska Natural Gas Company.

FINDINGS OF FACT

THE COMMISSION FINDS THAT:

1. Applicant is a public utility engaged in the business of distribution and retail sale of natural gas and as such operates under the jurisdiction of this Commission.
2. The Commission has jurisdiction of the subject matter of the instant application.
3. The foregoing Statement should be, and hereby is, incorporated herein by reference.
4. The Commission is fully advised in the premises.
5. Applicant is an Iowa Corporation authorized to do business in the State of Colorado.
6. The area for which a certificate of public convenience and necessity is sought by Applicant in this instance is not now receiving natural gas service from any public utility, nor does any other public utility hold a certificate of public convenience and necessity therefor.
7. Applicant is well qualified, both financially and with respect to gas supply, to provide the gas service to such area sought to

be certificated hereunder.

8. Applicant now provides natural gas utility service in the City of Sterling under a Certificate granted by this Commission in Application No. 22763, and in the area adjacent to the City of Sterling under a Certificate granted by this Commission in Application No. 18115-Extension.

9. The area sought to be certificated, which is more fully described in Finding No. 10 below, is contiguous to the area for which this Commission granted a certificate in Application No. 18115-Extension referred to in Finding No. 8 above.

10. Public convenience and necessity require, and will continue to require, that the Applicant be granted a certificate by this Commission to provide natural gas service, and construct the necessary facilities therefor, in the area described as follows:

A. Sections 16 and 17, Township 8 North, Range 52 West;

B. Sections 2 and 3, Township 7 North, Range 52 West; Sections 26, 34 and 35, Township 8 North, Range 52 West; and those parts of Sections 27, 28 and 33, Township 8 North, Range 52 West, and of Section 4, Township 7 North, Range 52 West, which are situated east of the South Platte River;

all in the County of Logan, State of Colorado,

hereinbefore and hereinafter sometimes referred to as the area sought to be certificated.

11. Applicant has adequate system capability to extend service to the potential customers in the area sought to be certificated.

12. The Applicant further holds Certificates of Public Convenience and Necessity granted by this Commission pursuant to Applications Nos. 11267, 11982 and 12242.

O R D E R

THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be granted to Iowa Electric Light and Power Company (the Applicant) for the distribution and sale of natural gas, and construction of the facilities necessary therefor, in an area described as follows:

A. All of Sections 16 and 17, Township 8 North, Range 52 West;

B. All of Sections 2 and 3, Township 7 North, Range 52 West; All of Sections 26, 34 and 35, Township 8 North, Range 52 West; and those parts of Sections 27, 28 and 33, Township 8 North, Range 52 West, and of Section 4, Township 7 North, Range 52 West, which are situated east of the South Platte River; and including all parts of said sections not previously certificated to Applicant or to any other public utility providing natural gas service,

all in the County of Logan, State of Colorado,

and that this Order shall be deemed and held to be such Certificate of Public Convenience and Necessity therefor.

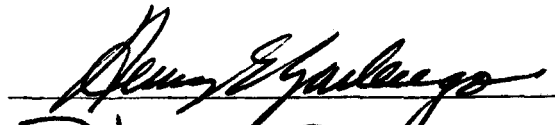
2. Applicant shall install, operate and maintain its gas system and supply service in the areas heretofore designated in accordance with its schedules of rates, classifications, tariffs, rules and regulations now on file with this Commission, or as the same may be changed or supplemented according to law and the Rules of Practice and Procedure before this Commission.


3. All gas sold by Applicant shall be odorized prior to sale to its customers.


4. Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts prescribed by this Commission, and that its construction and operating practices shall at all times be in compliance with the Rules of this Commission regulating the Service of Gas Utilities.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 18th day of March, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
COLORADO TRADING & TRANSFER CO.)
P. O. BOX 66)
VICTOR, COLORADO 80860)

P.U.C. No. 1357
SUPPLEMENTAL ORDER

March 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.


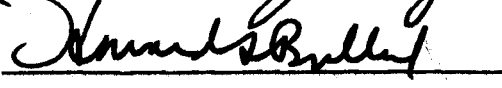

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of July 1, 1967.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968.
et

(Decision No. 71038)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
COLORADO TRADING & TRANSFER CO.)
P. O. BOX 66)
VICTOR, COLORADO 80860)

Permit No. A-594
SUPPLEMENTAL ORDER

March 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of July 1, 1967.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Adams
Donald B. Bentley
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968.
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

March 18, 1968

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.

ORDER

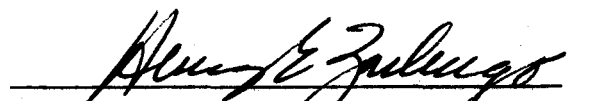
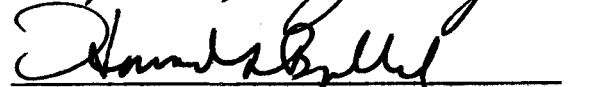
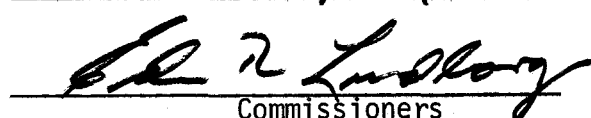
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 19, 1968 to and including September 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 18th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
C. L. FOSTER, INC.
927 WEST PIKES PEAK AVENUE
COLORADO SPRINGS, COLORADO 80905

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PERMIT NO. B-6465

March 18, 1968

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 March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin B. Ziegenfuss
James R. Byrd
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
MRS. JULIAN F. O'CANNA
BOX 442
MONTE VISTA, COLORADO 81144

* * *
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}

PERMIT NO. B-5490

March 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Ziegenfuss
Donald R. Bell
John R. Ludwig
Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
CAMERON WESTCOTT, DOING BUSINESS AS
"RIVERSIDE SERVICE,"
P. O. BOX 276
MANCOS, COLORADO 81328

PERMIT NO. B-6976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Galloway
Harold B. Bell
Ed R. Lindsey
Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
A. R. SQUIRE
2072 WALL STREET
IDAHO SPRINGS, COLORADO 80452

* * *
)
}
}
}

PERMIT NO. B-4550

March 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

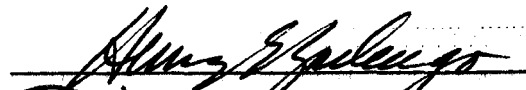


O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF)	
A. R. SQUIRE	)	<u>PERMIT NO. M-3700</u>
2072 WALL STREET)	
IDAHO SPRINGS, COLORADO 80452)	
)	

March 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

Commissioners

Dated at Denver, Colorado,
this 18th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES AND CHARGES)
APPLICABLE TO THE TRANSPORTATION)
OF EXPOSED MOTION PICTURE FILM,)
AND FLAVORING OR FRUIT SYRUP)

CASE No. 1585

March 18, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 15, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed revised Pages to its Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11* (*The Motor Truck Common Carriers' Association, Agent, Series) as set forth in Appendix "A" attached hereto, scheduled to become effective March 23, 1968.

In support of these changes, the Commission is in receipt of communications from carriers involved herein, forwarded by the Chief of Tariff Bureau.

Item 1725, film, motion picture, exposed, is amended to include rates from Denver, Colorado to Ft. Lyon, Colorado. The rate appears to be in line with current rates applicable to other points involved for comparable distances. Mr. John T. Grattan, Office Manager for Red Ball Motor Freight, Inc., in his letter of January 25th, states that Las Animas Transfer concurs in this rate.

Item 2705, syrup, flavoring or fruit, is amended to include Glenwood Springs, Colorado, as a destination point from Denver, Colorado, with the present identical rate applicable between Denver on the one hand, Delta and Grand Junction, on the other hand. The current class rate between Denver and Glenwood Springs, for the commodities involved is \$1.56 per one hundred pounds. The carrier represents in his letter that the proposed change will return 73¢ per loaded mile revenue for

the minimum weight of 10,000 pounds and that other revenue freight would be loaded in the same truck which they feel will make any haul of this nature more than compensatory.

Other provisions being added are applicable to interstate traffic and are shown for information only.

Since the changes as proposed in Appendix "A" attached hereto appear to represent just, fair and reasonable rates and charges, the Commission states and finds that an order should be entered prescribing the same, under the provisions of Rule 18 C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" be, and they hereby are, made a part hereof.

2. That the changes as set forth in Appendix "A" attached hereto, shall be the prescribed rates, rules and regulations of the Commission.

3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published tariffs reflecting the changes prescribed herein.

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

5. That on and after March 23, 1968, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.

6. That on and after March 23, 1968, 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) percent.

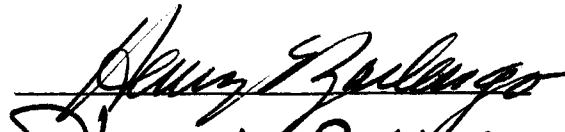
7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.


8. That the order as 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. That this order shall become effective forthwith.

10. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioner

Dated at Denver, Colorado, this
18th day of March, 1968. av

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
Local and Joint Freight Tariff No. 12-A
Colorado PUC No. 11*

(*The Motor Truck Common Carriers' Association, Agent, Series)
Effective March 23, 1968

SECTION NO. 2 Commodity Rates (For application, see Page No. 190 of Tariff)					
Rates are in cents per 100 pounds (Unless otherwise stated)					
Item No.	Commodity	From	To	Rates	Route No.
	Commodities in the same item may be shipped in straight or mixed truck loads.	(Except as noted in individual items)			

3rd Revised Page No. 205-A

	<u>BETWEEN</u>	<u>AND</u>			
	Film, motion picture, exposed, in metal cans.	Colorado		①	②
		Denver, Colo.	Burlington	244	477
	① Rates apply on shipments released to a valuation not exceeding \$1.00 per pound.		Cheyenne	247	483
			Wells		
			Eads	244	477
	② Rates apply on shipments released to a valuation exceeding \$1.00 per pound, but not exceeding \$7.50 per pound.		Ⓜ Ft. Lyon	--	498
			Hugo	210	410
			Limon	197	384
1725			Springfield	287	563
			Stratton	232	454
					70;81

If declared or released value exceeds that shown above, or if shipper refuses to declare or release value, the shipment will not be taken.

The value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping order and bill of lading as follows:

"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$ _____ per pound for each article."

SECTION NO. 2 Commodity Rates (For application, see Page No. 190 of Tariff)					
Rates are in cents per 100 pounds (Unless otherwise stated)					
Item No.	Commodity	From	To	Rates	Route No.
	Commodities in the same item may be shipped in straight or mixed truck loads.	(Except as noted in individual items)			

Original Page No. 239-A

	Syrup, flavoring or fruit, minimum weight 10,000 pounds.	Denver, Colo.	Colorado Delta Glenwood Springs Grand Junction	124'	87
--	--	---------------	---	------	----

2705 / (R) (3) On shipments consigned to Glenwood Springs, Colorado, and/or Grand Junction, Colorado, shipper can consolidate all shipments for one day into one bill of lading, and the separate shipments will be handled in pool distribution service at Glenwood Springs, Colorado, and/or Grand Junction, Colorado, subject to a charge of 35¢ per 100 pounds, subject to a minimum charge of \$3.00 per shipment.

/ (R) (3) The distribution service provided in this item only includes unloading and delivering as required. The initial shipment (a quantity of freight tendered by one shipper at one time for one carrier to distribute to a point of distribution) must be consigned to or in care of Rio Grande Motor Way, Inc., at Glenwood Springs, Colorado, and/or Grand Junction, Colorado. The shipper must furnish a bill of lading for each portion of the pool shipment to be distributed. The distribution will be made in accordance with each bill of lading furnished by the shipper, subject to the above distribution charges. The initial shipment must be prepaid by the shipper.

Subject to stopping-in-transit charge of \$10.82 per stop.

(3) Applies on interstate traffic only.

/ denotes addition

(R) denotes reduction

- Route 11 - Denver-Limon-Burlington Transfer Company - direct
- Route 70 - Denver-Limon-Burlington Transfer Company,
Lamar, Colorado, K & K Transfer Company
- Route 81 - Red Ball Motor Freight, Inc., Lamar or Walsh,
Colorado, K & K Transfer Company
- Route 87 - Rio Grande Motor Way, Inc., - direct
- Route 99 - Red Ball Motor Freight, Inc., Pueblo, Colorado,
Las Animas Transfer & Storage

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EDNA HAMMONTREE)
ROUTE 1, BOX 125A)
ERIE, COLORADO 80516)

PERMIT NO. B-6844

March 19, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R


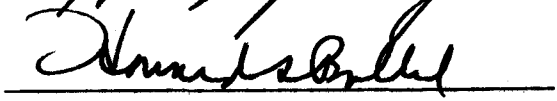

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 12, 1968 to and including September 12, 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 19th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
G. W. LITTLEFIELD
BOX 1185
ROSWELL, NEW MEXICO 88201

* * *
)
}
}
}

PUC NO. 6394-I

March 19, 1968

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.


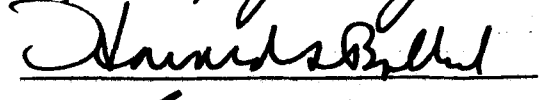

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of March 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Alvy Porter & Mike Porter d/b/a)
Porter & Son)
Crawford, Colorado 81415)

AUTHORITY NO. B-6932 & I
CASE NO. 899-H-Ins.

March 19, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 27, 1968 , 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.



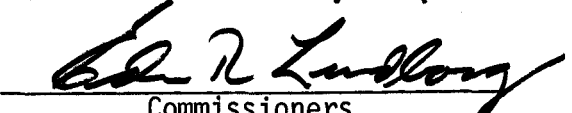
O R D E R

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 March, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Nolan B. Roberts)
3939 Cashion Pl.)
Oklahoma City, Oklahoma 73112)

AUTHORITY NO. 5826-I
CASE NO. 906-H-Ins.

March 19, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 12, 1968 , 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.


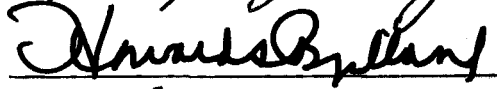

O R D E R

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 March, 1968 .

cj

(Decision No. 71050)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EPHRAIM FREIGHTWAYS, INC., 1385)	
UMATILLA STREET, DENVER, COLORADO,	)	<u>APPLICATION NO. 22670-Amended</u>
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO OPERATE AS A COMMON)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

March 19, 1968

STATEMENT AND FINDINGS OF FACT

On January 3, 1968, the above-styled amended application was filed with the Commission.

Said amended application is presently set for hearing at the times and places specifically set forth in Notice of Hearings for Motor Carrier Applications, dated March 14, 1968, commencing on April 1, 1968, at 10:00 A.M., at 507 Columbine Building, Denver, Colorado.

On March 19, 1968, "Motion of Rio Grande Motor Way, Inc. For Full Commission Hearing," was filed with the Commission by Alvin J. Meiklejohn, Jr., Attorney for Protestant, Rio Grande Motor Way, Inc., and copies of said Motion were served by mail upon parties of record in this proceeding.

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:

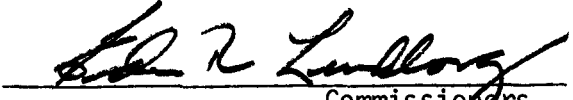
That Motion of Rio Grande Motor Way, Inc. For Full Commission Hearing filed with the Commission on March 19, 1968, be, and the same hereby is, set for oral argument before the Commission at 9:00 o'clock A.M., on March 22, 1968, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That Movant shall be limited to not more than one-half hour of oral argument; and that those appearing in opposition to the Motion shall likewise be limited to a total of not more than one-half hour of oral argument.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 19th day of March, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RICHARD JOEL PETTINGELL, BOX 709,)	
ESTES PARK, COLORADO, FOR A CERTI-)	<u>APPLICATION NO. 23016-Extension</u>
FICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY AUTHORIZING THE EXTENSION)	
OF OPERATIONS UNDER PUC NO. 6638.)	

March 20, 1968

Appearances: Richard Joel Pettingell, Estes Park, Colorado, pro se;
David Butler, Esq., Denver, Colorado, for Colorado Transportation Company, Protestant;
Dalton O. Ford, Denver, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 26, 1967, the above-entitled application was filed requesting authority to extend operations under Certificate PUC No. 6638 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by Colorado Transportation Company by and through its Attorney David Butler.

Preliminary matters which were considered by the Examiner have been submitted to the Commission in the following exact manner, to-wit:

PRELIMINARY MATTERS, MOTIONS, ETC.

"Upon recommendation by the Staff that the authority sought by Applicant does not fall within the purview of 115-1-5 Colorado Revised Statutes Annotated and the Commission therefore has no jurisdiction in this matter, the application was dismissed."

Specifically, the submitted Examiner's Conclusions read as follows, to-wit:

EXAMINER CONCLUSIONS

That the Commission make and enter its Order dismissing this application for lack of jurisdiction and further, that a Show Cause Order be issued directing Applicant to show cause why his present authority PUC No. 6638 should not be revoked for the reason that the Commission has no jurisdiction over the services conducted under said authority.

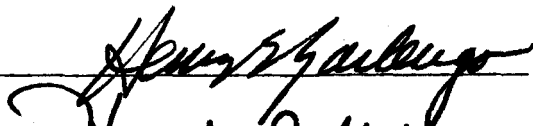

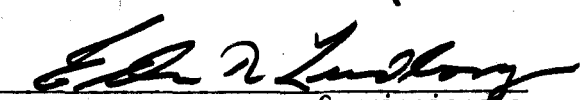
The Commission has given careful consideration to the record in the above-entitled proceeding and to the Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23016-Extension, be, and is hereby, continued and re-set for hearing on April 3, 1968 at 10 a.m. at the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as set forth above in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1968.

ls

(Decision No. 71052)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JESS JOHNSON, 960 EAST MYRTLE,)
FORT COLLINS, COLORADO, FOR AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-6602.)

APPLICATION NO. 22746-PP-Extension

March 20, 1968

STATEMENT AND FINDINGS OF FACT

By the above-styled application, filed with the Commission on August 9, 1967, the Applicant herein seeks authority to extend operations under Permit No. B-6602 to include the transportation of building materials from point to point in Fort Collins, Colorado, and a ten-mile radius thereof to and from, from and to points within the State of Colorado; transportation of heavy equipment from point to point in Larimer and Weld Counties, State of Colorado; and transportation of pipe and steel from Pueblo, Colorado, to and from points within Weld and Larimer Counties, State of Colorado.

Said matter was regularly set for hearing before the Commission on October 3, 1967, at Fort Collins, Colorado, which hearing was vacated on September 29, 1967, at the request of Attorney for the Applicant.

Since that time, said matter has been pending with no request for hearing.

As the Commission is desirous of closing its docket on long-pending matters, the Commission states and finds that unless written request for resetting of the above-entitled matter for hearing shall be received by the Commission before the effective date of this Order, the Application should be dismissed for want of prosecution.

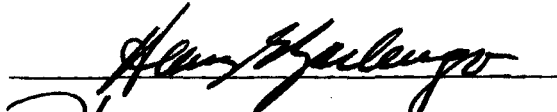
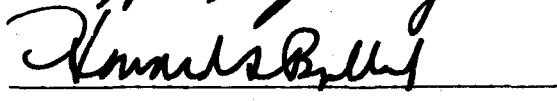
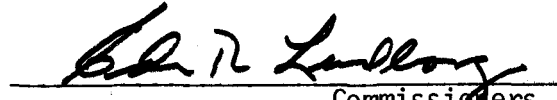
O R D E R

THE COMMISSION ORDERS:

That Application No. 22746-PP-Extension filed herein, be,
and hereby is, dismissed, unless written request for hearing shall be
received by the Commission before the effective date of this Order.

This Order shall become effective thirty (30) days from the
date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	*	*	*
IN THE MATTER OF THE APPLICATION OF))))
MACORADA FARM STORE, INC., P.O.))))
BOX 639, CORTEZ, COLORADO, FOR A )	)	)	<u>APPLICATION NO. 23052-PP</u>
CLASS "B" PERMIT TO OPERATE AS A)))	
PRIVATE CARRIER BY MOTOR VEHICLE)))	
FOR HIRE.)))	

March 20, 1968

Appearances: Billy Graham, Cortez, Colorado,
for Applicant;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 5, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by Rio Grande Motor Way, Inc.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"Prior to the hearing, Applicant proposed the following amendment:

Excluding livestock, dairy products and bulk milk, and further restricted in that no town-to-town service shall be rendered."

In view of the above and foregoing, Protestant of record withdrew its protest to the granting of authority as herein sought.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is a Colorado corporation.
2. Applicant presently holds authority under PUC No. 7068-I and Permit No. M-15418. There is no duplication of authority involved herein.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. The chief corporate officers, as well as other employees of the Applicant, 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.
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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

Farm products (excluding livestock, dairy products and bulk milk)

From point to point in Montezuma, La Plata,
Dolores, and San Miguel Counties

Restricted:

No town-to-town service shall be rendered."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Macorada Farm Store, Inc., Cortez, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

"Transportation of

Farm products (excluding livestock, dairy products
and bulk milk)

From point to point in the following Counties in the
State of Colorado: Montezuma, LaPlata, Dolores, and
San Miguel.

Restricted:

Against town-to-town service;"

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 its customers, the necessary tariffs, required insurance, and has secured authority sheets.

That the right of applicant to operate hereunder shall depend upon its compliance with all present and future laws and rules and

regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM G. FILENER, BOX 701, DOLORES,)	
COLORADO, FOR A CLASS "B" PERMIT TO)	<u>APPLICATION NO. 23009-PP</u>
OPERATE AS A PRIVATE CARRIER BY MOTOR)	
VEHICLE FOR HIRE.)	

March 20, 1968

Appearances: William G. Filener, Dolores,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 15, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests;

(2) Rough lumber

From sawmills in said 75-mile radius to markets in the State of Colorado.

Restricted:

Against town-to-town service."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove

set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That William G. Filener, Dolores, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests.

(2) Rough lumber

From sawmills in said 75-mile radius to markets in the State of Colorado.

Restricted:

Against town-to-town service;"

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

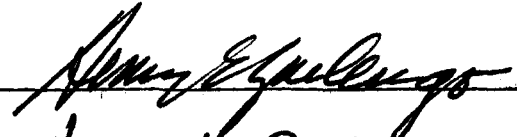
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 20th day of March, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORMAN L. CHRISTENSON, DOING BUSI-)
NESS AS "LOWELL EXCAVATING COMPANY,")
1360 SOUTH MEADE STREET, DENVER,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23041-PP

March 20, 1968

Appearances: Norman L. Christenson, Denver,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 1, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

(4) 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;

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Norman L. Christenson, doing business as "Lowell Excavating Company," Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 100 miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of 100 miles of said jobs.

(4) 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.

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials;

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.

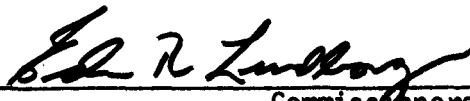
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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 20th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LAURA INDUSTRIES, INC.)
#1 Bell Road)
Selma, Alabama 36701)

AUTHORITY NO. M 12120
CASE NO. 2599-M-Ins.

March 20, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 14, 1968 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.


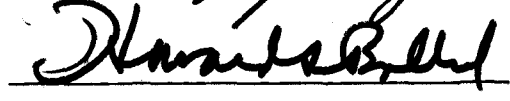

O R D E R

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 March, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
VERSON MANUFACTURING COMPANY)
8300 South Central Expressway)
Dallas, Texas 75215)

AUTHORITY NO. M 9184
CASE NO. 2716-M-Ins.

March 20, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 12, 1968 , 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.

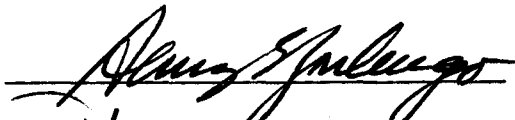
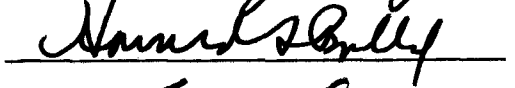

O R D E R

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 March, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE W. WIEDERSPAN AND ELSIE C.)
WIEDERSPAN FOR AUTHORITY TO TRANSFER)
ALL OF THE OUTSTANDING CAPITAL STOCK)
OF ACADEMY VAN AND STORAGE, INC.,)
4206 MADISON STREET, DENVER, COLO-)
RADO, RECORD OWNER OF PUC NO. 334 AND)
PUC NO. 334-I, TO EARL J. HARPER,)
4206 MADISON STREET, DENVER, COLORADO.)

APPLICATION NO. 23039-Stock Transfer

March 21, 1968

Appearances: Laird Campbell, Esq., Denver, Colo-
rado, for Applicants;
William Andrew Wilson, Esq., Denver,
Colorado, for Lakewood Disposal
Company; J & R Disposal-All;
Arvada Rubbish Removal Company;
Englewood-Littleton-Arapahoe Rubbish
Removal, Inc.; Mountain View Rubbish
Removal Company; Wheatridge Disposal
Service; Decker Trash Disposal Corpo-
ration; Freddie's Rubbish Removal;
Bestway Disposal; Metropolitan Trash, Inc.;
Robert A. Grove; Decker Disposal, Inc.;
Mountain Disposal Service; Vanish
Rubbish Removal; Carl Hize & Sons;
George Shaffer; Arrow Rubbish Removal;
Charles A. Prien; C. E. Strassheim;
Victor Ginther; George Schimpt, Jr.;
David Brandt; T. H. Keys; Jake Ginther;
Harry J. Humphryes; A & F Trash Disposal;
Capital City Disposal; Alex Gerlach;
Joseph Gonzales; Fred Ginther; Green
Brothers; Fred Gerlach; Northland Trash
Corp; ABC Disposal Service; A & A
Hauling Service; Ray's Ash & Trash
Service; B & W Disposal Service;
Commerce Refuse Disposal, Inc.,
Protestants;
John H. Lewis, Esq., Denver, Colorado,
for Copy of Order only.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 2, 1968, the above-entitled application was filed re-
questing authority to transfer all of the outstanding capital stock of
Academy Van and Storage, Inc., Denver, Colorado, record owner of PUC No. 334
and PUC No. 334-I, to Earl J. Harper, Denver, Colorado.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"As a preliminary matter, the following Stipulation was made:

...that PUC No. 334 and PUC No. 334-I shall contain a restriction against the transportation of ashes, trash and other waste material in the entire area covered by PUC No. 334 and PUC No. 334-I.

Further, paragraph 6 of the application was amended so as to delete "National City Bank of Denver" and substitute, in lieu thereof "William R. Moore."

In view of the above and foregoing, all Protestants of record withdrew their protest to the granting of the authority as herein sought.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Academy Van and Storage, Inc. is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Said corporation is the owner and operator of PUC No. 334 and PUC No. 334-I, which is the authority involved in this proceeding.

3. George W. Wiederspan and Elsie C. Wiederspan are the owners of all the outstanding capital stock of Academy Van and Storage, Inc. which has operated under PUC No. 334 and PUC No. 334-I in the past. Said authority is presently in good standing with the Commission.
4. Transferee, Earl J. Harper, presently holds no authority issued by this Commission and there is therefore no duplication of authority involved herein.
5. The parties have entered into an Agreement for the transfer of all the outstanding and issued stock of Academy Van and Storage, Inc., and the consideration to be paid is fair and reasonable.
6. Pursuant to the agreement, the authority is to be encumbered by pledge of the Certificates held by the corporation to one William R. Moore. The encumbrance should be approved by the Commission.
7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority.
8. The principal officer and managers of the 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 they have or will make adequate provision for insurance.
9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

1. That the Commission make and enter its Order authorizing transferors to transfer all of the outstanding capital stock of Academy Van and Storage, Inc. to Earl J. Harper.
2. That upon filing the financial statement and other security documents, the Commission approve the encumbrances referred to above.
3. That henceforth the full and complete authority under PUC No. 334 and PUC No. 334-I shall read as follows, to-wit:

"Transportation of

General commodities, on call and demand

Between points in the Counties of Adams, Arapahoe, Denver and Jefferson and for occasional service throughout the State of Colorado.

Restricted as follows:

Certificate holder shall not establish a branch office or have an agent in any other town or city than Denver and Englewood, Colorado for the purpose of developing business.

Restricted against the transportation of ashes, trash and other waste material.

INTERSTATE AUTHORITY:

Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That George W. Wiederspan and Elsie C. Wiederspan, be, and hereby are, authorized to transfer all of the outstanding capital stock of Academy Van and Storage, Inc., Denver, Colorado, record owner of PUC No. 334 and PUC No. 334-I, to Earl J. Harper, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 334 and PUC No. 334-I shall read and be as follows, to-wit:

Transportation of

General Commodities

Between points in the Counties of Adams, Arapahoe, Denver and Jefferson and for occasional service throughout the State of Colorado.

Restricted as follows:

- (1) Against the transportation of ashes, trash and other waste material.
- (2) The operator or holder hereof shall not establish a branch office or have an agent in any other town or city than Denver, Colorado and Englewood, Colorado for the purpose of developing business.

INTERSTATE AUTHORITY:


Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

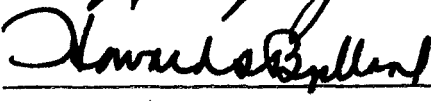
That, upon the filing of the necessary written instruments as required by the Uniform Commercial Code of the State of Colorado, the Commission will make and enter its Order authorizing the mortgaging of Certificate PUC No. 334 and PUC No. 334-I according to the terms and conditions of the agreement as made and entered into by and between the Transferor and Transferee herein.


That said transfer of stock shall become effective only if and when, but not before, said transferor or transferee, in writing, have advised the Commission that said stock 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 written acceptance of the terms of this Order on or before the effective date of this Order shall automatically revoke the authority granted herein 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 hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 21st day of March, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. L. BRYANT, DOING BUSINESS AS)
"BRYANT TRANSFER," 318 WHEDBEE)
STREET, FORT COLLINS, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 4249)
TO DWIGHT E. FOUST, TRACT B, RANCH)
ACRES, LOVELAND, COLORADO.)

APPLICATION NO. 23047-Transfer

March 21, 1968

Appearances: Harold E. Hafer, Esq., Ft. Collins,
Colorado, for Applicants;
William Andrew Wilson, Esq.,
Denver, Colorado, for Wayne
Bridwell, dba Bridwell Trash
Hauling; James P. Donnel;
Eddie Gallegos; Rick's Hauling
Service, Incorporated; and
Richard Mondragon, dba Dick's
Trash Hauling Service, Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 15, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 4249.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Preliminary matters which were considered by the Examiner have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

At the time of the hearing, request was made to vacate the above-scheduled hearing and hear the matter in Fort Collins, Colorado. This would appear to be more convenient for public witnesses who might be called to testify, and the request was granted."

Specifically, the submitted Examiner's Conclusions read as follows, to-wit:

"EXAMINER CONCLUSIONS

That the Commission make and enter its Order continuing and resetting the hearing to April 30, 1968, at 10:00 o'clock A.M. in the Auditorium, Larimer County Court House, Fort Collins, Colorado, and that notice be given only to those parties who entered their appearances as above set forth."

The Commission has given careful consideration to the record in the above-entitled proceeding and to the Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23047-Transfer, be, and is hereby, continued and re-set for hearing on April 30, 1968, at 10 a.m. in the Auditorium, Larimer County Court House, Fort Collins, Colorado, and that notice of hearing be given to only the parties who entered their appearance as set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Zaulerger
Donald B. Bell
Ed. J. Lundberg
Commissioner

Dated at Denver, Colorado,
this 21st day of March, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
DENVER DISPOSAL COMPANY
P. O. BOX 6805
DENVER, COLORADO 80216

* * *
)
)
)
)

PERMIT NO. B-6214

March 21, 1968

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 March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Allways
Donald B. Miller
Ed R. Luskong
Commissioners

Dated at Denver, Colorado,
this 21st day of March 1968
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENNETH SAMPLE AND GERRALD SAMPLE,)
DOING BUSINESS AS "SAMPLE BROTHERS,")
BOX 235, CHAPPELL, NEBRASKA, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO SAMPLE BROS. INC.)
(A NEBRASKA CORPORATION), 1082 2ND)
STREET, P. O. BOX 235, CHAPPELL,)
NEBRASKA.)

PUC NO. 5870-I-Transfer

March 21, 1968

STATEMENT AND FINDINGS OF FACT

Heretofore Kenneth Sample and Gerrald Sample, doing business as "Sample Brothers," Chappell, Nebraska, were granted a certificate of public convenience and necessity, being PUC No. 5870-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holders now seek authority to transfer said PUC No. 5870-I to Sample Bros. Inc. (a Nebraska Corporation), Chappell, Nebraska.

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

O R D E R

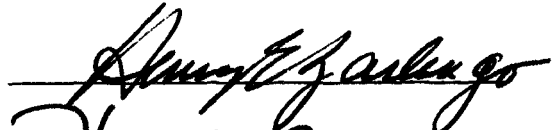
THE COMMISSION ORDERS:

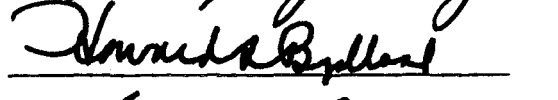
That Kenneth Sample and Gerrald Sample, doing business as "Sample Brothers," Chappell, Nebraska, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 5870-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Sample Bros. Inc. (a Nebraska corporation), Chappell,


Nebraska, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 21st day of March, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DENNIS L. RICHARDSON, WHITE HOUSE)
RANCH, P. O. BOX 6116, COLORADO)
SPRINGS, COLORADO.)

PERMIT NO. B-6792

March 21, 1968

STATEMENT AND FINDINGS OF FACT

The above-styled permit-holder is the owner and operator of Permit No. B-6792 which basically authorizes a transportation service that may be performed for only Forest Hamilton.

The Commission has received a written communication from George E. Smith, President, of Colonna and Company of Colorado, Inc., stating that the business heretofore conducted by Forest Hamilton has been acquired and will in the future be continued by said Colonna and Company of Colorado, Inc., and in accordance therewith, requested that Permit No. B-6792 be modified by substituting said Colonna and Company of Colorado, Inc. in lieu of Forest Hamilton as one of the customers authorized to be served under said Permit No. B-6792.

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

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-6792 be, and the same hereby is, modified by substituting Colonna and Company of Colorado, Inc. in lieu of Forest Hamilton, as one of the customers authorized to be served under Permit No. B-6792.

That henceforth the full and complete authority under said Permit No. B-6792 shall be as follows, to-wit:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points.


Restricted:


Against the use of tank vehicles when transporting road-surfacing materials.


(5) Quartz, in bulk

From points in Jefferson County, Colorado, to points in Fremont County, Colorado, for one customer only, viz., Colonna and Company of Colorado, Inc.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 21st day of March, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ERNEST P. NEUMANN, 6850 RUTH WAY,)
DENVER, COLORADO.)

PERMIT NO. B-6741

March 21, 1968

STATEMENT AND FINDINGS OF FACT

A written request from the above carrier has been received for a waiver from the Commission of its Rule 25 of Rules and Regulations Governing Private Carriers by Motor Vehicle relating to the filing of cash, or a surety bond, concerning C.O.D. shipments.

Upon full consideration of the matter the Commission states and finds that to grant the request will be in the public interest and should be granted as set forth in the Order following.



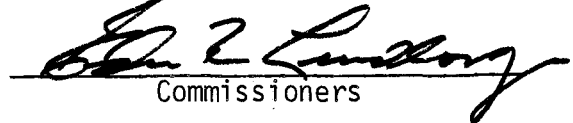
ORDER

THE COMMISSION ORDERS:

That Ernest P. Neumann, Denver, Colorado, be, and hereby is, granted a written waiver of the provisions of Rule 25 of the Rules and Regulations Governing Private Carriers by Motor Vehicle, and shall not be required to file with this Commission cash or surety bond referred to in said Rule, in the conduct of operations under Permit No. B-6741.

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 21st day of March, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAN E. SHEETS AND CHARLES F. BAYLESS,)
DOING BUSINESS AS "B & S EXCAVATING)
CO., 532 WEST 4TH STREET, PUEBLO,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22856-PP
SUPPLEMENTAL ORDER

March 21, 1968

Appearances: Joseph A. Vento, Esq., Pueblo,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 23, 1968, the Commission entered Decision No. 70936 in the above-styled application, revoking operating rights granted to the above-styled applicants by Decision No. 70466, dated November 27, 1967, for failure of said applicants to comply with requirements set forth in said Decision No. 70466.

The Commission has received a written communication from Joseph A. Vento, attorney for applicants, requesting reinstatement of operating rights granted by said Decision No. 70466 and requesting that the period of time for filing of Customer List and Designation of Agent be extended for an additional thirty (30) days, or until April 22, 1968.

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

O R D E R


THE COMMISSION ORDERS:

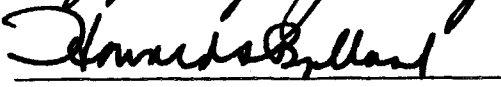
That Decision No. 70936, dated February 23, 1968, be, and the same hereby is, vacated, set aside and held for naught, as of said 23rd

day of February, 1968, and operating rights heretofore granted to the above-styled applicants by Decision No. 70466, dated November 27, 1967, be, and the same hereby are, restored to active status as of said date.

That the applicants herein, be, and hereby are, granted an extension of an additional period of time with which to file Customer List and Designation of Agent as set forth in Decision No. 70466, to and only until April 22, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 21st day of March, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. D. HOLLAWAY, 14250 FOOTHILL LANE,)
GOLDEN, COLORADO, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS)
TO H. D. HOLLAWAY, INC., A COLORADO)
CORPORATION, 14250 FOOTHILL LANE,)
GOLDEN, COLORADO.)

PUC NO. 2918-I-Transfer

March 21, 1968

STATEMENT AND FINDINGS OF FACT

Heretofore H. D. Hollaway, Golden, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 2918-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holder now seeks authority to transfer said PUC No. 2918-I to H. D. Hollaway, Inc., a Colorado corporation, Golden, Colorado.

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

O R D E R

THE COMMISSION ORDERS:

That H. D. Hollaway, Golden, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 2918-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to H. D. Hollaway, Inc., a Colorado corporation, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Hinkle
Donald B. Bell
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 21st day of March, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ORVILLE D. HAVENS DBA)
ORVILLE HAVENS COMPANY)
Route 4, Box 211)
19 Black Forest Road)
Colorado Springs, Colo. 80908)

AUTHORITY NO. M 7344
CASE NO. 2755-M-Ins.

March 22, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 12, 1968 , 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.


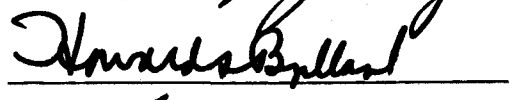

O R D E R

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
22nd day of March, 1968 .

(Decision No. 71067)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM A. HOBBS, DOING BUSINESS AS)	
"A & G ASH & TRASH REMOVAL," 666 MOORE,)	
LAKWOOD, COLORADO, FOR AUTHORITY TO)	
TRANSFER PUC NO. 3262 TO RAYMOND G.	)	<u>APPLICATION NO. 23045-Transfer</u>
DeRUITER AND FLORENCE A. DeRUITER, DOING)	
BUSINESS AS "D'S DISPOSAL SERVICE,")	
1150 EAST YALE, ENGLEWOOD, COLORADO.)	

March 22, 1968

Appearances: William A. Hobbs, Lakewood,
Colorado, pro se;
Florence A. DeRuiter, Englewood,
Colorado, pro se for Transferees.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 13, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 3262.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Transferor herein is the present owner and operator of PUC No. 3262, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances or obligations.
6. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought 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. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 3262 to Raymond G. DeRuiter and Florence A. DeRuiter, doing business as "D's Disposal Service," and that henceforth the full and complete authority under said PUC No. 3262 shall read as follows, to wit:

"Transportation of:

Ashes, trash and other refuse

From points within the City and County of Denver, to designated and approved dumps and disposal sites in Denver, Adams, Arapahoe and Jefferson Counties, State of Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the

submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That William A. Hobbs, doing business as "A & G Ash & Trash Removal," Lakewood, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 3262, to Raymond G. DeRuiter and Florence A. DeRuiter, doing business as "D's Disposal Service," Englewood, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 3262 shall read and be as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From points within the City and County of Denver, State of Colorado to designated and approved dumps and disposal sites in the following Counties in the State of Colorado: Denver, Adams, Arapahoe and Jefferson."

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Gailings
Donald Bell
Ed Z Lindberg
Commissioners

Dated at Denver, Colorado,
this 22nd day of March, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GUNNISON COUNTY ELECTRIC ASSOCIATION,)
INC., A COLORADO CORPORATION, CRESTED)
BUTTE, COLORADO, FOR AUTHORITY TO)
ISSUE SECURITIES IN PRINCIPAL AMOUNT)
OF \$55,000 AND THE APPLICATION OF THE)
PROCEEDS THEREFROM FOR CERTAIN SPE-)
CIFIED PURPOSES.)

APPLICATION NO. 23066-Securities

March 22, 1968

Appearances: Robert G. Porter, Esq., Gunnison,
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:

On February 26, 1968, The Gunnison County Electric Association, Inc. (Association), filed with the Commission the above-entitled application: (1) for authority to issue a mortgage note for \$55,000 to The United States of America bearing interest at the rate of two percent (2%) per annum and payable within thirty-five (35) years after the date thereof; and (2) to approve an amendment dated as of January 12, 1968 to amending loan contract dated as of April 2, 1953, as amended, between The Gunnison County Electric Association, Inc., and The United States of America, setting a maximum which may be borrowed by Applicant at \$1,805,000.

The matter was set for hearing, after due notice to all interested parties, on March 15, 1968 at 10 A.M. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was there heard by Commissioner Bjelland and, at the conclusion thereof, 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 therein.

The Applicant is engaged in the business of acquiring, distributing and selling electrical energy to its members and to others in the Counties of Gunnison, Saguache and Hinsdale, all in the State of Colorado, and owns and operates certain electric distribution and related facilities in said counties. It has 438 miles of distribution lines serving approximately 1,400 consumers.

By Application No. 17989, the Association applied for an area certificate of public convenience and necessity of its service territory and was granted the same by this Commission under Decision No. 55709 and as modified by Decision No. 58736.

Documents included as part of the application are: (1) the form of the proposed mortgage note between the Association and The United States of America; and (2) the form of Amendment dated January 12, 1968 to Amending Loan Contract dated as of April 2, 1953, as amended, between the Association and The United States of America, Applicant's Exhibit B.

The Applicant's witnesses testified summarily as follows: The Association needs the loan funds of \$55,000 sought to be approved in this application for replacement of general funds used for the acquisition of a site and the construction of a warehouse and garage thereon along with related facilities for the improvement and maintenance of its service. It was stated that the new warehouse is needed to centralize warehousing activities and provide protection from the weather for its equipment. Its location is approximately two and one-half miles northwest of the Town of Gunnison. Even though previously authorized funds for other projects remain undrawn down from R.E.A., The R. E. A. recommended that this \$55,000 loan be earmarked as an additional loan for this specific purpose.

This loan has been approved by the Rural Electrification Administration.

Applicant's witnesses identified Applicant's Exhibit A, as the plans for the warehouse building; Applicant's Exhibit B as the form of Amendment dated as of January 12, 1968 to Amending Loan Contract dated as

of April 2, 1953, as amended, between Gunnison County Electric Association, Inc., and The United States of America; Applicant's Exhibit C as the Statement of Operations for two months ending February 29, 1968 and a balance sheet as of February 29, 1968, as reported to the Rural Electrification Administration by the Association; and Applicant's Exhibit D as a balance sheet as of December 31, 1967, Statement of Operations for the year ending December 31, 1967, a statement of revenue sources and a statement of principal and interest payments on REA loans, as reported by the management of Gunnison County Electric Association, Inc., to its Board of Directors.

Applicant's witness stated that the Association would have no difficulty in meeting the additional debt service required by this loan. Applicant's balance sheet, Exhibit D, showed that the Association had cash funds available as of December 31, 1967, in the amount of \$112,827. Its net long term debt to REA was \$1,014,245. Applicant had a cushion of credit in advance payments to REA of \$67,421. Its Statement of Operations for the year ended December 31, 1967, showed total operating revenue was \$275,972, expenses of \$250,584 and net margins of \$25,388.

Testimony at the hearing revealed that Applicant has made progress in building up its equity from a minus nine percent (-9%) in 1962 to a positive twelve and one-quarter percent (12.25%) of total capitalization as of February 29, 1968.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, The Gunnison County Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

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

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

That the financial position of Applicant and its ability to serve will not be impaired by this borrowing.

That this Commission is now fully advised in the premises.

That the issuance by The Gunnison County Electric Association, Inc., of a Mortgage Note in the amount of \$55,000, payable to The United States of America, attached to Applicant's application in this proceeding should be authorized and approved.

That the Amendment dated as of January 12, 1968 to Amending Loan Contract dated as of April 2, 1953, as amended, between Gunnison County Electric Association, Inc., and The United States of America, Applicant's Exhibit B, should be authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$55,000, for which authorization is sought herein, the Applicant should file with this Commission one conformed copy of such executed Mortgage Note and one conformed copy of each other document made and entered into in connection therewith.

That the issuance of the Mortgage Note in the amount of \$55,000 is not inconsistent with the public interest and that the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963.

O. R. D. E. R

THE COMMISSION ORDERS:

That the issuance of a Mortgage Note for \$55,000 by The Gunnison County Electric Association, Inc., to The United States of America be, and the same hereby is, authorized and approved.

That the Amendment dated as of January 12, 1968 to amending loan contract dated as of April 2, 1953, as amended, between The Gunnison County Electric Association, Inc., and The United States of America, Applicant's Exhibit B, be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$55,000 authorized herein, The Gunnison County Electric


Association, Inc., shall file with this Commission one conformed copy of such executed Mortgage Note and one conformed copy of each other document made and entered into in connection therewith.

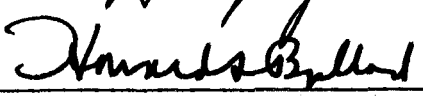
That nothing herein shall be construed to imply any recommendation or guaranty of or any obligation with respect to said issuance of the aforesaid securities on the part of the State of Colorado.


