

(Decision No. 72775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
JOSEPH G. ALLSPACH, DOING BUSINESS)	
AS "ALLSPACH BROTHERS RUBBISH REMOVAL,"	)	<u>PUC NO. 3197</u>
2055 SOUTH ACOMA STREET, APARTMENT A,)	
DENVER, COLORADO.)	

March 28, 1969

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 Joseph G. Allspach, doing business as "A Ace Ash & Trash Hauling," in lieu of Joseph G. Allspach, doing business as "Allspach Brothers Rubbish Removal," in the conduct of operations under PUC No. 3197.

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 Joseph G. Allspach, doing business as "Allspach Brothers Rubbish Removal," be, and hereby is, authorized to conduct operations under the trade name and style of Joseph G. Allspach, doing business as "A Ace Ash & Trash Hauling," in the conduct of operations under PUC No. 3197, 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

Henry J. Gulego
Donald B. Miller

E. R. Ludlow
Commissioner's

Dated at Denver, Colorado,
this 28th day of March, 1969.
gf

(Decision No. 72776)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ANTONIA P. LAING AND GENARO R. LAING,)
JR., DOING BUSINESS AS "LAING DISPOSAL) PUC NO. 3612
SERVICE," 2992 WEST LAYTON, ENGLEWOOD,)
COLORADO.)

March 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Antonia P. Laing and Genaro R. Laing, doing business as "Laing Disposal Service," (Debtors), owners and operators of PUC No. 3612, herein seek authority to encumber said certificate to The First National Bank of Denver (Secured Party), to secure payment of the indebtedness in the sum of \$28,000.00 in accordance with the certain terms and conditions as set forth in copy of Financing Statement, dated March 21, 1969, and properly filed with the Commission, in accordance with the statutory provisions of the Uniform Commercial Code.

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

O R D E R

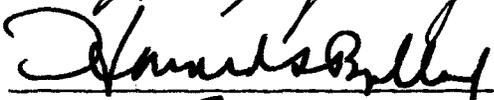
THE COMMISSION ORDERS:

That Debtors, Antonia P. Laing and Genaro R. Laing, doing business as "Laing Disposal Service," Englewood, Colorado, be, and hereby are, authorized to encumber all right, title and interest in and to PUC No. 3612 to Secured Party, The First National Bank of Denver, Denver, Colorado, to secure payment of the indebtedness in the sum of \$28,000.00, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MEAD)
E. NOVINGER, DOING BUSINESS AS "GOODWIN)
SEPTIC TANK SERVICE," 661-24 1/2 ROAD,)
GRAND JUNCTION, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 3641 TO LA VOY B.)
GALE AND VIOLA J. GALE, DOING BUSINESS)
AS "GOODWIN SEPTIC TANK SERVICE," 661-)
24 1/2 ROAD, GRAND JUNCTION, COLORADO.)

APPLICATION NO. 23551-Transfer

March 31, 1969

Appearances: La Voy Gale and Viola Gale,
Grand Junction, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application authority is sought to transfer PUC No. 3641 from Mead E. Novinger, doing business as "Goodwin Septic Tank Service," to LaVoy B. Gale and Viola J. Gale, doing business as "Goodwin Septic Tank Service."

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at Grand Junction, Colorado on March 13, 1969, and at the conclusion of the evidence the matter was taken under advisement.

LaVoy B. Gale, one of the Transferees herein appeared and testified in support of the application in substance and to the effect that the Bill of Sale, a copy of which is on file with the Commission, dated December 16, 1968, represents the transaction for the transfer of the authority and equipment being purchased from the Transferor; that the purchase price is \$8,000; that they have undertaken the payment of the debts of the Transferor; that they have ample and suitable equipment, sufficient net worth and operating experience with which to continue the operations under said PUC No. 3641.

No one appeared at the hearing to intervene or to protest the granting of the authority herein sought.