That the Commission retain jurisdiction of these proceedings to the end that it may make such further order, or orders, in the premises as it may deem necessary and desirable.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 22nd day of March, 1968
et

(Decision No. 71069)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

JAMES R. DE HAAN)
 8919 ARAPAHOE ROAD)
 BOULDER, COLORADO)
 Complainant,)
 vs.)
 PUBLIC SERVICE COMPANY OF COLORADO,)
 a Colorado corporation)
 550 15TH STREET)
 DENVER, COLORADO)
 Respondent.)

CASE NO. 5358

 March 22, 1968

Appearances: James R. De Haan, Boulder,
 Colorado, pro se;
 Donald D. Cawelti, Esq., Denver,
 Colorado, for Respondent;
 Girts Krumins, Esq., Denver,
 Colorado, for the Staff of
 the Commission.

PROCEDURE AND RECORD

James R. De Haan, Complainant, filed a complaint against the Respondent with this Commission on December 14, 1967. In essence this complaint alleges that the Complainant operates a forty acre farm at 8919 Arapahoe Road, east of Boulder, Colorado, and has so operated since 1962; that he first obtained electrical service from the Respondent at this location on October 11, 1962 under the Rural Residential Rate applicable in this area; and that on January 6, 1963, a General Farm Service Rate more advantageous to Complainant was put into effect by Respondent, but that this Rate was not applied to electrical service furnished to Complainant until 1967; and by this complaint, Complainant seeks a refund from Respondent for the difference in charges for electrical service

between the Rural Residential Rate and the General Farm Service Rate for the intervening period.

On December 18, 1967 an Order to Satisfy or Answer was issued to the Respondent, Public Service Company of Colorado. An Answer by Respondent was filed on January 5, 1968. By this Answer the Respondent raised a number of defenses, admitted and denied a number of allegations of the complaint and prayed for dismissal of the complaint.

After an earlier setting was duly vacated, this matter was reset for hearing on March 18, 1968 at 10 A.M. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and due notice thereof was given to all interested parties, firms or corporations. At said time and place the matter was duly heard by the Commission. Complainant testified himself and in addition called four other witnesses, all employees of the Respondent. Exhibits 1 through 9 were offered and admitted into evidence. The Respondent did not call any witnesses, but, at the conclusion of the Complainant's case, moved for dismissal of the complaint on the grounds that the Farm Service Rate which Complainant claims he was entitled to was duly filed with the Commission and that such filing constitutes proper notice to all customers involved, including the Complainant. Further, that the choice of rates is the responsibility of the customer involved, in this case the Complainant, and that Respondent assumes no responsibility in selecting the proper rate. In support thereof Respondent filed a Memorandum Brief setting out a number of cases from other jurisdictions. At the conclusion of the hearing the entire matter, including the motion to dismiss, was taken under advisement.

FINDINGS OF FACT

1. The Respondent, Public Service Company of Colorado, is a public utility engaged in the business of providing electric service and, as such, is subject to the jurisdiction of this Commission.

2. Complainant, James R. De Haan, operates a farm within the meaning of Public Service Company of Colorado Rate Schedule FS-1, Third Revised Sheet No. 106 (Exhibit 5), and has so operated since 1962. This farm is located at 8919 Arapahoe Road, Boulder, Colorado.

3. The effective date of said Farm Service Rate Schedule FS-1 was January 6, 1963, and that said Rate Schedule was duly filed with this Commission on December 7, 1962. This filing constituted a completely new rate not previously available.

4. Complainant received electric service from Respondent under the Rural Residential Rate from October 11, 1962 until July of 1967, and under said Farm Service Rate since July 1967.

5. At the time Complainant first obtained electric service to his above-mentioned farm, no optional rate for farm service was available, the only rate applicable to Complainant's service being the Rural Residential Rate; but Complainant qualified for the said Farm Service Rate on the effective date thereof.

6. Complainant first received actual knowledge of the availability of the optional Farm Service Rate Schedule FS-1 Sheet No. 106 in July 1967, and at that time requested Respondent that his service at 8919 Arapahoe Road, Boulder, Colorado, be made under this rate.

7. The filing of said Schedule with this Commission constituted the required minimum notice under the law and the rules of this Commission. No further notice thereof was given by Respondent.

8. Upon filing of the new rate, Schedule FS-1 General Farm Service Rate, Third Revised Sheet No. 106, with this Commission, Respondent distributed copies of the Rate Sheets to its local personnel in various operating areas, including the Boulder Area, with general instructions to locate and determine to which customers this Rate would be applicable and beneficial and to switch those customers to the new rate. No detailed guidelines or instructions were furnished.

9. Pursuant to these instructions local personnel in the Boulder Area made some effort to determine which customers would be changed to said new rate, in most cases without consulting the customers or informing them of the change to the new rate, but in some cases after making inquiry of the customer himself.

10. The above efforts of the Respondent were made on its own volition and without any requirement by statute or rule or requirement of this Commission.

11. The personnel making the survey as described above in the area where Complainant's farm is located made a decision, in their individual judgments, that Complainant was not operating a farm and therefore Complainant did not receive said Farm Service Rate at that time.

DISCUSSION

Respondent has cited a number of cases from other jurisdictions sustaining his oral argument that choice of a rate, where optional rates are available, is the sole responsibility of the customer, which in this case would be the Complainant himself, and that the utility company has no duty to give notice of optional rates available to individual customers, except the statutory requirements of notice by filing with this Commission. We will not contend otherwise in this proceeding. However, there are additional facts in this case that were not present or passed upon in the cases cited. Respondent made a strong oral argument, and testimony by Respondent's employees further indicated, that the Respondent, Public Service Company of Colorado, on its own volition, without any requirement of a regulatory nature, and simply for the benefit of its customers, instituted a program designed to locate the customers who would be benefitted by the new rate. It appears to us that while considerable effort was expended to do so, this effort was largely determined by the actions of individual employees from the local service areas of the Respondent. There appears to have been no specific directive as to

how this effort should be done. While we do not question the individual intentions of the employees of the Respondent, and, in fact, believe that a conscientious effort was made, we still feel that equal treatment may not have been afforded to all of the Respondent's customers to whom this new rate may have been applicable. Complainant was operating a farm at the time which would have qualified for the Farm Service Rate, yet, this fact escaped the attention of the Respondent which indicates that the effort made was not 100% successful.

The whole principle of public utility regulation rests on the premise that discriminations in rates, charges and tariffs should be prevented. This Commission has full power and authority to prevent such discrimination in Chapter 115-3-2, Colorado Revised Statutes, 1963. In addition, the statutes further provide that:

"No public utility, as to rates, charges, service, facilities, or in any other respect, shall make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage...."

(Emphasis supplied) Chapter 115-3-6, Colorado Revised Statutes, 1963.

It is perfectly clear from the record that the Respondent proceeded to apply the more advantageous Farm Service Rate to a number of customers without their knowledge and pursuant to no requests from such customers. However, it failed to apply this more advantageous rate to Complainant's service, because in the apparently erroneous judgment of Respondent's employees, the Complainant did not qualify for this rate. It should be emphasized that Complainant did not have an opportunity to choose a rate at the time he first applied for service as only one rate was then applicable to his service.

It we were to accept the principle that with exactly the same notice given to a number of customers some of them will obtain a more advantageous rate for electric service without any action or request on their part while others will not, even if this may occur by pure chance, then we shall open the door to an area where a utility could

be able to grant unreasonable preferences or advantages to some of its customers under the full sanction of this Commission. We therefore make the additional findings that the matter now before this Commission herein is of the nature covered in Chapter 115-3-2, Colorado Revised Statutes, 1963, and that this Commission has jurisdiction thereof, and that if this complaint were to be dismissed, Complainant would be subjected to a disadvantage within the meaning of Chapter 115-3-6, Colorado Revised Statutes, 1963.

It should be added that we do not condemn, but rather welcome good faith action on the part of the Respondent in making an effort to apply a more advantageous rate to the customers that are obviously going to benefit from it without such action being requested. What we are saying is that if such effort results in an error, and such error, as in this case, is called to the attention of the utility company, it should be corrected retroactively. In other words, the Complainant, or anyone else in his situation, should be in no worse situation than if the utility company had made the proper determination initially in his case also.

Our holding in this case is not intended to enlarge the present notice requirements when rate changes occur. This holding applies specifically to the fact situation cited where a completely new rate schedule, previously not available, is filed, and is not necessarily applicable to a situation where a change in existing rates may result in a different rate being beneficial to an existing customer who has previously made his selection.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent, Public Service Company of Colorado, shall compute the difference between the charges for electric service actually made to Complainant for electric service at 8919 Arapahoe Road, Boulder,


Colorado, and what those charges would have been at the same location under the applicable General Farm Service Rate Schedule FS-1, Sheet No. 106, for the period beginning with the first billing period applicable to Complainant after January 6, 1963 to the appropriate billing period ending in July 1967, and refund such difference, if any, to the Complainant within thirty (30) days after the effective date of this Order.

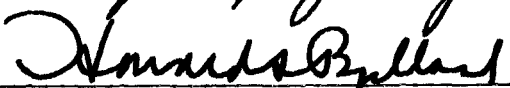
2. Respondent shall file with this Commission a report stating the manner in which this computation was made and the amount of the refund within thirty (30) days of the effective date of this Order.


3. No interest shall be applicable to this refund.

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 22nd day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ELINOR)
D. SCHULTZ AND ROBERT WILLIAM SCHULTZ, JR.,)
6014 SOUTH PRINCE, LITTLETON, COLORADO, FOR) APPLICATION NO. 23046-PP-Transfer
AUTHORITY TO TRANSFER PERMIT NO. B-7086 TO)
ROBERT W. SCHULTZ, LITTLETON, COLORADO.)

March 25, 1968

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 31, 1968, the above-entitled application was filed requesting authority to transfer Permit No. B-7086.

After due and proper notice, the application was called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicants, who, without regard to such Notice, failed to appear in person or by representative.

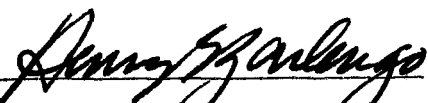
The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein instant application be dismissed for failure to prosecute.


O R D E R

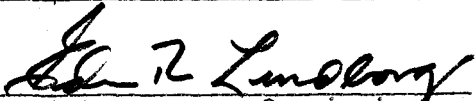
THE COMMISSION ORDERS:

That Application No. 23046-PP-Transfer be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 25th day of March, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Reger Mobile Homes Inc.)
11212 Central SE)
Albuquerque, New Mexico 87112)
)
-----)

AUTHORITY NO. M-15176
CASE NO. 2510-M-Ins.

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968 , 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

Henry G. ...
Donald B. ...
Ed. R. ...
Commissioners

Dated at Denver, Colorado, this
25th day of March 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED AND REDUCED RATES,
CHARGES AND PROVISIONS APPLICABLE
TO BEER, IN CONTAINERS, INCLUDING
PALLETS, DUNNAGE AND SHIPPER'S
ADVERTISING MATERIAL

Investigation and Suspension
Docket No. 605

March 22, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 23, 1968, Westway Motor Freight, Inc., by Jerry McMorris, President, filed Supplement No. 3 to Motor Freight Tariff No. 5, Colorado PUC No. 6, naming commodity rates for the transportation of barley, labels, and beer, and containers, dunnage or pallets, (empty returned), construction materials, machinery, equipment and supplies between points in Colorado over irregular routes as set forth in Certificate No. 701.

By the filing of Supplement No. 3 with the Commission, Item 30-B proposes to reduce and increase rates, charges and provisions contained therein as more fully set forth in Appendix "A" attached hereto. Rates identical to those proposed herein by Westway, published at that time by Acme Delivery Service, were suspended by the Commission, under Investigation and Suspension Docket No. 602, as a result of protest filed at that time by the proponent herein. The only change herein concerns the addition of a provision concerning delays in loading time.

The matter under I & S No. 602 was never heard by the Commission, due to a request by Acme Delivery Service, Inc., to withdraw the suspended tariff, which request was granted.

Upon consideration of said tariff filing, 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 finding 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:

1. That the statement and findings, and appendix "A" attached hereto, be, and they are hereby, made a part hereof.
2. That it shall enter upon a hearing concerning the lawfulness of the rates, charges and provisions as proposed in Supplement No. 3, referred to in the Statement hereof.
3. That the operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including July 25, 1968, unless otherwise ordered by the Commission.
4. That 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. That 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. That 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 Jerry McMorris, President, Westway Motor Freight, Inc., 4350 Kendrick Street, Golden, Colorado 80401, 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 in the statement and findings herein.
7. That 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. That this Investigation and Suspension Docket No. 605 be, and the same is hereby, set for hearing before the Commission on the 26th day of April, 1968, at 10:00 o'clock a.m. in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Gault
Howard S. Bullard
John A. Lusk
Commissioners

Dated at Denver, Colorado, this
22nd day of March, 1968. av

APPENDIX "A"

WESTWAY MOTOR FREIGHT, INC.

Certificate No. 701

Supplement No. 3*, Motor Freight Tariff No. 5
Colorado PUC No. 6

	From	To	Rates	Route
30-B cancels 30-A	<u>COLORADO</u> Golden	Aurora Englewood Lafayette Lakewood /Denver	See Below	
	Aurora Englewood Lafayette Lakewood /Denver	Golden	See Below	

RATES

Aurora:	Ⓡ	\$40.00 per round trip;
/ Ⓡ Denver:	Ⓡ	35.00 per round trip;
Englewood:	Ⓡ	40.00 per round trip;
Lafayette:		50.00 per round trip;
Lakewood:	Ⓡ	26.00 per round trip.

Charges apply to all commodities no matter in which manner they are handled.

Minimum cubic feet per vehicle shall be 1800 cubic feet.

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.

/ ⓐ One-half hour's free time will be allowed for loading. Delay in loading, beyond the free time specified, will be charged for at the rate provided in Item 925 of the governing publication.

/ Addition

Ⓡ Reduction

ⓐ Increase

* Issued: February 23, 1968

Effective: March 27, 1968

I & S No. 605, Dec. No. 71072

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BERNARD WALKER)
540 MAIN AVENUE)
FORT LUPTON, COLORADO 80621)

PERMIT NO. B-7036

March 25, 1968

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.

ORDER

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 18, 1968 to and including September 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

Henry E. Galloway
Thomas B. Bell
Edwin Z. Lundberg
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
)	
CLIFFORD CLOWERS)	
RTE 2, BOX 121 E)	
MONTROSE, COLORADO 81401	)	<u>PERMIT NO. B-6297</u>

March 25, 1968

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.

ORDER


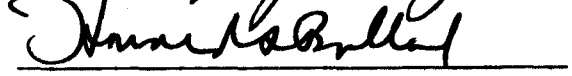

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 18, 1968 to and including September 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 25th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)

* * *
)
)
)
)

LEWIS SAFETY BRAKE INC.
3815 GRAPE STREET
DENVER, COLORADO 80207

PERMIT NO. M-14745

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 24, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Spaulding
Wanda Bell
Ed Z. Ludwig
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
FAIRMONT FOOD DISTRIBUTORS)
1931 12TH AVENUE)
GREELEY, COLORADO 80631)

PERMIT NO. M-5722

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 21, 1968

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Ziegler
Harold Ballard
Ed Z. Lindsay
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
IGNACIO MOTORS)
BOX 372)
IGNACIO, COLORADO 81137)

PERMIT NO. M-3246

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 21, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Zuley
Harold B. Bellow
Ed. R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)	
)	
JEFFCO HOME APPLIANCES, INC.		)	<u>PERMIT NO. M-14909</u>
1492 AMMONS)	
LAKWOOD, COLORADO 80215)	

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Zullinger

Harold B. ...

Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD J. GAWRON)
1219 FOREST ROAD)
COLORADO SPRINGS, COLO. 80900)

PERMIT NOM-10626

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 15, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Galloway
Thomas B. Benth
Ed. Z. Lundberg
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
WESTERN CUSTOM HOMES INC.)
250 CAPITOL LIFE BUILDING)
DENVER, COLORADO 80203)

PERMIT NO. M-13263

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 26, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Fairley
Donald B. Bell
Edw. J. Lindley
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES E. ATCHISON)
3426 G ROAD)
CLIFTON, COLORADO 81520)

PERMIT NO. M-1770

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 24, 1968

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Farley
Donald B. Butler
Ed Z. Ludwig
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
SPRINGS SILICA SAND COMPANY
815 NORTH PLEASANT
COLORADO SPRINGS, COLORADO 80904

* * *
)
)
)
)
)

PERMIT NO. M-15475

March 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin G. Farless
Howard B. Butler
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 25th day of March 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EPHRAIM FREIGHTWAYS, INC., 1385)
UMATILLA STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 22670-Amended

March 26, 1968

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Rio
Grande Motor Way, Inc.,
Protestant;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, and
William D. Schenkein, Esq.,
Denver, Colorado, for
Applicant;
John J. Conway, Esq., Denver,
Colorado, for Contract Carriers
Conference of the Colorado Motor
Carriers' Association, Amicus Curiae;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of the
Commission.

PROCEDURE AND RECORD

On June 19, 1967, Ephraim Freightways, Inc. filed the instant application (No. 22670) with the Commission. On January 31, 1968, the same Applicant filed an Amended Application in the instant proceeding. On March 8, 1968, Rio Grande Motor Way, Inc. filed a protest to the application. On March 14, 1968, the Commission set the matter for hearing on the case of the Applicant for fifteen days during the month of April 1968 and the Commission also determined that the application would be heard by one of the three Commissioners. On March 19, 1968, Protestant, Rio Grande Motor Way, Inc., filed a motion requesting that the application be heard not by one Commissioner but by all three Commissioners, the prayer for relief of such motion reading as follows:

"WHEREFORE, premises considered, Protestant Rio Grande Motor Way, Inc. respectfully prays this Honorable Commission that the within matter be heard by the three Commissioners, rather than assigning the proceeding to any particular Commissioner or a Hearing Examiner."

On March 19, 1968, the Commission in Decision No. 71050 set said motion for oral argument before the Commission at 9 a.m. on March 22, 1968, in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado. At said time and place the full Commission heard argument on the motion.

The Commission agrees with Protestant Rio Grande Motor Way, Inc., that the matters under consideration in the instant application are important and will involve interpretations of a new enactment of the Legislature, which has not previously been interpreted by this Commission. The matter could properly be heard by all three Commissioners.

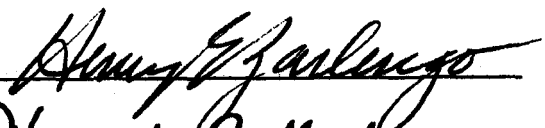
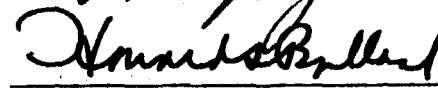
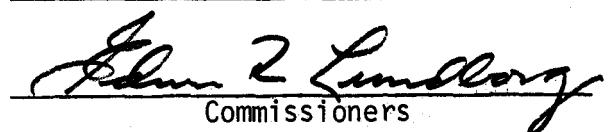
On the other hand, it is obvious that the motion is addressed to the discretion of the Commission in that there would be no way for the Commission to enter an order directing that the matter be heard by all three Commissioners. An Order entered by the Commission requiring all three Commissioners to participate in a given hearing would be unenforceable in the event any of the three Commissioners should decide to rely on the transcript of testimony and actually not be present at the hearing. Under such circumstances the only alternative available is to deny the motion made by Protestant herein.

O R D E R

THE COMMISSION ORDERS:

That the motion of Rio Grande Motor Way, Inc. for a full Commission hearing be, and the same hereby ~~is, denied~~.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 26th day of March, 1968.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION RURAL ELECTRIC ASSOCIATION,)
INC., A COLORADO CORPORATION, P. O.)
BOX 218, BRIGHTON, COLORADO, FOR)
APPROVAL OF A NEW TARIFF TO MODIFY,)
CHANGE AND AMEND THE EXISTING TARIFF)
OF THE COMPANY ON FILE WITH THE)
COMMISSION AND FOR THE CHANGE OF ALL)
CLASSES OF RATES, AND REVISIONS AND)
ADDITIONS TO THE RULES AND REGU-)
LATIONS UNDER WHICH SERVICE IS TO BE)
RENDERED.)

APPLICATION NO. 22987

March 26, 1968

Appearances: Robert A. Ruyle, Esq., Greeley,
Colorado, for Applicant;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above entitled application was filed with this Commission on December 19, 1967. Union Rural Electric Association, Inc., hereinafter referred to either by full corporate name or as Applicant, by this filing, seeks approval of this Commission to place into effect a new tariff to modify, change and amend the existing tariff, and for the change of all classes of rates, as well as modification of the class of service, and revisions and additions to the rules and regulations under which service is to be rendered. In effect, Applicant seeks not only a determination by this Commission of the total revenue requirements of Applicant to be recovered by new rates, but also includes new rate schedules in the same filing. This differs from the normal procedure customarily used before this Commission. The normal and preferred procedure involves, in the first instance, the determination by the Commission of the total revenue requirements of a public utility, without regard to rate structure. After this is accomplished, such public

utility is then directed to file new rate schedules and tariffs which will produce the required revenue, and another hearing is had on the rate structure alone. However, inasmuch as the new rate schedules were filed with the application, the Commission will determine the entire matter before it at this time. We note that the normal procedure is preferred and should be observed in the future.

The Commission set the matter for hearing, after due notice to all interested parties, on February 20, 1968, at 10:00 A.M. in the District Court House at Brighton, Colorado. At said time and place the matter was duly heard by the Commission and, at the conclusion of said hearing, was taken under advisement. Upon motion by the Applicant, which motion was granted, the application was amended at the hearing by inserting the word "increased" at the end of line 7 in paragraph 7 and changing the dollar figure of \$108,420 to \$102,087 on line 8, paragraph 7. The Commission received twenty-six (26) letters of protest to the new tariff, and one person appeared at the hearing in opposition to the granting of the approval sought.

Union Rural Electric Association, Inc., is a non-profit cooperative corporation, duly organized and existing under the laws of the State of Colorado. Its Articles of Incorporation, as amended, were filed with this Commission in Application No. 20428. Applicant holds a certificate of public convenience and necessity issued by this Commission pursuant to Application No. 20428 (Decision No. 63322), and is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its member and non-member customers in the Counties of Adams, Boulder, Gilpin, Grand, Jefferson and Weld, all in the State of Colorado. Applicant's customers total 6,521.

The following exhibits were introduced by Applicant, supported by competent testimony, and admitted in evidence by the Commission:

Exhibit No. 1: Financial Forecast, prepared in May of 1966, covering the years 1966 through 1975. This financial forecast basically presents the estimated cash requirements of the Applicant, but also contains a projection

of the estimated operating and financial results of the Applicant under the present rates as well as the proposed rates. On the basis of existing rate schedules, operating margins would be in a deficit position through 1973, causing a continuous decrease of the patronage capital throughout the entire period. However, the projected deficit in operating margins did not materialize in 1967 as forecast. Applicant's witness testified that some recurring expenses were deferred in 1967 because of inadequate funds.

Exhibit No. 2: A power requirements study for Applicant, dated April 1966. This study formed part of the basis of the Financial Forecast (Exhibit No. 1).

Exhibit No. 3: A wholesale power purchase contract between the Applicant and Tri-State Generation and Transmission Association. This exhibit also supports the financial data contained in other exhibits.

Exhibit No. 4: Electric rate study prepared by Union Rural Electric Association, Inc., in May of 1966. This study was prompted by the deficits in operating margins forecast at approximately the same time, and in turn the proposed rates were applied to the financial forecast, Exhibit No. 1, to show the effect on operating margins and cash flow resulting from the application of the new rates. The rates proposed in this study are essentially the same rates that Applicant now seeks to place into effect by this application.

Exhibit No. 5: Demand tables and other Rural Electrification Administration bulletins relative to rate design. The information contained in these bulletins was used by Applicant in its rate study.

Exhibit No. 6: An Examination report prepared by Certified Public Accountants of Applicant's books for the 12-month period ending August 31, 1967.

Exhibits Nos. 7 through 10 consist of balance sheets and statements of revenue and expenses for 12-month periods ending August 31, 1967 and December 31, 1967. Exhibit No. 8 shows that total operating revenues for the 12-month period ending August 31, 1967 (the test year) were \$1,013,050. This exhibit, in conjunction with Exhibit No. 13, reveals the following detail information:

<u>Operating Revenue</u>	<u>Test Year Ending 8-31-67</u>	<u>In Period Adjustments</u>	<u>Test Year Adjusted Ending 8-31-67</u>
Electric energy revenue	\$992,236		
Consumer forfeited discounts	864		
Rent from electric property	14,973		
Other electric revenue	<u>4,977</u>		
Total operating revenue	\$1,013,050		\$1,013,050
 <u>Operating Expenses</u>			
Cost of purchased power	\$357,484		
Transmission	2,996		
Distribution	81,590		
Consumer accounting	52,505		
Demonstrating and sales	5,454		
Administrative and general	139,308		
Depreciation expense	186,117		
Amortization of utility plant	1,200		
Amortization of acquisition adjustments	1,689		
Taxes other than income	<u>62,139</u>		
Total operating expense	<u>890,482</u>	<u>2,284</u>	<u>892,766</u>
Total Utility Operating Income	<u>\$ 122,568</u>	<u>(\$2,284)</u>	<u>\$ 120,284</u>

After deducting operating expenses of \$890,482 from operating revenues of \$1,013,050, total utility operating income is \$122,568 before adjustments. The operating expenses were increased by an in-period adjustment of \$2,284, resulting in an adjusted utility operating income of \$120,284. It should be noted that the utility operating income, as shown above, is on the accrual rather than cash basis; that is, it takes into account depreciation rather than actual debt repayments, and further, constitutes operating income before interest charges.

Exhibit No. 11 is entitled Electric Rate Study Supplement. This Supplement updates the rate study made in May 1966, Exhibit No. 4, and is dated December 1967. Revenues and expenses for the 12-month period ending August 31, 1967 (the test year) are used in this supplemental study.

Exhibit No. 12 is a statement of rate base properly computed as follows:

For Year Ended August 31, 1967

Gross Rate Base

Electric plant:			
in service (original cost)	\$7,077,318		
under construction	<u>304,260</u>	\$7,381,578	
Material and Supplies - Electric		124,560	
Prepayments		2,738	
Working Capital*		<u>44,543</u>	
Total gross rate base			\$7,553,419

Deductions from gross rate base

Accumulated provision for depreciation	\$1,684,038		
Contributions in aid of construction	34,804		
Consumer advances for construction	<u>900</u>		
Total deductions			<u>1,719,742</u>

Rate Base			<u><u>\$5,833,677</u></u>
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*Working capital computed as follows:

	12 months Ended <u>8-31-67</u>	Portion included in <u>Working Capital</u>	<u>Working Capital</u>
Cost of purchased power	\$ 357,484	10/365 (1)	\$ 9,794
Other operating & maintenance expenses:			
Transmission	2,996		
Distribution	81,590		
Consumer Accounting	52,505		
Demonstrating & Sales	5,454		
Administrative & General	<u>139,308</u>		
	\$ 281,853	45/365 (2)	<u>34,749</u>
Total Working Capital			<u><u>\$44,543</u></u>

Notes: (1) Lag time of 10 days between payment of wholesale power bill by the Association and receipt of customers' payments for service.

(2) Expenses for 45 days.

Exhibit No. 13 is a statement of rate of return for the same period.

This exhibit shows that Applicant's rate of return for the 12-month period ending August 31, 1967 (the test year) was 2.10%, as follows:

Operating income before interest charges	\$122,568
Rate base	5,833,677
Rate of return (122,568/5,833,677)	2.10%

After making an adjustment of \$2,284 for wage increases during the period, the rate of return calculation is as follows:

Operating income before interest charges	\$120,284
Rate base	5,833,677
Rate of return (120,284/5,833,677)	2.06%

The proposed new tariff would result in an increase of operating revenue of \$102,087. As a result of this increase, utility operating income would be increased to \$222,371 and the rate of return calculation would be as follows:

Operating income before interest charges	\$222,371
Rate base	5,833,677
Rate of return (222,371/5,833,677)	3.81%

Exhibit No. 14 is a summary of residential and small commercial bills rendered during the year ended August 31, 1967.

The Staff did not offer any exhibits nor render any testimony with respect to Exhibits Nos. 1 through 14, except with reference to the rate structure affecting the several classes of service as will be noted hereafter.

Exhibit No. 15 contains the tariffs and schedules of rates proposed by the Applicant herein.

Upon request of the Staff, Exhibit No. 16 was filed as a late-filed exhibit. This exhibit shows principally the depreciation expense as compared to debt service payments during the several periods.

Exhibit No. A offered by Staff shows the effect of various rate forms to produce the same revenue as provided by Applicant's proposed rate and the ratios of increased costs to present costs at various kwh uses.

DISCUSSION

The basic determination involved in determining fair and reasonable rates for utility service is that of total revenue requirements of the public utility. These revenue requirements include operating expenses; taxes, other than income; depreciation; capital costs; and income taxes, if any. In formula form:

Revenue requirements = Operating expenses plus depreciation
plus taxes other than income plus
capital costs plus income taxes.

These requirements are basically the same for non-profit, or, as in this case, cooperative organizations, as they are for investor-owned companies. While some of the elements, such as capital costs, may have to be computed differently in a non-profit organization, the revenue requirements still include all the costs of doing business as a public utility. The term "revenue requirements" means simply the amount of money a public utility (or for that matter, any other business) needs to stay in business. For an investor-owned utility, capital costs are normally expressed as "return" by applying a "rate of return" on the capital invested in utility property which is computed as "rate base". This "return" must be adequate to cover interest costs on long term debt and the costs of attracting and building up equity capital. A part of this "return" is necessarily (and usually) paid out in dividends to the equity owners or investors of the corporation. The situation is somewhat different in the case of a non-profit organization, since no dividends will be paid, as such. However, even a non-profit or cooperative entity, if it is to build or to have an equity position, must include in its revenue requirements a factor at least similar to the rate of return as applied in the case of investor-owned utilities. The terminology may not be exactly the same, since the term "rate of return" may imply profit, but the concept and mathematical computations are the same. In other words, the portion of revenue requirements termed "return" simply constitutes the capital costs of the public utility. In the case of a non-profit cooperative corporation, such as we have in the instant application, the equity capital is generated by retaining the patronage margins for a specified period of time. These patronage margins so retained are equivalent to the net income of an investor-owned utility. After a period of time, the patronage margins are refunded to the original customers contributing to such margins. In effect, the patronage margins constitute a revolving fund, and the cost of equity to a cooperative is simply the cost of revolving such patronage margins after the desired equity level.

has been attained. The evidence in this application indicates that Applicant's current policy is to revolve these margins on a fifteen-year basis.

The exhibits further reveal (See Exhibit No. 7) that, as of August 31, 1967, Applicant had total margins and equities of \$955,944 and long term debt of \$5,059,222. From these figures it is evident that the Applicant's equity capital constitutes 15.89% of total capitalization and debt constitutes 84.11% of the total capitalization. This Commission is of the opinion that a reasonable equity position ranges from a minimum of 20% to a desirable 30% or more (depending on the factual situation) of total capitalization. Furthermore, we are of the opinion, that the period for which patronage margins are retained before refunding should probably be not less than ten years, nor more than fifteen years.

Exhibits and testimony presented by Applicant considered mostly the cash position and cash flow of the Applicant, and the proposed rates have been designed to meet the cash requirements of the business. Certainly the cash requirements in any one year are of paramount importance to the management of any business. This Commission, however, is of the opinion that the responsibility for proper cash flow lies primarily with the management of the company, and that for the purpose of establishing revenue requirements and the rates necessitated thereby, the cash requirements in any one year are only of secondary importance. To be sure, the revenue requirements must be tested to see that the public utility can operate successfully on a cash basis, but this is only for the purposes of a test to verify the validity of the factors used in determining the revenue requirements of the public utility.

The entire process then, of establishing revenue requirements consist of the following steps:

1. Test Year. A past period for which all pertinent information is available is selected as the "test year." In this case, the Applicant selected the 12-month period ended August 31, 1967, as the test year.

2. Revenue Requirements. The revenue requirements, which include the factors described above, are determined on the basis of the test year operations and rate base for such test year. Any known adjustments are made to normalize test year data as much as possible.

3. A rate structure is designed that would produce the required revenue, as adjusted, in the test year, for prospective application in the future. The theory is that, if all steps have been properly computed, the rate structure will continue to produce adequate revenues to cover the reasonable costs of doing business, including cash requirements, in the foreseeable future. If unforeseen or unforeseeable changes occur, the situation must be reviewed again and a new determination made. The Commission is of the opinion that by proper application of this theory unjustifiable speculation and prognostication of future events will be avoided.

As previously stated, the revenue requirements on which Applicant's rates should be based consist of:

- (a) Operating expenses plus depreciation plus taxes other than income. For the test year, these costs amount to \$892,766, after adjustments, and
- (b) Capital costs (Necessary Return).

Applicant seeks \$222,371 as its capital costs in the test year for a total revenue requirement of \$1,115,137. This would produce on the Applicant's rate base a "rate of return" of 3.81%. This "rate of return" represents the capital costs of the Applicant. Splitting separately the capital costs of debt and equity capital, we can make the following computations:

		<u>% of Capital</u>	<u>% Rate</u>	<u>Composite Cost %</u>
Debt	\$5,059,222	84.11	2.0	1.68
Equity	<u>955,944</u>	<u>15.89</u>	<u>13.40</u>	<u>2.13</u>
	\$6,015,166			3.81

Out of the total composite costs of capital of 3.81%, 2.13% is available for equity. This would be the equivalent of a return of 13.40% on equity capital.

This would provide for a return of equity (patronage capital) every 7.46 years while retaining the equity ratio at 15.89%. ($100\%/13.40\% = 7.46$ years) However, since the Commission has found that equity should be a minimum of 20% of capital, we may revise the foregoing figures to determine what "rate of return" is required on equity to maintain this figure, based on fifteen years as the maximum reasonable period for the retention of patronage capital:

	<u>% of Capital</u>	<u>% Rate</u>	<u>Composite Cost %</u>
Debt	80	2.0	1.60
Equity	20	6.67	<u>1.33</u>
			2.93

Revolving equity on a 15-year basis provides for a 6.67% return on equity capital ($100\%/15 = 6.67\%$). Under this arrangement the composite cost of capital is 2.93%. Since Applicant must build up its equity to attain a 20% ratio, rather than only maintain such ratio, a rate of return of more than 2.93% is necessary.

The Commission has further found that a 30% equity position and revolving of equity capital on a ten-year basis would likewise be reasonable and fair. Let us see what this would mean in terms of a rate of return:

	<u>% of Capital</u>	<u>% Rate</u>	<u>Composite Cost %</u>
Debt	70	2.0	1.4
Equity	30	10.0	<u>3.0</u>
			4.4

Here we see that a 4.4% rate of return would be required to maintain a 30% equity position and revolve patronage capital on a 10-year revolving basis. It would appear reasonable then, for Applicant to have a rate of return some place between 2.93% and 4.4%.

Applicant has asked for revenues which would produce a 3.81% rate of return. The sufficiency of this return may be examined in the light of Applicant's suggested attainment of a 20% equity position, the minimum amount viewed as reasonable by this Commission, and a 15-year revolving patronage capital which also is deemed to be reasonable.

On a cash basis, a 3.81% return would produce the following in the test year:

Utility operating income		\$222,371
Add: Depreciation (non-cash)		<u>186,117</u>
		\$408,488
Less: Interest	\$105,181	
Debt repayments	<u>167,775</u>	<u>272,956</u>
Cash Generated		<u><u>\$135,532</u></u>

This cash would be available for necessary refunds of previously credited patronage margin, plant replacements, and reserve funds. Total revenue requirement of \$1,115,137 for the Applicant for the test year appears to be reasonable, and should be adequate to meet the necessary cash flow requirements of the Applicant.

We turn now to a review of the processes used by Applicant to develop its proposed rates to produce the revenue requirements. Applicant's cost of service study indicates inconsistencies in some areas. The rates as presented, particularly the Farm and Home Rate, provide for a substantial increase in the minimum monthly bill and then abruptly drop to a low charge per kwh after the first 40 kwh. The argument, for this form of rate structure, is that the "fixed" costs associated with each consumer should be paid by that consumer in his minimum bill. Applicant has conscientiously developed a cost of service to support the rates proposed. Applicant's only witness admitted other approaches could be made and that other competent individuals conducting such a study could reasonably arrive at differing conclusions as to the cost of service. We do not propose to advocate a different approach in this case. However, we will point out some areas to support our conclusion that, in two areas, at least, the rates submitted by Applicant should be modified. In the development of the Farm and Home cost of service, it is assumed every customer has dedicated to his exclusive use one meter pole and one transformer pole (Exhibit 4, page 49). While no testimony was introduced to refute this position, it appears to us unreasonable to assume that in no instance is more than one Farm and Home consumer served from the same transformer pole and the same transformer, or that a meter pole is required for all consumers. The in-

vestment per Farm and Home customer for poles and fixtures is determined to be \$125.64. The comparable investment for a seasonal consumer is \$62.82.

Exhibit 11, page 6, is a summary of proposed revenue from Farm and Home consumers. It is stated on this page:

"Many of the minimum bill consumers above may be eligible to receive service under the Association's Proposed Schedule A-S 'Seasonal Residential Service'. In the event all minimum bill consumers received service under Schedule A-S, the net income from Schedule A above would be approximately. \$613,855.84

"The other 17,978 minimum bill consumers (1,498 Seasonal Consumers) would provide revenue under Schedule A-S of approximately 66,511.20

Yet the plant investment required to establish a part of the Farm and Home cost of service is determined by including the above mentioned 1,498 (approximately 30% of Farm and Home customers) estimated potentially "Seasonal Customers" as requiring an investment in poles and fixtures of \$125.64. The corresponding investment for seasonal customers is \$62.82, or only 50% of the poles and fixtures investment dedicated to Farm and Home customers.

In spreading costs between capacity, customers and energy, capacity and energy costs should be adjusted to recognize the increased costs of the revised power purchase agreement. This decreases capacity costs \$10,968 and increases energy costs \$9,151. In establishing the assignment to energy costs, only the cost of the energy component set forth in the purchase agreement was used, which is not reasonable. Substantial reasons can be advanced to allocate portions of other expense items to energy costs, such as meter reading, customer accounting and collections, sales expense and administrative and general expense.

Therefore, we would make the following transfers to energy costs: \$31,218 of administrative and general expense from capacity costs; and \$2,018 of meter reading expense, \$5,624 of customer records and accounting expense, \$3,700 of sales expense and \$14,990 of administrative and general expense from customer costs. Such proforming and allocations increase total energy costs by \$66,701, or from an average cost per kwh of \$.00507 to an average cost of \$.00676 per kwh, a percentage increase of 13.6. This being true, another look should be taken at the price of the tail of residence and commercial rates and of the last blocks of the power rates.

For the same reasons energy costs increase, capacity and customer costs decrease; and we compute them to be \$3.39 per kw and \$3.79 per Farm and Home customer by using the same allocation procedures between classes of customers as Applicant. Accordingly, the minimum monthly charge should not exceed \$4.00 per month with a kwh allowance of 40 for Farm and Home users.

There is little real difference in the cost of servicing Seasonal customers and Farm and Home consumers. As demonstrated by the cost study of Exhibit 4, the substantial cost of service for low volume, or convenience users, is in fixed cost -- i.e. customer and capacity. These costs occur on an annual basis and are in no way related to the time service is used such as one day, one week or one month or any other short period of time. Therefore, the seasonal or annual minimum should be 12 times the monthly minimum to Farm and Home users.

One other comment should be made relative to total required revenue. Page 5 of Exhibit 11 shows as a revenue item "Headquarters Use of Energy @ \$9,718.60." This is actually an expense item and will have to be recovered in the rates charged to consumers in order to recover the total revenue of \$1,115,137 which we shall allow in our Order to follow.

FINDINGS OF FACT

THE COMMISSION FINDS THAT:

1. The Applicant is a public utility organized on a cooperative basis and is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to member and non-member consumers on its lines in the Counties of Adams, Boulder, Gilpin, Grand, Jefferson and Weld, State of Colorado, and, as such, operates under the jurisdiction of this Commission.
2. The Commission has jurisdiction over the subject matter of this application.
3. The above and foregoing Statement should be, and hereby is, incorporated in these Findings of Fact by reference.

4. The test year to be used for the purposes of this application is the 12-month period ended August 31, 1967.
5. Applicant's rate base for the test year is \$5,833,677.
6. The principal source of equity capital for the Applicant consists of retained patronage margins, which are ultimately refunded to the consumer.
7. A reasonable equity position for the Applicant and other public utilities similarly situated lies between 20% and 30% of total capitalization.
8. A reasonable revolving period of patronage margins for the Applicant and for public utilities similarly situated is a minimum of 10 years and a maximum of 15 years.
9. The long term debt of the Applicant consists entirely of Rural Electrification Administration loans at an annual interest rate of 2%.
10. A fair rate of return for the Applicant should be adequate to pay interest on long term debt and to attain and maintain an equity position and revolving period of patronage margins that are reasonable as stated in Findings Nos. 7 and 8 above.
11. In accordance with Findings Nos. 7, 8 and 10, the zone of reasonableness for a fair rate of return lies between 2.93% and 4.4% on Applicant's rate base.
12. 3.81% on rate base is a fair rate of return for the Applicant at this time.
13. A 3.81% rate of return, applied to the test year rate base, will produce net operating income of \$222,371.
14. Applicant's necessary operating expenses in the test year, as adjusted, are \$892,766, exclusive of interest on long term debt. No income taxes were payable by Applicant in the test year.
15. In order to produce net operating income of \$222,371 in the test year, an increase in operating revenues of \$102,087 is necessary, making the total operating revenue required for the test year of \$1,115,137.

16. Applicant should be permitted to file new rates that would produce operating revenue of \$1,115,137 in the test year.

17. The rates proposed by Applicant herein are discriminatory and not in the public interest, and new and different rates should be filed to conform to the comments of the Statement above.

18. The Rules, Regulations and Line Extension Policy as proposed by Applicant are just, reasonable, non-discriminatory and in the public interest and should be permitted to be filed and become effective.

19. Operating revenues based on rates that would produce revenues of \$1,115,137 in the test year should be adequate for cash requirements of the Applicant as well as enable the Applicant to achieve a necessary increase in equity capital in the future.

20. The "rate of return", as used herein, when applied to the rate base of the Applicant, constitutes the true, reasonable and necessary costs of capital for the Applicant.

O R D E R

THE COMMISSION ORDERS:

1. That the rates contained in Exhibit 15 are unjust, discriminatory and not in the public interest and their filing is hereby denied.

2. That new rates, to conform to the Statement herein, may be filed on not less than ten (10) days' notice to this Commission and the public to provide :

(a) Farm and Home: monthly minimum \$4.00

(b) Seasonal Service: annual minimum \$48.00

(c) Power Service: increase, as necessary, the rates in the blocks to recover minimum energy costs of \$.00676.


3. That the Rules, Regulations and Line Extension Policy of Exhibit 15 may be filed concurrently with the Rates, without change.


4. That the Applicant shall file such new Rates, Rules and Regulations that will produce revenues for the test year of not more than \$1,115,137.00.


5. That the Commission retains jurisdiction herein to make such further order, or orders, as may be necessary.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 26th day of March, 1968
et

(Decision No. 71085)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SOLAN M. HULSEY, DOING BUSINESS AS) PERMIT NO. B-7061
"BASIN SANITATION SERVICE," ROUTE 2,)
BOX L 41, DURANGO, COLORADO.)

March 27, 1968

STATEMENT AND FINDINGS OF FACT

The Commission is in receipt of a communication from the above-styled permit-holder, requesting authority to do business under the trade name and style of Solan M. Hulsey, Jr., doing business as "Basin Sanitation Service," in the conduct of operations under Permit No. B-7061.

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.

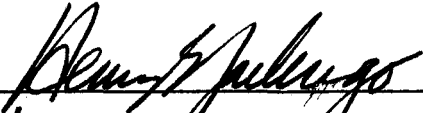
O R D E R


THE COMMISSION ORDERS:

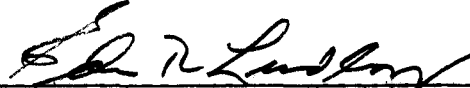
That Solan M. Hulsey, doing business as "Basin Sanitation Service," be, and hereby is, authorized to conduct operations under the trade name and style of Solan M. Hulsey, Jr., doing business as "Basin Sanitation Service," in the conduct of operations under Permit No. B-7061, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 27th day of March, 1968.
ls

(Decision No. 71086)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MORGAN COUNTY RURAL ELECTRIC)
ASSOCIATION, FORT MORGAN, COLORADO,)
FOR AUTHORITY TO ISSUE SECURITIES)
IN PRINCIPAL AMOUNT OF \$1,430,000)
AND THE APPLICATION OF THE PROCEEDS)
THEREFROM FOR CERTAIN SPECIFIED)
PURPOSES.)

APPLICATION NO. 23065-SECURITIES

SUPPLEMENTAL ORDER

March 27, 1968

Appearances: David L. Roberts, Esq., Fort
Morgan, Colorado, for Applicant;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of the
Commission, and
M. R. Garrison, Jr., Denver,
Colorado, of the Staff of the
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 18, 1968, by Decision No. 71035, the Commission issued its Order in the above entitled matter. An error occurred on page 2 in the Statement of the Order.

On the seventh line from the bottom of page 2 the word "Union" appears instead of the name "Morgan."

In view of the above and foregoing, the Commission states and finds that Decision No. 71035, dated March 18, 1968, should be amended nunc pro tunc to delete the word "Union" and substitute therefor the name "Morgan."

O R D E R

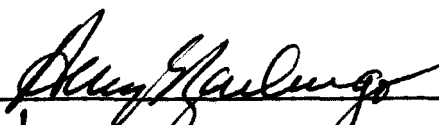

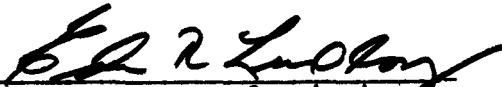
THE COMMISSION ORDERS:

That Decision No. 71035, dated March 18, 1968, shall be, and the same hereby is, amended nunc pro tunc, as of said 18th day of March,

1968, by deleting therefrom the word "Union" from the seventh line from the bottom of page 2 of the Statement by the Commission, and inserting therein and substituting therefor, the name "Morgan."

That, except as herein amended, Decision No. 71035 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 27th day of March, 1968.
ls

(Decision No. 71087)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT HOELSKEN AND LEONARD AMATO,)
DOING BUSINESS AS "ACTIVE RUBBISH)
SERVICE," 88 SOUTH INGALLS STREET,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22359-Amended

March 27, 1968

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicants herein sought a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of ashes, trash and other waste material within the Counties of Adams, Arapahoe, Jefferson and Boulder, State of Colorado, to regularly designated dumps within said Counties.

Said application was regularly set for hearing before the Commission at 10:00 o'clock A.M., April 8 to 12, 1968, inclusive, at 507 Columbine Building, Denver, Colorado.

The Commission is now in receipt of a communication from David D. Mulligan, one of the Attorneys for the Applicants, stating that said Applicants no longer desire 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:

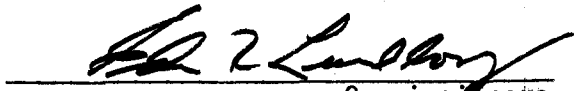
That hearing of Application No. 22359-Amended, set for 10:00 o'clock A.M., April 8 to 12, 1968, inclusive, at 507 Columbine Building, Denver, Colorado, be, and the same hereby is, vacated.

That said Application No. 22359-Amended be, and the same hereby is, dismissed, upon request of Applicants 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 27th day of March, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED CHARTER COACH CHARGES)
COLORADO MOTORWAY, INC., COLORADO)
TRANSPORTATION COMPANY d/b/a ROCKY)
MOUNTAIN MOTOR COMPANY, NATIONAL BUS)
TRAFFIC ASSOCIATION, INC., AGENT,)
CHARTER COACH TARIFF NO. A-405,)
COLORADO PUC NO. 145)
-----)

Investigation and Suspension
Docket No. 606

March 26, 1968

STATEMENT AND FINDINGS

BY THE COMMISSION:

On February 23, 1968, the National Bus Traffic Association, Inc., Agent, P. J. Campbell, Chairman, 506 So. Wabash Avenue, Chicago, Illinois, filed 4th revised page B-1 to Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145, on behalf of Colorado Motorway, Inc., Colorado Transportation Company d/b/a Rocky Mountain Motor Company, making changes in Exception 1, scheduled to become effective April 1, 1968, resulting in increased charges for intrastate charter coach movements within the State of Colorado. The increased charges 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.

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 it shall enter upon a hearing concerning the lawfulness of the increased charges resulting from the changes published in 4th Revised Page B-1 of National Bus Traffic Association, Inc., Agent, Charter Coach Tariff No. A-405, Colorado PUC No. 145.

3. That the operation of said schedules, 4th Revised page B-1 of Charter Coach Tariff No. A-405, Colorado PUC No. 145, be, and it is hereby, suspended and the use thereof deferred to and including July 24, 1968, unless otherwise ordered by the Commission.

4. That 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. That 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.

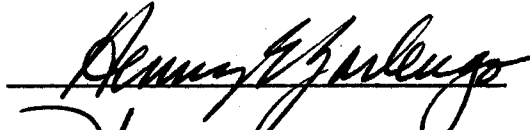
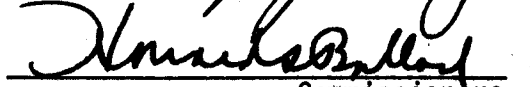
6. That a copy of this order shall be filed, with the schedules, in the office of the Commission, and that a copy thereof be served upon P. J. Campbell, Chairman, National Bus Traffic Association, Inc., Agent, 506 South Wabash Avenue, Chicago, Illinois, and that said carrier party thereto be, and hereby is, made respondent in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the schedule referred to herein.

7. That fourteen (14) days prior to the hearing date herein, respondents 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. That this Investigation and Suspension Docket No. 606 be, and the same hereby is, set for hearing before the Commission on

the 16th day of May, 1968, at 10:00 o'clock a.m., in the Hearing Room of the Commission, Room 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this
26th day of March, 1968. av

Commissioner Edwin R. Lundborg
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
L. E. Thurman)
2238 Patrician Way)
Colorado Springs, Colorado 80909)

AUTHORITY NO. M-10458
CASE NO. 2723-M-Ins.

March 27, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 27, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

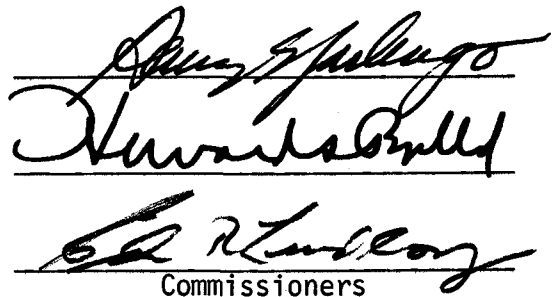
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
27th day of March 1968 .

(Decision No. 71090)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PACKAGE DELIVERY SERVICE CO., 2127)
ARAPAHOE STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22690-Amended

March 27, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Package Delivery Service Co., the Applicant herein, by its attorneys, filed a Petition for reopening for limited purpose of permitting any and all protest by Mrs. Anna Gasparetti, formerly doing business as "City Storage and Transfer Company," and now doing business under the trade name of "The Tri-C Storage Company," in the above-captioned proceeding, and caused copies of said Petition to be served by mail upon parties of record in this proceeding.

The Commission has carefully considered said Petition of Package Delivery Service Co. for reopening for limited purpose and good cause appearing therefore, the Commission states and finds that the matter should be reopened for the limited purpose of receiving any evidence in protest that may be presented in behalf of The Tri-C Transfer and Storage Company, Walsenburg, Colorado, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

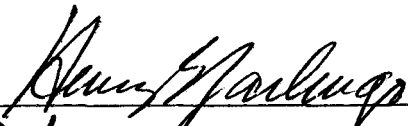
That the Petition of Package Delivery Service Co. for reopening for limited purpose for the receiving of any evidence in protest that may be presented in behalf of The Tri-C Transfer and Storage Company, Walsenburg,

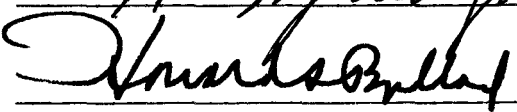
Colorado, and for no other purpose, be, and the same hereby is, granted.


That said hearing is hereby set for Monday, April 29, 1968, commencing at 10:00 o'clock A.M., at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That a copy of this Order be directed to The Tri-C Transfer and Storage Company, Walsenburg, Colorado; the Applicant, and such other parties that have made an appearance in this matter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 27th day of March, 1968.
ls

(Decision No. 71091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORMAN LEE McVAY AND DONALD BRYCE)
McVAY, DOING BUSINESS AS "McVAY BROS.)
TRANSFER," 3625 KLINE, WHEATRIDGE,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC)
NO. 3946.)

APPLICATION NO. 22939-Extension

March 28, 1968

Appearances: Robert A. Lehman, Esq., Denver,
Colorado, for Applicant;
John P. Thompson, Esq., Denver,
Colorado, for Denver Climax
Truck Line, Inc., Protestant;
Joseph F. Nigro, Esq., Denver,
Colorado, for United States
Transfer & Storage Co., Hoffman
Transfer, Weicker Transfer &
Storage Co., Acme Delivery
Service, Inc., and Murph's
Express, Protestants.

STATEMENT AND FINDINGS OF FACT

On March 4, 1968, the Commission entered Decision No. 70968
in the above-entitled matter.

On March 21, 1968, "Motion for Rehearing," was filed with
the Commission by Applicants by Robert A. Lehman, attorney for the
Applicants.

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

O R D E R

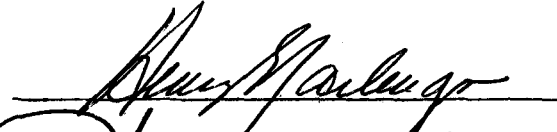

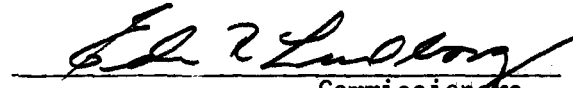
THE COMMISSION ORDERS:

That "Motion for Rehearing," filed with the Commission by

Applicants herein, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LITTLE PERCENT, INC., P.O. BOX)
2003, ASPEN, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 1681)

APPLICATION NO. 22588 - Extension
SUPPLEMENTAL ORDER

March 28, 1968

Appearances: David Butler, Esq., Denver, Colorado
for Little Percent, Inc., the Applicant;
William A. Baker, Esq., Colorado Springs,
Colorado, for San Juan Tours, Inc., doing
business as Glenwood-Aspen Stages,
Protestant;
John R. Barry, Esq., Denver, Colorado
for Continental Bus Systems, Inc.
(Rocky Mountain Lines Division), and
Walter M. Simon, Esq., Denver, Colorado,
for Airport Limousine Service, Inc.

STATEMENT AND FINDINGS

On February 16, 1968, Decision No. 70896, and as amended on
March 8, 1968, Decision No. 70997, the Commission authorized extension
of operations under PUC No. 1681.

The Commission is now in receipt of a request from the
applicant requesting extension of time for filing the Tariff and Time
Schedule. The Applicant states that, due to pressing business and
the reissue of his present tariff, an additional thirty (30) days,
or until April 30, 1968, is needed.

Upon consideration of said request, the Commission states
and finds that said request should be granted as set forth in the
Order following.

O R D E R

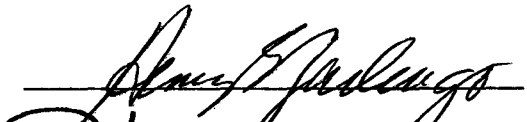
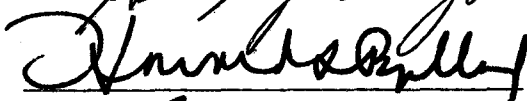
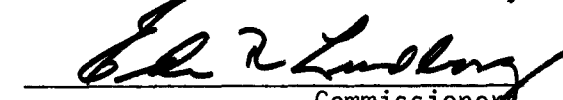
THE COMMISSION ORDERS:

1. That Little Percent, Inc., be, and hereby is, granted
an extension of an additional period of time with which to file a

Tariff and Time schedule, as set forth in Decision No. 70896, to, and only to, April 30, 1968.

1. That, except as herein amended, said Decision No. 70896 and Decision No. 70997 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado, this
28th day of March, 1968. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MINTA CARLSON, ESTHER BAKER, BEATRICE)
ASHER AND GENEVIEVE HUIZENGA 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. 23026

March 29, 1968

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

S T A T E M E N T

BY THE COMMISSION:

This is an application by Minta Carlson 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 maps identified as Exhibits A-1, A-2, A-3, A-4, attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on March 25, 1968, at 2:00 o'clock P.M., in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was heard on a consolidated record with Application No. 23027.

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 621 customers

now receive electric service. Of the 621 customers, signatures were obtained of 430, or a percentage of 69.2% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-24 respectively. 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 191 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mrs. Minta Carlson. Mrs. Carlson 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, vandalism and accidents 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 seven other interested persons who are residents of the area.

Mr. D. D. 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. 2 - Electric, Fourth

Revised Sheet No. 75, Second Revised Sheet No. 75 A and Second Revised Sheet No. 75B.

The proposed street lighting system was estimated to cost \$19,800 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. 2 - Electric, Fourth Revised Sheet No. 75, Second Revised Sheet No. 75A and Second revised Sheet No. 75B, now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately 106 in number, shall be installed as required in the areas described respectively as Pleasant View, Segment Nos. 1, 2, 3 and 4 as follows:

PLEASANT VIEW, SEGMENT NO. 1

Beginning at the intersection of the southerly extension of the east lot line of the lot numbered as 16395 Mount Vernon Road with the centerline of Mount Vernon Road; thence in a southwesterly direction along said centerline to the intersection with a southerly extension of the east lot line of the lot numbered as 16785 Mount Vernon Road; thence north to the northeast corner of the lot numbered as 860 Salvia Street; thence west across Salvia Street, continuing along the south lot lines of the lots on the south side of West

9th Avenue between Salvia Street and Ulysses Street to the centerline of Ulysses Street; thence north along the centerline of Ulysses Street to the intersection with the westerly extension of the north property line of the Golden Substation; thence east to the northeast corner of the Golden Substation property; thence south to the northwest corner of the lot numbered as 17055 West 10th Avenue; thence east to the southwest corner of the lot numbered as 1045 Terry Street; thence north along west lot lines of the lots on the west side of Terry Street, continuing across West 12th Avenue to the northwest corner of the lot numbered as 17005 West 12th Avenue; thence east along the north lot lines of the lots on the north side of West 12th Avenue to the southeast corner of the lot numbered as 16910 South Golden Road; thence north to the centerline of said last-named road; thence in a southeasterly direction along the centerline of South Golden Road to the intersection with the southerly extension of the west lot line of the lot numbered as 16925 South Golden Road; thence north to the northwest corner of said last-named lot; thence in a southeasterly direction to the northeast corner of the lot numbered as 16725 South Golden Road; thence south to the northwest corner of the lot numbered as 16655 South Golden Road; thence east to the northeast corner of said last-named lot; thence south to the northwest corner of the lot numbered as 16611 South Golden Road; thence east to the northeast corner of the lot numbered as 16601 South Golden Road; thence south along the east lot line of said last-named lot, continuing to the centerline of South Golden Road; thence in a southeasterly direction along said last-named centerline to the intersection with the northerly extension of the east lot lines of the lots on the east side of Roger Street; thence south along said last-named east lot lines to the intersection with the rear lot lines of the lots located on the north side of West 11th Avenue; thence east along said last-named rear lot lines and continuing south and east along the east and north lot lines, respectively, of the two unnumbered lots at the northeast corner of the intersection of West 11th Avenue and Quartz Street; thence south along the rear lot lines of the lots on the east side of Quartz Street to the intersection with a westerly extension of the north lot line of the lot numbered as 16405 West 10th Avenue; thence east along said last-named extension line, continuing across Quaker Street to the northeast corner of the lot located on the northeast corner of the intersection of Quaker Street and West 10th Avenue; thence south along the east lot line of said last-named lot, continuing across West 10th Avenue to the southeast corner of the lot numbered as 930-950 Quaker Street; thence west to the northeast corner of the lot numbered as 16395 Mount Vernon Road; thence south along the east lot line of said last-named lot to the point of beginning.

PLEASANT VIEW, SEGMENT NO. 2

Beginning at the southeast corner of the lot located on the southeast corner of the intersection of Moss Street and West 9th Avenue, west along the south lot line of said lot, continuing across Moss Street to the southwest corner of the lot numbered as 15790 West 9th Avenue; thence south to the southeast corner of the lot numbered as 15810 West 9th Avenue; thence west to the east lot line of the lot on Nile Street

adjacent to the south of the lot numbered as 15810 West 9th Avenue; thence south along the east lot lines of the lots on the east side of Nile Street to the centerline of U. S. Highway 40; thence in a southwesterly direction to the intersection with the southerly extension of the west lot line of the lot numbered as 805 Nile Street; thence north along last-said west lot line to approximately its midpoint, which point corresponds to the southeast corner of a lot adjacent to the west of the lot numbered as 805 Nile Street; thence west from said last-named point to the southwest corner of the lot numbered as 815-815½ Noble Court; thence north to the southeast corner of the lot numbered as 840 Orion Street; thence west and across Orion Street to the southwest corner of the lot numbered as 835 Orion Street; thence north along the west lot lines of the lots on the west side of Orion Street to the centerline of Mount Vernon Road; thence in a northeasterly direction along said last-named centerline to the intersection with the northwesterly extension of the north lot lines of the lots numbered as 1015, 1020, and 1035 Orchard Street; thence in a southeasterly direction along said last-named extension line to the northeast corner of the lot immediately adjacent to the east of the lot numbered as 1020 Orchard Street; thence easterly along the north edge of a designated cul-de-sac to the northwest corner of a lot which is immediately adjacent to the west of a lot numbered as 1015 Nile Street; thence east along the north lot lines of said last-named lots, continuing across Nile Street and Moss Street to the northeast corner of the lot numbered as 1010 Moss Street; thence south to the centerline of West 10th Avenue; thence east along said last-named centerline to the intersection with the northerly extension of the east lot lines of the lots on the east side of Moss Street; thence south along said last-named east lot lines, continuing across West 9th Avenue to the point of beginning.

PLEASANT VIEW, SEGMENT NO. 3

Beginning at the intersection of the east lot line of the lots on the east side of Isabel Street and the north line of the West 6th Avenue - U. S. 6 right-of-way, west along said right-of-way line to the intersection with the west lot lines of the lots on the west side of Loveland Street; thence north along said west lot lines, continuing across West 7th Avenue to the northwest corner of the lot numbered as 745 Loveland Street; thence east along the north lot line of said last-named lot to the centerline of Loveland Street; thence north along said last-named centerline to the intersection with a westerly extension of the north lot line of the lot numbered as 760 Loveland Street; thence east along said last-named extension line to the northeast corner of said last-named lot; thence north to the northwest corner of the lot numbered as 785 Kilmer Street; thence east along the north lot line of said last-named lot to the centerline of Kilmer Street; thence south along said last-named centerline to the intersection with a westerly extension of the north lot line of the lot numbered as 780 Kilmer Street; thence east along said last-named extension line to the northeast corner of said last-named lot; thence south to the northwest corner of the lot numbered as 759 Kendrick Street; thence east along the north lot line of said last-named lot to the centerline of Kendrick Street; thence north along said last-named centerline to the intersection with the westerly extension of the north lot line of the lot numbered

as 780 Kendrick Street; thence east along said last-named extension line to the northeast corner of said last-named lot; thence north along the west lot lines of the lots on the west side of Juniper Street to the intersection with the Interstate 70 right-of-way; thence in a northeasterly direction along said last-named right-of-way to the intersection with the westerly extension of the north lot lines of the lots numbered as 15045, 15025, and 15005 West 9th Avenue; thence east along said last-named extension line continuing across Juniper Street and to the northeast corner of the lot numbered as 15005 West 9th Avenue; thence south to the southeast corner of said last-named lot; thence east to the northeast corner of the lot numbered as 830 Joyce Street; thence south to the northwest corner of the lot numbered as 15015 West 8th Avenue; thence east to the northeast corner of the lot numbered as 14975 West 8th Avenue; thence south along the east lot line of said last-named lot to the centerline of West 8th Avenue; thence east along said last-named centerline to the intersection with a northerly extension of the east lot line of the lot numbered as 14998 West 8th Avenue; thence south along said last-named extension line, continuing along the east lot lines of the lots located on the east side of Isabel Street, across West 7th Avenue, and continuing along the east lot lines of the lots located on the east side of Isabel Street to the point of beginning.

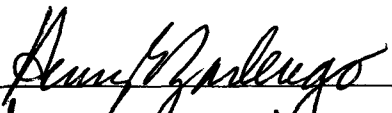
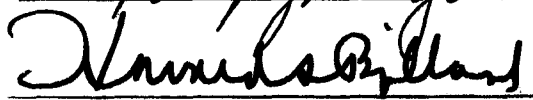
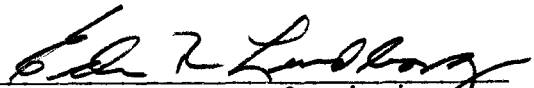
PLEASANT VIEW, SEGMENT NO. 4

Beginning at the intersection of the centerlines of Noble Street and South Golden Road, in a northwesterly direction along the centerline of the said South Golden Road to the intersection with the southerly extension of the rear lot lines of the lots numbered as 1145, 1175, 1185, 1195 Pike Street; thence north along said rear lot lines; thence in a continued northerly direction across West 13th Avenue to the southeast corner of the lot numbered 16270-16280 West 14th Avenue; thence west along the south lot lines of the lots on the south side of West 14th Avenue, continuing across Quaker Street to the southwest corner of the lot numbered 1325 Quaker Street; thence north to the northwest corner of said last-named lot; thence west to the southwest corner of the lot numbered 1377 Quaker Street; thence north to the northwest corner of said last-named lot; thence east to the centerline of Quaker Street; thence north along said last-named centerline to the intersection of the westerly extension of the north lot line of the lot numbered as 1400-1402 Quaker Street; thence east along the north lot line of said last-named lot, continuing along the north lot lines of the lots numbered 16341-16351, 16301-16311, and 16271-16281 West 14th Avenue to the northeast corner of said last-named lot; thence north to the intersection of the westerly extension of the north lot lines of the lots on the north side of West 14th Place between Pike Street and Nile Street; thence east along said last-named extension line across Pike Street, continuing along said last-named north lot lines and continuing across Nile Street to the northeast corner of the lot numbered as 1490 Nile Street; thence south along the east lot line of said last-named lot, continuing along the east side of Moss Street and along the east lot line of the lot numbered as 15700 West 13th Avenue to the southeast corner of said last-named lot; thence west along the south lot line of said last-named lot to the northeast corner of the lot numbered as 1290 Nile Street; thence south along east lot line

of said last-named lot to the southeast corner of the unnumbered lot located on the northeast corner at the intersection of Nile Street and West 12th Avenue; thence west to the southwest corner of said last-named unnumbered lot; thence south to the northernmost point of the lot numbered as 15865 West 11th Place; thence in a southeasterly direction to the easternmost point of the lot numbered as 15875 West 11th Place; thence in a southwesterly direction 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 29th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MRS. RICHARD WATKINS, MRS. VERNE)
COLEMAN AND MRS. RICHARD TOCZEK 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)
ARAPAHOE COUNTY.)

APPLICATION NO. 23027

March 29, 1968

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

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mrs. Richard Watkins 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 Arapahoe 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 March 25, 1968, at 2:00 o'clock P.M., in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was heard on a consolidated record with Application No. 23026.

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 275 customers

now receive electric service. Of the 275 customers, signatures were obtained of 241, or a percentage of 87.6% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-9 respectively. 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 34 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. Richard Watkins. Mr. Watkins 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 five other interested persons who are residents of the area.

Mr. D. L. 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. 2 -

Electric, Fourth Revised Sheet No. 75, Second Revised Sheet No. 75A and Second Revised Sheet No. 75B.

The proposed street lighting system was estimated to cost \$6,082 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. 2 - Electric, Fourth Revised Sheet No. 75, Second Revised Sheet No. 75A and Second Revised Sheet No. 75B, now existing or as it may be changed under the rules of this Commission, or according to law.


That street lights, approximately 34 in number, shall be installed as required in the area described as follows:

Beginning at the southeast corner of the lot numbered as 5481 South Sherman Street, in a southwesterly direction along the south lot line of said last-named lot to the southernmost point on the south lot line of the lot numbered as 5461 South Sherman Street; thence in a northwesterly direction along rear lot lines of the lots located on the south side of South Sherman Street to the southernmost point of the southwest lot line of the lot numbered as 180 East Centennial Avenue; thence continuing in a northwesterly direction along the southwest lot lines of the lots located on the south side of East Centennial Avenue to the intersection with the south side of said last-named avenue; thence northerly to the centerline of said last-named avenue; thence

easterly along said last-named centerline to the intersection with the southwesterly extension of the northwest lot line of the lot numbered as 155 East Centennial Avenue; thence in a northeasterly direction along said last-named lot line to the northernmost point of said last-named lot line; thence northerly along the west lot lines of the lots located on the west side of South Sherman Street, continuing to the centerline of East Belleview Avenue; thence east along said last-named centerline to the intersection with the northerly extension of the east lot lines of the lots located on the east side of South Washington Street; thence south along said last-named east lot lines, continuing across South Logan Street and continuing along said last-named east lot lines to the centerline of South Sherman Street; thence east along said last-named centerline to the intersection with the northerly extension of the east lot line of the lot numbered as 5481 South Sherman Street; thence south along said last-named east lot line 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 29th day of March, 1968.

ls

(Decision No. 71095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)
OF COWBOY VAN LINES, INC., 3722) PUC NO. 3741
CHESTNUT PLACE, DENVER, COLORADO.) PUC No. 7024-I

March 29, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder requesting authority to do business under the trade name and style of Cowboy Van Lines, Inc., doing business as "Cowboy Van Lines, Inc. and Cowboy Trash Disposal System, Inc.," in the conduct of operations under PUC No. 3741 and PUC No. 7024-I.

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

O R D E R


THE COMMISSION ORDERS:

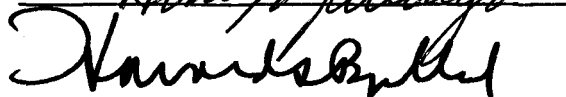
That Cowboy Van Lines, Inc., be, and hereby is, authorized to conduct operations under the trade name and style of Cowboy Van Lines, Inc., doing business as "Cowboy Van Lines, Inc. and Cowboy Trash Disposal System, Inc.," in the conduct of operations under PUC No. 3741 and PUC No. 7024-I, and that the Secretary of the Commission be, and hereby is,

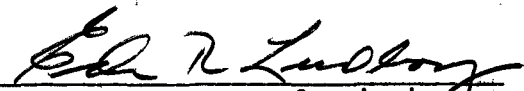
directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 29th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MODERN TRAILER SALES, INC., 3130)	
ELIZABETH STREET, PUEBLO, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CONVEN-	)	<u>APPLICATION NO. 23001</u>
IENCE AND NECESSITY TO OPERATE AS A)	
COMMON CARRIER BY MOTOR VEHICLE FOR)	
HIRE.)	

March 29, 1968

Appearances: Warren W. Lattimer, Esq., Pueblo, Colorado, and John Naylor, Esq., Pueblo, Colorado, for Applicant;
Harold D. Torgan, Esq., Denver, Colorado, for National Trailer Convoy, Inc.; Transit Homes, Inc.; Rocky Mountain Mobile Home Trailer Service; McBride Auto Sales; Boulder Trailer Service; Mead Trailer Sales, Protestants;
Edward T. Lyons, Jr., Esq., Denver, Colorado, for Morgan Drive Away, Inc., Protestant;
Herbert M. Boyle, Esq., Denver, Colorado, for Eveready Freight Service, Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 8, 1968, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is a Colorado corporation duly authorized and existing under the laws of the State of Colorado.
2. Applicant holds no authority from this Commission, other than Permit M-5800.
3. Applicant has applied for the following authority:
"Transportation of house trailers (trailers which have been constructed and adapted for towing by passenger automobiles) and their contents on call and demand from point to point in that part of the State of Colorado lying south of the north boundary lines of the following Counties, to-wit: Cheyenne, Lincoln, El Paso, Teller, Park, Chaffee, Gunnison and Mesa, State of Colorado and to and from said points, from and to points in the State of Colorado."
4. Applicant has equipment, experience and net worth, 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. The above named Protestants presently render a transportation service which is entirely suitable and adequate in the area which Applicant proposes to serve.
7. Applicant failed to prove a particular present and special need for the service herein applied for.
8. The application should be denied.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order denying the application.

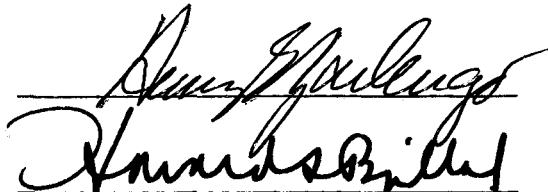
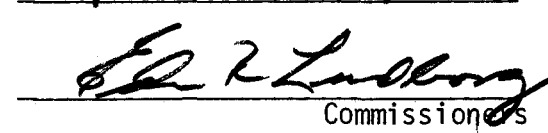
O R D E R

THE COMMISSION ORDERS:

That Application No. 23001, be, and the same hereby is,
denied.

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 March, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DENVER CLEAN-UP SERVICE, INC., 803)	
SOUTH JASON, DENVER, COLORADO, FOR)	<u>APPLICATION NO. 22155-Extension</u>
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AUTHORIZING EXTENSION)	
OF OPERATIONS UNDER PUC NO. 3343.)	

March 29, 1968

Appearances: James C. Perrill, Esq., Denver, Colorado, for Applicant;
 Leslie R. Kehl, Esq., Denver, Colorado, and
 William Andrew Wilson, Esq., Denver, Colorado, for Derby Disposal;
 Metropolitan Trash, Inc.; Ruben Lee; Industrial Disposal; Bestway Disposal; Golden Disposal; Mountain View; Vanish Rubbish Removal; Englewood-Littleton Rubbish Removal; Sunrise Disposal; Dalberg's Hauling Service; B & W Dispose-All Service; Derby Waste Disposal; Dick's Rubbish Removal; Arvada Rubbish Removal; Wheatridge Disposal Service; Aurora and East Denver Trash Disposal; A-Aurora Removal Service; Alex Gerlach & Son Disposal Company; Freddie's Rubbish Removal; Monarch Disposal Company; Lakewood Disposal, Incorporated; Ray's Ash & Trash Service; Broomfield Rubbish Removal; J & R Disposal Trash Co.; and Boulder Disposal, Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 5, 1968, the Commission entered Decision No. 70975 in the above-entitled matter.

On March 25, 1968, "Application for Rehearing," was filed with the Commission by the Applicant, Denver Clean-Up Service, Inc., by James C. Perrill, Attorney.

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 for Rehearing should be denied.

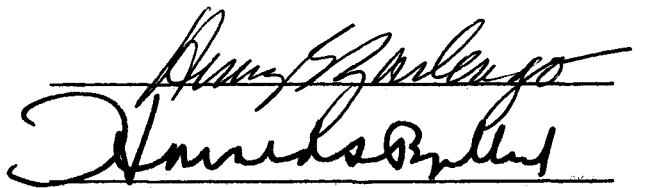

O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing filed with the Commission by the Applicant, Denver Clean-Up 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



Commissioner

Dated at Denver, Colorado,
this 29th day of March, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
E. T. ALLEN d/b/a)
E. T. ALLEN LOGGING)
BOX 752)
STEAMBOAT SPRINGS, COLORADO 80477)
-----)

PERMIT NO. B-7053

April 1, 1968

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.

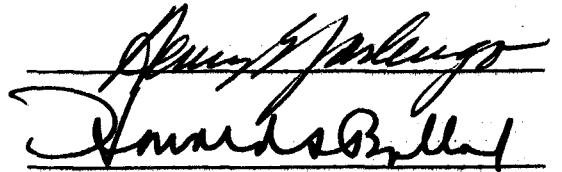
ORDER

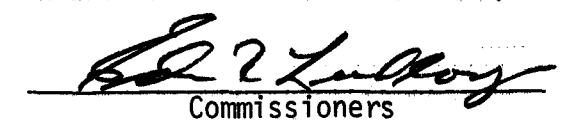
THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of March 22, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of April 1968

et

(Decision No. 71099)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY)
CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY UNDER CHAPTER)
115-9-4 (2) CRS 1963, FOR THE)
TEMPORARY OR SEASONAL MOVEMENT OF)
CORN, SMALL GRAINS, ENSILAGE AND)
ALFALFA.)

APPLICATION NO. 23110
EMERGENCY DISTRICT 2-68

April 1, 1968

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, small grains, ensilage and alfalfa in the Counties of Adams, Boulder, Logan, Larimer, Morgan and Weld, 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, small grains, ensilage and alfalfa in the counties as set forth above.

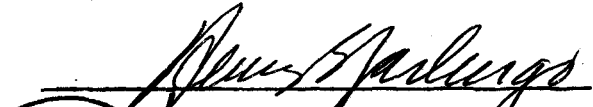


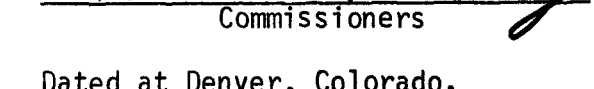
The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of corn, small grains, ensilage and alfalfa in the Counties of Adams, Boulder, Logan, Larimer, Morgan and Weld, Colorado, and that the present or future public convenience and 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.

ORDER

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, small grains, ensilage and alfalfa in only the Counties of Adams, Boulder, Logan, Larimer, Morgan and Weld, State of Colorado; provided, however, that said certificates shall be effective for only a period of ninety (90) days, commencing April 1, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1968.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AIR CARE, INC., A COLORADO CORPORA-)
TION, STAPLETON INTERNATIONAL AIR-)
PORT, FOURTH FLOOR - OLD TOWER,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. AC-47.)

APPLICATION NO. 22994-Extension

April 2, 1968

Appearances: Harold E. Fielding, Esq., Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Atlas Aviation,
Inc., Protestant;
Robert S. Wham, Esq., Denver,
Colorado, for Vail Airways, Inc.,
doing business as "Rocky Mountain
Aviation, Inc.," and Clinton
Aviation Co., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 26, 1967, the above-entitled application was filed re-
questing authority to extend operations under Certificate AC-47.

After due and proper notice to all interested persons, firms or
corporations, the application was heard by Robert L. Pyle -- duly designated
by the Commission as an Examiner for the purpose of conducting the hearing
on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2),
has transmitted to the Commission the record of the instant proceeding to-
gether with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that -- at the
hearing -- the herein application was protested by the carriers as indicated
in the Appearance section of this Decision.


The Examiner, in his filed report with the Commission, has recom-
mended, pursuant to motion duly made at the commencement of the hearing by
the Applicant, that the herein application be dismissed.


O R D E R

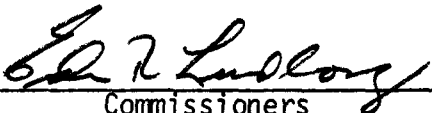
THE COMMISSION ORDERS:

That Application No. 22994-Extension be, and the same is hereby,
dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 1968
et

(Decision No. 71101)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY E. SCHNURR, 927 OLD DUTCH)
MILL ROAD, COLORADO SPRINGS, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23000-PP

April 2, 1968

Appearances: Gary E. Schnurr, Colorado
Springs, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 3, 1968, the above-entitled application was filed re-
questing authority to operate as a Class "B" private carrier by motor vehicle
for hire for the transportation service as specifically set forth in said
application.

After due and proper notice to all interested persons, firms or
corporations, the application was heard by Robert L. Pyle -- duly designated
by the Commission as an Examiner for the purpose of conducting the hearing on
said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2),
has transmitted to the Commission the record and exhibits of the instant
proceeding together with a written statement of his Findings of Fact and
Conclusions.

The record transmitted by the Examiner discloses that no one
appeared at the hearing to intervene or to protest the granting of the author-
ity as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclu-
sions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points.

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

ORDER

THE COMMISSION ORDERS:

That Gary E. Schnurr, Colorado Springs, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials.

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

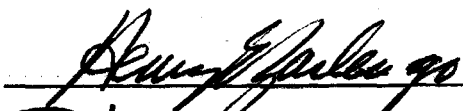
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

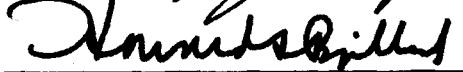
That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DICK DEARMIN AND JOSEPH DEARMIN,)
DOING BUSINESS AS "DEARMIN BROS.)
EXCAVATING CO.," 8040 KNOX COURT,)
WESTMINSTER, COLORADO, FOR AUTHORITY)
TO TRANSFER PERMIT NO. B-6842 TO)
DEARMIN BROS. EXCAVATING, INC., 8040)
KNOX COURT, WESTMINSTER, COLORADO.)

APPLICATION NO. 23043-PP-Transfer

April 2, 1968

Appearances: William Pehr, Esq., Westminster,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 17, 1968, the above-entitled application was filed requesting authority to transfer Permit No. B-6842.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Transferor is a partnership which is transferring this authority to the Transferee, a Colorado corporation, which is owned and operated by the former partners.
2. Transferor herein is the present owner and operator of Permit No. B-6842, which is the subject of this proceeding.
3. This authority has been continually operated in the past and is presently in good standing with the Commission.
4. Transferee herein holds no previously granted authority from this Commission.
5. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
6. The Permit is free and clear of any debts, encumbrances or obligations.
7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. 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.
9. 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.
10. 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.
11. The Transfer will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to Permit No. B-6842 to Dearmin Bros. Excavating, Inc., and that henceforth the full and complete authority under said Permit No. B-6842 shall read as follows, to-wit:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways;

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of twenty (20) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of twenty (20) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of twenty (20) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of twenty (20) miles of said pits and supply points;

Restricted:

Against the use of tank vehicles."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Dick Dearmin and Joseph Dearmin, doing business as "Dearmin Bros. Excavating Co.," Westminster, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Permit No. B-6842 to Dearmin Bros. Excavating, Inc., Westminster, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Permit No. B-6842 shall read and be as follows, to-wit:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of twenty (20) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of twenty (20) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of twenty (20) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of twenty (20) miles of said pits and supply points.

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials.

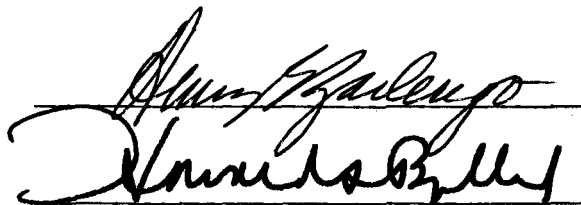
That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

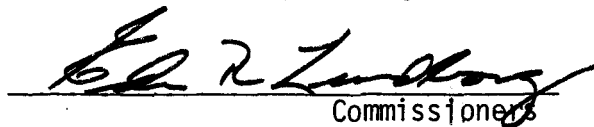
The right of transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Hesse Carriage Company)
6700 St. John)
Kansas City, Missouri 64125)

AUTHORITY NO. M-13663
CASE NO. 2827-M-Ins.

April 2, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1968 , 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.



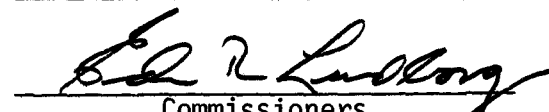
O R D E R

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 April 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 15TH STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY FOR THE CONSTRUC-)
TION, OPERATION AND MAINTENANCE OF A)
330 MW ELECTRIC GENERATING PLANT TO)
BE KNOWN AS THE FORT ST. VRAIN)
NUCLEAR GENERATING STATION, NEAR)
PLATTEVILLE, COLORADO, TOGETHER WITH)
A 230 KV TRANSMISSION LINE FROM SAID)
PLANT SITE TO A POINT NEAR BOULDER,)
COLORADO, AND A 230 KV TRANSMISSION)
LINE FROM SAID PLANT SITE TO A POINT)
NEAR FORT LUPTON, COLORADO.)

APPLICATION NO. 22803

April 2, 1968

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, by
Bryant O'Donnell, Esq., and
Robert F. Thompson, Esq., for
Applicant;
Miller & Ruyle, Esqs., Greeley, Colorado, by
David J. Miller, Esq., and
Robert A. Ruyle, Esq., for Union Rural
Electric Association, Inc.;
Raphael J. Moses, Esq., Boulder, Colorado, and
John J. Conway, Esq., Denver, Colorado, for
Tri-State Generation and Transmission
Association, Inc.;
V. G. Seavy, Jr., Esq., Denver, Colorado, and
Edward L. Carey, Esq., Washington, D. C. for
International Union, United Mine Workers
of America;
Robert O. Marritz, Esq., Washington, D. C. and
Victor B. Grandy, Esq., Denver, Colorado, and
Tom Bonar, Broomfield, Colorado, for
Colorado Electric Consumers Association,
Inc.;
Eugene R. Weiner, Denver, Colorado, for
Colorado Open Space Coordinating Council, Inc.;
Elbridge G. Burnham, Denver, Colorado,
Individually;
E. R. Thompson, Denver, Colorado, and
Paul M. Brown, Denver, Colorado, and
J. M. McNulty, Denver, Colorado, of the
Staff of the Commission;
Robert Lee Kessler, Esq., Denver, Colorado, and
Robert L. Pyle, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado, for
the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On September 14, 1967, Public Service Company of Colorado (Applicant) filed with the Commission, pursuant to Section 115-5-1 Colorado Revised Statutes 1963, its Application for a Certificate of Public Convenience and Necessity for the construction, operation and maintenance of a 330 mw* electric generating plant, which is to be known as the "Fort St. Vrain Nuclear Generating Station," near Platteville, Colorado, together with a 230 kv transmission line from said plant site to a point near Boulder, Colorado, to connect with Applicant's central station transmission system and a 230 kv transmission line from said plant site to a point near Fort Lupton, Colorado, to connect with Applicant's central station transmission system.

The application was set for initial hearing commencing on November 8, 1967, at 9:00 o'clock A.M. in the Commission Hearing Room, 532 State Services Building, Denver, Colorado.

Petitions to intervene or protests were filed by Union Rural Electric Association, Inc. (Union), Tri-State Generation and Transmission Association, Inc. (Tri-State), United Mine Workers of America (UMW), Colorado Electric Consumers Association, Inc., and Elbridge G. Burnham. In addition, the Colorado Open Space Coordinating Council, Inc., filed a statement, although it did not seek leave to formally appear as a party.

Hearings on the application were held before the Commission on November 8 and 9, 1967, and February 7 and 13, 1968.

Prior to the conclusion of taking testimony before the Commission, both Union and Tri-State, through their respective attorneys, indicated that they were satisfied that the construction of the proposed generating plant and transmission lines would not adversely affect the systems of either of said public utilities.

* 1000 watts = 1 kilowatt (kw)

1,000,000 watts = 1 megawatt (mw)

The plant site upon which Applicant proposes to construct, operate and maintain its Fort St. Vrain plant and related facilities is situated in Weld County approximately 35 miles north of the City and County of Denver and three miles to the northwest of the Town of Platteville. It is located at the confluence of the South Platte River and St. Vrain Creek, and is bordered on the west, north and east by the two water courses. The area of the plant site acquired by Applicant is approximately 2200 acres and its size and shape were largely dictated by water acquisition requirements and private property ownership boundaries.

Applicant, in selecting the proposed plant site, took into consideration factors such as the availability of water for cooling and other purposes, the proximity of a major railroad and highway, the proximity to Applicant's load center in the Denver area and the proximity to existing transmission facilities, as well as Atomic Energy Commission (AEC) regulations pertaining to the location of Nuclear Power Plants.

The Fort St. Vrain Nuclear Generating Station is designed to produce a net electrical output of 330 mw. The reactor design utilizes many of the same fundamental principles that form the basis of the 40 mw (e)* High Temperature Gas-Cooled Reactor (HTGR) at Peach Bottom, Pennsylvania, now in commercial operation on the system of Philadelphia Electric Company. Heat is produced by fission in the HTGR utilizing a uranium-thorium fuel cycle. Graphite is used for the moderator, fuel cladding, core structure, and reflector, and helium is the primary coolant. The turbine generating plant design is, in general, conventional, utilizing 2400 p.s.i., 1000⁰ F. superheated and 1000⁰F. reheated steam.

The Fort St. Vrain Nuclear Generating Station will be interconnected to the central system of Applicant by the construction of a single circuit 230 kv line from the plant site to the Valmont Station of Applicant adjacent

(e)*= electric

to the City of Boulder, Colorado, and by the construction of a double circuit 230 kv transmission line from the plant site to interconnect with the 230 kv transmission system of the Applicant at a point adjacent to the City of Fort Lupton, Colorado.

The conductor size will be 954 MCM ACSR. The transmission line towers will be constructed of steel, and the portion of the transmission line from the proposed plant site to Valmont will be designed as a double circuit steel tower with a single circuit initially installed. This will leave provision for the addition of a second circuit at a later date as generating and load requirements dictate.

Portions of the transmission lines will pass through areas certificated to Union REA. However, Applicant does not propose to render service to any customers within that area from the transmission lines to be constructed. The proposed transmission lines will not pass through any areas certificated to any other public utility.

The estimated cost of the transmission line from the proposed plant site to Valmont is estimated to be \$2,200,000, and the cost from the proposed plant to Fort Lupton is estimated to be \$1,200,000. The cost of the transmission line and related facilities will be the same whether electricity is generated through the use of nuclear or the use of fossil fuel.

Under date of July 1, 1965, Applicant entered into a contract with General Dynamics Corporation through its General Atomic Division (General Atomic) for the construction of the proposed plant, and under said date also entered into a contract with said company to supply the nuclear fuel for the proposed plant during the first 8 years of its operation at a base price of 1.6 mills per kwh. The 1.6 mills is divided as follows:

- 1.1 mills of the base price is not subject to escalation,
- .25 mills is subject to escalation according to an index of material prices, and
- .25 mills is subject to escalation according to an index of labor costs.

On November 1, 1967, the obligations, rights and duties of General Atomic were assigned to Gulf General Atomics, a wholly-owned subsidiary of

the Gulf Oil Company. In the remainder of this decision, that company will be generally referred to as Gulf General Atomics.

All the rights and responsibilities of the parties concerned are set forth in the Plant & Fuel Agreements and the so-called three-party agreement which are all part of the record herein.

The Plant Agreement, inter alia, provides for a "turn-key" base price of \$37,700,000, for which the Applicant will be provided with the plant and all warranties associated with it as required by the Plant Agreement. The base price is subject to escalation as is a standard practice in most contracts.

The Plant Agreement further calls for commercial operation of the plant on October 1, 1971, and recognizes in the warranty provision of the agreement that the plant is required for Applicant's use in 1972 and contains provisions for the assessment of damages if the plant is not in commercial operation by March 31, 1972.

While the Plant Agreement calls for commercial operation of the facilities not later than March 31, 1972, the Plant Agreement also requires the operation of the Plant at its rated capacity for a considerable period of time prior to its acceptance by Applicant. The testing must demonstrate that the proposed plant meets its design rating and will operate as a reliable source of base-load power on Applicant's system.