The Commission finds that no one protests the granting of the instant application; that Transferees will have ample and suitable equipment and operating experience to properly carry on the operation; that Transferees' financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Mead E. Novinger, doing business as "Goodwin Septic Tank Service," Grand Junction, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 3641 to LaVoy B. Gale and Viola J. Gale, doing business as "Goodwin Septic Tank Service," Grand Junction, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under said PUC No. 3641 shall read and be as follows, to-wit:

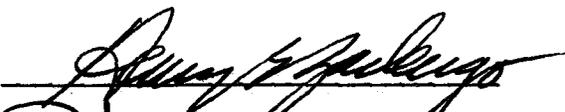
Transportation of refuse

From lime and sulphur pits, sand traps, stock cisterns, basements, carbide pits, between all points within a 65 mile radius of Grand Junction, Colorado.

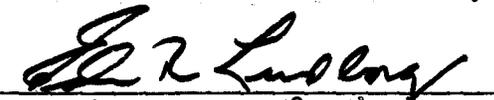
That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of 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



Donald B. Miller



E. R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1969.
sl

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JENNIE E. BREWSTER, 19 NORTH MULBERRY,)	
FRUITA, COLORADO, FOR AUTHORITY TO	)	<u>APPLICATION NO. 23507-Transfer</u>
TRANSFER PUC NO. 3637 TO GEORGE H.)	
HAZEN, DOING BUSINESS AS "FRUITA TRASH)	
HAUL," 101 WEST ASPEN, FRUITA, COLORADO.)	

March 31, 1969

Appearances: Ivan P. Kladder, Esq., Grand Junction,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application authority is sought to transfer PUC No. 3637 from Jennie E. Brewster, Fruita, Colorado, to George H. Hazen, doing business as "Fruita Trash Haul," Fruita, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at Grand Junction, Colorado, on March 13, 1969, and at the conclusion of the evidence the matter was taken under advisement.

Jennie E. Brewster, the Transferor appeared and testified in support of the application for transfer that she is the Transferor; that she owns PUC No. 3637; that she entered into a Contract, Exhibit 1, for the sale and transfer of said authority and equipment; that said contract contains the entire agreement; that the purchase price of \$5,000 was paid in full; that she was advised by other counsel, whom she had engaged, that he would take care of the legal technicalities for completing the transfer and she was under the impression that the matter had been taken care of.

George H. Hazen, the Transferee testified that he is doing business as Fruita Trash Haul; that Exhibit 2 is a copy of an Affidavit of Trade Name; that he entered into the contract above mentioned, Exhibit 1; that the full purchase price was paid; that he has acquired special equipment which he will

be unable to use unless the transfer is approved; that Exhibit 4 is his Financial Statement; that he has sufficient net worth and operating experience with which to continue the operations under said PUC No. 3637.

Harold Gilna appeared and testified in support of the application; that he is a motel operator; that a trash hauler is very much needed in the area, and that other businessmen are similarly situated and need the services.

No one appeared at the hearing to intervene or to protest the granting of the authority herein sought.

The Commission states and finds that no one protests the granting of the instant application; that Transferee has ample and suitable equipment and operating experience to properly carry on the operation; that Transferee's financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Jennie E. Brewster, Fruita, Colorado, be, and hereby is, authorized to transfer PUC No. 3637 to George H. Hazen, doing business as "Fruita Trash Haul," Fruita, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under said PUC No. 3637 shall read and be as follows, to-wit:

Transportation of ashes and trash

From point to point within the Town of Fruita, Colorado, and a radius of five miles thereof.

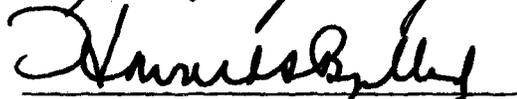
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30)

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1969.
sl

(Decision No. 72779)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MONTEZUMA TRUCK LINES, INC., 873)
EAST THIRD (P. O. BOX 637), DURANGO,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 360 AND PUC NO. 360-I TO)
DON WARD, INC., 241 WEST 56TH AVENUE,)
DENVER, COLORADO.)