Under the Fuel Agreement, Gulf General Atomics has the responsibility to provide the fuel for the plant during the start-up and testing, and during the first eight years of commercial operation. At the end of the first eight years of commercial operation, Applicant will purchase Gulf General Atomics' interest in the fuel elements and Applicant is granted an option to purchase additional fuel at an agreed-upon price for the following five years, which gives Applicant a guaranteed fuel source at a contract price through the first 13 years of commercial operation of the plant. However, during the option period of five years the fuel price may be escalated by applying the material and labor indices mentioned to 90% of the base price. Since fuel

elements have an expected useful life of 6 years, the fuel supply provided for under the Fuel Agreement will actually extend over a longer period than the basic 13-year term. The Commission finds that the Applicant, by resorting to a new and different type of fuel, i.e. nuclear fuel, will not be placing itself in the position of a captive customer for such fuel to the detriment of the public interest in the future.

Applicant proposes to finance the construction, operation and maintenance of its proposed plant and transmission lines, as well as its related facilities, in the same manner that it finances any other construction. Applicant will generate approximately 50% of the monies required from internal sources, primarily depreciation and retained earnings, and the balance will be financed by outside financing through the sale of some type of securities such as first mortgage bonds, preferred stocks, common stocks, or a combination of all such securities. Any such sale of securities will be a part of Applicant's general financing for all of its construction, operation and maintenance needs during the next 5 years.

Applicant has been an active participant in studies of the application of nuclear energy to central station generation since the year 1954 when the Atomic Energy Act was amended to permit private industry to participate in the development and utilization of nuclear energy for the generation of electrical power. Applicant has also actively participated in the experimental and development processes of the utilization of nuclear power in the 40,000 electrical kw high temperature gas-cooled reactor known as the Peach Bottom Plant now in commercial operation on the system of Philadelphia Electric Company.

In connection with the studies and development of the utilization of nuclear power for electrical generation, personnel of Applicant have received specialized training and experience, both in privately-owned and governmentally-owned nuclear facilities.

With respect to the question of the technical ability of the Applicant to operate and maintain the proposed plant, the record does not

disclose any evidence which would question the ability of Applicant to discharge this element of its public responsibility. Applicant has been engaged in a training program to train and educate engineering and technical employees as well as a number of plant operators so that they will be qualified to operate a plant of this nature. Additionally, any operator who will operate the reactor must obtain a permit from the Atomic Energy Commission.

Applicant has historically been one of the leaders in the development and utilization of new, different, and, at the time, experimental generating and transmission facilities. Examples are the development of high altitude transmission lines, one of which, at the time of construction was the highest transmission line in the world; the development and construction of a hydroelectric generating facility, which, at the time of construction, utilized one of the highest heads of water pressure in the United States and possibly the world; and the development and construction of its high altitude pumped storage project known as the Cabin Creek Pumped Storage facility.

It is in the public interest that public utilities such as Applicant should participate in the research and development of advanced design electric facilities which are intended to establish more reliable or more economical generation of electrical energy.

Electric power requirements of consumers in the United States have been steadily increasing in recent years, and the growth in electrical demand on the system of Applicant has followed this pattern. Applicant's evidence (Exhibit 2) establishes that in 1955 the maximum hour demand was 456,500 kw, while in 1965 the maximum hour demand was 1,018,000 kw, and by 1972 Applicant estimates its maximum hour demand will be approximately 1,664,000 kw. In the year 1972, without the construction of additional generating capacity, Applicant will have in service only 1,903,600 kw of generating capacity with which to meet its expected maximum demand which results in a generating reserve capacity of only approximately 239,600 kw. Good operating practice

requires any public utility to generally make provision for ample amounts of reserve generating capacity to provide for the contingency of the unscheduled loss of its largest unit during times of peak demand. (Cherokee Unit No. 4 is rated at 350 mw). In addition, reserve generating capacity is required to meet other unforeseen contingencies, including load requirements which may grow faster than anticipated. It is, therefore, abundantly clear from the record, and indeed it was not seriously contended to the contrary, that Applicant must construct additional generating capacity by the year 1972 if it is to have adequate capacity to meet its load requirements.

Before turning to the position and allegations of certain of the protestants and intervenors, we here observe that the record firmly discloses, and we so find, that public convenience and necessity requires the construction of additional generating capacity by Applicant prior to the end of the year 1972; that the Applicant is a financially sound public utility and has demonstrated its ability to finance the proposed generating plant and transmission lines which are the subject of this Application; and that Applicant is qualified and able to construct, operate and maintain such facility.

The position of the Intervenor raises the questions of the economic feasibility of the proposed plant, the health and safety of the public resulting from possible radiation hazards and, in addition, in the case of the UMW the loss of a potential market for coal production.

None of the above parties presented any substantive evidence attacking the economic feasibility of the facilities Applicant proposes to construct, although there was extensive cross-examination of Applicant's witnesses on this subject. The record demonstrates that the proposed nuclear plant can reasonably be expected to generate electrical energy at a cost at least comparable to the expected cost from a fossil-fueled plant. The Applicant also takes the position that there are other factors favoring the management decision to proceed in the construction of the nuclear plant. These factors are: contribution to the State of the art of nuclear generation; possible large savings in fuel costs since the

Applicant has a guaranteed source of supply at contract prices for nuclear fuel for a period in excess of 13 years and possibly may not be as subject to inflationary trends as would be other forms of fuel. A principal witness for the United Mine Workers stated that nuclear plants might represent possible advantages, and further testified that a substantial portion of future generating plants would be powered by nuclear energy.

It should be noted that economic feasibility of this plant as compared to a conventional fossil-fuel powered plant is dependent upon many factors which may possibly change in the future. While the cost factors involved in a conventional plant can be well established and the Applicant is experienced in the construction of such plants, a nuclear plant which will be the first one on Applicant's system and, for that matter, first of its size and kind in the world, may present problems in estimating future costs. An important element in this may be new safety requirements imposed by AEC over which Applicant may have no control or knowledge at this time, but which may nevertheless affect the construction and operating costs of the plant. New technological developments may also dictate modifications affecting the cost. The Applicant at this time has elected to construct a nuclear plant in lieu of a conventional fossil-fuel plant, yet the economics involved do not give a clear preponderance of the evidence in favor of the nuclear plant of any substantial nature. Authority to construct this generating plant as a nuclear powered plant rather than as a fossil-fuel powered plant will be ordered subject to the condition that the Commission may, in the future when rates or valuation are at issue, disallow portions of investment and operating expenses which are due to the fact that the plant is a nuclear powered plant rather than a fossil-fuel powered plant, if the allowance of such portions of investment and operating expenses would adversely affect the rate payer. The decision to construct this type of plant is a decision being made by management of the Applicant and is not presently supported by clear and substantial economic advantages. Therefore, any risk should be borne by the Applicant if such decision of management should adversely affect the consumer.

The record is, however, barren of sufficient evidence which would require this Commission to find that a nuclear power plant as proposed by Applicant is not economically feasible. However, it is also clear on the face of the hearing record that the comparative economic advantages to the Applicant of constructing and operating the proposed facility, as against a conventional one, would be negligible, if any.

The Atomic Energy Act of 1954, as amended, and the regulations adopted by the Atomic Energy Commission provide for an elaborate regulatory procedure to insure that the construction of the nuclear power plant will not result in any unreasonable danger to the health and safety of the public. Although Section 274.k. of the Act specifically provides:

"k. Nothing in this section shall be construed to affect the authority of any state or local agency to regulate activities for purposes other than protection against radiation hazard." (Emphasis supplied),

this Commission in its hearings freely received all evidence relating to the health and safety question. Whether or not the Atomic Energy Act of 1954, as amended, pre-empts to the Atomic Energy Commission all questions of health and safety resulting from radiation hazards is not an issue in this proceeding for the reason that the record in this proceeding amply demonstrates that the proposed plant will be constructed and operated in a safe manner and will not impose any unreasonable danger to the health and safety to the general public within the State of Colorado or elsewhere. In this regard the Commission bears in mind its powers to regulate the Applicant and its duty to require that its lines, plant, system, equipment, electrical wires, apparatus, and premises be constructed, maintained and operated in such manner as to promote and safe-guard the health and safety of its employees, customers and the public; and, finds that the undertaking of the Applicant in the manner as proposed by Applicant presently meets such safeguards.

Testimony was received from Applicant's witnesses of the many safeguards which will be incorporated in the proposed plant to prevent any escape of radioactive material. Just as an example, the plant will be constructed to provide for safe shutdown in a tornado of up to 300 miles per

hour and an earthquake of some 50 times the magnitude of any earthquake previously felt at the site of the plant.

Intervenors' witnesses were, in substance, in accord that the possibility of a nuclear explosion, such as a bomb explosion, to occur under the safeguards stated to be provided is impossible. While they did testify that it is not impossible for a nuclear excursion to occur which could cause damage to either persons or property as a result of radiation, the possibility of such an event occurring was said to be similar to the possibility that the Golden Gate Bridge would collapse at any particular moment. Intervenors' witnesses would not testify that the proposed plant would be unsafe and one of such witnesses testified that anything built by man carries with it the possibility of failure. No number of such conjectural possibilities can be equated to a sufficient factual probability to form a basis for denying Applicant the certificate it seeks. Moreover, the evidence discloses, that if the alleged accident should occur which the UMW fears, the maximum release of radioactivity at the boundary of the low population zone (a circle radius of 16,000 meters around the center of the plant) would be 5.8 millirems, while the maximum allowable under AEC regulation is 25 rem. Thus, such an accident would result in only 1/4000 of the maximum tolerable exposure, at the low population zone boundary.

Whether or not the construction of a nuclear plant, as opposed to a coal-fired plant, will have any future impact upon the United Mine Workers of America does not constitute sufficient basis for this Commission to refuse the certificate requested for the construction of a plant which is otherwise required by the present and future public convenience and necessity. It is not the function of this Commission, in determining public convenience and necessity, to favor or promote one type of fuel over another.

FINDINGS AND CONCLUSIONS

1. That the statements of fact contained in the foregoing Statement are hereby adopted as findings of fact herein.
2. Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado. A certified copy of Applicant's

Composite Articles of Incorporation and all amendments thereto have heretofore been filed with this Commission.

3. Applicant is a public utility subject to the jurisdiction and regulation of the Public Utilities Commission of the State of Colorado, and is engaged principally in the generation, purchase, transmission, distribution and sale of electricity, and in the purchase, distribution and sale of natural gas.

4. Applicant has need for a 330 mw electric generating plant and related facilities by the year 1972 to enable Applicant to meet the electric power needs of its customers and to assure an adequate power supply for future growth and needs of its customers and of the areas in which it operates.

5. The plant and interrelated facilities as proposed to be constructed, operated, and maintained by the Applicant will be safe according to present-day nuclear technology.

6. The location of the proposed generating plant and facilities lies within the area certificated to Union Rural Electric Association, Inc., Brighton, Colorado; however, Applicant does not propose and does not request authority to serve the public within the service area of Union Rural Electric Association, Inc. There are no other public utilities operating within the area in which said plant is to be located.

7. The proposed generating plant, transmission lines and related facilities will not physically or economically duplicate or interfere with the lines, plant or system of any other public utility.

8. The economics of the project, as supported by the estimates presented (Exhibit No. 14), are not unreasonable, under presently known conditions.

9. There is no evidence in the record concerning safety which would cause us to reject the proposed project as being unsafe or which would constitute an undue risk to the health and safety to the people of the area adjacent thereto.

10. Applicant has the ability to finance and construct the proposed facilities.

11. Present and future public convenience and necessity requires, and will require the construction, operation and maintenance by Applicant of the proposed Fort St. Vrain Nuclear Generating Station, related facilities and transmission line, as proposed by Applicant in the application filed in this proceeding, subject to the conditions stated herein.

12. The certificate of public convenience and necessity as applied for by Applicant should be issued subject to certain conditions. The Atomic Energy Commission must also issue a construction permit and an operating license for this facility. The certificate to be issued herein should be subject to the condition, therefore, that such certificate shall be void in the event the United States Atomic Energy Commission should deny Applicant a permit to construct or a license to operate said proposed nuclear energy utilization facility.

13. The public interest requires that the certificate to be granted herein should be subject to the condition that the Commission may, in the future when rates or valuation are at issue, disallow portions of investment and operating expenses which are excessive due to the fact that the plant is a nuclear powered plant rather than a fossil-fuel powered plant, if the allowance of such portions of investment and operating expenses would adversely affect the rate payer.

O R D E R

THE COMMISSION ORDERS:

1. A certificate of public convenience and necessity is hereby granted to Public Service Company of Colorado to construct, operate and maintain a nuclear-fueled electric generating plant of approximately 330 mw capacity, to be known as the Fort St. Vrain Nuclear Generating Station, together with appurtenant facilities and to construct, operate and maintain a 230 kv transmission line from said Fort St. Vrain Nuclear Generating Station site near Platteville, Colorado to points near Boulder, Colorado,




and Fort Lupton, Colorado, to interconnect the proposed plant with its existing transmission system, subject to the condition, however, that such certificate shall be void in the event the United States Atomic Energy Commission should deny Applicant a permit to construct or a license to operate said proposed nuclear energy generating facility.

2. Upon receipt by Applicant of a permit and an operating license by the United States Atomic Energy Commission for the construction and operation of Applicant's proposed nuclear energy generating facility, a certified copy of each such document shall be filed with this Commission within ninety (90) days of the receipt thereof.

3. The certificate granted herein is further subject to the condition that in any future proceedings involving rates or valuation of Applicant, this Commission may disallow portions of investment and operating expenses which are excessive due to the fact that the plant is a nuclear powered plant rather than a fossil-fuel powered plant, if the allowance of such portions of investment and operating expenses would adversely affect the rate payer, in accordance with the Findings and Statement herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 1968
et

(Decision No. 71105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)
FOURTH REVISED SHEET NO. 9, SECOND)
REVISED SHEET NO. 9.1, FOURTH REVISED)
SHEET NO. 10, AND FIRST REVISED SHEET)
NO. 14 OF PLATEAU NATURAL GAS COMPANY)
TARIFF COLORADO P.U.C. NO. 1.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 604

April 2, 1968

Appearances: John A. Phillips, Esq., Colorado
Springs, Colorado, and
Richard Mullens, Esq., Wichita,
Kansas, for Plateau Natural
Gas Company;
Norman L. Arends, Esq., Cheyenne Wells,
Colorado, for a number of protestants;
Bill Greathouse, Walsh, Colorado,
pro se;
Bernard Neill, Springfield, Colorado,
pro se;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On January 22, 1968, Plateau Natural Gas Company, hereinafter referred to as Plateau, 20 Boulder Crescent, Colorado Springs, Colorado, by its executive vice president, S. W. Jervis, filed with the Public Utilities Commission of the State of Colorado proposed changes in its tariff, Colorado PUC No. 1, Fourth Revised Sheet No. 9, covering special irrigation service in Baca, Bent and Prowers Counties; Second Revised Sheet No. 9.1, covering special irrigation service in Kit Carson and Lincoln Counties; Fourth Revised Sheet No. 10, covering special alfalfa dehydration service in Baca, Bent and Prowers Counties; and First Revised Sheet No. 14, which provides for a reconnect charge in the event of a discontinuance of service. These tariff sheets were all to become effective on March 1, 1968.

Generally an increase in rate is proposed for irrigation service in both areas, as well as a change in the rate form and establishing a monthly minimum bill, and an increase of 2¢ per mcf for alfalfa dehydration service.

On February 19, 1968, the Commission received a protest and petition for suspension filed on behalf of National Alfalfa Dehydrating & Milling Company, Arkansas Valley Milling Co., Rehyer Enterprises, X-4 Ranch & Dehydrating Co., Colorado Feed Company, and Amity Milling Company. The protest was against the increase in both alfalfa dehydrating rates and special irrigation rates in the Baca, Bent and Prowers Counties area. Additional individual letters of protest were received from customers affected. A formal petition containing 100 signatures of customers in Kit Carson and Lincoln Counties was also filed. In view of the above mentioned complaints and protests, the Commission on February 27, 1968 suspended the proposed changes in the tariff and ordered this matter be set for hearing on March 11, 1968, 1 P.M. in Kit Carson County Court House, Burlington, Colorado, and on March 12, 1968, 10 A.M. in the District Court Room, Lamar, Colorado.

On March 7, 1968, Plateau withdrew its filing of Fourth Revised Sheet No. 10, covering special alfalfa dehydration service in Baca, Bent and Prowers Counties, and the formal protest filed by National Alfalfa Dehydrating & Milling Company, Arkansas Valley Milling Co., Rehyer Enterprises, X-4 Ranch & Dehydrating Co., Colorado Feed Company, and Amity Milling Company was also withdrawn by the protestants involved. Leave to withdraw is hereby granted. Therefore, this proceeding does not involve any changes with respect to special alfalfa dehydration service available in said counties and covered by Fourth Revised Sheet No. 10.

At the times and places for which the hearings were set, upon due notice to all interested persons, firms or corporations, the remaining matters in this Docket were duly heard by the Commission and, at the conclusion of the hearings, taken under advisement.

A total of 42 letters were received in protest to the proposed tariff changes in addition to the formal protests mentioned earlier. A large number of people attended the hearings, and seven people testified at the hearings also in protest.

The subject matter of these proceedings involved actually two separate problems:

1. Increase in the rates for irrigation service in Plateau's Eastern Division, consisting of Kit Carson, Lincoln, Cheyenne and Yuma Counties; and
2. Increase in the rates for irrigation service in Plateau's Southern Division, consisting of Baca, Bent and Prowers Counties.

Plateau Natural Gas Company transmits, distributes and sells natural gas to its customers in these two operating areas under different rate Schedules. No increases or changes in rates to customers, other than irrigation service customers, are involved. Plateau's present rates for natural gas to be used for irrigation pumping are as follows:

- 30¢ per mcf for all mcf used in the Southern Division,
- 39¢ per mcf for all mcf used in the Eastern Division.

The proposed rates by Plateau, aside from resulting increase, also change the rate structure by providing for a monthly minimum of \$5.00 and a graduated scale of rates thereafter.

A number of exhibits were offered by Plateau and supported by competent testimony, as follows:

Exhibit A (Eastern) and Exhibit A (Southern) show all operating results of the Company's total operations, as well as a breakdown on a more or less allocated basis for its operations with respect to the irrigation customers in the respective divisions, all other Colorado operations and operations in all other states. These Exhibits indicate an actual rate of return, before

income taxes, as computed by Plateau and based on its allocations for the twelve-month period ended August 31, 1967 (the test year), which were as follows:

Irrigation - Eastern Division	4.31%
Irrigation - Southern Division	-.07%
Total Colorado	5.13%
All Colorado except Irrigation - Eastern Division	5.34%
All Colorado except Irrigation - Southern Division	6.39%
Total Company	5.17%

Testimony by Plateau's witnesses indicated that Plateau did not expect to actually pay any income tax for the period covered by the test year; therefore, the rate of return after income taxes is of little significance, if any.

Exhibit A-1 Eastern and A-1 Southern indicate computations and allocations of cost of gas for the respective divisions applicable to irrigation service.

Exhibit A-2 shows a breakdown of various operating expenses and their allocation to the irrigation customers in the Southern and Eastern Divisions.

Exhibit A-3 shows Plateau's computation of the rate base and allocation thereof to the irrigation customers in the respective divisions involved.

Exhibit B-Eastern and Exhibit B-Southern show the pro forma earnings and the rate of return on net rate base for the test year with a number of known in-period adjustments applied to the actual results. These exhibits show the rate of return on an adjusted basis, before income taxes and without any rate increases as follows:

Irrigation - Eastern Division	4.08%
Irrigation - Southern Division	-.49%
Total Colorado	4.09%
All Colorado except Irrigation - Eastern Division	4.09%
All Colorado except Irrigation - Southern Division	5.20%
Total Company	4.34%

As indicated before, the provision for income taxes shown on this exhibit is an out-of-period adjustment that is not applicable in this case.

Exhibit B-1 shows further detail with respect to the pro forma adjustments applied to Exhibits B-Eastern and B-Southern.

Exhibit B-2 is Plateau's proposed rate sheet for irrigation gas service in the Eastern Division; Exhibit B-3 is the same for the Southern Division.

Exhibit B-4 contains First Revised Sheet No. 14 with respect to General Service Rules and Regulations, which propose a change in the charge for reconnection if service has been discontinued. We also observe that the provision of paragraph 5 thereof regarding the notice of discontinuance of service for non-payment of bills is not in accord with the Rules of this Commission.

Exhibit B-5 and Exhibit B-6 show the actual and proposed sales revenue for the Eastern and Southern Divisions respectively.

Exhibit C shows the various allocation bases used by Plateau in allocating utility plant, gas purchases and other factors that were used in preparing Exhibits previously mentioned.

All exhibits were admitted into evidence without objection. Further testimony by Plateau's witnesses indicated that Plateau is currently earning a substandard rate of return on its net rate base and as a result is experiencing difficulties in long-term financing; and that the requested rate increases would not in themselves fully remedy this situation. The testimony indicated that natural gas service for irrigation pumping is a relatively new venture by Plateau, particularly in the Eastern Division where the systems are on the average three years

old or less. Also, there is some excess capacity now available in Plateau's system in the Eastern Division which is available for load additions and, in fact, Plateau is now in the process of adding some sixty irrigation wells in a project for Gates Farms without the necessity of reinforcing its transmission facilities.

The test year was, in the opinion of Plateau, a period of above average precipitation with the result that gas sales for irrigation pumping were less than the average in previous years.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. Plateau Natural Gas Company (Plateau) is a public utility engaged in the business of purchase, transmission, distribution and sale of natural gas to domestic, commercial, industrial and irrigation pumping customers in its various service areas in the State of Colorado, including its Eastern Division consisting of Kit Carson, Cheyenne, Lincoln and Yuma Counties; and the Southern Division, consisting of Baca, Bent and Prowers Counties; and, as such, operates under the jurisdiction of this Commission.

2. The Commission has jurisdiction of the subject matter of this proceeding.

3. The above and foregoing Statement should be, and hereby is, incorporated in these Findings by reference.

4. With respect to Plateau's Eastern Division, Plateau is earning on the rates presently in effect, the following rates of return on its net rate base, as computed for the test year, a 12-month period ended August 31, 1967:

Irrigation service - Eastern Division	4.08%
Total Colorado	4.09%
Colorado except Eastern Division	4.09%

5. All the figures relating to irrigation service with the exception of revenue and number of customers are allocated on various bases by Plateau. While the allocations are necessary and do not appear unreasonable, any allocation is somewhat arbitrary.

6. Sales to irrigation customers, particularly in the Eastern Division, should be expected to increase for a number of reasons:

- (a) additional loads will be connected;
- (b) average or normal rainfall conditions will require more irrigation pumping than in the test year;
- (c) future operating economies may be possible.

7. Plateau has chosen to file increased rates for only a segment of its Colorado operations, and the proposed rate increases will not necessarily solve any financing problems Plateau may have at the present time.

8. Plateau, during the test year, had a low rate of return on its total Colorado operations as well as on its irrigation pumping sales.

9. Plateau's rate of return with respect to irrigation customers in the Southern Division is negligible and, in any event, inadequate.

10. Plateau's proposed rates for irrigation service in the Southern Division would, in the test year, produce a rate of return on its rate base devoted to such service of 2.9%, while the resulting rate of return for its total Colorado operations, should the proposed increase in both divisions be granted, would be 4.97%.

11. Plateau's proposed rate for irrigation service in its Eastern Division would, in the test year, result in a rate of return on its net rate base devoted to such service of 5.18%.

12. Plateau's proposed rate for irrigation gas service in the Eastern Division, Second Revised Sheet No. 9.1, is, in view of overall earnings of Plateau, unjust, unfair and discriminatory as to the selected class of customers affected thereby and should not be permitted to become effective.

13. Plateau's proposed rate for irrigation service in its Southern Division, as contained in its Fourth Revised Sheet No. 9, is

necessary and in the public interest and should be permitted to become effective.

14. Plateau should be permitted to file new rates affecting irrigation gas service in its Eastern Division which will provide for a graduated scale of rates, but not for an increase in revenues.

15. The minimum charge for irrigation service in the Eastern and Southern Divisions should be the same to prevent discrimination.

16. Plateau's First Revised Sheet No. 14 of the tariff does not conform to the Rules of this Commission with respect to the written notice required before discontinuance of service for non-payment of bill and should not be permitted to become effective.

DISCUSSION

The record in the proceeding indicates that Plateau is earning a substandard rate of return on its total Colorado operations. However, Plateau by its own choice has elected not to seek a complete review of all its rates and classifications, but instead has requested an increase in the rates of two groups of select customers. This procedure must always come under close scrutiny. The possibility of discrimination is large because of the various allocations that must be made. There is no question that an increase in rates for irrigation customers in the Southern Division is warranted. However, this is not true with respect to the irrigation customers of the Eastern Division. Some of our reasons are amply stated in the Findings above.

We would like to emphasize, however, that it would be discriminatory to select a group of customers and increase their rates to the extent that earnings from that portion of the business would exceed the overall earnings of the public utility involved, unless some clear and convincing showing to the contrary would be made. As we have observed, on an adjusted basis for the test year, Plateau is earning a rate of return of 4.08% with respect to the irrigation customers of the Eastern Division as compared to an overall rate of return on its other operations of 4.09%, a difference

of a bare one/one hundredth of one percent (.01%). Furthermore, Plateau is already under the present rates earning a higher rate of return on its irrigation sales in the Eastern Division than it would earn in the Southern Division after the proposed increase. It is, therefore, unreasonable and discriminatory to increase rates to this group of customers at this time, especially in view of the increased earnings that may well occur in this segment of the business in the future, as is evidenced by the record of these proceedings.

We would like to further observe that a number of protestants objected to the monthly minimum charge. While we agree with Plateau's position that a minimum charge is essential in rendering utility services, we would like to suggest that Plateau investigate the possibility of an annual minimum charge, since the service to irrigation customers is basically a seasonal one.

O R D E R

THE COMMISSION ORDERS THAT:

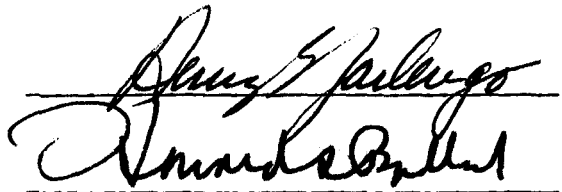
1. Plateau Natural Gas Company shall refile First Revised Sheet No. 14 of its tariff in conformity with the Rules of this Commission.
2. Second Revised Sheet No. 9.1 of the tariff of Plateau Natural Gas Company be, and hereby is, permanently suspended and not permitted to become effective.
3. Plateau Natural Gas Company be, and hereby is, permitted to refile the said Second Revised Sheet No. 9.1 providing for a graduated scale of rates, but not for an increase in revenues based on the test year conditions, to become effective upon thirty (30) days' notice to the Commission.
4. Fourth Revised Sheet No. 9 of the tariff of Plateau Natural Gas Company be, and hereby is, permitted to become effective on the effective date of this Order.

5. Plateau Natural Gas Company be, and hereby is, permitted to refile Fourth Revised Sheet No. 9 of its tariff, if necessary, to provide for the same minimum charge as it may include in its Second Revised Sheet No. 9.1, to become effective upon thirty (30) days' notice to the Commission.

6. Plateau Natural Gas Company shall continue to keep its books and accounts in accordance with the Uniform System of Accounts prescribed by this Commission and shall continue its operation, construction and maintenance practices in accordance with the Rules of this Commission relative to natural gas service.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Donald B. Smith



Ed L. Loring
Commissioner

Dated at Denver, Colorado,
this 2nd day of April, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES ON PETROLEUM)	
PRODUCTS, APPLICATION NO. 359,)	
COLORADO MOTOR CARRIERS' ASSOCIATION,	)	<u>CASE NO. 5365</u>
AGENT)	
-----)	

RE: INCREASED RATES ON PETROLEUM)	
PRODUCTS, APPLICATION NO. 359-AMENDED,)	
COLORADO MOTOR CARRIERS' ASSOCIATION,	)	<u>CASE NO. 1585</u>
AGENT)	
-----)	

April 1, 1968

STATEMENT AND FINDINGS

BY THE COMMISSION:

On February 9, 1968, Colorado Motor Carriers' Association, Agent, for and on behalf of carriers party to its Motor Freight Tariff No. 7-A, Colorado PUC No. 12, Ruan Transport Corporation Freight Tariff Colorado PUC No. 5, and Ward Transport, Inc., Motor Freight Tariff No. C-4, Colorado PUC No. 4, filed Application No. 359, petitioning the Commission for authority to publish tariff changes, to become effective upon statutory notice, as follows:

"Publish the following rates in cents per gallon to apply on shipments of petroleum products, as described in item 10 of Colorado Motor Carriers' Association, Tariff Colo. PUC No. 12.

From: DENVER, COLORADO

To: Barr Lake	Henderson	North Glenn	
Brighton	Louviers	Ramo Wooldridge	
East Lake	Lowry Field	Rocky Mountain Arsenal	
Golden	Morrison	Mt. Vernon Service	
<u>Column A</u>	<u>Column A-1</u>	<u>Column B</u>	<u>Column B-1</u>
.350	.324	.392	.363

On March 12, 1968, the Commission entered Decision No. 71007 in Case No. 5365, instituting an investigation into the rates and charges as proposed in Application No. 359, and setting said Case No. 5365

for hearing on May 2 and 3, 1968, at Denver, Colorado. Since the rates proposed to be changed have been prescribed by the Commission in Case No. 1585, the Commission finds that the matter should be assigned to Case No. 1585 in lieu of Case No. 5365.

On March 25, 1968, the Colorado Motor Carriers' Association, for and on behalf of carriers party to its tariff No. 7-A, Colorado PUC No. 12, filed amendment No. 1 to Application No. 359, asking that permission be granted to amend Application No. 359 by eliminating the points of Lowry Field, Rocky Mountain Arsenal and Northglenn. The reasons for the amendment submitted by the petitioner were as follows:

1. That the above-named points are located within the area described as Zone 2 in Item 215 of Motor Freight Tariff No. 7-A, Colorado PUC No. 12, and that rates for the transportation of bulk petroleum products are published in Item 215 to apply from the Denver origins to those destinations;
2. That rates are also published in Section No. 1 of the above-described tariff to apply from the Denver origins to the above-named points;
3. That the present publications result in conflicting rates and charges;
4. That the petitioner's tariff is being amended, on statutory notice, by canceling the point-to-point rates published in Section No. 1, from the Denver origins to the three destinations named above;
5. That this new publication will remove the conflict in rates, and will also make unnecessary the publication of the rates proposed in Application No. 359 from Denver origins to the above-named destinations.

In consideration of the reasons submitted by the petitioner in Amendment No. 1 to Application No. 359, the Commission finds that said amendment should be allowed.

By decision No. 70889, dated February 15, 1968, the Commission,

in Case No. 1585, prescribed a Column A rate of .350, and a Column B rate of .392, to apply on Column A and Column B commodities as described in Decision No. 68458, from Denver origins to Buckley Field, Colorado. Said Decision No. 70889 specified that the rates and charges therein prescribed were for interim temporary application only, pending investigation of the rates from Denver to the points immediately adjacent to the Denver Metropolitan Area, said points being those covered by Application No. 359. The Commission finds that the rates prescribed by Decision No. 70889 from Denver to Buckley Field, Colorado, should be included in the investigation of the proposed rates covered by Application No. 359.

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 it shall enter upon a hearing concerning the lawfulness of the increased rates and charges as proposed in Application No. 359, amended, and as prescribed on a temporary basis in Decision No. 70889.
3. That 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 rates and charges under the Public Utilities Law.
4. That a copy of this order shall be filed with Application No. 359, and Amendment No. 1 to Application No. 359, and a copy of Decision No. 70889, in the office of the Commission, and a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent; William Hogarth, Traffic Manager, Ruan Transport; and D. S. Smith, Sales and Traffic Manager, Ward Transport, Inc., and that said carriers, and carriers party to Colorado Motor

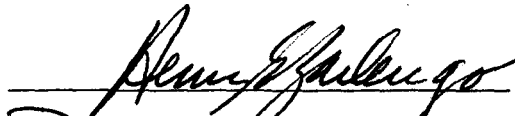
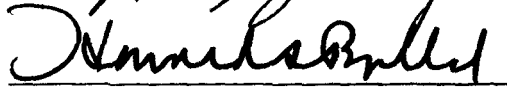

Carriers' Association, Agent, Motor Freight Tariff No. 7-A, Colorado PUC No. 12, be, and they are hereby, made respondents in this proceeding.

5. That fourteen (14) days prior to the hearing date herein, respondents shall provide the Secretary of the Commission with copies of any and all exhibits which respondents intend to introduce in evidence in support of their case.

6. That the hearing on Case No. 5365, set for May 2 and 3, 1968, at Denver, Colorado, be, and the same hereby is, vacated; and that Case No. 5365, be, and the same hereby is, closed on the docket of the Commission.

7. That Application No. 359-Amended, and the rates prescribed on a temporary basis in Decision No. 70889 be, and they are hereby, set for hearing before the Commission on May 2 and 3, 1968, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
1st day of April, 1968. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EPHRAIM FREIGHTWAYS, INC.,)
1385 UMATILLA STREET, DENVER,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 22670

March 29, 1968

STATEMENT AND FINDINGS

This is a ruling on a preliminary matter in the above captioned case. Applicant, Ephraim Freightways, Inc., and Protestant, Rio Grande Motor Way, Inc., have entered into a formal written stipulation with reference to certain issues and evidence in this case. The proposed Stipulation, duly signed by both Ephraim Freightways, Inc. and Rio Grande Motor Way, Inc., has been presented to the Commission for its approval in compliance with Rule 13F of our General Rules of Practice. A hearing was held by the Commission at 9:30 A.M., Friday, March 29, 1968, at the Hearing Room of the Commission, to determine whether or not the Commission should approve and authorize the Stipulation. Upon consideration of the record herein, the Stipulation, and the statements of counsel in connection therewith, the Commission finds that the Stipulation should be approved and authorized.

An appropriate Order should be entered.

ORDER

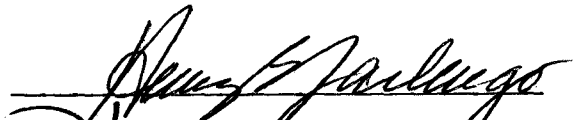

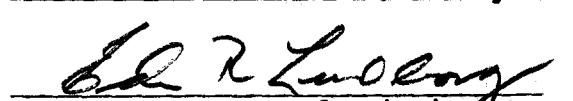
THE COMMISSION ORDERS:

That the Stipulation dated March 19, 1968, as filed with this Commission and as entered into between Applicant Ephraim Freightways,

Inc. and Protestant Rio Grande Motor Way, Inc., be, and the same hereby is, approved and authorized.

This Order shall become effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of March, 1968.
1s

(Decision No. 71108)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN F. DAVIS, 419 ECHO LANE, COLO-)
RADO SPRINGS, COLORADO, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT NO.)
B-6711.)

APPLICATION NO. 23021-PP-Extension

April 3, 1968

Appearances: John F. Davis, Colorado
Springs, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 22, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-6711 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant presently holds authority under Permit No. B-6711.
3. The authority presently held by Applicant and to which extension is hereby sought, has been continually operated in the past and is presently in good standing with the Commission.
4. The extension applied for herein is compatible with, and does not conflict or duplicate the authority held by Applicant.
5. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for 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 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.
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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-6711 to extend the radius thereunder from fifty (50) miles to one hundred fifty (150) miles and to include:

"Transportation of clay from pits and supply points to construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points."

That henceforth the full and complete authority under Permit No. B-6711, as extended, shall read and be as follows, to-wit:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials.

Transportation of

(1) Clay

From pits and supply points to construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That John F. Davis, Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6711 to include the following:

Transportation of

Clay

From pits and supply points to construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

That henceforth the full and complete authority under Permit No. B-6711 as extended shall read and be as follows, to-wit:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

Restricted:

Against the use of tank vehicles when transporting road-surfacing materials.

(5) Clay

From pits and supply points to construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

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


That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, and has secured authority sheets.

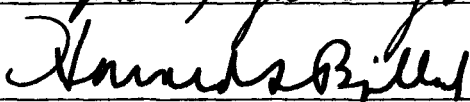
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and

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 April, 1968.

ls

(Decision No. 71109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY FOR AUTHORITY TO ABANDON)
A PORTION OF ITS BLACK HOLLOW BRANCH)
EAST OF MILEPOST 79.52 IN LARIMER)
AND WELD COUNTIES, COLORADO.)

APPLICATION NO. 22986

April 3, 1968

BY THE COMMISSION:

On December 20, 1967, instant application was filed with the Commission seeking authority for the abandonment and removal of 6.52 miles of the Black Hollow Branch Line extending east from Milepost 79.52, located in Larimer County and continuing to the end of the line in Weld County, Colorado.

In this application, we have the proposal of Applicant (C & S Railway) to abandon and remove the instant trackage for reason of non-use. It is submitted that the Branch Line has primarily been used in recent years to serve the Black Hollow beet dump located at the end of the line (M.P. 86.04). There are some other intermediate siding stations on the line as follows:

- M.P. 80.73 - Woods
Siding Track - No Industry facility.
- M.P. 83.0 - Klivers
1 Switching siding) Former Beet loading Dump.
2 Spur tracks) Beets handled by trucks.
- M.P. 83.9 - Glick - Siding track only.
Main track removed) Stock pens used for
Use siding as main track) truck loading.
- M.P. 86.04 - Black Hollow
1 Switching siding) Former Beet loading Dump.
2 Spur tracks) Beets handled by trucks.

The Kliver and Black Hollow Stations had been used for shipment of sugar beets by Great Western Sugar Company. In 1966 and 1967 said Company made

its change-over to trucks to serve the Black Hollow beet dump, being the only station on the rail line where any beets were handled. In fact, there was no other business offered to C & S Railway on the branch line. In correspondence dated February 3, 1967, Exhibit "C", The Great Western Sugar Company, by J. C. Jensen, General Traffic Manager, gave notice to Colorado & Southern Railway that it expected to continue its movement of beets by truck from the Kluver and Black Hollow Stations. Hence, with complete loss of traffic on the line, there appeared to be no further justification for necessary line maintenance or other needed bridge repairs and request is made for approval of the proposed track abandonment.

In addition to the above Exhibit C, other exhibits were also submitted with the application as follows:

Exhibit A -- Map of Black Hollow Branch Line. Scale:

1" = 1 Mile. Shows Main-line routing of C & S Railway Denver-Cheyenne service out of Fort Collins, Colorado. Branch Line extends easterly for 8.87 miles from the North Yard Main line connection (M.P. 77.17) to Black Hollow, end of the line at M.P. 86.04.

Exhibit B -- Map of portion of Black Hollow Branch.

Scale: 1" = 400 feet. Shows details of track location and sidings. Proposed abandonment shown in yellow.

Exhibit D -- 3 pages

Summary of Branch Line Carload Traffic and Revenue for January 1964 through July 1967 summarized as follows:

<u>Period</u>	<u>Carloads</u>	<u>Revenue (All C & S)</u>
1964	560	\$19,462
1965	265	9,452
1966	--	--
1967 (7 Mos.)	--	--

Exhibit E -- Correspondence - August 31, 1967

Board of Larimer County Commissioners has no objection to line abandonment.

Exhibit F -- Correspondence - October 26, 1967

Board of Weld County Commissioners has no objection to proposed Branch line abandonment.

Pursuant to Rule 6 of the Commission Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado, public notice of the proposed track abandonment was posted in the depot at Fort Collins, Colorado, and at the sidings of Woods, Klusers, Glick and Black Hollow. Public notice also included the instruction that any objection to the proposed abandonment should be submitted to the Commission at least ten (10) days prior to the proposed effective date of January 20, 1968. No protest in the matter has been received by the Commission to this date.

Upon investigation of the instant request by the Commission, it appears the line was built in 1906 to handle agricultural production and some livestock from the area. In 1926 to 1928, Colorado & Southern Railway Company acquired the line from its builder, Colorado Railroad Company. The rail is light-weight used or relay steel, being 65 pounds per yard on tangent track and 85 pound rail on curves; rail was rolled new in 1895 to 1907. Track condition is fair, considering that for many years the use has only been for seasonal movement of sugar beets amounting to some 200 to 500 cars per year. Meanwhile, there has been routine track maintenance; ties are now about 1/3 treated timber, 1/3 are hard wood non-treated and remaining 1/3 are old untreated soft wood. The track is generally overgrown with weeds and there is considerable amount of dirt wash-ins and ballast wash-outs at numerous points due to poor drainage and past flooding conditions in the area.

Bridges of both wood piling construction and through-truss type steel girders with open decks are all in questionable condition due

to embankment erosion and age of the units.

There are seven road crossings along the line ranging from Minor County roads to actively used State Highways Nos. 14 and 267 serving to Ault, Windsor and Fort Collins.

Total length of the Black Hollow Branch line is 8.87 miles; with proposed removal to only involve the eastern 6.52 miles starting at M.P. 79.52. In this manner, the west portion, or some 2.35 miles, of the line will remain from M.P. 79.52 west through the Industry area at Sinnard (M.P. 78.73) to the Main line North Yard connection at M.P. 77.17. The Sinnard location offers Frontage Road Service with On-off connections to the north-south Interstate Highway No. 25 which overpasses the Branch line at this point.

Hence, it would appear that abandonment of the 6.52 miles of non-used Branch line trackage would be reasonable on the basis that no future public convenience or necessity is readily apparent due to change of sugar beet movement from rail to truck by Great Western Sugar Company, which is the only patron on the line. Further, the presence of seven highway grade crossings over the line indicates a ready accessibility into the area, and track removal as requested would permit more complete roadway improvement and simplified maintenance.

It is therefore the belief of the Commission that the proposed track abandonment is compatible with the public interest; that in the absence of any public protests, the Commission determined to hear, and without further notice, has heard said matter forthwith upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the instant matter is within the jurisdiction of this Commission.

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

That by and through causes beyond its control, railroad business amounting to 100% of the carload traffic formerly handled on the easterly segment of the Black Hollow Branch line has been lost to Colorado & Southern Railway Company through change of sugar beet movement from rail to truck service by choice of the shipper, Great Western Sugar Company.

That under the evidence presented, there is not sufficient need or convenience to justify continued maintenance, improvement or operation of the Black Hollow Branch line extending from M.P. 79.52 to end of the line at Black Hollow Station (M.P. 86.04).

That alternate and satisfactory substitute facilities have been utilized and are available for present and foreseeable needs of the area.

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

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Colorado & Southern Railway Company, be, and is hereby granted a certificate of public convenience and necessity as authority and approval for the following changes pertaining to trackage of the Black Hollow Branch line eastward from Fort Collins, Colorado.

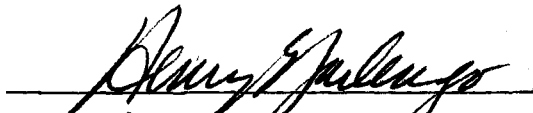
- a. Call and Demand switching service shall continue and trackage remain in service from main-line connection (M.P. 77.17) and extending easterly through Sinnard to new terminal at Milepost 79.52 on the Spur line.
- b. To abandon remainder of the line, right of way and service extending from Milepost 79.52 eastward to end of the Branch line, and to remove ties and tracks in full.

That reference shall be made to this Decision in the affected tariff as required, to show the station changes and as authority for said action.

That trackage removal and reasonable clean-up of the right of way shall be completed within one year from the effective date of this Order.

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 3rd day of April, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
RICHARD R. ARFSTEN
1600 SABLE AVENUE, LOT 91
AURORA, COLORADO 80010

)
) PUC NO. 4630-I
)
)
)

April 3, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

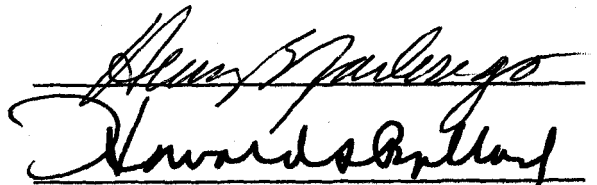

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 27, 1968 to and including September 27, 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 3rd day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ANTONIA P. LAING & GENARO R. LAING, JR.,)
DOING BUSINESS AS "LAING'S CLEANSING)
SERVICE," 2992 W. LAYTON,)
ENGLEWOOD, COLORADO 80110)

PUC NO. 3612

April 3, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

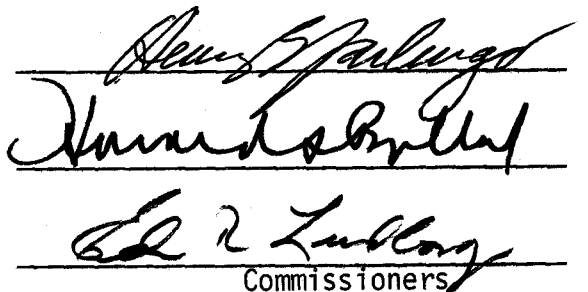
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 2, 1968 to and including October 2, 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 3rd day of April

1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD R. ARFSTEN)
1600 SABLE AVENUE, LOT 91)
AURORA, COLORADO)

PERMIT NO. B-6252

April 3, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

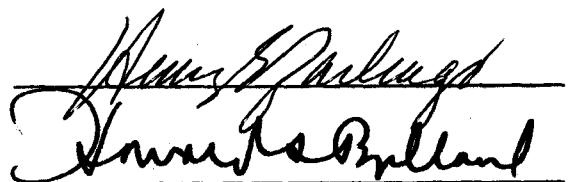
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 27, 1968 to and including September 27, 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 3rd day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
GERALD O. STODDARD)
1615 GARFIELD)
LARAMIE, WYOMING 82070)

PUC NO. 6434-I

April 3, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

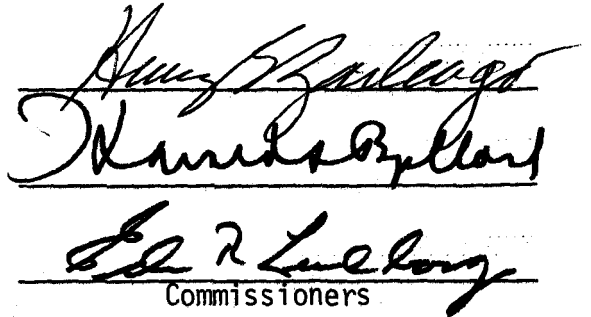
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 14, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of April 1968
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOE FRANK HARTLEY, JR.,)
DOING BUSINESS AS)
"ADEN'S COAL AND WOOD YARD,")
2311 SAGE,)
COLORADO SPRINGS, COLORADO 80907)
-----)

PERMIT NO. B-5462

April 3, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of March 26, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin J. ...