APPLICATION NO. 23479-Transfer

IN THE MATTER OF THE APPLICATION OF)
MONTEZUMA TRUCK LINES, INC., 873)
EAST THIRD (P. O. BOX 637), DURANGO,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 848 TO DON WARD, INC., 241)
WEST 56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 23480-Transfer

IN THE MATTER OF THE APPLICATION OF)
MONTEZUMA TRUCK LINES, INC., 873)
EAST THIRD (P. O. BOX 637), DURANGO,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 889 TO DON WARD, INC., 241)
WEST 56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 23481-Transfer

SUPPLEMENTAL ORDER

March 31, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Transferor;
Peter J. Crouse, Esq., Denver,
Colorado, for Transferee;
Braucher and Walker, Esqs., Denver,
Colorado, for Rio Grande Motor
Way, Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 3, 1969, the Commission entered Decision No. 72501, in the above-entitled applications, authorizing Montezuma Truck Lines, Inc., to transfer PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889 to Don Ward, Inc.

The Commission is now in receipt of a communication from Leslie R. Kehl, Attorney, together with duly executed copy of a Security Agreement

requesting approval by the Commission of the encumbrance against the specified certificates.

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

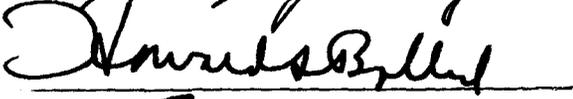
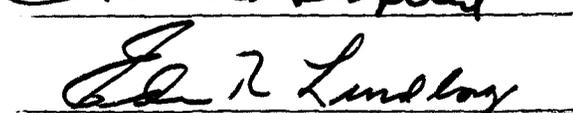
O R D E R

THE COMMISSION ORDERS:

That Debtor, Don Ward, Inc., be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 360, PUC No. 360-1, PUC No. 848 and PUC No. 889, authorized by Decision No. 72501, dated February 3, 1969, to Secured Party, Montezuma Truck Lines, Inc., to secure payment of the indebtedness in the principal amount of \$15,000 in accordance with the certain terms and conditions as set forth in copy of Security Agreement, dated February 28, 1969, and properly filed with the Commission, as executed by and between said parties in accordance with the statutory provisions of the Uniform Commercial Code.

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 31st day of March, 1969.
gf

(Decision No. 72780)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LENA L. BLAIR, WILLIAM L. BLAIR AND)
KENNETH W. BLAIR, DOING BUSINESS AS)
"DEWEY BLAIR & SONS," BOX 403,)
OLATHE, COLORADO.)

PERMIT NO. B-6024

March 31, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 12, 1968, the Commission entered Decision No. 71174, approving encumbrance of Permit No. B-6024 by Lena L. Blair, William L. Blair and Kenneth W. Blair, doing business as "Dewey Blair & Sons," to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$11,713.10.

The Commission is now in receipt of a communication from said Montrose National Bank stating that said encumbrance has been paid off by renewal and requesting release of Chattel Mortgage dated March 17, 1968, and approval of Chattel Mortgage dated March 5, 1969, in the amount of \$16,073.84, in accordance with the terms and conditions set forth in said Chattel Mortgage.

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

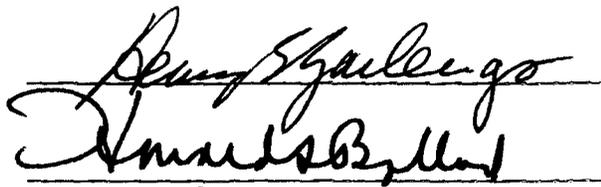
THE COMMISSION ORDERS:

That Mortgage of Permit No. B-6024 authorized by Decision No. 71174, dated April 12, 1968, be, and the same hereby is, released, as requested by the Mortgagee herein insofar as it concerns this Commission.

That Lena L. Blair, William L. Blair and Kenneth W. Blair, doing business as "Dewey Blair & Sons," Olathe, Colorado, be, and hereby are, authorized to mortgage all right, title and interest in and to Permit No. B-6024, to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$16,073.84, in accordance with the terms and conditions set forth in Chattel Mortgage dated March 5, 1969, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1969.
gf

(Decision No. 72781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE STATUS OF)
AUTHORITY GRANTED TO RIO GRANDE)
MOTOR WAY, INC. AUTHORIZING)
EXTENSION OF OPERATIONS UNDER)
PUC NO. 149 BY DECISION NOS. 69838)
AND 70103 IN APPLICATION NO.)
22461-EXTENSION.)