Wanda ...

Ed ...

Commissioners

Dated at Denver, Colorado,
this 3rd day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EVERETT KRAFT)
P.O. Box 323)
Burlington, Colorado 80807)

AUTHORITY NO. M 10000
CASE NO. 2815-M-Ins.

April 3, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

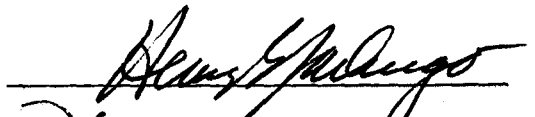


O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
3rd day of April, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM DODDS-SCOTT, JR., DOING)	
BUSINESS AS "SCOTT RUBBISH REMOVAL,")	<u>APPLICATION NO. 22864-Extension</u>
ROUTE 2, BOX 51, GLENWOOD SPRINGS,)	
COLORADO, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER PUC NO. 5416.)	

April 4, 1968

Appearances: William Dodds-Scott, Jr., doing
business as "Scott Rubbish
Removal," Glenwood Springs,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 13, 1967, the above-entitled application was filed requesting authority to extend operations under Certificate PUC No. 5416 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under PUC No. 5416, to which authority extension is hereby sought.
3. Said certificate has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicant seeks to extend his present authority so as to provide services within the Crystal River drainage area and the Dinkle Lake Camp Ground areas.
5. The extension applied for herein is compatible with, and does not conflict or duplicate the authority held by Applicant.
6. Applicant has equipment, experience and net worth, 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 the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
8. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.
9. There is presently no service available in the area to which extension is sought.
10. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
11. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing that Applicant be and hereby is authorized to extend operations under PUC No. 5416 to include:

"Transportation of presently authorized commodities within the Crystal River drainage area and the Dinkle Lake Camp Ground areas, State of Colorado."

That henceforth the full and complete authority under PUC No. 5416, as extended, shall read and be as follows, to-wit:

"1. Transportation of ashes, trash and other waste materials from points within the City of Glenwood Springs, Colorado, and a ten (10) mile radius thereof to regularly designated and approved dumps and disposal sites.

2. Transportation of ashes, trash and other waste materials from points within the Town of Carbondale, Colorado, and a five (5) mile radius thereof to regularly designated and approved dumps and disposal sites.

3. Transportation of ashes, trash and other waste material from points within two (2) miles of either side of Colorado Highway No. 82 situated between the Towns of Carbondale and Basalt, Colorado.

4. Transportation of dirt, sand, rock and gravel in connection with demolition, construction and grading to dumps and disposal places within the City of Glenwood Springs, Colorado, and a ten (10) mile radius thereof.

5. Transportation of dirt, sand, rock and gravel in connection with demolition, construction and grading from point to point within the Town of Carbondale, Colorado, and a five (5) mile radius thereof.

6. Transportation of ashes, trash and other waste materials from points within the Crystal River drainage area and the Dinkle Lake Camp Ground areas, State of Colorado.

RESTRICTION: This certificate restricted from service on that portion of said Colorado Highway No. 82 lying and being within a five (5) mile radius of the Town of Basalt, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That William Dodds-Scott, Jr., doing business as "Scott Rubbish Removal," Glenwood Springs, Colorado, be, and hereby is, authorized to extend operations under Certificate PUC No. 5416 to include the following:

Transportation of

Ashes, trash and other waste materials

Within the Crystal River drainage area and the Dinkle Lake Camp Ground area, State of Colorado.

That henceforth the full and complete authority under PUC No. 5416 shall read and be as follows, to-wit:

Transportation of

- (1) Ashes, trash and other waste materials

Within the City of Glenwood Springs, Colorado, and a ten (10) mile radius thereof to regularly designated and approved dumps and disposal sites.

- (2) Ashes, trash and other waste materials

Within the Town of Carbondale, Colorado, and a five (5) mile radius thereof to regularly designated and approved dumps and disposal sites.

- (3) Ashes, trash and other waste materials within two (2) miles of either side of Colorado Highway No. 82 situated between the Towns of Carbondale and Basalt, Colorado.

- (4) Dirt, sand, rock and gravel in connection with demolition, construction and grading to dumps and disposal places within the City of Glenwood Springs, Colorado, and a ten (10) mile radius thereof.

- (5) Dirt, sand, rock and gravel in connection with demolition, construction and grading within the Town of Carbondale, Colorado, and a five (5) mile radius thereof.

- (6) Ashes, trash and other waste materials within the Crystal River drainage area and the Dinkle Lake Camp Ground area, State of Colorado.

Restriction:


All transportation service to be rendered under this certificate shall be restricted to transportation on that portion of Colorado Highway No. 82 lying and being within a five (5) mile radius of the Town of Basalt, State of Colorado.

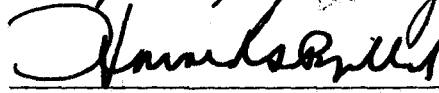
That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioner

Dated at Denver, Colorado,
this 4th day of April, 1968.
ls

(Decision No. 71117)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. R. NEWHART, DOING BUSINESS AS)
"DRUG DELIVERY SERVICE," 1016 EAST)
CIMARRON, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 28033-PP

April 4, 1968

Appearances: L. R. Newhart, Colorado
Springs, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 1, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual, doing business as Drug Delivery Service.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience, net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of drugs or medicines (prescriptions) from drugstores located in Colorado Springs and Manitou Springs, Colorado, to customers in El Paso County, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That L. R. Newhart, doing business as "Drug Delivery Service," Colorado Springs, Colorado, be, and hereby is, authorized to operate as a

Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Drugs and medicines moving under medical prescriptions

From only drug stores located in Colorado Springs, Colorado and Manitou Springs, Colorado to the customers of said drug stores in El Paso County, State of Colorado;

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

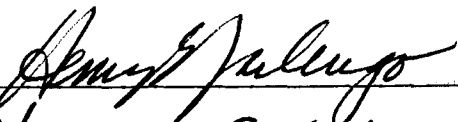
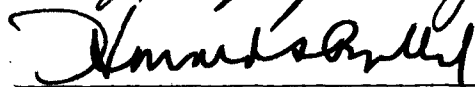
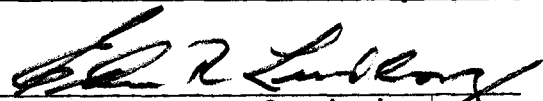
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, 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 4th day of April, 1968.

ls

(Decision No. 71118)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE NEMECIO ABEYTA AND S. FRANK)
ABEYTA, P. O. BOX 111, SAGUACHE,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-5937.)

APPLICATION NO. 22974-PP-Extension

April 4, 1968

Appearances: Carlos F. Lucero, Esq., Alamosa,
Colorado, for Applicants;
Gordon H. Rowe, Jr., Esq., Monte
Vista, Colorado, for Ashton
Trucking Co., Gunnison Trucking,
Inc., and Salida Transfer Company,
Protestants;
William O. DeSouchet, Jr., Esq.,
Alamosa, Colorado, for G & G
Trucking Company, Protestant;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., Protestant;
Elizabeth Conour, Esq., Del Norte,
Colorado, for J. P. Wiederkehr and
Postel & Son, Protestants.

STATEMENT AND PROCEDURE OF RECORD

BY THE COMMISSION:

On December 12, 1967, the above-entitled application was filed requesting authority to extend operations under Permit No. B-5937 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing, Applicants proposed a restrictive amendment to their application to be accomplished "by removing and striking the following words:

'Applicant requests extension and amendment to "B" permit No. 5937 to include transportation of livestock, baled hay and farm produce from point to point within a 200 mile radius of Saguache, Colorado (to Denver).'

and substituting and replacing therefor the following:

"The Applicants request an extension and amendment to their "B" permit No. 5937 to include the transportation of baled hay and farm produce including livestock from point to point within Saguache County, Colorado and to and from said points from and to Denver, Colorado and a five mile radius thereof and Brighton, Colorado and a five mile radius thereof."

The foregoing restrictive amendment was approved and accepted by the Examiner.

Each of the Protestants who appeared by counsel in protest of the application, as amended, (as hereinabove listed) is the holder of a certificate of public convenience and necessity granted by the Commission.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicants are joint owners of Permit No. B-5937 which they herein seek to extend.
2. Applicants have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
3. 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.

4. There is a present and special need for service by a carrier domiciled within Saguache County, Colorado to transport livestock from point to point within said county; and if authority is granted to Applicants to render such service, Applicants will enter into special carriage contracts with customers to perform service thereunder.
5. The proposed operation confined to the transportation by Applicants of livestock from point to point within Saguache County, Colorado will not impair the efficient public service of any authorized common carrier serving the same territory.
6. The extension of authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicants to extend operations as a private carrier under Permit No. B-5937 to include the following; to-wit:

"Transportation of livestock from point to point within Saguache County, Colorado."

That henceforth the full and complete authority under Permit No. B-5937 shall read and be as follows, to-wit:

"1. Transportation of:

Sand and gravel;

From point to point within a fifty (50) mile radius of Saguache, Colorado.

2. Transportation of:

Oil cake;

From point to point within a fifty (50) mile radius of Saguache, Colorado, for the following-named customers, viz., Flying X Cattle Co., Fred Curtis, James L. Curtis, Sr., and Ralph Curtis.

3. Transportation of:

Farm produce (excluding livestock), and baled hay;

From point to point within a fifty (50) mile radius of Saguache, Colorado.

RESTRICTION:

Restricted from serving points in Rio Grande County, Colorado.

4. Transportation of:

Livestock;

From point to point within Saguache County, Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as herein-above set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Joe Nemecio Abeyta and S. Frank Abeyta, Saguache, Colorado, be, and hereby are, authorized to extend operations under Permit No. B-5937 to include the following:

Transportation of
Livestock

Between all points within the County of Saguache, State of Colorado.

That henceforth the full and complete authority under Permit No. B-5937 as extended shall read and be as follows, to-wit:

Transportation of

(1) Sand and gravel

Between all points within a fifty (50) mile radius of Saguache, Colorado.

(2) Oil cake

Between all points within a fifty (50) mile radius of Saguache, Colorado, for the following-named customers: Flying-X Cattle Co., Fred Curtis, James L. Curtis, Sr., and Ralph Curtis.

(3) Farm produce (excluding livestock), and baled hay

Between all points within a fifty (50) mile radius of Saguache, Colorado.

Restriction:

No service shall be rendered in the County of Rio Grande, State of Colorado.

(4) Livestock

Between all points within the County of Saguache, State of Colorado.


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

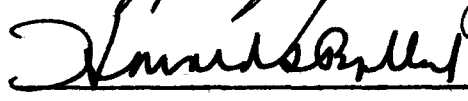
That this Order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, the necessary tariffs, and have secured authority sheets.

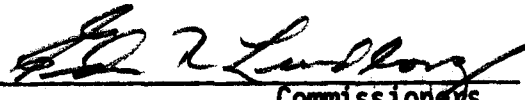
That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1968.
ls

(Decision No. 71119)

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.)

April 4, 1968

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:


Ace Irrigation and Manufacturing Co.	Kearney Airbase, Kearney, Nebraska 68847
American Products Enterprises Lee Ancell Oliver J. Bender	5891 Nolan St., Arvada, Colo. 80002 P. O. Box 445, Cortez, Colo. 81321 2203 Gray St., Edgewater, Colo. 80214
Gerald E. and Margaret B. Benson dba Benson Furniture	413 Main Street Canon City, Colorado 81212
J. L. Benton	4703 Wilkinson Blvd. Charlotte, North Carolina 28208
Virgil Brauer Brauer Excavating	Route 2, Box 47 Castle Rock, Colo. 80104
Robert F. Brueggeman	R.R.2, Box 111, Otis, Colo. 80743
Bryson Lumber Co.	Box 236, Cedaredge, Colo. 81413
E. Fallice Calbert C and C Appliance and Sales Co.	Route 2 Limon, Colorado 80828
Kimbrew Carroll dba Carroll Leasing Co.	Route 2 Eupora, Mississippi 39744
Roy and Gilbert Martinez Central Oil Co.	San Luis, Colo. 81152
Charles Chips dba Musser's Potato Chips, Inc.	Mountville, Pennsylvania 17554
Charter Carpet Corporation	North Industrial Blvd. Calhoun, Georgia 30701
Max J. Chutich	217 S. Grand, Pueblo, Colo. 81003
Harry Davis	607 Ellsworth, Brush, Colo. 80723
Delhi Manufacturing Corp.	P.O. Box 7, Delhi, Louisiana 71232
John R. Bowman District Supply Co.	P. O. Box 399, 4th & Bennett Ave. Cripple Creek, Colo. 80813
Ronald Fox	Route 2, Colorado Springs, Colo. 80909
French Hardware of Durango, Inc.	742 Main Ave., Durango, Colo. 81301
Marcus M. Fry	Route 2, Grand Junction, Colo. 81501


Archie A. Gaines	Box 31, Garvin, Oklahoma
Godbold, Inc.	Box 229, Lubbock, Texas 79408
Rudy R. Gonzales	Box 513, 230 Pine St. Del Norte, Colo. 81132
Gulf States Paper Corp. E-Z Packaging Division	401 Precision Drive Waco, Texas 76710
Max Hansen	Hudson, Wyoming 82515
Robert H. Hollars	5031 S. Crockett, Amarillo, Texas 79110
Holiday Industries, Inc.	3838 Grant St., Omaha, Nebraska
Ralph Johns dba Ralph Jones Trailer Manufacturing	P. O. Box 184 Duncan, Oklahoma 73533
Jourgensen Paint Manufacturing Co.	242 West Yellowstone Highway Casper, Wyoming 82601
Homer Hatchett dba Lamar Surplus	806 S. Third, Lamar, Colo. 81052
Filiberto Large	P.O. Box 83, Conejos, Colo. 81129
Jack Lewis	1108 15th St., Wheatland, Wyo. 82201
Eddie Lopez	3 miles north Colorado 17 Route 1, Alamosa, Colo. 81101
Meade Manufacturing, Inc.	P.O. Box 710, Meade, Kansas 67864
Lawrence J. Millich	P.O.Box 126, Ignacio, Colo. 81137
Minute Maid Corp.	1200 W. Colonial Dr., Orlando, Florida
Franklin Industries, Inc. dba Morrow Thomas, Inc., Subsidiary of Franklin Industries, Inc.	45 Rockefeller Plaza New York, New York 10020
Howard F. Neyens	Box 18, Star Route 1, Dolores, Colo. 81323
Carl Noss	212 North 3rd, Sterling, Colo. 80751
John D. and Marvin D. Page	Route 2, Box 121, Delta, Colo. 81416
Kay, Hogan and Larry Yamada and Phil Van Horn, dba Prescription Pre-Mix Co.	Box 366, Minatare, Nebraska 69356
Raymond A. Nowack dba R and N Sales	P. O. Box 207 Hampton, Illinois 61256
Joe D. Ray	Box 135, Portales, New Mexico
REM Co., Inc.	933 Edison St., Salt Lake City, Utah 84111
Rexall Drug and Chemical Co.	P.O.Box 1188, 1275 Mercer St. Seattle, Washington 98111
Lee Richardson	P. O. Box 57, Manassa, Colo. 81141

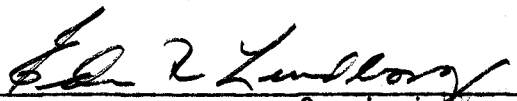
Sanitary Laundry and Cleaners, Inc. Sanitary Laundry and Cleaners	812 11th St., Greeley, Colo. 80631
Charles W. Scantlin	525 23rd St., Greeley, Colo. 80630
Cattlieb Schledewitz dba Scotty's By Products	Tarrington, Wyoming 82240
Gene Sears Supply Co., Inc.	Route 2, El Reno, Oklahoma 73036
Seifert Produce	347 N. Custer St., Sheridan, Wyoming 82801
S. A. Shook	Route 1, Willow, Oklahoma 79673
Robert Shupe	Los Lunas, New Mexico 87031
Southern Wires, Inc.	P.O. Box 979, High Bridge Road Quincy, Florida 32331
Stallworth Pine Products Co., Inc. SPROCO	P.O. Box 1114 West Turner Road, Mobile, Alabama 36601
Frank Stenger	235 South Depew, Lakewood, Colo. 80026
Jackie Gerald Stewart	Route 2 Hotchkiss, Colo. 81419
Raymond L. Stinnett	3624 Kell St., Ft. Worth, Texas 76101
John Leonard Surginer	Route 1, Cedaredge, Colo. 81413
Lincoln L. Samples dba Town and Country Mobile Homes	2333 E. Mulberry Fort Collins, Colorado 80521
Crescent Enterprises (Corp) dba Villa Music Co.	Villa Italia, 7200 West Alameda Denver, Colorado 80228
Vista Distributing, Inc.	601 So. Wahsatch Colorado Springs, Colo. 80903
Waldron Furniture Manufacturing Corp.	508 North Border Waldron, Arkansas 72958
Walter Schrag dba Walt's Feed and Supply	Galva, Kansas 67443
Ward Manufacturing, Inc.	Fifth and Ford Blvd. Hamilton, Ohio 45011
Western Alfalfa Corporation	4800 Main St., Suite 300 Kansas City, Missouri 64112
Williams Manufacturing Co.	1701 West Division Arlington, Texas 76010
Truman E. Price dba Woody's Woods	Route 3, Box 158 Colorado Springs, Colo. 80908

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 4th day of April, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE INCREASED AND REDUCED RATES,)
CHARGES AND PROVISIONS APPLICABLE)
TO BEER, INCONTAINERS, INCLUDING)
PALLETS, DUNNAGE AND SHIPPERS)
ADVERTISING MATERIAL)

INVESTIGATION & SUSPENSION
DOCKET NO. 605

April 3, 1968

STATEMENT & FINDINGS OF FACT

BY THE COMMISSION:

On March 22, 1968, The Commission entered Decision No. 71072 upon its own motion suspending the operation of Item No. 30-B, Supplement No. 3 to Motor Freight Tariff No. 5, Colorado PUC No. 6 published and filed by Jerry McMorris, President, Westway Motor Freight, Inc. for the commodities captioned above. The matter being set for hearing on April 26, 1968.

The Commission is now in receipt of application No. 4 filed April 1, 1968 requesting permission to amend the last paragraph thereof which now reads:

"One-half hour's free time will be allowed for loading. Delay in loading, beyond the free time specified, will be charged for at the rate provided in Item 925 of the governing publication."

To read:

"One-half hour's free time will be allowed for unloading. Delay in unloading, beyond the free time specified, will be charged for at the rate provided in Item 925 of the governing publication."

Since the request for correction has been filed, it appears that the objectional matter will now be cleared from the tariff and the Commission finds that the suspended matter should be vacated and the carrier be permitted to file on 10 days notice to the Commission and general public a corrected tariff.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact herein be, and they are hereby, made a part hereof.


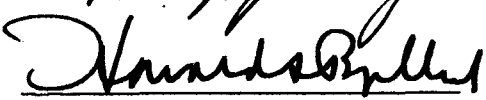

2. That the request to amend Item No. 30-B, last paragraph to read as follows should be granted:

"One-half hour's free time will be allowed for unloading. Delay in unloading, beyond the free time specified, will be charged for at the rate provided in Item 925 of the governing publication."

3. That the respondent herein be, and it is hereby, notified and required to cancel provision in Item 30-B, Supplement No. 3 to Motor Freight Tariff No. 5, Colorado PUC No. 6 and refile an amended supplement upon ten days notice to the Commission and the general public.

4. That the hearing set for April 26, 1968, be, and the same hereby is, vacated, and the proceeding discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
3rd day of April, 1968.

(Decision No. 71121)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED CHARTER COACH CHARGES)	
RULES AND REGULATIONS; NATIONAL BUS	)	<u>INVESTIGATION AND SUSPENSION</u>
TRAFFIC ASSOCIATION, INC., AGENT,	)	<u>DOCKET NO. 577</u>
CHARTER COACH TARIFF NO. A-405,	)	<u>SUPPLEMENTAL ORDER</u>
COLORADO PUC NO. 145.)	

April 5, 1968

Appearances: John R. Barry, Esq., Denver, Colorado,
for National Bus Traffic Association, Inc.,
and Member Carriers, and San Juan Tours,
Inc., Respondents;
David Butler, Esq., Denver, Colorado,
for Colorado Motorway, Inc., Colorado
Transportation Company, d/b/a Rocky
Mountain Motor Company, and Denver-
Boulder Bus Company, Respondents;
Ben F. Stapleton, Jr., Esq., Denver, Colorado,
for L & S Polar Bear Ski Club, Intervenor;
R. B. Danks, Esq., Denver, Colorado, for
Denver Tramway Corporation, as its interest
may appear and for copy of Order;
Furman C. Griffis, Arvada, Colorado, for
North Jeffco Metropolitan Recreation and
Park District, Intervenor;
Irven T. Burke, for the Staff of the
Commission.

S T A T E M E N T

BY THE COMMISSION:

On May 25, 1967, the Commission, by Decision No. 69570, ordered
the following charter bus carriers:

Cannon Ball, Inc.
P. O. Box 582
Durango, Colorado 81302
(Transferred to The Leadville Transit Company
by Decision No. 67727, dated July 11, 1966.)

Colorado Motorway, Inc.
1805 Broadway
Denver, Colorado 80202

Colorado Springs-Limon Transportation Company
Limon, Colorado 80828

Continental Trailways
2450 Curtis Street
Denver, Colorado 80205, consisting of the
following;

American Buslines, Inc.
Continental Bus System, Inc.
(Continental Rocky Mountain Lines)

Denver-Colorado Springs-Pueblo Motorway, Inc.

Denver-Salt Lake Pacific Stages, Inc.

Transcontinental Bus System, Inc.
including: Continental Central Lines
Continental Western Lines

Valley Transit Lines, Inc.

Denver-Boulder Bus Company
1730 Glenarm Place
Denver, Colorado 80202

Greyhound Lines, Inc.
(Central Greyhound Lines Division)
1805 Broadway
Denver, Colorado 80202

The Leadville Transit Company
Route 1, Box 392
Salida, Colorado 81201

Rocky Mountain Motor Company
(Colorado Transportation Company)
1805 Broadway
Denver, Colorado 80202

San Juan Tours, Inc.
El Pomar Building
Broadmoor
Colorado Springs, Colorado 80900,

to furnish the Enforcement Division of the Public Utilities Commission on the first day of each month beginning on July 1, 1967, a monthly report under oath covering Colorado Intrastate Charter Bus Operations setting forth the following information:

1. Name of charter party
2. Date or dates of charter
3. Point of origin of charter
4. Point of destination of charter
5. Number of passengers in charter party
6. Number of buses necessary for charter

7. Number of charters requested
8. Number of charters handled
9. Number of charters cancelled
10. Number of charters which could not be accommodated for lack of equipment



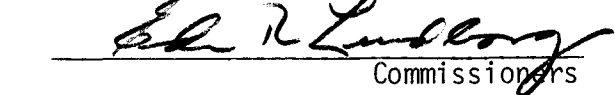
The Commission now finds that the information being furnished by the charter bus carriers is no longer needed by the Commission.

O R D E R

THE COMMISSION ORDERS:

- (1) That the Statement herein be and is hereby made a part hereof.
- (2) That the charter bus carriers, as above set forth, no longer need to file the information as outlined in the Statement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
C. R. REEL, ROUTE 4, BOX 331,) CASE NO. 5361
COLORADO SPRINGS, COLORADO, UNDER)
PUC NO. 4543.)

April 5, 1968

Appearances: C. R. Reel, Colorado Springs,
Colorado, Respondent, pro se;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of the
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 24, 1968, the Commission entered Decision No. 70747 instituting show cause proceedings in the above-entitled matter.

Said matter was heard on March 28, 1968, at Denver, Colorado, and at the conclusion of the evidence and arguments, the matter was taken under advisement.

Lloyd C. Espinosa testified that he is Supervising Transportation Representative of the Enforcement Division of the Public Utilities Commission; that he conducted an investigation of the operations of the Respondent and the circumstances surrounding the pick up and disposal of dead animals, except dogs, cats, and other small animals, between points in El Paso County, Colorado; that he was told by representatives of the State Patrol and of the Sanitation Department that oftentimes dead animals must be removed as soon as possible for safety and health reasons; that at times the Respondent, who has authority to provide such transportation, is not readily available because at such time he happens to be at great distance from the locale; that representatives of the State Patrol and of the Sanitation Department call persons who are readily available to provide the transportation service; that he did not know how the persons providing the transportation were paid but thought that

after the service was rendered such persons would contact the owner of the dead animal and try to collect for the services. Witness Espinosa together with Counsel for the Staff, take the position that the Commission should cancel that portion of the authority of the Respondent authorizing the transportation of dead animals as the Commission does not have jurisdiction over this type of service and for the further reason that the Respondent is the only carrier available.

C. R. Reel, the Respondent, testified that he has performed the service; that he may be contacted by phone 24-hours a day; that he has purchased equipment to perform the service; that he has rendered such service many times at the request of representatives of the State Patrol and of the Sanitation Department; that he does not wish to relinquish his authority; that if his authority were cancelled there would be no one that he knows of upon whom the duty would rest to perform the services which he now feels it is his duty to, and does, perform as the owner of the Certificate.

The Commission finds that the Commission has jurisdiction over the subject matter.


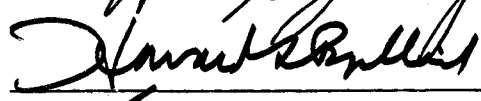
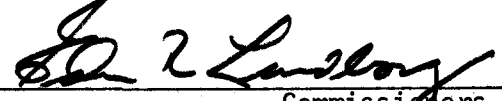
The Commission finds that the Respondent, C. R. Reel, has violated no law, nor any duties imposed upon him as holder of Certificate PUC No. 4543; and, that the show cause order should be vacated and held for naught.

O R D E R

THE COMMISSION ORDERS:

That the show cause order be, and hereby is, vacated and held for naught; and that Case No. 5361 be, and hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.

1s

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.)

April 5, 1968

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 applicaton 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:

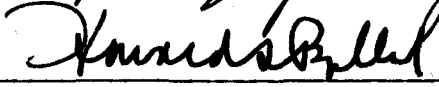
That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as Common or Private Carriers by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado, be, and the same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


American Western Co., Inc.	215 Hayter St., Dallas, Oregon 97338
R. J. (Red) Andrews dba R. J. (Red) Andrews Truck Line	606 Lesington, P.O. 4 Corsicana, Texas 75110
Wiethop Truck Sales, Inc., dba Cape Refrigerated Express	2350 Independence St. Cape Girardeau, Missouri 63701
Dale Chaney	914 Worthshire, Houston, Texas 77008
D & L Corporation	P.O. Box 420, 2175 W. Center Provo, Utah 84601
Dutch Grimm, Inc.	15 Exchange Place Jersey City, New Jersey 07302
Richard E. Endsley	P.O. Box 74, Ft. Morgan, Colo. 80701
John Fetty dba Fetty Trucking	Box 1844 Gillette, Wyoming 82716
Robert K. Lamoree	Stromsburg, Nebraska 68666
La Rue Lamb Trucking Co.	Myton, Utah 84052
Max Mann	Box 135, Woodbine, Iowa 51579
Willis Gaines Newcomer	Box 472, Bastrop, Louisiana 71220
Lee Richardson	P.O.Box 57, Manassa, Colo. 81141
Ruttman, Incorporated	Nelson, Nebraska 68661
T & T Cattle Company	Box 142, Elmore, Alabama 36025
Don Taylor	4416 Royal Oak, Forth Smith, Ark. 72901
Coy Terry dba Coy Terry & Sons	P. O. Box 272 Whitehouse, Texas 75791
Dale Drake dba Ysleta Trucking	138 Phillipy Street El Paso, Texas 79900

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 5th day of April, 1968.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Holderoft Transportation Co., Inc.)
3112 Highway 75 North)
Sioux City, Iowa 51105)

AUTHORITY NO. 814-I
CASE NO. 902-H-Ins.

_ April 4, 1968 _

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 12, 1968 , 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 April , 1968 .

(Decision No. 71125)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ESTATE OF FRANK C. HEITMAN,)
DECEASED, 4601 W. ALAMEDA AVENUE,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-4043 TO GEORGE)
E. HEITMAN, 4601 W. ALAMEDA AVENUE,)
DENVER, COLORADO.)

APPLICATION NO. 23013-PP-Transfer

IN THE MATTER OF THE APPLICATION OF)
THE ESTATE OF FRANK C. HEITMAN,)
DECEASED, 4601 W. ALAMEDA AVENUE,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-6084 TO GEORGE)
E. HEITMAN, 4601 W. ALAMEDA AVENUE,)
DENVER, COLORADO.)

APPLICATION NO. 23014-PP-Transfer

April 5, 1968

Appearances: Stanley H. Schwartz, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 17, 1968, the above-entitled applications were filed requesting authority to transfer Permits No. B-4043 and B-6084.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceedings together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested and that the herein applications were consolidated for hearing and heard on a joint record.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Transferor herein is the record owner and operator of Permit No. B-4043 and Permit No. B-6084, which are the subject of these proceedings.
2. These authorities have been continually operated in the past and are presently in good standing with the Commission.
3. Permit No. B-4043 and Permit No. B-6084 were formerly owned by Frank C. Heitman who is now deceased. His estate was probated in the Probate Court in and for the City and County of Denver, State of Colorado, under the Small Estates Act.
4. Pursuant to Order of Distribution under the Small Estates Act, a copy of which is in the file and made a part of this proceeding, the two permits involved herein were distributed to the Transferee, George E. Heitman, who is the son of the deceased.
5. Transferee herein holds no previously granted authority from this Commission.
6. The Permits are free and clear of any debts, encumbrances, or obligations.
7. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if these applications are 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. If these transfers are approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfers are compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of its right, title and interest in and to Permit No. B-4043 to George E. Heitman, and that henceforth the full and complete authority under said Permit No. B-4043 shall read as follows, to-wit:

"(1) Transportation of;

Forest and sawmill products;

From point to point within a thirty (30) mile radius of Steamboat Springs, Colorado, and from and to points within said thirty (30) mile radius to and from Denver, Colorado.

(2) Transportation of;

Logs, poles and timber products;

From forests to sawmills, places of storage and loading points within a radius of fifty (50) miles of said forests and to Denver and points within a radius of twenty (20) miles of Denver, Colorado.

(3) Transportation of;

Rough lumber and finished lumber;

From sawmills to places of storage, loading points and markets within a radius of fifty (50) miles of sawmills to places of storage loading points and markets within a fifty (50) mile radius of said sawmills and to Denver and points within a radius of twenty (20) miles of Denver, Colorado.

(4) Transportation of;

Lumber and sawmill products;

From Kaibab Lumber Co. and its customers, only, from the plant site of said lumber company to points within a ten (10) mile radius of the intersection of Pikes Peak Avenue and Nevada Street, Colorado Springs, Colorado."

That the Commission make and enter its Order authorizing Transferor to transfer all of its right, title and interest in and to Permit No. B-6084 to George E. Heitman, and that henceforth the full and complete authority under said Permit No. B-6084 shall read as follows, to-wit:

"(1) Transportation of;

Lumber and building material;

From lumber yards and brick yards in Denver, Colorado, and points within a ten (10) mile radius thereof, to building sites in the mountains west of Denver within a radius of seventy (70) miles of Denver, Colorado.

RESTRICTION:

Restricted to the use of two (2) two and one-half (2½) ton trucks.

(2) Transportation of;

Logs, poles and timber products;

From forests to and from sawmills, places of storage, loading points and markets within a radius of one hundred twenty-five (125) miles of said forests."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That the Estate of Frank C. Heitman, Deceased, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-4043, to George E. Heitman, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Permit No. B-4043 shall read and be as follows, to-wit:

Transportation of

(1) Forest and sawmill products

Between all points within a thirty (30) mile radius of Steamboat Springs, Colorado, and from and to points within said thirty (30) mile radius to and from Denver, Colorado.

(2) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of fifty (50) miles of said forests and to Denver and points within a radius of twenty (20) miles of Denver, Colorado.

(3) Rough lumber and finished lumber

From sawmills to places of storage, loading points and markets within a radius of fifty (50) miles of sawmills to places of storage loading points and markets within a fifty (50) mile radius of said sawmills and to Denver and points within a radius of twenty (20) miles of Denver, Colorado.

(4) Lumber and sawmill products

Restriction:

To service for only the Kaibab Lumber Co. and its customers, from the plant site of said lumber company to points within a ten (10) mile radius of the intersection of Pikes Peak Avenue and Nevada Street, Colorado Springs, Colorado.

That the Estate of Frank C. Heitman, Deceased, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-6084, to George E. Heitman, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Permit No. B-6084 shall read and be as follows, to-wit:

Transportation of

(1) Lumber and building material

From lumber yards and brick yards in Denver, Colorado, and points within a ten (10) mile radius thereof, to building sites in the mountains west of Denver within a radius of seventy (70) miles of Denver, Colorado.

Restriction:

Restricted to the use of two (2) two and one-half (2½) ton trucks.

(2) Logs, poles and timber products

From forests to and from sawmills, places of storage, loading points and markets within a radius of one hundred twenty-five (125) miles of said forests.


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


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

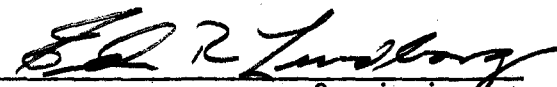
This Order is made a part of the permits authorized to be transferred.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES W. NEITZ, P. O. BOX 185,)
EASTLAKE, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 23040-PP-Extension
EXTEND OPERATIONS UNDER PERMIT NO.)
B-6101.)

April 5, 1968

Appearances: Charles W. Neitz, Eastlake,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 9, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-6101 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permits No. B-6101 and M-13554.

3. The authority to which extension is hereby sought, Permit No. B-6101, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application for extension Applicant seeks to extend Permit No. B-6101 so as to transport farm products (excluding livestock and bulk milk and dairy products) between points in the Counties of Adams, Denver, Weld, Boulder, Larimer and Jefferson, and also to transport poultry by-products, used for fertilizer purposes only, from Barber's Poultry, Inc., Broomfield, Colorado, to points in the State of Colorado.
5. The extension applied for herein is compatible with, and does not conflict or duplicate the authority held by Applicant.
6. Applicant has sufficient equipment, experience and net worth, 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 the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
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. 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.
10. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-6101 to include:

"Transportation of farm products (excluding livestock and bulk milk and dairy products) between points in the following-named counties, to-wit: Adams, Denver, Weld, Boulder, Larimer and Jefferson.

Transportation of poultry by-products (used for fertilizer purposes only) from Barber's Poultry, Inc., Broomfield, Colorado, to points in the State of Colorado."

That henceforth the entire authority under Permit No. B-6101 shall be as follows:

"(1) Transportation of;

Live poultry;

between points in the State of Colorado.

(2) Transportation of;

Hay, straw, hay pellets, ensilage, grain and meat scraps;

Between points within a radius of seventy (70) miles of Eastlake, Colorado.

(3) Transportation of;

Farm products (excluding livestock and bulk milk and dairy products);

Between points in the following-named counties, to-wit: Adams, Denver, Weld, Boulder, Larimer and Jefferson;

(4) Transportation of;

Poultry by-products (used for fertilizer purposes, only);

From Barber's Poultry, Inc., Broomfield, Colorado, to points in the State of Colorado."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Charles W. Neitz, Eastlake, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6101 to include the following:

Transportation of

(1) Farm products (excluding livestock and bulk milk and dairy products)

Between all points in the following Counties in the State of Colorado: Adams, Denver, Weld, Boulder, Larimer and Jefferson.

(2) Poultry by-products (used for fertilizer purposes only)

From Barber's Poultry, Inc., Broomfield, Colorado, to all points in the State of Colorado.

That henceforth the full and complete authority under Permit No. B-6101 as extended shall read and be as follows, to-wit:

Transportation of

(1) Live poultry

Between all points in the State of Colorado.

(2) Hay, straw, hay pellets, ensilage, grain and meat scraps

Between points within a radius of seventy (70) miles of Eastlake, Colorado.

(3) Farm products (excluding livestock and bulk milk and dairy products)

Between all points in the following Counties in the State of Colorado: Adams, Denver, Weld, Boulder, Larimer and Jefferson.

(4) Poultry by-products (used only for fertilizer purposes)

From Barber's Poultry, Inc., Broomfield, Colorado to all points in the State of Colorado.



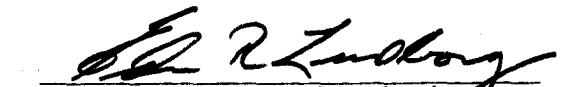
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, 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 5th day of April, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ATLAS AVIATION, INC., A COLORADO)	
CORPORATION, TERMINAL BUILDING,)	<u>APPLICATION NO. 23038-Extension</u>
STAPLETON INTERNATIONAL AIRPORT,)	
DENVER, COLORADO, FOR AUTHORITY TO)	
EXTEND OPERATIONS UNDER PUC NO.)	
AC-17.)	

April 5, 1968

Appearances: Joseph F. Nigro, Esq., Denver, Colorado, for Applicant;
 Robert S. Wham, Esq., Denver, Colorado, for Vail Airways, Inc., doing business as "Rocky Mountain Aviation, Inc.," Intervenor for Copy of Order;
 John H. Lewis, Esq., Denver, Colorado, Intervenor for Copy of Order;
 John F. Mueller, Esq., Denver, Colorado, for Aspen Airways, Intervenor for Copy of Order;
 Ray M. Wilson, Denver, Colorado, of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 9, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate AC-17 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Upon motion of all parties concerned, this application was heard on a joint record with Application No. 22774-Extension, being the application of Clinton Aviation Co., and Application No. 23030-Extension, being the application of Vail Airways, Inc., doing business as 'Rocky Mountain Aviation, Inc.'. All three applications were for the purpose of eliminating from the respective certificates that portion of the certificate requiring a charge of 150 per cent penalty when in competition with scheduled airline carriers and to substitute therefor a 120 per cent penalty. It was further stipulated and agreed among the parties that Mr. Gordon F. Autry, General Manager of Vail Airways, would testify for and on behalf of all the parties and that his testimony would be applicable to all three applications. Further, Mr. Ray M. Wilson of the Staff of the Commission supported the applications."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant presently holds authority from this Commission designated as PUC No. AC-17 which, pursuant to Decision No. 70013, provides as follows:

"Transportation, by airplane, in intrastate and interstate commerce of passengers and property, not on schedule, but on call and demand, between all points in the State of Colorado.

Applicant shall not establish an office or branch for the purpose of developing business at any town, place or city other than Denver, the nearby Sky Ranch Airport, and other so-called Denver Airports, within a radius of fifteen miles of Denver, Colorado.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, shall be at least fifty percent greater per passenger than the effective rates of fixed-route carriers by air so operating on schedule between said points."

3. Applicant has duly and properly applied for an extension to its certificate of authority which in essence requests that the 150 per cent penalty clause contained in the authority be eliminated and that a 120 per cent penalty be substituted in lieu thereof.
4. Applicant's equipment, experience, net worth and other related matters are not material to this application.
5. There is a present and special need for the proposed extension and the present and future public convenience and necessity requires or will require the extension as applied for.
6. The extension as hereinafter set forth should be granted.

EXAMINER CONCLUSION

That the Commission make and enter its Order granting the application to extend the authority of Atlas Aviation, Inc., under PUC No. AC-17 by eliminating therefrom the 150 per cent penalty clause and substituting in lieu thereof a 120 per cent penalty clause, and that henceforth the full and complete authority under PUC No. AC-17 be as follows:

"Transportation, by airplane, in intrastate and interstate commerce of passengers and property, not on schedule, but on call and demand, between all points in the State of Colorado.

Applicant shall not establish an office or branch for the purpose of developing business at any town, place or city other than Denver, the nearby Sky Ranch Airport, and other so-called Denver Airports, within a radius of fifteen miles of Denver, Colorado.

Restricted, however, in that when transporting passengers between points served by air carriers operating on schedule over fixed routes and in competition therewith, a fare of not less than 120 per cent of the regular fare (on a per seat basis) of said fixed-route carriers shall be charged."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Atlas Aviation, Inc., Denver, Colorado, be, and hereby is, authorized to extend operations under Certificate No. AC-17 by eliminating therefrom the 150% rate penalty clause and substituting in lieu thereof a 120% rate penalty clause.

That henceforth the full and complete authority under certificate AC-17 as extended shall read and be as follows, to-wit:

Transportation -- on call and demand -- by airplane of
Passengers and property

Between all points in the State of Colorado.

Restriction:

(1) No office or branch shall be established for the purpose of soliciting or developing business at any town or city other than Denver, Colorado and a fifteen (15) mile radius thereof.

(2) The holder hereof, when transporting passengers between points served by air carriers operating on schedule over fixed routes, shall charge per passenger rates which shall be at least 120 percent of the per passenger effective rates of said fixed route air carriers operating on schedule between said points.

That Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, the Commission, within twenty (20) days from the date hereof in compliance with the provisions of the authority as granted in this Order.


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.

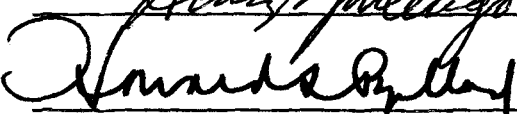
That Applicant shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

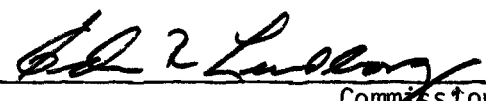
That this Order is subject to compliance with all present and future laws and rules and regulations of the Commission.

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 5th day of April, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VAIL AIRWAYS, INC., DOING BUSINESS AS "ROCKY MOUNTAIN AVIATION, INC.", STAPLE- TON INTERNATIONAL AIRPORT, DENVER, COLORADO, TO AMEND A PORTION OF ITS CERTIFICATE PUC NO. AC-9.)))))	<u>APPLICATION NO. 23030-Extension</u>
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April 5, 1968

Appearances: Robert S. Wham, Esq., Denver,
 Colorado, for Applicant;
 John H. Lewis, Esq., Denver,
 Colorado, for Clinton Aviation
 Co., Intervenor for Copy of Order;
 Joseph F. Nigro, Esq., Denver,
 Colorado, for Atlas Aviation, Inc.,
 Intervenor for Copy of Order;
 John F. Mueller, Esq., Denver,
 Colorado, for Aspen Airways,
 Intervenor for Copy of Order;
 Ray M. Wilson, Denver, Colorado,
 of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 2, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate No. AC-9 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Upon motion of all parties concerned, this application was heard on a joint record with Application No. 22774-Extension, being the application of Clinton Aviation Co., and Application No. 23038-Extension, being the application of Atlas Aviation, Inc. All three applications were for the purpose of eliminating from the respective certificates that portion of the certificate requiring a charge of 150 per cent penalty when in competition with scheduled airline carriers and to substitute therefor a 120 per cent penalty. It was further stipulated and agreed among the parties that Mr. Gordon F. Autry, General Manager of Vail Airways, would testify for and on behalf of all the parties and that his testimony would be applicable to all three applications. Further, Mr. Ray M. Wilson of the Staff of the Commission supported the applications."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant presently holds authority from this Commission designated as PUC No. AC-9 which, pursuant to Decision No. 68097, provides as follows:

"Transportation by airplane, in interstate and intrastate commerce, of passengers and their baggage and express and cargo, over irregular routes, on call and demand, between points and places in the State of Colorado, provided, however, that applicant shall not establish an office or branch for the purpose of developing business at any towns, places or cities other than Denver, Eagle and Vail, and airports within a radius of thirty-five miles of Vail, but located within Eagle or Summit Counties.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed-routes, shall be at least fifty per cent greater per passenger than the effective rates of fixed-route carriers by air so operating on schedule between said points."

3. Applicant has duly and properly applied for an extension to its certificate of authority which in essence requests that the 150 per cent penalty clause contained in the authority be eliminated and that a 120 per cent penalty be substituted in lieu thereof.
4. Applicant's equipment, experience, net worth and other related matters are not material to this application.
5. There is a present and special need for the proposed extension and the present and future public convenience & necessity requires or will require the extension as applied for.
6. The extension as hereinafter set forth should be granted.

EXAMINER CONCLUSION

That the Commission make and enter its Order granting the application to extend the authority of Vail Airways, Inc., doing business as "Rocky Mountain Aviation, Inc.", under PUC No. AC-9 by eliminating therefrom the 150 per cent penalty clause and substituting in lieu thereof a 120 per cent penalty clause, and that henceforth the full and complete authority under PUC No. AC-9 be as follows:

"Transportation by airplane, in interstate and intrastate commerce, of passengers and their baggage and express and cargo, over irregular routes, on call and demand, between points and places in the State of Colorado, provided, however, that applicant shall not establish an office or branch for the purpose of developing business at any towns, places or cities other than Denver, Eagle and Vail, and airports within a radius of thirty-five miles of Vail, but located within Eagle or Summit Counties.

Restricted, however, in that when transporting passengers between points served by air carriers operating on schedule over fixed routes and in competition therewith, a fare of not less than 120 per cent of the regular fare (on a per seat basis) of said fixed-route carriers shall be charged."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Vail Airways, Inc., Denver, Colorado, be, and hereby is, authorized to extend operations under Certificate No. AC-9 by eliminating therefrom the 150% rate penalty clause and substituting in lieu thereof a 120% rate penalty clause.

That henceforth the full and complete authority under certificate AC-9 as extended shall read and be as follows, to-wit:

Transportation -- on call and demand -- by airplane of
Passengers and their baggage and express and cargo

Between all points on call and demand in the State of
Colorado.

Restriction:

(1) No office or branch shall be established for the purpose of soliciting or developing business at any town other than Denver, Colorado, Eagle, Colorado and Vail, Colorado, and airports within a radius of thirty-five (35) miles of Vail, Colorado, but located only within the Counties of Eagle, or Summit, State of Colorado.

(2) The holder hereof, when transporting passengers between points served by air carriers operating on schedule over fixed routes, shall charge per passenger rates which shall be at least 120 percent of the per passenger effective rates of said fixed route air carriers operating on schedule between said points.


That Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, the Commission, within twenty (20) days from the date hereof in compliance with the provisions of the authority as granted in this Order.

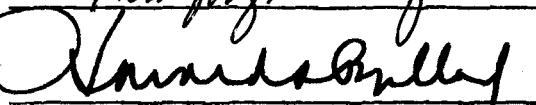
That Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

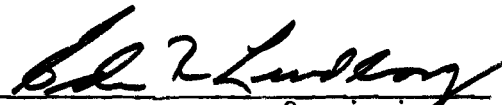
That Applicant shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.

sl

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLINTON AVIATION CO., A COLORADO)
CORPORATION, STAPLETON INTERNATIONAL)
AIRPORT, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PUC NO. AC-4.)

APPLICATION NO. 22774-Extension

April 5, 1968

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Atlas Aviation,
Inc., Intervenor for Copy of
Order;
Robert S. Wham, Esq., Denver,
Colorado, for Vail Airways, Inc.,
Intervenor for Copy of Order;
John F. Mueller, Esq., Denver,
Colorado, for Aspen Airways,
Intervenor for Copy of Order;
Ray M. Wilson, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 31, 1967, the above-entitled application was filed requesting authority to extend operations under Certificate No. AC-4 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Upon motion of all parties concerned, this application was heard on a joint record with Application No. 23030-Extension, being the application of Vail Airways, Inc., doing business as "Rocky Mountain Aviation, Inc.," and Application No. 23038-Extension, being the application of Atlas Aviation, Inc. All three applications were for the purpose of eliminating from the respective certificates that portion of the certificate requiring a charge of 150 per cent penalty when in competition with scheduled airline carriers and to substitute therefor a 120 per cent penalty. It was further stipulated and agreed among the parties that Mr. Gordon F. Autry, General Manager of Vail Airways, would testify for and on behalf of all the parties and that his testimony would be applicable to all three applications. Further, Mr. Ray M. Wilson of the Staff of the Commission supported the applications."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant presently holds authority from this Commission designated as PUC No. AC-4 which, pursuant to Decision No. 27753, provides as follows:

"Transportation by airplane in intrastate and interstate commerce for transportation of passengers and property, not on schedule but on call and demand, between all points in the State of Colorado.

Applicant shall not establish an office or branch for the purpose of developing business at any town, place or city other than Denver and airports within a radius of fifteen miles.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, shall be at least fifty per cent greater per passenger than the effective rates of fixed-route carriers by air so operating on schedule between said points."

3. Applicant has duly and properly applied for an extension to its certificate of authority which in essence requests that the 150 per cent penalty clause contained in the authority be eliminated and that a 120 per cent penalty be substituted in lieu thereof.
4. Applicant's equipment, experience, net worth and other related matters are not material to this application.
5. There is a present and special need for the proposed extension and the present and future public convenience and necessity requires or will require the extension as applied for.
6. The extension as hereinafter set forth should be granted.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application to extend the authority of Clinton Aviation Co. under PUC No. AC-4 by eliminating therefrom the 150 per cent penalty clause and substituting in lieu thereof a 120 per cent penalty clause, and that henceforth the full and complete authority under PUC No. AC-4 be as follows:

"Transportation by airplane of passengers and property, not on schedule, but on call and demand, in intra and inter state commerce, between points in the State of Colorado.

Applicant shall not establish an office or branch for the purpose of developing business at any town, place or city other than Denver and airports within a radius of fifteen miles thereof.

Restricted, however, in that when transporting passengers between points served by air carriers operating on schedule over fixed routes and in competition therewith, a fare of not less than 120 per cent of the regular fare (on a per seat basis) of said fixed-route carriers shall be charged."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Clinton Aviation Co., Denver, Colorado, be, and hereby is, authorized to extend operations under Certificate No. AC-4 by eliminating

therefrom the 150% rate penalty clause and substituting in lieu thereof a 120% rate penalty clause.

That henceforth the full and complete authority under Certificate No. AC-4 as extended shall read and be as follows, to-wit:

Transportation of

Passengers and property on call and demand

Between all points in the State of Colorado.

Restriction:

(1) No office or branch shall be established for the purpose of soliciting or developing business at any town or city other than Denver, Colorado and a fifteen (15) mile radius thereof.

(2) The holder hereof, when transporting passengers between points served by air carriers operating on schedule over fixed routes, shall charge per passenger rates which shall be at least 120 percent of the per passenger effective rates of said fixed route air carriers operating on schedule between said points.

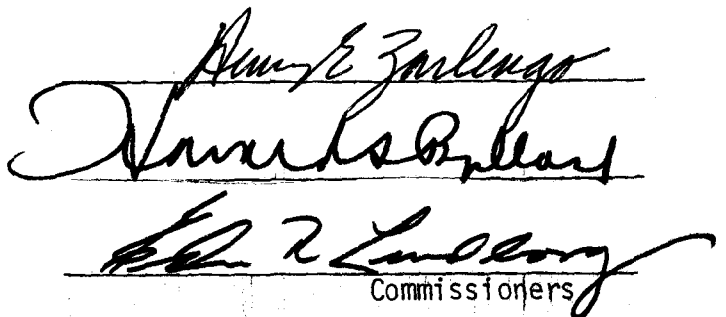
That Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, the Commission, within twenty (20) days from the date hereof in compliance with the provisions of the authority as granted in this Order.

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.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLINTON AVIATION CO., STAPLETON)
INTERNATIONAL AIRPORT, DENVER, COLO-)
RADO, FOR EXTENSION OF OPERATIONS)
UNDER PUC NO. AC-4.)

APPLICATION NO. 22985-Extension

April 5, 1968

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Atlas Aviation,
Inc., Protestant;
Robert S. Wham, Esq., Denver,
Colorado, for Vail Airways,
Inc., Intervenor;
John F. Mueller, Esq., Denver,
Colorado, for Aspen Airways,
Intervenor, for Copy of Order;
Ray M. Wilson, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 21, 1967, the above-entitled application was filed requesting authority to extend operations under Certificate PUC No. AC-4.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record of the instant proceeding together with a written statement of his Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing, Applicant moved to amend its application as follows:

To extend operations under PUC AC-4 to operate as a common carrier by aircraft by permitting Applicant, in addition to its present authority, to establish an office or branch for the purpose of developing business at any airport in Arapahoe County located within a radius of fifteen (15) miles of Denver.

This amendment being restrictive in nature was allowed, whereupon Applicant then moved to dismiss the application on the ground that under its existing authority it is permitted to establish an office in Arapahoe County so long as it is within a radius of fifteen (15) miles of Denver. The specific portion of this authority reads as follows:

Applicant shall not establish an office or branch for the purpose of developing business at any town, place or city other than Denver and airports within a radius of fifteen (15) miles.

Protestants and intervenors then withdrew their protests and joined in the motion to dismiss, all indicating agreement to the interpretation of the authority as set forth above.

The motion to dismiss the application was granted on the basis that Applicant presently has the authority requested in the amended application.

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

Specifically, the submitted Examiner's Conclusions read as follows, to-wit:

EXAMINER CONCLUSIONS

"That the Commission make and enter its Order dismissing the Application."

The Commission has given careful consideration to the record in the above-entitled proceeding and to the Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the


following Order.


ORDER


THE COMMISSION ORDERS:

That Application No. 22985-Extension, be, and the same is hereby,
dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Gifford H. Allen)
Hotchkiss, Colo. 81419)

AUTHORITY NO. A-5548
CASE NO. 629-CL

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 20, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a current Customer List with the Commission for the year 1968.

The records of the Commission now disclose that proper Customer List has been filed.

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Gulevich
Howard Bonney
Ed R. Lindsey
Commissioners

Dated at Denver, Colorado, this
5th day of April, 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Ryburn F. Sago
1690 Xanthia St.
Denver, Colo. 80220

AUTHORITY NO. B-3653

CASE NO. 541-CL

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 20, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a current Customer List with the Commission for the year 1968.

The records of the Commission now disclose that proper Customer List has been filed.

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

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 J. Zilver
Howard R. Billings
Ed. R. Lindsey
Commissioners

Dated at Denver, Colorado, this
5th day of April, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Shirley D. Lazor
Rt 6, Box 34
Colo. Springs, Colo. 80909

AUTHORITY NO. B-6858

CASE NO. 749-CL

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 20, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a current Customer List with the Commission for the year 1968.

The records of the Commission now disclose that proper Customer List has been filed.

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel G. Fairbank
Donald S. Bentley
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado, this

5th day of April, 1968 .

rs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Dale F. Beagle)
5315 Perry)
Denver, Colo. 80212)

AUTHORITY NO. B-6864
CASE NO. 750-CL

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 20, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a current Customer List with the Commission for the year 1968.

The records of the Commission now disclose that proper Customer List has been filed.

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

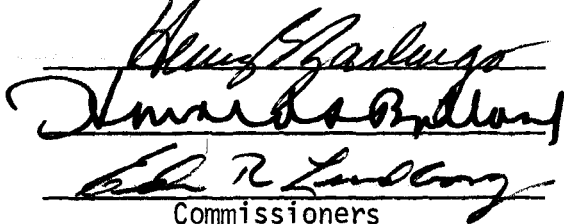
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this

5th day of April, 1968. rs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
L. A. Griffith)
P.O. Box 673)
Central City, Colo. 80427)

AUTHORITY NO. A-792
CASE NO. 499-CL

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 20, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a current Customer List with the Commission for the year 1968.

The records of the Commission now disclose that proper Customer List has been filed.

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin G. Zuley
Howard B. Billings
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado, this

5th day of April, 1968 .

rs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Arnold Construction Co., Inc.)
P.O. Box 388)
Castle Rock, Colo. 80104)

AUTHORITY NO. B-4476 & I
CASE NO. 565-CL

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 20, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a current Customer List with the Commission for the year 1968.

The records of the Commission now disclose that proper Customer List has been filed.

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

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

Alvin G. Zuluaga
James B. Kelley
Ed R. Lullay
Commissioners

Dated at Denver, Colorado, this

5th day of April, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
John H. Sturgis dba)
Sturgis Logging)
942 So. 11th)
Montrose, Colo. 81401)

AUTHORITY NO. B-7095
CASE NO. 808-CL

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 20, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a current Customer List with the Commission for the year 1968.

The records of the Commission now disclose that proper Customer List has been filed.

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

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Zuluaga
Donald S. Patton
Ed R. Zuluaga
Commissioners

Dated at Denver, Colorado, this

5th day of April, 1968 . rs

(Decision No. 71138)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. E. DOWNEY, LOMA, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1136)
AND PUC NO. 1136-I TO LEONARD C.)
RICH, P. O. BOX 61, O ROAD AND HIGH-)
WAY 6 & 50, MACK, COLORADO.)

APPLICATION NO. 23032-Transfer

April 5, 1968

Appearances: Alma Downey, Loma, Colorado,
for Transferor;
Leonard C. Rich, Mack, Colorado,
Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 29, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 1136 and PUC No. 1136-I.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Transferor herein is the present owner and operator of PUC No. 1136 & I, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein presently holds authority under Permit No. B-5599 & I. There is no duplication of authority involved herein.
4. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances or obligations.
6. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought 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. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 1136 & I to Leonard C. Rich and that henceforth the full and complete authority under said PUC No. 1136 & I shall read as follows, to-wit:

- "(1) Transportation -- on call and demand -- of
Farm products (including livestock and wool)
From farms and ranches within a twenty-five (25)
mile radius of Fruita, Colorado, to shipping
points, elevators or storage warehouses in said area.
- (2) Transportation -- on call and demand -- of
Farm supplies and used household goods and furnishings
From farm to farm, town to farm and farm to town in
a twenty-five (25) mile radius of Fruita, Colorado.

- (3) Transportation -- on call and demand -- of

Electric light poles, fixtures and power-line supplies

Generally along the line of the rural electrification project in Grand Valley.

- (4) Authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado boundary lines where all highways cross same, in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That R. E. Downey, Loma, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 1136 and PUC No. 1136-I, to Leonard C. Rich, Mack, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate PUC No. 1136 and PUC No. 1136-I shall read and be as follows, to-wit:

- (1) Transportation -- on call and demand -- of

Farm products (including livestock and wool)

From farms and ranches within a twenty-five (25) mile radius of Fruita, Colorado, to shipping points, elevators or storage warehouses in said area.

- (2) Transportation -- on call and demand -- of

Farm supplies and used household goods and furnishings

From farm to farm, town to farm and farm to town in a twenty-five (25) mile radius of Fruita, Colorado.

(3) Transportation -- on call and demand -- of

Electric light poles, fixtures and power-line supplies

Generally along the line of the rural electrification project in Grand Valley.

(4) Authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado 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, 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.

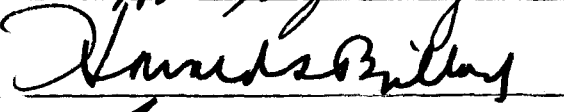
The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

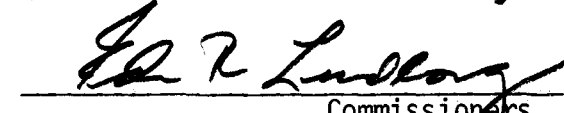
That transfer of interstate operating rights herein authorized is subject to the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.
ls

(Decision No. 71139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF FRANCHISE)
LIQUORS, INC., 4809 COLORADO BOULEVARD,)
DENVER, COLORADO.)

PUC NO. 5036-I
PERMIT NO. M-5279

April 5, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Richard J. Bernick, Attorney for Franchise Liquors, Inc. stating that said corporation has changed its corporate name to Lackner-Block, Inc., doing business as "Franchise Liquors," and "Reuler-Lewin Company," in the conduct of operations under PUC No. 5036-I and Permit No. B-5279.

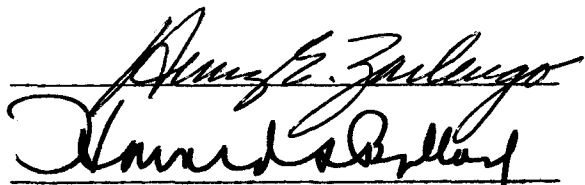
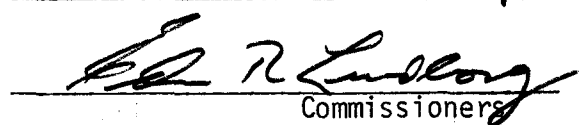
The Commission states and finds that said change is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Franchise Liquors, Inc. be, and hereby is, authorized to conduct operations under the trade name and style of Lackner-Block, Inc., doing business as "Franchise Liquors," and "Reuler-Lewin Company," in the conduct of operations under PUC No. 5036-I and Permit No. M-5279, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1968.

(Decision No.71140)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LUTHER M. ANDERSON, P. O. BOX 157,)
GRAND SALINE, TEXAS, FOR AUTHORITY)
TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO ANDERSON TRUCK CO., INC.,)
P. O. BOX 157, HIGHWAY 80 WEST,)
GRAND SALINE, TEXAS.)

PUC NO. 3143-I-Transfer

April 8, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Luther M. Anderson, Grand Saline, Texas, was granted a certificate of public convenience and necessity, being PUC No. 3143-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holder now seeks authority to transfer said PUC No. 3143-I to Anderson Truck Co., Inc., Grand Saline, Texas.

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

O R D E R

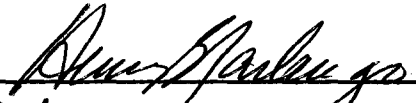
THE COMMISSION ORDERS:

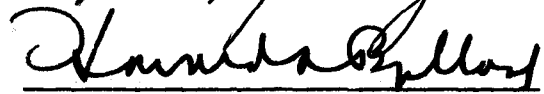
That Luther M. Anderson, Grand Saline, Texas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 3143-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Anderson Truck Co., Inc., Grand Saline, Texas, subject to encumbrances against said operating rights, if any,

approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 8th day of April, 1968

et

(Decision No. 71141)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED CHARTER COACH CHARGES)
COLORADO MOTORWAY, INC., COLORADO,)
TRANSPORTATION COMPANY d/b/a ROCKY)
MOUNTAIN MOTOR COMPANY, NATIONAL BUS)
TRAFFIC ASSOCIATION, INC., AGENT,)
CHARTER COACH TARIFF NO. A-405,)
COLORADO PUC NO. 145.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 606
SUPPLEMENTAL ORDER

April 8, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1968, the Commission entered Decision No. 71088 in the above-entitled matter which decision, among other things, set the above-entitled matter for hearing on May 16, 1968, at 10:00 o'clock A.M., at Denver, Colorado.

The Commission, on its own motion, states and finds that said hearing should not be held on May 16, 1968, as specified by Decision No. 71088, and that said hearing be held on May 7, 1968, as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That hearing on the above-entitled matter presently set for May 16, 1968, at 10:00 o'clock A.M., at Denver, Colorado, be, and the same hereby is, vacated.

That said matter be, and hereby is, continued and reset for hearing on May 7, 1968, at 10:00 o'clock A.M., at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel R. Ballinger
Harold S. Bryant

Ed P. Luchow
Commissioners

Dated at Denver, Colorado,
this 8th day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NOLAN MESECKE, 2625 LAKESIDE, SAN)
ANGELO, TEXAS, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS)
TO R. D. LEE AND RODNEY BLAU, DOING)
BUSINESS AS "B & L TRANSPORTATION,")
2625 LAKESIDE, SAN ANGELO, TEXAS.)

PUC NO. 6858-I-Transfer

April 8, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Nolan Mesecke, San Angelo, Texas, was granted a certificate of public convenience and necessity, being PUC No. 6858-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holder now seeks authority to transfer said PUC No. 6858-I to R. D. Lee and Rodney Blau, doing business as "B & L Transportation," San Angelo, Texas.

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

O R D E R

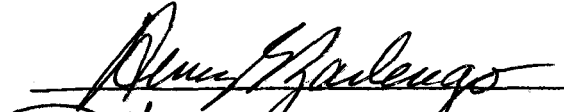


THE COMMISSION ORDERS:

That Nolan Mesecke, San Angelo, Texas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 6858-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to R. D. Lee and Rodney Blau, doing business as "B & L Trans-

portation," San Angelo, Texas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUBEN H. SILLER, DOING BUSINESS AS)
"A & R SALES," 1500 SOUTH ZARZAMORA)
STREET, SAN ANTONIO, TEXAS, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO FELIX MALDONADO,)
DOING BUSINESS AS "A & R SALES,")
1500 SOUTH ZARZAMORA STREET, SAN)
ANTONIO, TEXAS.)

PUC NO. 6037-I-Transfer

April 8, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Ruben H. Siller, doing business as "A & R Sales," San Antonio, Texas, was granted a certificate of public convenience and necessity, being PUC No. 6037-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holder now seeks authority to transfer said PUC No. 6037-I to Felix Maldonado, doing business as "A & R Sales," San Antonio, Texas.

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

O R D E R

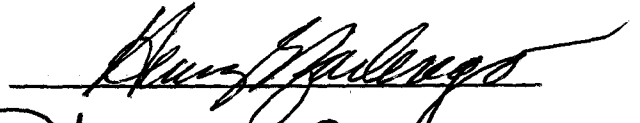
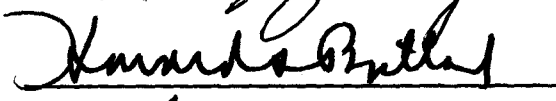

THE COMMISSION ORDERS:

That Ruben H. Siller, doing business as "A & R Sales," San Antonio, Texas, be, and hereby is, authorized to transfer all right, title and in-

terest in and to PUC No. 6037-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Felix Maldonado, doing business as "A & R Sales," San Antonio, Texas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL BALL, 1563 GAYLORD STREET, DENVER,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 23080-Transfer
PUC NO. 5022 TO LONDELL A BUNTING,)
617 12TH AVENUE, GREELEY, COLORADO.)

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application authority is sought herein to transfer PUC No. 5022 from Earl Ball to Londell Bunting.

Said application was regularly set for hearing before the Commission at 10:00 o'clock A.M., on April 16, 1968, at Denver, Colorado.

The Commission is now in receipt of a communication from Thomas A. Richardson, Attorney for the Applicants, requesting withdrawal of the application to transfer.

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.

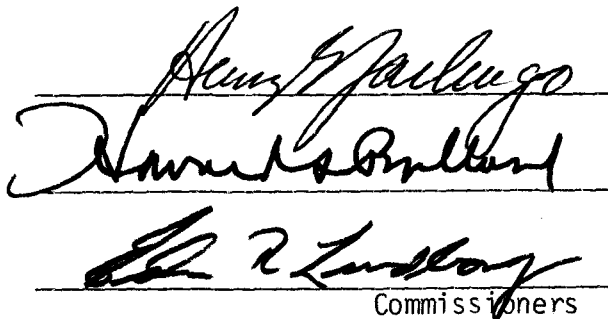
O R D E R

THE COMMISSION ORDERS:

That hearing on Application No. 23080-Transfer presently set for April 16, 1968, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 23080-Transfer be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 9th day of April, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*)	
J. W. KIKER)	
BOX 133)	
ABERNATHY, TEXAS 79311				)	<u>PERMIT NO. M-11132</u>

April 9, 1968

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 April 15, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zerkow

Howard S. Bent

Ed R. Ludlow

Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
JESS C. HOERST, DOING BUSINESS AS
PUENTA MACHINERY SALES
18820 VILLA PARK
LAPUENTA, CALIFORNIA 91744

PERMIT NO. M-9491

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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


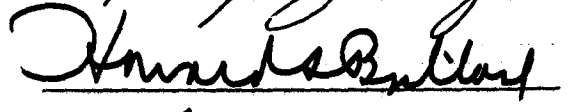

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective February 8, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)
WOODLAND FEED & GRAIN)
c/o GEORGE W. PACE, JR.)
231 WEST WALNUT)
SHARPSVILLE, INDIANA)

PERMIT NO. M-10720

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 7, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]

Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
LOGAN LUMBER COMPANY, INC.
5085 COLORADO BOULEVARD
DENVER, COLORADO 80216

* * *
)
)
)
)
)

PERMIT NO. M-8902

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

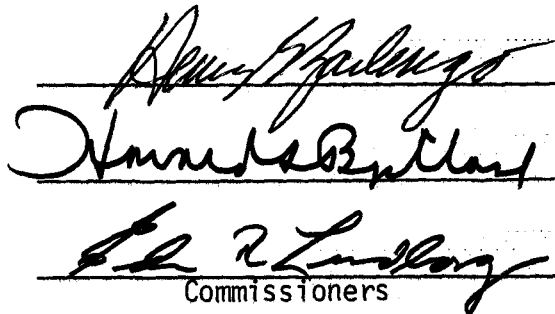
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 25, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *	
RICHARD ARFSTEN		}
1600 SABLE AVENUE, LOT 91		
AURORA, COLORADO 80010		
		<u>PERMIT NO. M-12403</u>

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

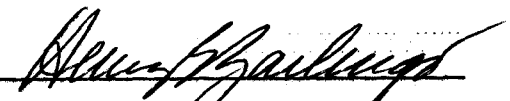


O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 27, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
EDGEMONT WOOD PRESERVING CO.
P. O. BOX 160
WEST DES MOINES, IOWA 50265

PERMIT NO. M-4110

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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


O R D E R

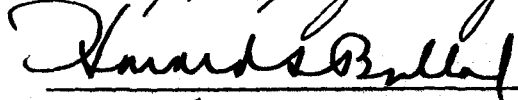
THE COMMISSION ORDERS:


That the above-entitled authority be, and the same hereby is, cancelled effective March 25, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)	
SOUTHERN MISSOURI OIL CO., INC.)	
P. O. BOX 128)	
CABOOL, MISSOURI 65445		)	<u>PERMIT NO. M-8238</u>

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 25, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
SAMUEL D. ROOKS
BOX 211
WOODLAND PARK, COLORADO 80863

PERMIT No. M-2274

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

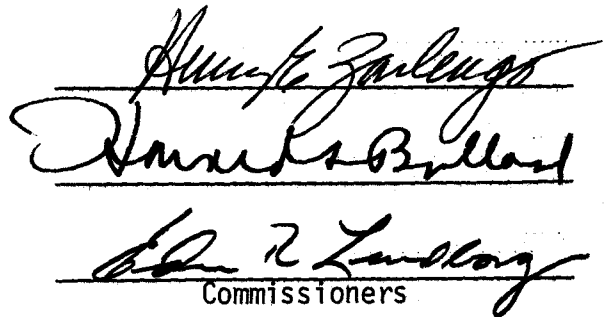
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 22, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
LESTER E. HARDING, DOING BUSINESS AS
"HARDING BROS. SAND & GRAVEL,"
3105 NORTH ARCADIA
COLORADO SPRINGS, COLORADO 80907

PERMIT NO. B-5256

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

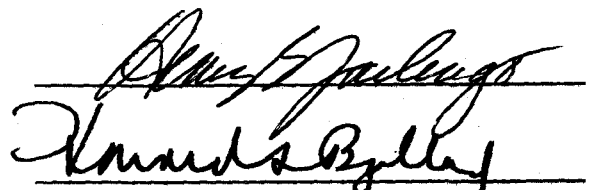
THE COMMISSION ORDERS:


That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 16, 1968 to and including October 16, 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 9th day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ORRIN G. HAMPTON)
6581 QUEBEC STREET)
COMMERCE CITY, COLORADO 80022)

PERMIT NO. B-4436-I

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R


THE COMMISSION ORDERS:

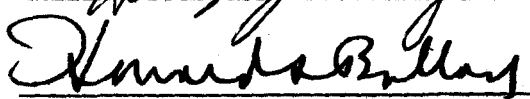
That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 30, 1968 to and including September 30, 1968.

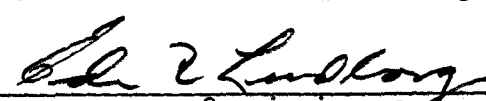
That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, 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 9th day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BIG SKY CORPORATION, DOING BUSINESS AS)
"SUMMIT STAGE LINE, LTD.,")
P. O. BOX 218)
DILLON, COLORADO 80435)

PUC NO. 5894

April 9, 1968

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.

ORDER

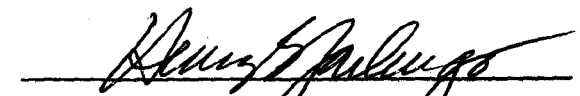
THE COMMISSION ORDERS:

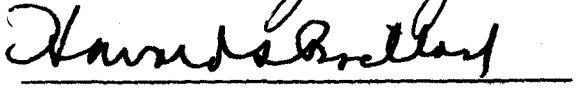
That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 14, 1968 to and including October 14, 1968.


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 9th day of April 1968
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAM WOOD)
11000 WEST FORTY-FIRST PLACE)
WHEAT RIDGE, COLORADO 80033)
-----)

PERMIT NO. B-6998

April 9, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of March 25, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]
Commissioners

Dated at Denver, Colorado,
this 9th day of April 1968
1s

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

April 19, 1968

- Appearances: Royce D. Sickler, Esq., Denver, Colorado
for all of the Colorado Railroads,
Respondents;
- Douglas McHendrie, Esq., Denver, Colorado,
for the Atchison, Topeka & Santa Fe
Railway Co., Respondent;
- John C. Street, Esq., Denver, Colorado, for
the Chicago, Burlington & Quincy Railroad
Co., and Colorado and Southern Railway Co.,
Respondents;
- Clayton D. Knowles, Esq., Denver, Colorado,
for the Union Pacific Railroad Company,
Respondent;
- George A. Falconer, Kansas City, Missouri,
W. H. Barger, Kansas City, Missouri, and
James V. Fisher, Denver, Colorado, for
the Pittsburg & Midway Coal Mining
Company, Protestant;
- A. S. Bonney, Denver, Colorado, for the
Ideal Cement Company, Protestant;
- Gerald Cunningham, Denver, Colorado, for
the Colorado Mining Association, Protestant;
- Henry J. Yunck, Denver, Colorado, for
The Colorado Milling & Elevator Company,
Protestant;
- Ernest V. Robinson, Jr., Denver, Colorado,
for the Great Western Sugar Company,
Protestant;
- John R. Scanlan, Arvada, Colorado, for
Adolph Coors Company, Protestant;
- F. C. Broadway, Jr., Denver, Colorado,
for CF&I Steel Corporation, Protestant;
- Howard Hicks, Denver, Colorado, for the
Denver Chamber of Commerce, as its
interest may appear, and
- Ralph H. Knull & Irven T. Burke, of the
Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Tariff of Increased Rates and Charges X-256, Western Trunk Line Committee, ICC No. A-4676, filed August 10, 1967, with the Interstate Commerce Commission, increased rates and charges applicable on interstate commerce were scheduled to become effective August 19, 1967. On September 5, 1967, supplement K-7 was filed with the Colorado Public Utilities Commission 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, a supplement No. K-11 was issued to cancel supplement No. K-7, to become effective on October 6, 1967.

Upon receipt of protests filed by: Bear Coal Company, Colorado Milling & Elevator Company, Adolph Coors Company, The Colorado Mining Association, Great Western Sugar Company, Harris Coal Company, Ideal Cement Company, Pittsburg & Midway Coal Mining Company and The Rocky Mountain Coal Mining Institute, the Commission, by Decision No. 70180, dated October 3, 1967, and by Nunc Pro Tunc, correction and clarification Order, Decision No. 70214, dated October 6, 1967, suspended Supplements K-7 and K-11 to Tariff of Increased Rates and Charges X-256, Western Trunk Line Committee, ICC No. A-4676, insofar as they affected the following commodities and items:

- 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.)

Said suspension to apply to and including February 3, 1968, unless otherwise ordered by the Commission. The proposed increase became effective as to all other commodities and items on October 6, 1967.

The matter was assigned Investigation and Suspension Docket No. 598, and set for hearing on December 6, 1967, at 10 o'clock a.m., at Denver, Colorado. Hearing was held as scheduled and the matter taken under advisement.

At the beginning of the hearing, Mr. Gerald Cunningham, representing the Colorado Mining Association, asked, and was permitted, to make a statement in opposition to the proposed increases. He stated that approximately 76 percent of the coal produced in Colorado is transported by rail; that the coal industry is marginal; and that the increases proposed might put the smaller members of the Association out of business.

The respondent railroads presented seven witnesses and nineteen exhibits in support of their case. E.S. Moore, Manager of Market Research Development for the Denver & Rio Grande Western Railroad Company, was the first witness and identified Exhibits 1 and 2. Exhibit 1 was a prepared statement by Mr. Moore submitted on behalf of all of the Colorado railroads. This statement generally set forth the position of all the railroads that the increases sought were moderate; that no increase in freight rates had been requested in intrastate commerce in Colorado since 1961; and that, in fact, numerous rate reductions have been made in the past 7-year period. Exhibit No. 1 also referred to deviations in the proposed increases from the levels applicable to interstate traffic. These deviations were the result of negotiations between the carriers and certain shippers and are as follows:

1. The proposed increase in the rates on sugar beets would not become effective until February 1, 1968;
2. The rates on bituminous coal moving from the Allen Mine to Minnequa via the C & W, AT&SF, D&RGW and C & S were excluded from the proposed increases; and
3. The rates on bituminous coal from Routt and Moffat Counties to Denver for the Public Service Company of Colorado, Cherokee Steam Electric Station, are in the

process of being negotiated by the carriers and the Public Service Company of Colorado. Such negotiated rates to observe the Ex Parte No. 256 level of rates as maximums.

Exhibit No. 2 was a statement showing the proposed Ex Parte No. 256 increase on commodities under Suspension, Intrastate, Colorado. Upon cross-examination, Mr. Moore stated that he did not know the amount of increase which was being negotiated with Public Service Company of Colorado on the coal movement to the Cherokee Steam Plant; that coal moving to other customers in the Denver area would take the full Ex Parte 256 increase; that some commodities are transported by the railroads at a loss; that tonnage once diverted to a truck line is difficult to recapture; and that the exclusions could possibly result in discrimination.

The second witness for the respondents was Robert Lindsay, Assistant Director of Cost and Accounting for the Western Railroad Traffic Committee, Chicago, Illinois. This witness sponsored Exhibits 3 through 14 which purported to show information concerning the Colorado railroads from 1960 through the present date. The purpose of these exhibits was to show the applicable comparisons since 1960, the year when the last increase applicable on Colorado intrastate traffic became effective (X-223). Exhibit No. 3 compared the System Net Property Investment and Rate of Return for the years 1960 through 1966, and the first six months of 1966 and 1967. The figures furnished were not broken down for each carrier, but were lumped together in one total for the seven Class 1 railroads represented. The exhibit revealed a steady increase in the rate of return for these railroads, from 2.96 percent in 1960 to 4.60 percent in 1966. For the first six months of 1967, however, the rate of return was 3.13 percent compared to 4.56 percent for a similar period in 1966. Witness Lindsay stated that, since the date of the exhibit, a comparison of the first nine months of 1967 and the first 9 months of 1966 had been made; and that, on such comparison, the rate of return for 1967 was 2.95 percent compared to 4.58 percent for 1966. In further

support of Exhibit 3, Witness Lindsay referred to 284 ICC 589, Page 612. This case dealt with Ex Parte No. 175 rail increases. In such case the ICC stated that a rate of return of 4.28 percent was sub-standard. On cross-examination, the witness admitted that the Western Lines were generally in better financial condition than the Class 1 railroads as a group. In this respect, the witness agreed that the rate of return for the Class 1 railroads of the U. S. in 1966 was 3.90, as contrasted to the Colorado Class 1 railroads return of 4.60. Cross-examination also revealed that the CRI&P was operating at a rate of return of .028 percent, or nearly the break-even point, whereas, the D&RGW operated at 6.10 percent for the first 6 months of 1966 and at 6.8 percent for the first 6 months of 1967. Information concerning the rate of return for the other Colorado carriers was not furnished. Exhibit No. 4 consisted of a comparison of the system revenues and expenses of the seven Colorado Class 1 railroads for the years 1960 through 1966. This exhibit indicated an increase in total operating revenues for the seven-year period of 285 million dollars; an increase in the net railway operating income of 103 million dollars; and an improvement in the operating ratio from 92.63 in 1960 to 88.98 in 1966.

Cross-examination revealed that the system revenues furnished included only those derived from railroad operations, and that the column entitled "Other revenues" included mail, baggage and express revenue. Exhibit No. 5 compared the system revenues and expenses of the Colorado Class 1 railroads for the first 6 months of 1966 and 1967 by quarters. Witness Lindsay stated that a nine-month survey had been completed and that these figures indicated that the operating ratio had risen to 92.56 for the nine-month period. Exhibit No. 6 listed the net working capital of the Colorado Class 1 Railroads as of the end of years 1960 through 1966, as well as of June 30, 1967. A drastic decrease in working capital was indicated. The witness, however, was unable to explain with any degree of specific detail the reasons for such decrease. Exhibit No. 7 compared

the system average hourly rate of pay for all employees of Colorado Class 1 railroads, and an index of western district average unit of prices for railway material and supplies for 1960 through 1966, and estimated for 1967. This exhibit indicated an increase of 18.73 percent in hourly rate of pay from 1960 through 1966 and an estimated increase of 5.95 percent - 1967 over 1966. The material and supplies for the Western District increase 4.18 percent - 1960 through 1966, and the estimated increase 1967 over 1966 was 2.29 percent. Exhibit No. 8 set forth the estimated system annual increases in costs (wages, payroll taxes, hospital, medical and life insurance; material and supplies, depreciation, and equipment rentals) for the calendar year 1967 regarding the Colorado Class 1 Railroads. Total estimated increase for the seven Class 1 Colorado lines amounted to \$89,157,074. Exhibit No. 9 listed the freight performance averages of the Class 1 Railroads serving Colorado 1960 through 1966, and for the first 6 months of 1967. This exhibit indicated that the average freight train speed had increased from 23.8 MPH in 1960 to 25.45 MPH in 1966, and to 25.7 MPH through the first 6 months of 1967. The average gross ton miles per train hour also increased from 75,505 in 1960 to 87,115 in 1966 and 90,884 through the first 6 months of 1967. The average Net Ton Mileage per train hour increased from 37,715 in 1960 to 39,078 in 1966, and 40,400 through the first 6 months of 1967. Witness Lindsay stated on cross-examination that he expected the efficiency of the railroads to continue to increase. Exhibit No. 10 gave the cost of new equipment for the Class 1 Railroads serving Colorado for the years 1964, 1965 and 1966. The total units acquired system-wide by the carriers totaled 691 locomotives and 29,772 Freight cars, all at a total cost of \$651,253,146. In response to questions on cross-examination, the witness stated that most of this equipment was to replace retired units. Exhibits Nos. 11 and 12 covered the average out-of-pocket costs of intra-terminal and inter-terminal switching of freight cars in 1965 and the average out-of-pocket costs of intra-plant switching by type of service for 1965 for the Colorado Class 1 Railroads,

excluding, however, the C & S and the D&RGW. Exhibit No. 13 was an estimate of the amount of increased revenue which would be realized by the Colorado carriers if the increased rates become effective as requested. The total estimated revenue increase anticipated was \$386,629. This estimate was based upon reports supplied by the individual carriers. Exhibit No. 14 was the estimated increase in switching revenue from Colorado intrastate traffic based on a one-month study of the records of Colorado carriers. The estimated dollar amount was \$7,459.

Richard W. Hambrick, Director of Operations and Economic Research for the D&RGW, identified Exhibit No. 15, consisting of 16 pages, and Exhibit No. 16. The last page of Exhibit No. 15 consisted of a statement showing trends of revenues per ton mile, hourly wage rates and average material prices for the years 1957 through 1966. The first line of the exhibit showed a decrease of 12.4 percent in the average freight revenue for this period. However, this was limited to the D&RGW and did not indicate the trend as to the other Class 1 Railroads. Line 2 listed the Western District Index of material and supplies prices; Line 3, the Western District Index of Average Wage rates; and Line 4, the Western District Material Prices and wage rates combined. Exhibit No. 16 consisted primarily of an explanation of the exhibit and nine pages of discussion concerning the impracticability of attempting to make a separation of operating expenses, rents, taxes, and investments applicable to intrastate traffic, on the one hand, and interstate traffic, on the other hand. In conclusion, Witness Hambrick stated that, in his considered opinion, a practical separation was impossible. However, on cross-examination, he stated that the net Railroad Operating Income for the first 10 months of the year for D&RGW was \$17,924,268 in 1966 and \$14,939,358 for a similar period in 1967, or a decrease of nearly 3 million dollars. He agreed that a substantial portion of this decrease could be attributed to the effect of the extended strike of the Kennicott Copper Company in Utah.

The Railroads introduced numerous operating witnesses including the Assistant Vice President of Operations for the D&RGW; the Superintendent, Colorado Division, for the AT&SF; the Superintendent of Terminals for the CB&Q, and of the entire system of the C & S, and the General Superintendent for the Union Pacific Railroad. The testimony of each of these witnesses was similar in the respect that interstate and intrastate traffic are both normally handled together in mixed trains; that all trains use the same terminals, bridges, tracks and other facilities; that too many details are involved to allocate costs between interstate and intrastate traffic; that most lines have branch line operations in addition to main line operations; and that branch line operations are most costly because of overtime as well as other factors; and that intrastate traffic could be handled at no less cost than interstate traffic. In addition, many of these witnesses felt that the cost of handling intrastate traffic would be greater. Cross-examination of these witnesses developed the information that some trains may be made up of all intrastate freight but that said trains may, and frequently do, stop and pick up cars at sidings along the way which may include interstate freight; that maintenance cost on branch lines is less than on main lines which would, at least in part, offset the increased operating costs; and that, with the exception of AT&SF, none of the carriers questioned provide service on LCL (less than carload) traffic. The witness for the AT&SF testified that the bulk of the LCL freight handled on rail billing is actually moved by their truck subsidiary under a substitute service agreement.

Protestant, Pittsburg Midway Coal Company, submitted a verified statement of W. H. Barger, Manager Freight Rates, Kansas City, which was identified as Protestant's Exhibit "A". This protestant objected to the increase in coal rates and sought an exemption from the increase on movements from Oak Creek, Colorado to industrial and public utilities customers wherever or whenever competition with other fuels might render any increase self-defeating to the carriers, and, in addition, whenever the revenue under current rates produces sufficient revenue for the carriers. In particular,

the Pittsburg opposed the flat increases per ton because of the preference to long haul shipments. As an illustration of this point it referred to rates of \$2.50, \$1.50 and \$1.00 per ton. As a result of the X-206, X-212 and X-223 increases, plus the proposed X-256 increase, the rate of \$2.50 would be increased 47¢ or 18.8 percent; the rate of \$1.50 would be increased 47¢ or 31.4 percent; and the rate of \$1.00 would be increased 42¢ or 42.0 percent. On page 4 of the exhibit, rates on coal from Oak Creek to various intrastate destinations were shown. As all of these rates exceeded \$1.00 per ton, the X-256 increase would be 15¢ per ton in all cases. Of the rates shown, the percentage of increase, as a result of X-256, varies from 4.2 percent to 8.33 percent. The increase of 8.33 percent, however, was on the rate of \$1.80 from Oak Creek to Denver, which rate has been exempted from the X-256 increase by the railroads. Section V of this exhibit compared the production and consumption of coal with natural gas. Page 6 of the exhibit indicated that the consumption of natural gas has increased on a year-to-year basis every year from 1958 through 1965, with the exception of 1962. By the same token, the production of coal has increased every year since 1958 with the exception of 1962; and that the production for the first 10 months of 1967 exceeds the total production for 1964. Protestant Pittsburg maintains that the delivered price of coal must be equal to or less than the other fuels if the coal industry is going to be able to remain competitive and that it and other coal companies have been able to compete thus far only because of improved mining techniques and improved technology. In conclusion, this company contends that the X-256 increases which average from 5 to 8 percent of the present rates on the average length of haul, is unreasonable. Two witnesses, Mr. Fischer, District Manager, and Mr. Barger, Manager of Freight Rates, appeared on behalf of Pittsburg Midway Coal Co., and testified, in general, along the same line as Exhibit "A". On cross-examination, Mr. Fischer agreed that the tons of coal mined in Colorado in 1966 was the highest since 1948. Mr. Barger, when questioned about the relationship of Pittsburg Midway with

the Gulf Oil Company stated that Pittsburg Midway is a division of Gulf Oil Company. He also stated that Gulf Oil produces oil and natural gas and has a Nuclear Fuels Division, so that, in effect, the parent company produces all of the competitive forms of energy that the coal industry fears.

Al Bonney testified on behalf of Protestant Ideal Cement Company and submitted Protestant's Exhibit "B", an eight-page document consisting of six pages of prepared testimony. One page, marked Appendix "A", gave a comparison of Bulk Cement rates from Boettcher, Colorado, Tulsa, Oklahoma, and Portland, Colorado. One page, marked Appendix "B", compared scales of rates applying on cinders, clay or shale from Rocky Flats, Colorado to points on and East of Common Point Line and to points west of the Common Point Line, and also from Kansas origins to Interstate Points. This Protestant pointed out that the increases in Western Territory are greater on cement than in the Eastern District; that intra-state movements of cement by rail move at rates less than 50¢ cwt.; that accordingly, therefore, the percentage increase would be 4 percent or more in all instances; and that the increase of 1/2¢ cwt., to Denver, Colorado Springs and Pueblo would result in percentage increases of 5 and 6.6 percent respectively. Protestant suggested that the railroads' rate of return is more directly related to the general level of business than to increases in freight rates and, in support of this contention, furnished a comparison on page 4 of Exhibit "B" showing the increased rate of return corresponding to the increased Index of Industrial Production for the years 1961 through 1966. By Appendix "A" to Exhibit "B", Protestant compared rates on cement from Boettcher to points in Northern Colorado with rates from Tulsa, Oklahoma to the same points. From Boettcher, the car-mile earnings range from a low of \$1.65 to a high of \$7.70, whereas from Tulsa to the same points the car mile earnings are very consistent, ranging from 91¢ to 94¢. The ton-mile earnings from Boettcher varied from \$2.14 to \$10.00, but from Tulsa to the same points the ton-mile earnings varied only from \$1.18 to \$1.22. Columns 4 and 5 of this exhibit listed the rates and

the earnings under the 80 percent scale which is the scale of rates applying on cement in WTL Tariff No. 133-N and SWL Tariff No. 325. Protestant complains that the railroads have refused to publish this lower basis intrastate and have also failed to publish this scale from the Boettcher Mill to any interstate destinations. Regarding the rates on cinders, clay or shale, protestant points out that the existing level of rates moves only a small part of the Rocky Flats production and concludes that increased rates would certainly not attract any additional tonnage. On cross-examination, Witness Bonney stated that, in his opinion, truck competition would become more severe if the proposed rates are allowed.

Ernest Robinson appeared as witness for Protestant, Great Western Sugar Company, and his testimony was offered in prepared form as Protestant's Exhibit "C". The protest of Great Western Sugar Company was limited to Bituminous Coal and Sugar, cane or beet. The 4th page of the exhibit listed the present and proposed rates from various shipping origins to many destinations on carloads of sugar -- the percentage of increase being shown in the final column. In the examples shown, such percentage increases ranged from a low of 3.5 percent to a high of 22.2 percent. The final page of this exhibit involves the present and proposed rates applying on coal in carloads from the Northern Colorado Mines, the Oak Hills District and the Craig District to various points in Colorado. The percentage of increase, as to such movements, ranged from a low of 4 percent to a high of 14.4 percent for the points listed. On cross-examination, information was developed indicating that nearly all of the intrastate movement of sugar in Colorado is via truck. Sugar moving into Denver via rail is under a transit arrangement with an eventual interstate destination. Also, the sugar moving in transit is presently subject to the X-256 increase. It was also developed that the rate on coal from the Oak Hills Group to Great Western Sugar Factory in Loveland was \$2.45 per ton prior to X-223 which increased the rate to \$2.52 per ton. At the request of Great Western Sugar Company, the Colorado-Wyoming Committee reduced the rate to \$2.41 per ton or 4¢ per ton less than the original rate. The witness

also stated on cross-examination that 3 of his companies' factories had converted to gas from coal; and that one more will apparently convert in 1968, whether or not the subject rate increase is granted.

Henry Yunck, on behalf of the Colorado Milling and Elevator Company, submitted his written testimony as Protestant's Exhibit "D". The objections of this witness were directed to the proposed increases in grain and grain products, and with the proposed increase in switching charges at Denver, Colorado. The exhibits attached to and made a part of Exhibit "D" showed the location and the capacity of the Flour Mills and the Elevators operated by Colorado Milling; a statement of the rates proposed to apply on wheat in carloads from points on the Union Pacific Railroad to Denver, which was the subject of proposal C-W No.949, docketed March 30, 1959; a map showing the location of the railroad lines in the State of Colorado; a statement showing (1) the amount of wheat received by truck in 1963 and 9 months in 1964 (2) the amount of wheat received via rail and via truck in June, July, August and September of 1964 (3) the total grain products distributed locally in 1963 and 9 months of 1964 and (4) the amount of rail billing canceled in the years 1963 through 1966; a statement showing the number of cars of commercial wheat that arrived in Denver each day of August 1967; a statement showing the number of cars of Government Wheat arriving in Denver during the month of August 1967; a statement comparing rail and truck rates on wheat from representative points in Colorado to Denver; a statement showing in Part I, the stations where wheat originated in 1967 and that was moved by rail to Denver, and in Part II, the amount of transit tonnage on hand in Denver, as of September 1, 1967; a statement showing points of origin of wheat moving by rail to Denver on which CM&E canceled the transit tonnage; a statement showing the present rates, the proposed rates and the percentage of increase on wheat to Denver; and a statement showing cross-town switching charges assessed against carload movements of grain products moving between industries located within the Denver Switching Limits. On cross-examination, Mr. Yunck stated that he did not know the total amount of grain moving in transit; that 138 pounds of wheat are

required to produce 100 pounds of flour; and that they have two years to move the grain under the transit provisions of the tariff. By late-filed Exhibit No. 20, Mr. Sickler, representing the Colorado Railroads, presented a statement in the nature of cross-examination of Henry Yunck. This statement pointed out that Mr. Yunck's statement regarding rail billing cancellations on wheat registered for transit could not be used as a basis for comparing year to year volume of intrastate wheat shipments by rail in Colorado because of the fact that such cancellations can, and probably do, include interstate rail wheat traffic. It was also pointed out that such cancellations could apply to wheat moving in prior years. The observation was also made that, if the rail billing cancellation figure does indicate the relative year-to-year movement of wheat by rail intrastate, then the exhibit would tend to prove that more wheat moved by rail in 1963 (prior to the time that the rail rate was reduced to the truck level) than moved in 1964 or years since. Mr. Sickler's statement also disclosed that the availability of rail equipment has been a major factor in determining the volume of grain moving by truck; and that the increases of 5 percent up to 8.7 percent indicated by Exhibit "D", were all on lower rates and that the percentage revealed was higher because of this factor. For example, by way of illustration, a 1¢ increase on an 11¢ rate will result in a higher percentage increase than a 1¢ increase on a 28¢ rate. The statement also disclosed that, because of decreases published by the rails to be competitive with trucks, many of the rates on grain, including the X-256 increases, would be substantially below the rates which were in effect in the late 1950's. With respect to the switching charges, Mr. Sickler's statement disclosed that Mr. Yunck was not correct in his assertion that the Colorado Milling & Elevator Company would be subject to a \$2.00 minimum increase on the per-car additive charge. As a basis for this proposition, Mr. Sickler referred to Mr. Moore's Exhibit No. 2, sheet 4, which made reference to an interpretation of the problem by the legal counsel of the Executive Committee, Western Railroad Traffic Association Ex Parte 256 Interpretation Committee.

The Committee concluded, that in the case of a single self-contained switching charge that consisted of a 100-weight or per ton component plus a per-car additive, each of the separately-stated components is subject to an increase of 5 percent and the cwt., or the per-ton component, is subject to the minimum provisions of Note 30. The per car additive, as a component, is not subject to Note 30; however, the combination of the components is subject to Note 30 increase of \$2.00 when the combination does not meet the total per car charge. Further cross-examination by Mr. Sickler, as indicated by Exhibit 20, would have brought out information concerning extenuating circumstances - other than rates which affect the amount of grain moving by truck or by rail - such as, congestion and overtaking of unloading facilities during the peak movement; information that trucking companies are also in the process of increasing rates on grain; that the increases as sought herein are merely permissive in nature and not mandatory; and that the railroads managerial discretion will be used to determine whether increases will divert profitable traffic.

Written testimony was submitted by Mr. J. R. Scanlan, on behalf of Protestant Adolph Coors Company, and was marked Protestant's Exhibit "E". The statement by Mr. Scanlan listed typical examples of carload shipments of barley handled by the railroads during 1967, showing the weight, revenue, car mile earnings and ton mile earnings. Mr. Scanlan referred to an exhibit prepared by the D&RGW which indicated that the average ton-mile earnings in 1966 were .012. He then compared this factor with the barley loads listed in Exhibit "E", which had ton-mile earnings of .019 from Bountiful and .0217 from Roe, Colorado. His conclusion from this information was that the barley rates involving his company were already higher than average without the X-256 increase. In addition to his written statement, Mr. Scanlan stated that his Company was also opposed to the increases in coal and, in that regard, he concurs with the objection filed by Pittsburg Midway Coal Company. Mr. Sickler reserved the right to file as late-filed Exhibit No. 21, a statement in the nature of cross-examination of Mr. Scanlan by the Colorado Railroads.

Exhibit No. 21 has been received disclosing, that it would have been brought out, that Adolph Coors Company uses both truck and rail for transporting barley from the producing areas to the plant at Golden; that rail transportation is used for high volume movements, generally exceeding 125,000 pounds, from Bountiful and 190,000 pounds from Roe; that the barley being transported for Coors is not the usual farm barley but is of extreme high quality imported from Europe and grown to specific specifications; and that the rate levels involved are two-line movements including yard service and interline at Denver.

Mr. Fred C. Broadway appeared on behalf of CF&I Steel Corporation and voiced his protest to the increases on coal and iron ore. He stated that although the coal move from the Allen Mine to Minnequa had been excluded from the X-256 increase, his Company is buying considerable amounts of coal from other sources to blend with the Allen Mine Coal. He also stated that coal is purchased by his Company from West Virginia and that the same is subject to X-256. His main objection to the increase on iron ore was based on competitive factors and that his Company's competitor at Geneva, Utah is receiving iron ore from Atlantic City, Wyoming which is not, however, subject to X-256. Cross-examination of Mr. Broadway disclosed that the iron ore moving from Atlantic City, Wyoming is pelletized and has been processed to that extent.

The final Protestant witness was O. F. Lewis who appeared on behalf of the Harris Coal Company, Protestant. Mr. Lewis stated that his Company wanted to go on record as supporting the position of Pittsburg Midway Coal Company in opposition to the X-256 increase in coal rates. The Harris Coal Company Mine is located 28 miles from Craig. Coal is trucked to Craig and transferred to rail. The bulk of this coal is sold to the dealer trade and approximately 25 percent of his Company's tonnage is sold in Colorado. Mr. Lewis stated that an increase in rates will result in a decrease in coal traffic for the Colorado railroads.

CONCLUSIONS:

The Common carriers by railroad operating in the State of Colorado seek to increase rates and charges intrastate to the same extent as authorized, and to be authorized, on the interstate level by the ICC in Ex Parte 256. Increases were authorized in that proceeding on an interim basis effective interstate on August 19, 1967 by the Interstate Commerce Commission in its Interim Report and Order in Ex Parte 256, dated July 31, 1967. Witnesses for the applicants have pointed out that the last general increase in freight rates was in Ex Parte 223, granted interstate in 1960 and intrastate in 1961, and that, despite increasing labor costs, as well as increased costs of material and equipment, the rails have, during this period, made numerous freight rate reductions.

The exhibits submitted by the Class 1 Railroads in support of the increase in rates were quite broad and general in nature. All of the exhibits, except No. 13 and No. 14, were based upon system figures or system averages of the seven railroads involved. With the exception of the C & S and the D&RGW, only a relatively small proportion of the total operations of the Class 1 carriers represented is within the State of Colorado. The possibility exists, therefore, that the system figures, which do show a definite and urgent need for additional revenues, might, if they could be separated into intrastate and interstate components, reveal a greater need in Colorado intrastate traffic than in interstate traffic, or conversely, such figures might reveal a greater need interstate and a lesser need for Colorado intrastate traffic. Labor, materials, supplies and all other costs of the railroads have increased uniformly, with possible minor exceptions, in all of the areas served by the Class 1 railroads party to this proceeding. We must conclude, therefore, that the revenue needs of the carriers must also have increased in a similar uniform manner. Respondent's Exhibit 3 reveals a very sharp reversal of the rate of return for the railroads which had been improving every year since 1960. The exhibit indicated that the rate of return for the first 6 months of 1967 had dropped to 3.13 percent compared to 4.56 percent for the similar period in 1966.

Also, Witness Lindsay testified verbally that since the date the exhibit was prepared he had obtained the 9-month comparative figures and that the first 9 months of 1967 showed a rate of return of only 2.95 percent compared to the 9-month figure for 1966 of 4.58 percent.

Exhibit No. 5, in comparing the system revenues and expenses for the first 6 months of 1967 with the same period in 1966, revealed a decrease in Total Operating Revenues; an increase in Total Operating Expenses; an increase in Total Operating Ratio; and a sharp decrease in the Net Railway Operating Income. Clearly, the trends revealed by Exhibits No. 3 and No. 5, if allowed to go unchecked, could have a disastrous effect on the carriers involved, and could impair their ability to continue to provide safe, economical and adequate service to the general public. As indicated by Exhibit No. 7, the carriers are experiencing substantial increases in labor, material and supplies and Exhibit 8 sets forth the estimated system annual increases at \$89,157,074 per year. There is no question but what the Colorado lines are experiencing a proportionate share of the increase. The amount, however, attributable to the intrastate operations of the carriers is a matter that cannot be determined with a precise degree of accuracy. It is recognized, however, that the Colorado lines must derive a proportionate share of the needed revenue increase from Colorado intrastate traffic.

The carriers, as we have observed, filed exhibits which were broad and general in nature, and which did not go into specifics concerning intrastate costs or revenues, stating that it was too burdensome and costly to develop this information. The Protestants, on the other hand, presented statements and exhibits which were also very broad and general, giving very little specific information, but going to great lengths to compare the rates on their commodities with the rates in other areas on the same commodities. Protestants also compared the existing rates with the proposed rates to indicate the percentage of increase. None of the Protestants, however, furnished any figures to the Commission which would show the effect of the proposed increases on their particular traffic for any given period. Unlike the railroads these figures showing the tonnage and revenue moving intrastate during any given period should

have been readily available to these protestants. Such figures were not furnished, however, leaving the Commission without precise information as to the actual dollar effect of the increase upon any of the protestants.

Considering the suspended items by commodity, we find that coal comprises the largest single commodity handled by the Class 1 railroads. Regarding figures furnished by the Colorado Coal Mine Inspectors' Annual Report for 1966, Protestant Pittsburg Midway stated that:

3,833,903 tons of coal moved by rail in 1966
1,330,231 tons moved interstate, or 34.6%
911,672 tons moved to the Cherokee Steam Plant, or 23.77%
833,000 tons moved from Allen Mine to Minnequa, or 21.7%
759,000 tons comprised the balance or 19.7% which would
be subject to the X-256 increase.

As the same report indicates that a total of 685,400 tons of coal were mined in Weld County, and Pittsburg Midway stated that 77% of their 1966 production from the Edna Mine (Routt County) moved to Utilities, it appears that a major portion of the coal traffic which would be subject to X-256 increases would be moving from Weld County. This is, generally speaking, the short haul territory which, as pointed out by Witness Barger in Protestant's Exhibit "A", has borne the brunt, percentage-wise, of the last three Ex Parte increases. In this short haul territory the increases proposed on coal would be as high as 14.4 percent (Great Western Sugar Protestant Exhibit "C") whereas the average increase in rates and services sought by the railroads before the ICC in Ex Parte 256 was stated to be approximately 3.5%. The Commission recognizes that sales of dealer coal is decreasing, and that competition with gas, oil and nuclear fuels is a serious threat to the coal industry. We look upon a 14% increase as being unreasonable in comparison with the average of 3.5 percent which was sought from and granted by the ICC. We find, therefore, that the increase on coal should be as set forth in Ex Parte 256, subject to a maximum of 5 percent. We further find that the rates which will result from such limitation will fall within the zone of reasonableness, and reverse, or at least slow down the trend of the last three ex parte increases which imposed heavy percentage

increases on the short haul coal traffic.

Group 15 (Wheat Flour) and Item 100 Par (3), Sub Par (B) Part (1), insofar as it applied to grain and grain products, should be considered together as both are covered by late-filed Exhibit No. 20. The movement of grain is a complex, involved process, with unknown quantities of grain being stored in elevators subject to transit on interstate rates before or after being processed into a product. It was also developed that the rail billing cancellations on wheat registered for transit cannot be used as a basis for comparing or determining the volume of wheat shipments moving by rail intrastate in Colorado, because such cancellations may include interstate traffic and may apply to wheat moving in prior years. The Commission, therefore, does not have before it, specific facts as to the intrastate tonnage involved or of the effect that the proposed increase might have upon this protestant. The Adolph Coors Company was also a protestant as far as increased grain rates were concerned. In Exhibit E, such Company provided the Commission with the total number of bushels of barley used annually by the Coors Company and the approximate percentage increase in volume. Such Company failed, however, to specify the amount moving by truck or by rail, or if any of this tonnage is moving from interstate origins. As the rates on these products moving intrastate in Colorado do not generally exceed 80 cents per cwt., the increases would not exceed 2¢ per cwt., and in many cases would be 1¢ or 1/2¢. The Commission finds that such increases are moderate and should be allowed.

Concerning Groups 633 (Cement) and 759 (Sugar) the Commission finds that the proposed increases are moderate and should also be allowed.

Regarding Group 793, Clay and Shale cinders, Protestant, Ideal Cement Company, states that the existing rate levels move only a small percentage of the Rocky Flats Plant production. It must be assumed, therefore, that the bulk of this commodity moved by truck. Neither the total production, nor the percentage moving via rail was furnished to the Commission which again leaves the Commission without accurate information as to the effect of the proposed increase upon the protestant. The proposed increases would vary somewhat under 3 percent to a maximum of

5.9 percent and, in light of the protestant's statement that only a small percentage of the traffic is now moving via rail, the Commission finds that these increases are not excessive and should be allowed.

With reference to Item 165 Par (A) and Par (B) (Switching Charges) the only protestant was Colorado Milling & Elevator Co. Such Company contended that the increase on one-line switching charges would be 23 percent and on two-line - 12 percent. This computation was based upon the belief that both the minimum increase per ton and the minimum increase per car would be applied to each car, creating a double increase in these switching charges. We refer, therefore, to the interpretation of this question which was made by the legal counsel of the Executive Committee, Western Railroad Traffic Association, Ex Parte 256, Interpretation Committee. The Committee concluded, and the Commission agrees, that in the case of a single self-contained switching charge that consists of a 100-weight or per-ton component plus a per-car additive, each of the separately-stated components is subject to an increase of five percent and the 100-weight or the per-ton component is subject to the minimum provisions of Note 30. The per-car additive as a component is not subject to Note 30, but the combination of the components is subject to Note 30 increase of \$2.00 when the combination does not meet the total per car charge. In view of this interpretation, which precludes the possibility of the double application of the hundred weight increase and the per-car increase, the Commission finds that the proposed increases on the switching charges should be allowed.

Throughout the hearing protestants expressed the concern that the proposed increases, if allowed, might cause a diversion of traffic from rail. The respondent railroads, on the other hand, expressed the opinion that the increases sought would result in very little, if any, diversion to other modes of transportation. Witnesses for the carriers stated on the record that managerial discretion would be exercised to preclude diversion of traffic from the rails in the event that increases are granted and found to be a factor in such diversion. The record indicates that such

adjustments were made following the X-223 increase and we must conclude that sound railroad management would follow the same course in this instance.

F I N D I N G S

THE COMMISSION FINDS:

1. That there is a definite and unquestioned need on the part of the Class 1 railroads serving Colorado for additional revenue, to at least partially offset increased costs which such railroads are incurring, and that the public interest in a sound, adequate and efficient transportation system will be adversely affected unless increased freight rates and charges are allowed to be put into effect.

2. That the increases in rates and charges hereinafter authorized are just and reasonable for intrastate application.

3. That the respondents should be authorized to make the same relative increase in rates and charges on intrastate traffic on items under suspension in this proceeding as was authorized by the Interstate Commerce Commission in its order of July 31, 1967, in Ex Parte 256, Increased Freight Rates 1967, subject to terms and conditions as hereinafter designated.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement, Conclusions, Findings and Appendix "A" herein be, and they are hereby, made a part hereof.

2. That this Order should become effective forthwith,

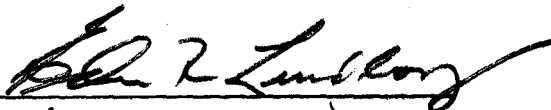
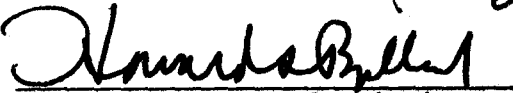
3. That said increases on Colorado intrastate traffic as designated in Appendix "A" attached hereto, may be made effective on or before May 3, 1968, upon notice to this Commission and to the general public by not less than five days' filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

4. That all tariffs changing rates and charges by authority of this Order shall bear specific reference to this Order.

5. That, in the event the Interstate Commerce Commission determines at the conclusion of its investigation in Ex Parte 256, that the increases should be less than those granted in its order, the Commission may on its own motion reopen the matter for a modification of this order.

6. That jurisdiction be, and it is hereby retained by the Commission to determine, if need be, the lawfulness and reasonableness of any particular rate or charges resulting from this Order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this
19th day of April, 1968. av

CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I dissent.

It is not my position that the Railroads do not need any increases in rates. Simply put, my position is that the Railroads for many reasons have failed to present evidence upon which the Commission can make a determination of rates in accordance with the law.

The evidence presented is extremely broad in scope and extremely general in nature. The Commission is called upon to make a determination of rates for all and each of the Railroads. Under the Law, the Commission must find that the rates to be determined "shall be just and reasonable" and the Commission is under the duty to "prevent unjust discrimination and distortion of the rates." (115-3-1.2.)

The figures submitted consist of the total of all the totals of the system-wide figures of all the Railroads for intrastate operations and for interstate operations. No breakdown of these figures as they relate to intrastate and interstate figures is made. Thus, the Commission is called upon to determine specific intrastate rates based in large part on figures of expenses and of revenues for interstate operations. This is made manifest by exhibits of the Applicants which show total figures including not only intrastate figures but also interstate figures of all the Railroads concerning the System Net Property Investment and Rate of Return; the System Operating Revenues, the System Operating Expenses; System Operating Ratios, System Net Operating Income; Net Working Capital (system); System Average Hourly Rates of Pay and estimated System Annual Increases in Costs. It would be only by the rarest of coincidences that the interstate and intrastate figures would happen to be so balanced that the determination of intrastate rates would not be weighted too much one way, or another. In other words, except for such a rare coincidence the intrastate rates determined would be either too high, or too low, and thus not be "just and reasonable." The determination of the Commission must be based on facts, not on conjecture.

In addition to the material deficiencies resulting from consolidation of intrastate with interstate figures, there is no breakdown of these figures as they relate to the individual Railroads, but the system-wide figures for all the Railroads operating in Colorado are lumped together in one total sum. By consolidation of these figures, the Railroads have made it impossible for the Commission to determine the "just and reasonable" rates for each particular carrier. It is obvious that what might be determined to be a just and reasonable rate for one Railroad might not be a just and reasonable rate for any, or for all of the other Railroads, for each Railroad has material factors which are peculiar to it and different from the others, and which must be considered in determining its rates such as, a different operating ratio, different revenues, different expenses, etc. Thus an equal increase in rates for all of them will result in giving too great an increase to some and too small an increase to others, and such rates would not be "just and reasonable" and would not be "non-discriminatory."

Furthermore, the Railroads have not furnished the total amount of additional revenues alleged to be needed by each and without such figures the Commission is helpless to make any determination of any increases in rates for each Railroad. When rates are increased they are increased to provide additional revenues which the carrier has shown to be needed. Without knowing the amount of the revenues which are alleged to be needed the Commission is without proper guidance for determination of proper rate increases.

The Railroads did not individually, or collectively, indicate any system or procedure used by them in making their demands, or to be used by the Commission in making its determination. In spite of the many different material and relevant factors of each Railroad, necessary for a proper rate determination, such as pertaining to individual expenses, revenues, etc., equal increases have been proposed for all without differentiation.

Emphatic testimony is presented to the effect that the increases sought are permissive and the Railroads will exercise their managerial discretion and make necessary rate adjustments to acquire, retain or recapture traffic. The logical conclusion to be drawn is that the Railroads will charge what the traffic will bear within the limitation and will seek and charge maximum rates in those areas where they have no competition, whereas in those areas where they may have competition, the rates, regardless of their justness and reasonableness, will be juggled in such a manner as to acquire, retain or recapture traffic. Obviously, the door will be opened to unjust and unreasonable and discriminatory rates.

Based upon the evidence, and without explanation, if such be possible, there is no logical or reasonable relationship between the kinds of commodities being transported by the Railroads and the increases in rates being sought. For example, an increase of 15¢ per ton on coal is proposed where the existing rates exceed \$1.00, whereas an increase of 6¢ per ton on clay and shale cinders is proposed where the existing rates exceed \$1.00.

When questioned concerning the method or procedure proposed by the Railroads for determination of rate increases, or for increases as applied to different commodities, reference is made to the Order of the Interstate Commerce Commission in Ex Parte No. 256. If this reference is to serve as an admonition to our Commission that we must grant the same increases as granted by the Interstate Commerce Commission, it fails because legally the burden of proof rests, and will rest, with the Railroads to establish that the intrastate rates sought are actually "just and reasonable" and "non-discriminatory."

It is realized that it is difficult and costly for the Railroads to provide the evidence required by law, but the fact that such difficulties may exist cannot supersede the requirements of the law imposed upon the

Commission to determine intrastate rates which are "just and reasonable" and "non-discriminatory."

The rates which shippers are obliged to pay may determine their success, or failure, and accordingly the law is strict in its mandate that rates be "just and reasonable" and not "discriminatory."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

Dated at Denver, Colorado, this
19th day of April, 1968. av

APPENDIX "A"

Group 15 Wheat Flour Increase per Table 1 attached.

Group 305 Coal, Bituminous, o/t Lignite:

Where rate is:

Increase:

50 cents per ton or less	*5 cents per ton, net or gross as noted
Over 50 cents per ton and not over \$1.00 per ton	*10 cents per ton, net or gross as noted
Over \$1.00 per ton	*15 cents per ton, net or gross as noted

*Subject to maximum increase of 5 percent.

Group 633 Cement Increase per Table 1 attached.

Group 759 Sugar 3 cents per hundredweight

<u>Group 793</u>	Clay and Shale Cinders	<u>Where rate is in</u>	<u>Increase</u>
		<u>cents per ton net</u>	
		<u>or gross as rated:</u>	
		100 cents or less	3 cents per ton
		Over 100 cents to and including 200 cents)	6 cents per ton
		Over 200 cents to and including 350 cents)	10 cents per ton
		Over 350 cents to and including 500 cents)	15 cents per ton
		Over 500 cents	20 cents per ton

Item 100	Commodity Rates	<u>Rates Published in</u>	<u>Increase:</u>
Par. (3)		<u>cents per 100</u>	
Sub. Par. (b)		<u>pounds:</u>	
Part (1)		Rates not exceeding	
		10 cents	1/2 cent per 100 pounds
		Rates over 10 cents)	
		but not exceeding	
		30 cents	1 cent per 100 pounds
		Rates over 30 cents)	
		but not exceeding	
		80 cents	2 cents per 100 pounds
		Rates over 80 cents)	
			3 cents per 100 pounds

(Insofar as it applies to grain and grain products)

Item 165 Par. (A) and Par. (B)	<u>Switching:</u> (A) Switching rates or charges for intra-terminal movement when those charges are paid by consignor or consignee, except as provided in Par. (D)	<u>Increase:</u> Table 5 (5%) See Note 30
	(B) Switching rates or charges for inter-terminal movements when those charges are paid by consignor or consignee, except as provided in Par. (D)	Table 5 (5%) See Note 30

Note 30: Where reference is made to this Note rates and charges will be subject to a minimum increase as provided below:

where rate or charge is published:

	<u>Minimum Increase to Apply</u>
Per 100 pounds	1/2 cent per 100 pounds.
Per net ton	10 cents per net ton
Per gross ton	11 cents per net ton.
Per car	\$2.00 per car.

TABLE 1

Where reference is made to this table, the following increases will apply:

	Amount of Increase
(1) <u>Rates published in cents per 100 pounds:</u>	
Rates not exceeding 10 cents	1/2 cent per 100 pounds.
Rates over 10 cents but not exceeding 30 cents	1 cent per 100 pounds
Rates over 30 cents but not exceeding 80 cents	2 cents per 100 pounds.
Rates over 80 cents	3 cents per 100 pounds.
(2) <u>Rates published in cents per ton:</u>	
Rates not exceeding 200 cents	10 cents per net ton or 11 cents per gross ton.
Rates over 200 cents but not exceeding 600 cents	20 cents per net ton or 22 cents per gross ton.
Rates over 600 cents but not exceeding 1600 cents	40 cents per net ton or 45 cents per gross ton.
Rates over 1600 cents	60 cents per net ton or 67 cents per gross ton.
(3) Rates published in amounts per car or in units other than per 100 pounds or per ton	Apply Table 3. (Tariff of Increased Rates and charges X-256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

JAMES R. DE HAAN)
 8919 ARAPAHOE ROAD)
 BOULDER, COLORADO)
 Complainant,)
 vs.)
 PUBLIC SERVICE COMPANY OF COLORADO,)
 A COLORADO CORPORATION)
 550 15TH STREET)
 DENVER, COLORADO)
 Respondent.)

CASE NO. 5358

SUPPLEMENTAL ORDER

April 19, 1968

Appearances: James R. De Haan, Boulder,
Colorado, pro se;
Donald D. Cawelti, Esq., Denver,
Colorado, for Respondent;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 22, 1968, the Commission entered Decision No. 71069 in the above-entitled matter.

On April 11, 1968, "Petition for Rehearing," was filed with the Commission by Public Service Company of Colorado, Respondent, by Donald D. Cawelti, Attorney.

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

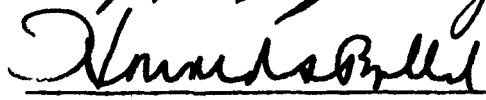
THE COMMISSION ORDERS:


That Petition for Rehearing filed with the Commission by the Respondent, Public Service Company of Colorado, 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 19th day of April, 1968.
1s

(Decision No. 71159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY, 604 RIO GRANDE)
BUILDING, 1531 STOUT STREET, DENVER,)
COLORADO, TO DISCONTINUE THE OPERATION)
OF PASSENGER TRAINS NOS. 9 and 10)
(YAMPA VALLEY MAIL) BETWEEN DENVER,)
COLORADO, AND CRAIG, COLORADO.)

APPLICATION NO. 22846

SUPPLEMENTAL ORDER

April 9, 1968

Appearances: Ernest Porter, Esq., Denver, Colorado,
and
John S. Walker, Jr., Esq., Denver,
Colorado, for Applicant;
James Pughe, Esq., Craig, Colorado,
for the Craig Chamber of Commerce,
Association of General Chairmen
of the Railroad Brotherhoods, and
Moffat Tunnel Commission;
Frank Land, Esq., Granby, Colorado,
for the Granby Chamber of Commerce
and other individual protestants;
George Kemp, Denver, Colorado, Legis-
lative Representative of the
Railroad Clerks;
M. Carl Feather, Salida, Colorado,
for the Colorado Legislative Board,
Brotherhood of Railroad Trainmen;
Howard D. Hicks, Denver, Colorado, for
the Denver Chamber of Commerce;
Dexter M. Brinker, Boulder, Colorado,
pro se;
J. Thomas-Hazell, Denver, Colorado, pro se;
E. D. Davis, Esq., Craig, Colorado,
for the County of Moffat;
Robert L. Pyle, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 18, 1968, the Commission entered Decision No. 71034
in the above-entitled matter, Chairman Henry E. Zarlengo dissenting.

On April 8, 1968, "Petition for Rehearing," was filed with the
Commission by the Craig Chamber of Commerce, the Moffat Tunnel Commission

and the Association of the General Chairmen of the Railroad Brotherhood by James M. Pughe and Rodney Bardwell, Jr., Attorneys. It is noted that the Petition for Rehearing was filed one day beyond the twenty days allowed by 115-6-14 CRS 1963.

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

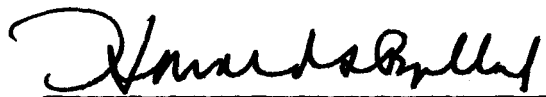
O R D E R


THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission by the Craig Chamber of Commerce, the Moffat Tunnel Commission and the Association of the General Chairmen of the Railroad Brotherhood 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

CHAIRMAN HENRY E. ZARLENGO DISSENTING.

Dated at Denver, Colorado,
this 9th day of April, 1968.


CHAIRMAN HENRY E. ZARLENGO DISSENTING

I respectfully dissent.

The Petition for Rehearing should be granted. The Decision of the majority is based on evidence insufficient to sustain the burden of proof required by law for discontinuance. Reference is made to the dissenting opinion.

The Decision fosters a disregard by the Railroad to recognize its duty as a public utility to conduct its business in a business-like

manner to provide service to the whole of the public rather than to only that segment which is most lucrative. It condones and rewards self-serving action and inaction on the part of the Railroad contrary to its duties, to place itself in a position for making request for discontinuance of service to those whom it would rather not serve.


Chairman

Dated at Denver, Colorado,
this 9th day of April, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLINTON AVIATION CO., A COLORADO)
CORPORATION, STAPLETON INTERNATIONAL)
AIRPORT, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. AC-4.)

APPLICATION NO. 22774-Extension
SUPPLEMENTAL ORDER

April 10, 1968

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Atlas Aviation,
Inc., Intervenor for Copy of
Order;
Robert S. Wham, Esq., Denver,
Colorado, for Vail Airways, Inc.,
Intervenor for Copy of Order;
John F. Mueller, Esq., Denver,
Colorado, for Aspen Airways,
Intervenor for Copy of Order;
Ray M. Wilson, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 5, 1968, the Commission entered Decision No. 71129 in the above-entitled matter.

It now appears that the Commission, through inadvertence, in setting forth the authority contained under PUC No. AC-4, made certain omissions and errors.

In view of the above and foregoing, the Commission states and finds that said Decision No. 71129 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 71129 be, and the same hereby is, amended, nunc pro tunc, as of April 5, 1968, by striking therefrom the second paragraph of the Order therein contained and the entire authority under PUC No. AC-4,

... appearing on page 4 of the Order thereof, and inserting in lieu thereof
... the following:

... "That henceforth the full and complete authority under Certifi-
... cate PUC No. AC-4 as extended shall read and be as follows, to-wit:


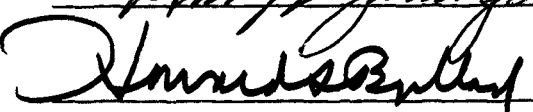
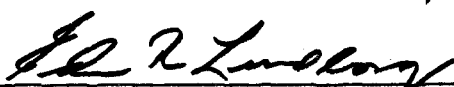
... Transportation -- on call and demand -- by airplane of
... Passengers and property
... Between all points in the State of Colorado.

... Restriction:

- ... (1) No office or branch shall be established for the purpose
... of soliciting or developing business at any town or city other
... than Denver, Colorado and a fifteen (15) mile radius thereof.
- ... (2) The holder hereof, when transporting passengers between
... points served by air carriers operating on schedule over fixed
... routes, shall charge per passenger rates which shall be at
... least 120 percent of the per passenger effective rates of
... said fixed route air carriers operating on schedule between
... said points."

... That, except as herein amended, Decision No. 71129 shall remain
... in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COUNTY OF LARIMER FOR AUTHORITY)
TO CONSTRUCT, MAINTAIN AND USE A)
PUBLIC ROADWAY ACROSS THE RIGHT OF)
WAY OF THE UNION PACIFIC RAILROAD)
COMPANY AT MILE POST 12.33 BETWEEN)
KELIM AND REDMOND IN LARIMER COUNTY,)
COLORADO, AND FOR THE ABANDONMENT OF)
A ROADWAY CROSSING AT MILE POST)
13.04.)

APPLICATION NO. 23019

April 10, 1968

Appearances: W. H. Dean Olson, Esq. for
Ralph B. Harden, County Attorney,
for Applicant;
Clayton Knowles, Esq., for
Union Pacific Railroad Co.
Herbert Spencer, Chairman Board
of Larimer County Commissioners,
and
Melvin C. Beach for Larimer County;
Walter F. Scherer, Esq., Denver,
Colorado, for Copy of Order;
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 February 13, 1968. Subsequently said application was set for hearing before the Commission on March 22, 1968, at the Auditorium, Larimer County Court House, Fort Collins, Colorado.

After proper notice to all interested persons, firms or corporations, and to owners of adjacent property, the matter was heard as scheduled and thereafter was taken under advisement by the Commission.

Purpose of the application is to secure Commission approval for the proposed establishment of a new public County road grade crossing at Mile Post 12.33 over the Fort Collins Branch of Union Pacific Railroad east

of Loveland, Colorado. Also requested, as stated herein, was approval for the closing of a nearby crossing at Mile Post 13.04 over the same Fort Collins Branch line.

At the hearing, Mr. Melvin C. Beach, County Road Supervisor for Larimer County, identified the following exhibits which were received into evidence:

- Exhibit No. 1 - Strip Map of Colorado Interstate Route 25.
Scale 1" = 1 Mile.
Shows Union Pacific rail line between stations of Kelim and Redmond; State and County roads serving the crossing area, and Routing of the Interstate Highway.
- Exhibit No. 2 - Combination Map of Larimer County and Union Pacific Railroad.
Shows: (a) Proposed new roadway and crossing at M.P. 12.33. Scale 1" = 400 ft.
(b) Location of present crossing to be retired at M.P. 13.04. Scale 1" = 400 ft.

Mr. Beach also marked other features on Map (Exhibit No. 1) as follows:

- (a) Air Strip in Sections 33 and 28 (T. 6 N. - R. 68 W.). Extends in NW-SE direction.
- (b) Location of present County Road (No. 74) and crossing to be removed at M.P. 13.04.
- (c) Proposed new north-south County Road (No. 83) along west side of Section 3, with east-west construction of new County Road No. 110 along center line of Section 4 (T 5 N - R 68 W).
- (d) Location of proposed crossing at M.P. 12.33.

With reference to the local airport, Mr. Beach explained that, since both landings and takeoffs were made from the southern end of the air strip with a line of flight directly above the County Road No. 74, it appeared feasible to move 3/4 mile eastward from the rail crossing to the west line of Section 3 whereby, in view of such, the Larimer County Planning Office developed the instant proposal for new Road No. 83 and design for a near right-angle (70°) crossing over the rail line at M.P. 12.33.

The new routing will retain former connection of Road 74 at the Interstate Highway No. 25 Interchange, and the new east-west construction in Section 4 will maintain both access to Boyd Lake area and local travel patterns west from the new crossing. In addition, the new north-south

roadway and grade crossing has become attractive as a possible north-side entrance and exit for the Cloverleaf Greyhound Park (Dog Track) parking lot at one-half mile to the south.

The proposed new roadway construction appeared to offer considerable advantage in relieving Dog Track congestion at the single entrance-exit location now available at U. S. Highway No. 34. According to Mr. Beach, there was no planning for additional protection or peak use policing at the new grade crossing (M.P. 12.33) because the standard protection of County Advance warning signs and the railroad crossbuck signs, as installed at the old crossing (M.P. 13.04), would also be placed at the new location.

Testimony regarding the Union Pacific Railroad operations was given by Mr. B. C. Murphy, Cheyenne, Wyoming, who is the Assistant Superintendent of the Cheyenne Division which includes control and supervision of operations over the Fort Collins Branch.

There is no regular passenger train service over the line. The operation of a single freight train for current business indicates a movement through the instant crossing area as follows:

West (To Fort Collins)	10:15 AM to 11:15 AM
East (Return)	8:00 PM to 10:00 PM.

Freight train service is operated daily except Sundays with some seasonal variation during the fall season of the year for sugar beet movements. Speed is 30 miles per hour and train consist is usually 25 to 30 cars with a single diesel engine and caboose. Mr. Murphy described the area as a farming region with open vision at the new crossing site. Stopping distance for the train would be 1/2 to 3/4 of a mile. Mr. Murphy offered no opinion regarding a change of protection devices at the crossing and, in fact, stated that no personal policing or flagging protection for Dog Track traffic would be provided by the railroad.

Further testimony for Applicant was presented through Mr. Herbert E. Spencer, Chairman of the Larimer County Board of County Commissioners. With reference to the instant crossing requests, he stated that the County application also included (1) a copy of a fully completed Agreement with

Union Pacific railroad made on November 8, 1967 and (2) a copy of the Resolution of the Board of Larimer County Commissioners made on November 8, 1967 accepting the Agreement. As detailed in the agreement, all costs for the new crossing will be borne by Larimer County; construction work for the roadway, approaches, drainage and related maintenance will be done by Larimer County; and crossing work, materials, fence adjustments, crossbuck protection and related maintenance will be performed by Union Pacific. The estimated cost of the railroad work at \$2,440.00 is to be a County expense.

Necessity for closing the grade crossing at Mile Post 13.04 and County Road No. 74 near the air-strip was explained by Mr. Spencer to be a requirement of the Federal Aviation Agency. Following original construction of the strip in 1964 there have been periods of alternate opening and closing of the roadway. Recently the road has been open but with final completion of a longer 7,000 feet runway, closing of the road and crossing now becomes necessary as a part of the safety and financing commitments of Larimer County.

With regard to the new crossing and to the new traffic over the rail line resulting from construction of County Road No. 83 southward toward the Cloverleaf Greyhound Park, Mr. Spencer testified that no consideration had been directed toward possible hazards of rail movements over the crossing during peak periods of access and exit by persons attending the Dog Track. On the basis of Union Pacific testimony, which indicated a possible freight train movement during the hours of evening attendance, Mr. Spencer stated and agreed that personal policing or flagging protection at the crossing would be a desirable safeguard at the times of peak use when the Dog Track facility was operating.

No objection was made to Commission Staff proposal at the hearing that the order of the Commission approving the crossing should be made subject to the condition of requiring peak-time flagging. In view of the problem being created to accommodate Dog Track patrons, Mr. Spencer was granted a period of 20 days to contact the officials of the Cloverleaf Kennel Club regarding assistance in providing crossing policing.

With regard to above, it is to be noted that a letter signed by the President of the Cloverleaf Kennel Club, on March 25, 1968, has been received by the Commission as Applicant's late-filed Exhibit No. 3. Said letter in part provides as follows:

"We will through the use of our security personnel assist local authorities in policing the railroad crossing at mile post 12.33 in Larimer County at all times during the traffic peaks covering ingress and exit from our parking lots."

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 convenience, safety and necessity require certain abandonments and new construction within the Larimer County road system involving public grade crossings over the Union Pacific Fort Collins Branch Line as follows:

- (a) Closing and abandonment of public grade crossing on County Road No. 74 at Railroad Mile Post 13.04.
- (b) Establishment, construction, operation and maintenance of a new public grade crossing on County Road No. 83 at Railroad Mile Post 12.33.

That protection of new crossing at Mile Post 12.33 shall consist of:

- (a) Advance Warning Signs to be placed by Larimer County on the approaches of Connecting County Roads, viz.: No. 83, north and south side; No. 110, west side.
- (b) Installation by Union Pacific railroad of a standard reflectorized crossbuck sign on each side of the rail line at the crossing.
- (c) Flagging protection at all times during the traffic peaks covering ingress and exit from parking lots of Cloverleaf Greyhound Park.

- (d) The providing and availability of peak-time flagging protection shall be a joint responsibility of both Larimer County and the Cloverleaf Kennel Club.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, Larimer County, State of Colorado, be, and hereby is, granted a Certificate of Public Convenience and Necessity to authorize and approve:

- (a) Closing and abandonment of public grade crossing on County Road No. 74 at Railroad Mile Post 13.04.
- (b) Establishment, construction, operation and maintenance of a new public grade crossing on County Road No. 83 at Railroad Mile Post 12.33.

That protection of new crossing at Mile Post 12.33 shall consist of:

- (a) Advance Warning Signs to be placed by Larimer County on the approaches of Connecting County Roads, viz.: No. 83, north and south side; No. 110, west side.
- (b) Installation by Union Pacific railroad of a standard reflectorized crossbuck sign on each side of the rail line at the crossing.
- (c) Flagging protection at all times during the traffic peaks covering ingress and exit from parking lots of Cloverleaf Greyhound Park.
- (d) The providing and availability of peak-time flagging protection shall be a joint responsibility of both Larimer County and the Cloverleaf Kennel Club.

That the separate work of roadway construction, crossing construction, signing installations, maintenance and cost payments shall all be done as set forth in the foregoing Findings and the Agreement between Union Pacific and Larimer County as indicated in the preceding Statement, which

Statement and Exhibits 1, 2 and 3 (Late Filed) are by reference made a part hereof.

That the proposed crossing signs and installation shall all be in conformance with the current Bulletin of the Association of American Railroads Joint Committee on Railroad Protection.

This Order shall become effective forthwith.

(S E A L)

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 April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Bill Lundahl)
1209 Smithland)
LaJunta, Colorado 81050)

AUTHORITY NO. B-7052

CASE NO. 956-H-Ins.

April 11, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1968 , 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.

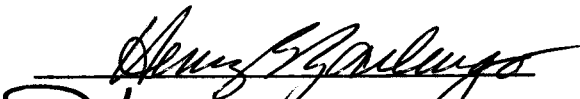
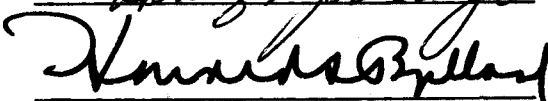

O R D E R

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
11th day of April, 1968

cj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Everett E. Kraft)
P. O. Box 323)
Burlington, Colorado 80807)

AUTHORITY NO. 6018-I

CASE NO. 936-H-Ins.

April 11, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1968 , 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

Henry J. Guleser
Wanda B. Bell
Ed. J. Lullong
Commissioners

Dated at Denver, Colorado, this
11th day of April, 1968 .

cj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Monarch Construction Corporation)
Box 1229)
Farmington, New Mexico)

AUTHORITY NO. 4915-I
CASE NO. 937-H-Ins.

- April 11, 1968 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1968 , 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.

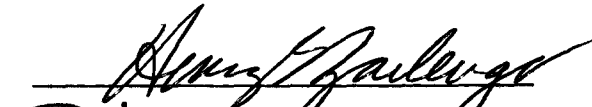


O R D E R

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
11th day of April, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDMOND ALLEN MARSHALL, DOING BUSI-)
NESS AS "MARSHALLS AUCTION," JAMES-)
TOWN STAR ROUTE, BOULDER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23022-PP

April 11, 1968

Appearances: Edmond Allen Marshall, Boulder,
Colorado, pro se;
Joseph F. Nigro, Esq., Denver,
Colorado, for Weicker Transfer
& Storage Company, Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 22, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by Weicker Transfer & Storage Company.

The record further discloses that said Protestant of record indicated that he would have no objection to the issuance of the authority as recommended by the Examiner.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual, doing business as Marshalls Auction.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience, net worth, 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 as hereinafter set forth and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation, restricted as hereinafter set forth, will not impair the efficient public service of any authorized common carrier, including the Protestant, adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application as hereinafter limited and authorizing Applicant to operate as a private motor vehicle for hire with authority as follows:

"Transportation of

General commodities

From all points in the State of Colorado to Marshalls Auction located at Louisville, Colorado.

RESTRICTION:

Restricted against service from points in the City and County of Denver."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Edmond Allen Marshall, doing business as "Marshalls Auction," Boulder, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

General commodities

From all points in the State of Colorado to Marshalls Auction located at Louisville, Colorado.

Restriction:

Restricted against service from points in the City and County of Denver;

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 11th day of April, 1968.

1s

(Decision No. 71166)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL AIRWAYS, INC., DOING BUSINESS AS)
"ROCKY MOUNTAIN AVIATION, INC.,")
STAPLETON INTERNATIONAL AIRPORT, DENVER,)
COLORADO, TO AMEND A PORTION OF ITS)
CERTIFICATE PUC NO. AC-9.)

APPLICATION NO. 23030-Extension

SUPPLEMENTAL ORDER

April 12, 1968

Appearances: Robert S. Wham, Esq., Denver,
Colorado, for Applicant;
John H. Lewis, Esq., Denver,
Colorado, for Clinton Aviation
Co., Intervenor for Copy of Order;
Joseph F. Nigro, Esq., Denver,
Colorado, for Atlas Aviation, Inc.,
Intervenor for Copy of Order;
John F. Mueller, Esq., Denver,
Colorado, for Aspen Airways,
Intervenor for Copy of Order;
Ray M. Wilson, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 5, 1968, the Commission entered Decision No. 71128
in the above-entitled matter.

It now appears that an error exists in the first line of the
first paragraph of the Order contained in said Decision No. 71128,
appearing on page 4 thereof, viz., the trade name should be Vail Airways,
Inc., doing business as "Rocky Mountain Aviation, Inc."

In view of the above and foregoing, the Commission states and
finds that Decision No. 71128 should be amended, nunc pro tunc, as of
April 5, 1968, as set forth in the Order following.

O R D E R


THE COMMISSION ORDERS:


That Decision No. 71128 be, and the same hereby is, amended,

nunc pro tunc, as of the 5th day of April, 1968, by correcting the trade name to Vail Airways, Inc., doing business as "Rocky Mountain Aviation, Inc." in the first line of the first paragraph of the Order therein contained, appearing on Page 4.

That, except as herein amended, Decision No. 71128 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of April, 1968.

1s

(Decision No. 71167)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CLARENCE J. ANTONSEN, 209 LEWIS)	
STREET, BOX 182, CASTLE ROCK,)	<u>APPLICATION NO. 23068-PP</u>
COLORADO, FOR A CLASS "B" PERMIT TO)	
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

April 12, 1968

Appearances: Clarence J. Antonsen, Castle
Rock, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 27, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as herein-above set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Clarence J. Antonsen, Castle Rock, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points.

Restriction:

This permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

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

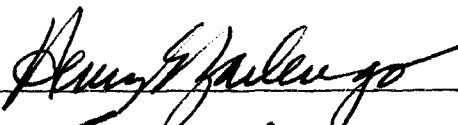

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of April, 1968.
ls

(Decision No. 71168)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MARVIN HUGHES, ROUTE 1, BOX 234,)	<u>APPLICATION NO. 23051-PP</u>
LARAMIE, WYOMING, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

April 12, 1968

Appearances: Marvin Hughes, Laramie,
Wyoming, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 19, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado.

RESTRICTION:

This permit is restricted against town-to-town service."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the

submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Marvin Hughes, Laramie, Wyoming, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests.

(2) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado.

Restriction:

This permit is restricted against town-to-town service; 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 the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of April, 1968.
1s

(Decision No. 71169)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH M. SCRIVEN AND CLEO E.)
SCRIVEN, DOING BUSINESS AS "LAMAR)
TAXI COMPANY," 800 SOUTH 9TH, LAMAR,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 1528 TO EARL H. BATES, DOING)
BUSINESS AS "LAMAR TAXI COMPANY,")
121 WEST BEECH, LAMAR, COLORADO.)

APPLICATION NO. 23034-Transfer

April 12, 1968

Appearances: Joseph M. Scriven, Lamar, Colo-
rado, for Transferor;
Earl H. Bates, Lamar, Colorado,
for Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 30, 1968, the above-entitled application was filed re-
questing authority to transfer Certificate PUC No. 1528.

After due and proper notice to all interested persons, firms or
corporations, the application was heard by William D. Mitchell -- duly designated
by the Commission as an Examiner for the purpose of conducting the hearing on
said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2),
has transmitted to the Commission the record and exhibits of the instant pro-
ceeding together with a written statement of his Findings of Fact and Conclu-
sions.

The record transmitted by the Examiner discloses that no one appeared
at the hearing to intervene or to protest the granting of the authority as re-
quested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclu-
sions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Transferor herein is the present owner and operator of PUC No. 1528, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances or obligations.
6. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought 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. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of their right, title and interest in and to PUC No. 1528 to Earl H. Bates, and that henceforth the full and complete authority under said PUC No. 1528 shall read and be as follows, to-wit:

Transportation of

Passengers and their baggage by taxicab

Between all points within the area described as follows:

Commencing twenty (20) miles west of Lamar; thence south to a line running east and west through Springfield, Colorado; thence east along said line to a line running north and south twenty (20) miles east of Lamar; thence north along said line to a line running east and west through Eads, Colorado; thence west along said line to a point eleven (11) miles west of Eads; thence south to point of beginning.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the

provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

ORDER

THE COMMISSION ORDERS:

That Joseph M. Scriven and Cleo E. Scriven, doing business as "Lamar Taxi Company," Lamar, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate PUC No. 1528, to Earl H. Bates, doing business as "Lamar Taxi Company," Lamar, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate PUC No. 1528 shall read and be as follows, to-wit:

Transportation of
Passengers and their baggage by taxicab
Between all points in the following described area:

Commencing twenty (20) miles west of Lamar; thence south to a line running east and west through Springfield, Colorado; thence east along said line to a line running north and south twenty (20) miles east of Lamar; thence north along said line to a line running east and west through Eads, Colorado; thence west along said line to a point eleven (11) miles west of Eads; thence south to point of beginning.

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

That the 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.

That 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 12th day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLADYS M. ANDERSON, ADMINISTRATRIX)
OF THE ESTATE OF ARNOLD ANDERSON,)
DECEASED, BYERS, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1564)
TO RUSSELL A. MOCK AND SANDRA H.)
MOCK, DOING BUSINESS AS "ANDERSON)
TRUCK LINE," BYERS, COLORADO.)

APPLICATION NO. 22961-Transfer

IN THE MATTER OF THE APPLICATION OF)
GLADYS M. ANDERSON, ADMINISTRATRIX)
OF THE ESTATE OF ARNOLD ANDERSON,)
DECEASED, BYERS, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3054)
TO RUSSELL A. MOCK AND SANDRA H.)
MOCK, DOING BUSINESS AS "ANDERSON)
TRUCK LINE," BYERS, COLORADO.)

APPLICATION NO. 22962-Transfer

April 15, 1968

Appearances: Leslie A. Gifford, Esq., Aurora,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 5, 1967, the above-entitled application was filed requesting authority to transfer Certificates PUC No. 1564 and PUC No. 3054.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested and that the herein applications were consolidated

for hearing and heard on a joint record.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Arnold Anderson, now deceased, was the owner and operator of Certificate of Authorities PUC No. 3054 and PUC No. 1564 which he had continually operated in the past and which authorities are presently in good standing with the Commission.
2. Upon the death of the said Arnold Anderson, his widow, Gladys M. Anderson, was appointed Special Administratrix pursuant to Letters of Administration dated April 7, 1967.
3. Pursuant to the Order of the District Court of the County of Arapahoe, State of Colorado, wherein the estate was probated, Gladys M. Anderson, as Special Administratrix, was authorized and empowered to sell the authorities and otherwise transfer them to Russell A. Mock and Sandra H. Mock, the Transferees named herein.
4. Transferees hold no previously granted authorities from this Commission.
5. The consideration paid for the authorities is fair and reasonable.
6. The certificates are free and clear of any debts, encumbrances or obligations.
7. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authorities sought herein.
8. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if these applications are 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. If these transfers are approved, the Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfers are compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing the transfer of the Certificate of Authorities PUC No. 1564 and PUC No. 3054 to Russell A. Mock and Sandra H. Mock, doing business as

"Anderson Truck Line", and that henceforth the full and complete authorities under said PUC No. 1564 and PUC No. 3054 shall read as follows:

PUC No. 1564:

"(1) Transportation -- on call and demand -- of
Freight

Between points in the following-described territory:

Beginning at a point six (6) miles south of the Northern County Line of Elbert County on the Bijou Creek; thence north along said Bijou Creek to the North County Line of Adams County; thence west along said county line to Colorado Highway No. 79; thence south along said highway to the Town of Bennett, Colorado; thence south along an unmarked county road (designated as the Bennett-Kiowa road) to a point on said road six (6) miles south of the North Elbert County Line; thence east to the point of beginning.

And from and to points in said area to and from Denver, Colorado.

RESTRICTION:

Restricted against transportation of milk, cream, poultry and eggs.

(2) Transportation -- on call and demand -- of
Coal

From Denver to Strasburg, Colorado.

(3) Transportation -- on call and demand -- of
Cement and plaster

From Boettcher and LaPorte to Bennett and Strasburg, Colorado.

(4) Transportation -- on call and demand -- of

Used farm machinery and equipment and household goods

When moving a farmer, from and to points in the State of Colorado, to and from points in the following-described territory:

Beginning at a point six (6) miles south of the Northern County Line of Elbert County on the Bijou Creek; thence north along said Bijou Creek to the North County Line of Adams County; thence west along said county line to Colorado Highway No. 79; thence south along said highway to the Town of Bennett, Colorado; thence south along an unmarked county road (designated as the Bennett-Kiowa road) to a point on said road six (6) miles south of the North Elbert County Line; thence east to the point of beginning."

PUC No. 3054:

"(1) Transportation -- on call and demand -- of

Livestock

Between points in the following-described area;

Beginning at a point one (1) mile west of Byers, Colorado, thence north to the North County Line of Adams County, thence east seven (7) miles, thence south twenty-four (24) miles to a point two (2) miles south of Peoria (Peoria being a point on the Union Pacific Railroad 6.5 miles southeast of Byers, Colorado), thence west two (2) miles, thence south sixteen (16) miles, thence west five (5) miles, thence north to the point of beginning."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Gladys M. Anderson, Administratrix of the Estate of Arnold Anderson, Deceased, Byers, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates PUC No. 1564 and PUC No. 3054, to Russell A. Mock and Sandra H. Mock, doing business as "Anderson Truck Line," Byers, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificates PUC No. 1564 and PUC No. 3054 shall read and be as follows, to-wit:

PUC No. 1564

(1) Transportation -- on call and demand -- of

Freight

Between all points in the following-described area:

Beginning at a point six (6) miles south of the Northern County Line of Elbert County on the Bijou Creek; thence north along said Bijou Creek to the North County Line of Adams County; thence west along said county line to Colorado Highway No. 79; thence south along said highway to the Town of Bennett, Colorado; thence south along an unmarked county road (designated as the Bennett-Kiowa road) to a point on said road six (6) miles south of the North Elbert County Line; thence east to the point of beginning,

And from and to points in said area to and from Denver, Colorado.

Restriction:

Restricted against the transportation of milk, cream, poultry and eggs.

- (2) Transportation -- on call and demand -- of

Coal

From Denver, Colorado to Strasburg, Colorado.

- (3) Transportation -- on call and demand -- of

Cement and plaster

From Boettcher, Colorado, and LaPorte, Colorado to Bennett, Colorado, and Strasburg, Colorado.

- (4) Transportation -- on call and demand -- of

Used farm machinery and equipment and household goods

When moving a farmer, from and to points in the State of Colorado, to and from points in the following-described area:

Beginning at a point six (6) miles south of the Northern County Line of Elbert County on the Bijou Creek; thence north along said Bijou Creek to the North County Line of Adams County; thence west along said county line to Colorado Highway No. 79; thence south along said highway to the Town of Bennett, Colorado; thence south along an unmarked county road (designated as the Bennett-Kiowa road) to a point on said road six (6) miles south of the North Elbert County Line; thence east to the point of beginning.

PUC No. 3054

- (1) Transportation -- on call and demand -- of

Livestock

Between points in the following-described area:

Beginning at a point one (1) mile west of Byers, Colorado; thence north to the North County Line of Adams County, thence east seven (7) miles; thence south twenty-four (24) miles to a point two (2) miles south of Peoria (Peoria being a point on the Union Pacific Railroad 6.5 miles southeast of Byers, Colorado), thence west two (2) miles, thence south sixteen (16) miles, thence west five (5) miles, thence north to the point of beginning.

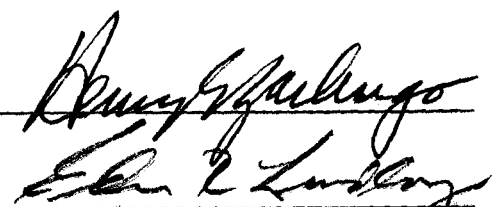
That said transfers shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 transfers, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado, this
15th day of April, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF NEAL F. HODGSON, DOING BUSINESS)	
AS "HODGSON TRANSFER," 2455 28TH)	APPLICATION NO. 22851-Transfer
STREET, NO. 18, BOULDER, COLO-)	
RADO, TO TRANSFER PUC NO. 62 TO)	
HARLEY I. KEETER, JR., ROUTE 2,)	
BOX 360, BOULDER, COLORADO.)	

April 12, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, filed with the Commission on October 5, 1967, Neal F. Hodgson, doing business as "Hodgson Transfer," 2455 28th Street, No. 18, Boulder, Colorado, and Harley I. Keeter, Jr., Route 2, Box 360, Boulder, Colorado, Applicants herein seek authority from the Commission for the transfer of Certificate of Public Convenience and Necessity No. 62 from Neal F. Hodgson, doing business as "Hodgson Transfer," to Harley I. Keeter, Jr.

The application was called for hearing by Commissioner Howard S. Bjelland at 10 a.m. on Tuesday, November 21, 1967, in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado. At said time and place, the attorney for the Transferor and Transferee moved to postpone hearing on the application indefinitely pending the filing, hearing and determination of an application to clarify the authorized operating rights under PUC No. 62. The Presiding Commissioner granted such motion.

Since that time, said matter has been pending with no request for hearing.

As the Commission is desirous of closing its dockets on long-pending matters, the Commission states and finds that unless written

request for setting of the above-entitled matter for hearing shall be received by the Commission before the effective date of this Order, the Application should be dismissed for want of prosecution.

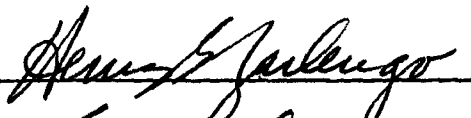
O R D E R


THE COMMISSION ORDERS:

That the Application herein filed be, and hereby is, dismissed, unless written request for hearing shall be received by the Commission before the effective date of this Order.

This Order shall become effective thirty (30) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





COMMISSIONERS

HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of April, 1968
s1

(Decision No. 71172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NEAL F. HODGSON, DOING BUSINESS AS)	
"HODGSON TRANSFER," 2455 28TH STREET,	)	<u>APPLICATION NO. 22966-Clarification</u>
NO. 18, BOULDER, COLORADO, FOR AUTHORITY)	
TO CLARIFY AUTHORITY UNDER PUC NO. 62.)	

April 12, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, filed with the Commission on December 5, 1967, Applicant herein seeks to clarify the authority under PUC No. 62.

On January 18, 1968, hearing set for 10:00 A.M., January 23, 1968, at 532 State Services Building, Denver, Colorado, was vacated, at request of Attorney for Applicant.

Since that time, said matter has been pending with no request for hearing.

As the Commission is desirous of closing its dockets on long-pending matters, the Commission states and finds that unless written request for setting of the above-entitled matter for hearing shall be received by the Commission before the effective date of this Order, the Application should be dismissed for want of prosecution.

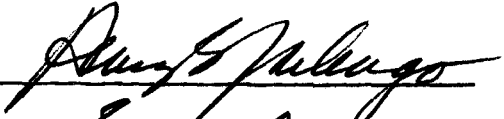
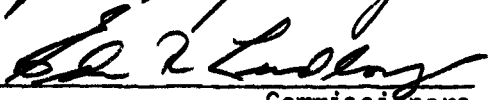
O R D E R

THE COMMISSION ORDERS:

That the Application herein filed be, and hereby is, dismissed, unless written request for hearing shall be received by the Commission before the effective date of this Order.

This Order shall become effective thirty (30) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of April, 1968.
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BEST SERVICE COMPANY, A CORPORATION, 2323 WEST 2ND AVENUE, DENVER, COLO- RADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.)))))	<u>APPLICATION NO. 23083-PP</u>
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April 12, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, Applicant herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of household appliances, furnaces and water heaters, from point to point in Denver, Adams, Arapahoe and Jefferson Counties, Colorado, restricted to shipments in which Applicants will install or assemble at destination; restricted against competition with scheduled line haul common carriers.

Said application was regularly set for hearing before the Commission, at 10:00 A.M., April 16, 1968, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

The Commission is now in receipt of a communication from Albert A. Carmosino and R. Jerold Gerome, Attorneys for Applicant herein, stating said corporation no longer desires to prosecute said application, and requesting dismissal thereof.

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

O R D E R


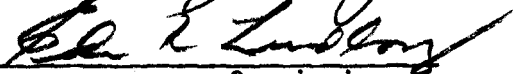
THE COMMISSION ORDERS:

That hearing of Application No. 23083-PP, set for April 16, 1968, at Denver, Colorado, be, and the same hereby is, vacated.

That said Application No. 23083-PP be, and the same hereby is,
dismissed, upon request of the Attorneys for the Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of April, 1968.

s1

(Decision No. 71174)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE COPERATIONS OF)	
LENA L. BLAIR, WILLIAM L. BLAIR AND)	
KENNETH W. BLAIR, DOING BUSINESS AS	)	<u>PERMIT NO. B-6024</u>
"DEWEY BLAIR & SONS," BOX 403,)	
OLATHE, COLORADO.)	

April 12, 1968

STATEMENT AND FINDINGS OF FACT

Lena L. Blair, William L. Blair and Kenneth W. Blair, doing business as "Dewey Blair & Sons," (Debtors), owners and operators of Permit No. B-6024, herein seek authority to encumber said Permit to The Montrose National Bank (Secured Party), to secure payment of the indebtedness in the sum of \$11,713.10, in accordance with the certain terms and conditions set forth in copy of Installment Note and Chattel Mortgage, dated March 17, 1968, and properly filed with the Commission.

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

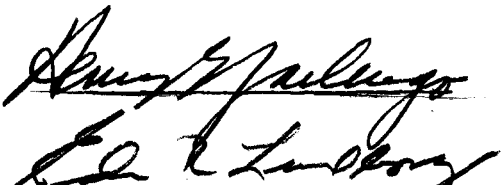
O R D E R

THE COMMISSION ORDERS:

That Debtors, Lena L. Blair, William L. Blair and Kenneth W. Blair, doing business as "Dewey Blair & Sons," Olathe, Colorado, be, and hereby are, authorized to encumber all right, title and interest in and to Permit No. B-6024, to Secured Party, The Montrose National Bank, to secure payment of the indebtedness in the sum of \$11,713.10, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 12th day of April, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF REDUCED RATES)
AND CHARGES APPLICABLE TO ALCOHOLIC)
LIQUORS, AND WINE, OVER THE ROUTE)
OPERATED VIA EDSON EXPRESS, INC.)
-----)

CASE NO. 1585

April 17, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 22, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed revised pages to its Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11* (*The Motor Truck Common Carriers' Association, Agent, Series) as set forth in Appendix "A" attached hereto, scheduled to become effective April 27, 1968.

In support of these changes, the Commission is in receipt of communications from the carrier involved herein, forwarded by the Chief of Tariff Bureau.

Application No. 369 for account of Edson Express, Inc., was originally filed with the Commission requesting permission to publish, on less than statutory notice, rates and charges identical to the filing herein. This application was denied without prejudice to filing upon statutory notice (30 days).

The petitioner bases his justification on the following facts:

1. That rates on these same commodities, based on the same percentage of the first class rates, are presently in effect from Denver, to the points of Boulder, Broomfield, Fort Collins, Lafayette, La Porte, Louisville and Loveland, which are located in the same general trade area;

2. That this traffic is presently being transported by commercial carriers.

3. That the commercial carriers are continuing to transport this traffic to several of the points to which rates are already in effect, pending the effective date of the rates proposed herein at which time all of their traffic can be diverted to for-hire motor vehicle carriers;

4. That, by a conservative estimate, these rates, if they are permitted to become effective, will generate in excess of 60,000 pounds of new business for Edson Express, Inc., each month, in Longmont alone;

5. That this is desirable traffic which can be transported profitably at the rates proposed.

Reference is also made to the Commission's Decision No. 70938, dated February 26, 1968, wherein rates to points other than those added herein were prescribed.

Since the changes as proposed in Appendix "A" attached hereto, appear to represent just, fair and reasonable rates and charges, the Commission states and finds that an order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" be, and they are hereby, made a part hereof.

2. That the changes as set forth in Appendix "A" attached hereto, shall be the prescribed rates, rules and regulations of the Commission.

3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes prescribed herein.

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

5. That on and after April 27, 1968, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.

6. That on and after April 27, 1968, 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) percent.

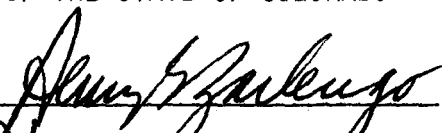
7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.


8. That the order as 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. That this order shall become effective forthwith.

10. That 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
17th day of April, 1968. av

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
LOCAL AND JOINT FREIGHT TARIFF NO. 12-A
COLORADO PUC NO. 11*

(*THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT, SERIES)

SECTION NO. 2 COMMODITY RATES (FOR APPLICATION, SEE PAGE 190 OF TARIFF)								
RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)								
ITEM No.	COMMODITY	FROM	TO			RATES	ROUTE No.	
	COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.		(EXCEPT AS NOTED IN INDIVIDUAL ITEMS)					
1ST REVISED PAGE NO. 218-A								
LIQUORS, ALCOHOLIC, NO1, IN GLASS OR IN METAL CANS IN BARRELS OR BOXES, OR IN BULK IN BARRELS.								
		FROM	DENVER, COLORADO					
			RATES IN CENTS PER 100 POUNDS					
	TO		COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	
2100	⚡ (R) BERTHOUD		128	123	118	100	81	28
	BOULDER		118	113	108	91	74	49
	BROOMFIELD		110	105	100	85	69	⚡ (R) 28; 49
	⚡ (R) DACONO		112	107	102	87	71	28
	⚡ (R) EAST LAKE		103	98	93	79	64	28
	⚡ (R) ERIE		112	107	102	87	71	28
	⚡ (R) FIRESTONE		118	113	108	91	74	28
	⚡ (R) FT. COLLINS		141	136	131	112	90	158
	⚡ (R) FREDERICK		118	113	108	91	74	28
	⚡ (R) HYGIENE		128	123	118	100	81	28
	LAFAYETTE		112	107	102	87	71	⚡ (R) 28; 49
	LA PORTE		143	138	133	113	91	158
	⚡ (R) LONGMONT		120	115	110	94	76	28
	LOUISVILLE		112	107	102	87	71	⚡ (R) 28; 49
	LOVELAND		134	129	124	105	84	12
	⚡ (R) MEAD		125	120	115	98	79	28
	⚡ (R) NIWOT		120	115	110	94	76	28
	⚡ (R) NORTHGLENN		103	98	93	79	64	28
	⚡ (R) THORNTON		98	93	88	76	60	28

COLUMN 1 RATES APPLY ON SHIPMENTS WEIGHING LESS THAN 1,000 POUNDS.
COLUMN 2 RATES APPLY ON SHIPMENTS WEIGHING 1,000 POUNDS BUT NOT OVER 1,999 POUNDS.
COLUMN 3 RATES SUBJECT TO A MINIMUM WEIGHT OF 2,000 POUNDS.
COLUMN 4 RATES SUBJECT TO A MINIMUM WEIGHT OF 5,000 POUNDS.
COLUMN 5 RATES SUBJECT TO A MINIMUM WEIGHT OF 10,000 POUNDS.
(SUBJECT TO ITEM 770)

SECTION NO. 2
COMMODITY RATES
(FOR APPLICATION, SEE PAGE NO. 190 OF TARIFF)

RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)

ITEM No.	COMMODITY	FROM	TO	RATES	ROUTE No.
	COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS	(EXCEPT AS NOTED IN INDIVIDUAL ITEMS)			

3RD REVISED PAGE NO. 241-B *

WINE, NO1, IN CONTAINERS IN WICKER BASKETS, BARRELS OR BOXES, OR IN BULK IN BARRELS, ACTUAL VALUE NOT EXCEEDING \$1.15 PER GALLON.

NOTE: SHIPPER MUST CERTIFY ON SHIPPING ORDER AND BILL OF LADING THE ACTUAL VALUE OF THE PROPERTY AS FOLLOWS: "ACTUAL VALUE OF THE PROPERTY IS HEREBY SPECIFICALLY STATED BY THE SHIPPER TO BE NOT IN EXCESS OF \$1.15 PER GALLON."

FROM		DENVER, COLORADO					
TO:		RATES IN CENTS PER 100 POUNDS					
		COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	
2745	✓ (R) BERTHOUD	101	96	91	77	63	28
	BOULDER	93	88	83	71	57	49
	BROOMFIELD	87	82	77	66	53	✓ (R) 28; 49
	✓ (R) DAcono	89	84	79	67	55	28
	✓ (R) EAST LAKE	82	77	72	61	49	28
	✓ (R) ERIE	89	84	79	67	55	28
	✓ (R) FIRESTONE	93	88	83	71	57	28
	FT. COLLINS	111	106	101	86	70	158
	✓ (R) FREDERICK	93	88	83	71	57	28
	✓ (R) HYGIENE	101	96	91	77	63	28
	LAFAYETTE	89	84	79	67	55	✓ (R) 28; 49
	LA PORTE	113	108	103	88	71	158
	✓ (R) LONGMONT	95	90	85	73	59	28
	LOUISVILLE	89	84	79	67	55	✓ (R) 28; 49
	LOVELAND	106	101	96	81	65	12
	✓ (R) MEAD	99	94	89	76	61	28
	✓ (R) NIWOT	95	90	85	73	59	28
	✓ (R) NORTHGLENN	82	77	72	61	49	28
	✓ (R) THORNTON	78	73	68	59	47	28

COLUMN 1 RATES APPLY ON SHIPMENTS WEIGHING LESS THAN 1,000 POUNDS.
 COLUMN 2 RATES APPLY ON SHIPMENTS WEIGHING 1,000 POUNDS BUT NOT OVER 1,999 POUNDS.
 COLUMN 3 RATES SUBJECT TO A MINIMUM WEIGHT OF 2,000 POUNDS.
 COLUMN 4 RATES SUBJECT TO A MINIMUM WEIGHT OF 5,000 POUNDS.
 COLUMN 5 RATES SUBJECT TO A MINIMUM WEIGHT OF 10,000 POUNDS.
 (SUBJECT TO ITEM 770)

ISSUED: MARCH 21, 1968
 (FILED WITH COMMISSION MARCH 22, 1968)

EFFECTIVE: APRIL 27, 1968

- (R) DENOTES REDUCTION
- ✓ DENOTES ADDITION
- ROUTE No. 12 - DENVER-LOVELAND TRANSPORTATION, INC., - DIRECT
- ROUTE No. 28 - EDSON EXPRESS, INC., - DIRECT
- ROUTE No. 49 - BOULDER-DENVER TRUCK LINE - DIRECT
- ROUTE No. 158 - DENVER-LARAMIE-WALDEN TRUCK LINE, INC., - DIRECT

(Decision No. 71176)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHESTER BENNETT AND CARL GRISHAM,)
P. O. BOX 101, NIWOT, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23054-PP

April 15, 1968

Appearances: Chester Bennett, and Carl
Grisham, Niwot, Colorado,
pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 19, 1968, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicants are individuals.
2. Applicants do not hold previously granted authority from this Commission.
3. Applicants have sufficient equipment, experience and net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicants to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

(5) Coal

From point to point in Boulder, Adams, Larimer and Weld Counties;

(6) Natural fertilizer and peat moss

From pits and supply points to points within a fifty (50) mile radius thereof;

(7) Poultry grits

From points in Boulder County to points in the State of Colorado;

(8) Ground and powdered stone or stone dust

From Boulder County to points in the State of Colorado.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Chester Bennett and Carl Grisham, Niwot, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points.

(5) Coal

Between all points in the following Counties of the State of Colorado: Boulder, Adams, Larimer and Weld.

(6) Natural fertilizer and peat moss

From pits and supply points to all points within a fifty (50) mile radius thereof.

(7) Poultry grits

From all points in Boulder County, State of Colorado to all points in the State of Colorado.

(8) Ground and powdered stone or stone dust

From Boulder County, State of Colorado, to all points in the State of Colorado.

Restriction:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

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

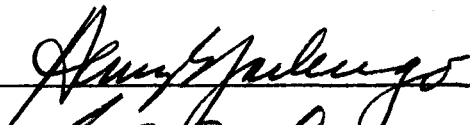
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

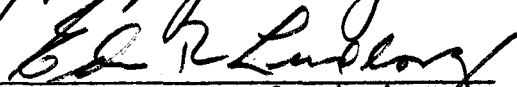
That this Order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioner

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 15th day of April, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NORTHWEST WATER CORPORATION, A)	
CORPORATION, 1529 YORK STREET, DENVER,)	
COLORADO, TO INCREASE ITS RATES FOR)	<u>APPLICATION NO. 23005</u>
SERVICE WITHIN ITS CERTIFICATED AREA,)	
AND FOR PERMISSION TO FILE TARIFFS)	
INCREASING EXISTING RATES ON LESS)	
THAN STATUTORY NOTICE.)	

RE INVESTIGATION AND SUSPENSION OF)	
TENTH REVISED SHEET NO. 2, COLORADO)	<u>INVESTIGATION AND SUSPENSION</u>
PUC NO. 1 OF THE NORTHWEST WATER)	<u>DOCKET NO. 603</u>
CORPORATION, 1529 YORK STREET,)	
DENVER, COLORADO.)	

April 17, 1968

Appearances: Irving J. Hayutin, Esq., Denver, Colorado, for Applicant;
John R. Barry, Esq., Denver, Colorado, for Shaw Heights Homeowners Improvement Association, the Protestant;
Robert L. Pyle, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado, for the Staff of the Commission.

STATEMENT

BY THE COMMISSION:

On January 15, 1968, Northwest Water Corporation filed Application No. 23005 seeking approval of this Commission for an increase in its water rates. The Commission set the application for hearing on March 26 and 27, 1968, and, on its own motion, suspended the effective date of the proposed increase in rates until the matter could be heard and a decision issued therein.

On January 23, 1968, the Northwest Water Corporation by Arthur B. Hayutin, Secretary-Treasurer, filed with the Public Utilities Commission of the State of Colorado a proposed change in its tariff, Colorado PUC No. 1, Tenth Revised Sheet No. 2, to become effective, on

less than statutory notice, February 10, 1968. The purpose of this filing is to increase the annual revenues to the Company in the amount of approximately \$22,000.

Prior to the hearing date, motions to dismiss the application were filed by the Shaw Heights Improvement Association by and through its attorney, John R. Barry, and the Staff of the Commission by its counsel, Robert L. Pyle. A reply to the motion of dismissal was also filed by Applicant. A hearing in this matter was held on March 26, 1968 at 10:00 A.M. in the Commission hearing room, Room 507 Columbine Building, Denver, Colorado. At said time and place arguments of Counsel on the motions to dismiss only were taken before Chairman Henry E. Zarlengo. The motions were then taken under advisement and the hearing recessed until such time as the Commission would rule on the motions. The parties were also permitted to file briefs with respect to the motions which have now been filed.

F I N D I N G S

THE COMMISSION FINDS THAT:

1. The Applicant by the instant application seeks an incremental rate increase based on allegations of increased expenses as compared to expenses and return on rate base allowed in Decision No. 68272 by this Commission. The said Decision No. 68272, however, is no longer effective and the Commission will not take official notice thereof in this proceeding for reasons stated in Finding No. 2 hereinbelow.

2. Said Decision No. 68272 has been modified, pursuant to Court Order, by Decision No. 69860 of this Commission, and the said Decision No. 69860 is the only effective decision as far as the rates charged by Applicant are concerned. The Commission hereby takes official notice of said Decision No. 69860.

3. This Commission cannot legally determine fair and justifiable rates to be charged by Applicant on the basis of incremental costs alone, but must, in establishing such rates, determine the total revenue requirements of the Applicant, which involves the determination of rate

base, rate of return, and allowable operating expenses.

4. The application herein should be dismissed, as the averments contained therein as amplified by Applicant's other filings and statements of its Counsel herein do not state a claim for relief that would permit this Commission to determine the factors necessary in establishing proper and legal rates for the Applicant in accordance with Finding No. 3 above.

5. If the instant application is dismissed, the questions raised in Investigation and Suspension Docket No. 603 become moot and, therefore, the suspension of Applicant's Tariff Colorado PUC No. 1, Tenth Revised Sheet No. 2, should be made permanent.

6. Application does not reveal any emergency conditions that would justify authorization by this Commission for the Applicant to file tariffs increasing existing rates on less than statutory notice.

7. Dismissal of this application should not, and will not, preclude the Applicant from making new application for a complete determination of its revenue requirements and rates necessitated thereby.

8. The foregoing Statement by reference is hereby incorporated in these Findings.

O R D E R

THE COMMISSION ORDERS THAT:

1. The effective date of the proposed change in rates of the Northwest Water Corporation in its Tariff Colorado PUC No. 1, Tenth Revised Sheet No. 2, be, and hereby is, permanently suspended.


2. The motions to dismiss Application No. 23005 be, and hereby are, granted.


3. Application No. 23005 by Northwest Water Corporation, the Applicant, be, and hereby is, dismissed without prejudice of the Applicant to file a new application seeking an Order of this Commission setting a date for hearing on Applicant's rate base, fair rate of return, revenue requirements and the rates necessitated thereby.

4. Investigation and Suspension Docket No. 603 be, and hereby is, closed.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT
AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 17th day of April, 1968.
sl

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COUNTY OF BOULDER FOR AUTHORITY TO)
INSTALL GRADE CROSSING PROTECTION)
DEVICES AT BASELINE ROAD, BOULDER)
COUNTY, AND MILEPOST 21.49 OF THE)
COLORADO AND SOUTHERN RAILWAY)
COMPANY.)

APPLICATION NO. 23036

April 17, 1968

Appearances: William L. Paddock, Esq., Boulder,
Colorado, for Applicant;
W. L. Peck, Esq., Denver, Colorado,
for The Colorado and Southern
Railway 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 February 9, 1968. Subsequently said application was set for hearing before the Commission on April 2, 1968, at the Commission Hearing Room, 505 Columbine Building, Denver, Colorado.

After proper notice to all interested persons, firms or corporations, and to owners of adjacent property, the matter was heard as scheduled and thereafter was taken under advisement by the Commission.

Purpose of the application is to secure Commission approval for the proposed improvement of the crossing of Baseline Road, a County road in Boulder County, Colorado, over the track of The Colorado and Southern Railway Company (C & S Railway) by the installation of automatic railroad flasher signals and bells under the provisions of 1963 CRS 115-4-6 (2)(b).

At the hearing, Peter Swaving, Assistant County Engineer for Boulder County, stated that Baseline Road at 22 feet wide is crossed in a diagonal direction by the single track of the C & S Railway; that, with reference to the instant application, the signing protection at the crossing

is inadequate; that there has been a new subdivision development and the construction of numerous new homes in the nearby area; and that the road is posted for speeds of 50 miles per hour. He further stated he had no traffic count data but was aware of the fact that visibility of the railroad on north side of the highway was restricted by high ground; and that the need for improved protection was emphasized by request of the local area School District on the basis of its school bus operation.

Mr. Swaving explained that he has been the Assistant County Engineer for only six months and that he had no accurate knowledge of past studies regarding the crossing situation; however, he stated that it was his belief that the installation of flasher signals, as planned by the County Commissioners, was desirable and that approval should be granted in accordance with the Agreement as entered into by and between the C & S Railway and the Boulder County Commissioners.

In his testimony, Mr. Swaving stated that the estimated cost of the signal installation according to agreement was \$11,000; that future residential growth in the area can be expected; that the Baseline Road is not a part of the Federal Aid system; and that the following allocation of costs -- as has been made in other similar instances -- would appear to be proper:

10% by Boulder County

10% by Railroad

80% Highway Crossing Fund.

E. A. Graham, Chief Engineer, The Colorado & Southern Railway Company, Denver, Colorado, stated that the Boulder County Commissioners entered into an agreement with the C & S Railway Company on January 31, 1968. A copy of the fully executed Agreement was submitted and attached as a part of the instant application. As explained by Mr. Graham, the agreement included two exhibits:

Exhibit A - Sketch to show the rail and highway situation and indication of the proposed flasher signals.

Exhibit B - Diagram of standard flasher signals; place two units -- one with bell.

He further stated that the estimated cost for materials and labor for the signal device installation was \$11,000.00. Details of such are shown in a late-filed exhibit.

Mr. Graham described the Baseline Road as a main road for some 11 miles between Boulder and Lafayette, Colorado; that the crossing is some two miles northwest from Louisville and approximately three miles west from Lafayette and is protected with reflectorized crossbuck signs; and that the rail crossing is made in a diagonal manner over the highway as shown on the Map, Exhibit A. He verified that visibility is restricted to the northwest with also a partial limitation to the southwest due to residential construction.

Rail traffic, according to Mr. Graham, presently consists of three freight train movements daily over the crossing; that presently there is no passenger train service on the line; and that occasionally extra freight trains are operated during sugar beet season for a total of five to six movements daily.

D. L. Zeller, Assistant Superintendent of Signals and Communications, The Colorado & Southern Railway Company, Denver, Colorado, testified regarding the proposed protection. He explained that the devices are standard short mast type which have four back-to-back flasher signals including bell on one unit; and that a mast unit will be placed on each side of the rail line. He stated that the wiring circuits will provide warning for trains moving in either direction along the rail line; and that, based on an operating speed of 50 miles per hour for this location, there will be at least 20 seconds of signal warning time before movement of a train over the crossing.

Mr. Zeller stated he had no knowledge of any accident history at the crossing; however, the general trend of increasing traffic on Baseline Road offers increasing hazards. He further stated that current material shortages and prior work schedules on other signal installations indicate that the instant installation may not be completed for about nine months.

At the hearing, the Colorado & Southern Railway filed its Answer to show its favor to the granting of the application according to the provisions of 1963 CRS 115-4-6 (2)(b); that it has completed contract negotiations with the County of Boulder for installation of protection devices at the crossing; and that the proposed improvement is necessary for the public safety and convenience.

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 installation of automatic railroad flasher light signals and bells at the grade crossing of Baseline Road, Boulder County, near Louisville, Colorado, over the main line of The Colorado and Southern Railway Company at its Milepost 21.49.

That the circumstances surrounding the use of such crossing, present and future, are such as to require the installation of highway-railroad crossing protection as provided by 1963 CRS 115-4-6(2)(b), and that the cost of installation and maintenance and the expense of such signals shall be allocated as hereinafter set forth.

That the authority sought in the instant application should be granted.

That no part of the cost of the installation of railroad flasher light signals and bells at the crossing will be paid from funds available under any federal or federal-aid highway act.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, County of Boulder, State of Colorado, be, and hereby is, granted a certificate of public convenience and necessity to authorize and approve the installation and operation of standard automatic railroad flasher signals and bell at the grade crossing of The Colorado and

Southern Railway Company at its Milepost 21.49 and Baseline Road, near Louisville, Colorado.

That the work to be done, installation, and maintenance of the signals and bell shall be done by the Railway Company as set forth in the agreement between The Colorado & Southern Railway Company and the County of Boulder as indicated in the preceding Statement, which Statement and Application Exhibits are, by reference, made a part hereof.

That it is fair, just, and equitable that the County of Boulder pay ten percent (10%) of the cost of the installation of such automatic railroad flasher signals and bell to cover its share of benefits received from such installation, and upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering said ten percent (10%) therefor shall be forwarded by the Railway Company to the County of Boulder, which bill shall be paid by the County to the Railway Company within thirty (30) days of receipt thereof.

That the Railway Company shall contribute out of its own funds ten percent (10%) of the cost of said installation and shall thereafter maintain said installation as its share of the benefits.

That the remainder, or eighty percent (80%) of the cost of the installation, shall be contributed out of the Highway Crossing Protection Fund, and upon completion of the proposed work, itemized statement of the actual costs, and a bill covering said eighty percent (80%) thereof shall be forwarded by the Railway Company to the Public Utilities Commission, which bill shall be paid within thirty (30) days after receipt thereof.

That the proposed 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 the Commission hereby retains jurisdiction to make such further order, or orders, as may be required in the instant matter.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT
AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 17th day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FLOYD IVEY)
ROUTE 2, BOX 181)
BRIGHTON, COLORADO 80601)

PERMIT NO. B-1693
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked 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 and revoked as of March 1, 1968 .

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado, this

18th day of April 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JULIA K. SEIWALD, SPECIAL ADM. OF)
THE ESTATE OF WILLIAM A. SEIWALD,)
DECEASED)
4315 UTICA STREET)
DENVER, COLORADO 80212)

PERMIT NO. A-853
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

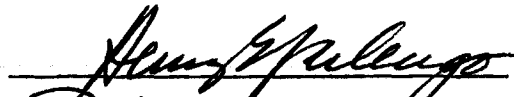
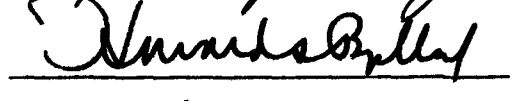

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of July 3, 1967 .

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this

18th day of April 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RALPH E. FRANCIS DBA)
PONCHA SUPPLY COMPANY)
BOX 94)
PONCHA SPRINGS, COLORADO 81242)

PERMIT NO. B-5835
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

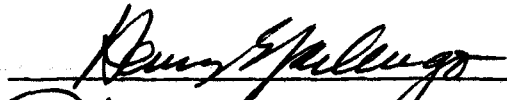


O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of January 25, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
18th day of April 1968.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES COMER)
2875 DAHLIA STREET)
DENVER, COLORADO 80207)

PERMIT NO. B-6142
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked 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 and revoked as of March 11, 1968 .

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Gallegos
Donald Bennett
Ed 2 Ludwig
Commissioners

Dated at Denver, Colorado, this
18th day of March 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RONALD J. BENNETT)
1145 SOUTH 5TH)
MONTROSE, COLORADO 81401)

PERMIT NO. B-6144
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked 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 and revoked as of February 25, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
18th day of April 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GEORGE MEYERS DBA)
ADVANCE LIVESTOCK SUPPLY)
70 NORTH 6TH AVENUE)
BRIGHTON, COLORADO 80601)

PERMIT NO. B-6338 & I
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked 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 and revoked as of February 24, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin J. Gallardo
Donald Brille
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado, this
18th day of April 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WAYNE W. KELLER)
2811 WEST CUCHARRAS STREET)
COLORADO SPRINGS, COLORADO 80904)

PERMIT NO. B-6482
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked 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 and revoked as of September 20, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
18th day of April 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES J. WELLS)
2520 WEST 66TH PLACE)
DENVER, COLORADO 80221)

PERMIT NO. B-6664
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

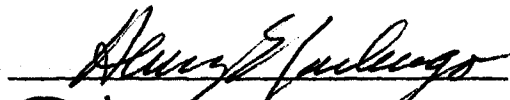


ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of February 9, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
18th day of April 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
GLENN H. WEISS)
403 SO. KENTUCKY STREET)
AMARILLO, TEXAS 79106)

PUC NO. 6935-I

April 22, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

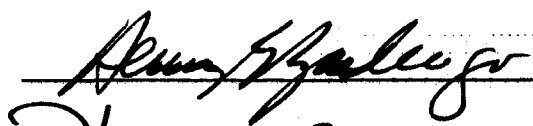
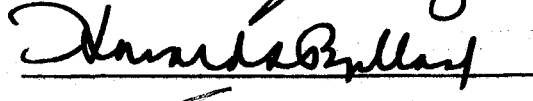

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 17, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of April 1968

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
SUPPLEMENTAL ORDER

April 18, 1968

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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

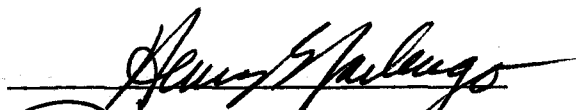
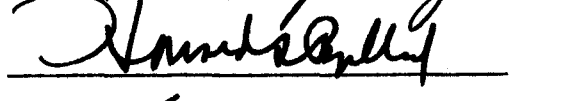

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 20, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
18th day of April 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. M. POPP TRUCK LINE, INC., DOING)
BUSINESS AS "PETCO, INC., A DIVISION)
OF H. M. POPP TRUCK LINE," P.O. BOX)
447, COMMERCE CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 6742 TO)
PETCO, INC. OF COLORADO, P.O. BOX)
447, COMMERCE CITY, COLORADO.)

APPLICATION NO. 22980-Transfer

April 16, 1968

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, and
T. Peter Craven, Esq., Denver,
Colorado, for Transferor and
Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 18, 1967, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 6742.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC."

Upon motion of Applicant this matter was heard on a joint record with Application No. 23015-Waiver which is an application by Petco, Inc. of Colorado to be relieved from compliance with Rule 14 of the Rules and Regulations of the Commission Governing Common Carriers by Motor Vehicle when transporting liquid commodities in bulk under Certificate of authority PUC No. 6742 which is the same authority involved in this Transfer proceeding."

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

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

"EXAMINER FINDINGS OF FACT"

1. Transferor herein is the present owner and operator of PUC No. 6742 which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. This application is for transfer of the intrastate portion only of the authority and the interstate portion is to remain in the name of the Transferor.
4. The purpose of this transfer is merely to conform to the "Plan of Reorganization" of the corporations involved herein pursuant to Applicant's Exhibit No. 1 and for all practical purposes does not actually transfer the authority to complete and different persons or entities.
5. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought 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. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
8. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing H. M. Popp Truck Line, Inc., doing business as "Petco, Inc., a Division of H. M. Popp Truck Line", to transfer all of its rights, title and interest in and to Certificate PUC No. 6742 to Petco, Inc., of Colorado.

That henceforth the full and complete authority under PUC No. 6742 shall authorize the following:

'Transportation -- on call and demand -- of
Petroleum products, in bulk,
Between points within the State of Colorado.' "

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That H. M. Popp Truck Line, Inc., doing business as "Petco, Inc., A Division of H. M. Popp Truck Line," Commerce City, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 6742, to Petco, Inc. of Colorado, Commerce City, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate PUC No. 6742 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of
Petroleum products in bulk
Between all points within the State of Colorado.



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

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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 16th day of April, 1968.

mp