APPLICATION NO. 22461-EXTENSION
PETITION

March 28, 1969

Appearances: Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., the Applicant;
Peter J. Crouse, Esq., Denver,
Colorado, for Estes Trucking
Company and Don Ward, Inc.,
Protestants;
Raymond B. Danks, Esq., Denver,
Colorado, for Denver-Climax
Truck Line, Inc., Protestant.

PROCEDURE AND RECORD

On July 20, 1967, the Colorado Public Utilities Commission entered Decision No. 69838 in Application No. 22461 authorizing Rio Grande Motor Way, Inc. to extend operations under Certificate of Public Convenience and Necessity No. 149 to include:

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

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

In discussing this extended authority, the Commission said on pages 9 and 10 of said Decision No. 69838 --

It is also equally clear that the public needs an extended transportation service to off-route points situated within that portion of Pitkin County located within a 25-mile radius of Aspen, and that portion of Lake County located within a 10-mile radius of Leadville. It is not so clear, however, that the best way to meet such public need is by the creation of an extended pick-up and delivery area. There may be better solutions to the problem. For this reason, we have decided to limit the extended authority granted herein as applicable to the extended pick-up and delivery service area of Aspen and Leadville to a period of 18 months from the effective date of this order. By so doing, we will allow the public to obtain immediately the desired service. Motor Way will also be in a position to obtain some experience with the new service, and may then, prior to the expiration of the 18-month period, file with this Commission a new application seeking such permanent authority as it deems necessary and proper to meet the public need. The Commission at that time, will be in a better position, after evaluating Motor Way's experience under this limited certificate, to determine precisely what additional permanent authority is required to meet the public need.

Thereafter on September 1, 1967, Rio Grande Motor Way, Inc. filed a motion with the Commission requesting partial cancellation of the additional authority. The Commission on September 19, 1967, in Decision No. 70103, in effect granted the motion of Rio Grande Motor Way, Inc. by cancelling a portion of the Order contained in paragraph (a) above and providing that after such cancellation the extended authority granted to Rio Grande Motor Way, Inc. in Application No. 22461 should include:

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

On December 30, 1968, Rio Grande Motor Way, Inc. filed an application with the Commission seeking clarification, redescription and extension of its entire Certificate of Public Convenience and Necessity No. 149 including the authority granted by the Commission in Decision No. 70103. On February 5, 1969, Rio Grande Motor Way, Inc. filed a Petition in Application No. 22461 requesting the Commission to temporarily suspend and stay determination and expiration of the Certificate of Public Convenience and Necessity to Rio Grande Motor Way, Inc. by Decision No. 70103 pending determination of the application filed by such company for clarification, redescription and extension of Certificate of Public Convenience and Necessity No. 149.

It would appear that Rio Grande Motor Way, Inc. has complied with the requirement of the Commission set forth in Decision No. 69838 by filing a new application seeking permanent authority prior to the expiration of the designated 18-month period. Under such circumstances the Certificate of Public Convenience and Necessity issued by the Commission to Rio Grande Motor Way, Inc. in Decision No. 69838 and Decision No. 70103 should be extended until such time as the Commission enters final decision in Application No. 23589. This Application No. 23589 is now set for hearing before the Commission for April 11, 1969.

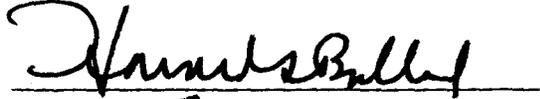
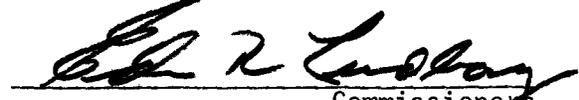
ORDER

THE COMMISSION ORDERS:

That the Certificate of Public Convenience and Necessity No. 149 issued by the Commission to Rio Grande Motor Way, Inc. in Application No. 22461 by Decision Nos. 69838 and 70103 shall be, and hereby is, extended and shall continue in full force and effect until such time as the Commission shall render final decision in Application No. 23589.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of March, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LEE R. JOLLY)
2841 West 6th Avenue)
Denver, Colorado 80221)

AUTHORITY NO. M 12064

CASE NO. 4148-M-Ins.

April 1, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 25, 1969 , 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.

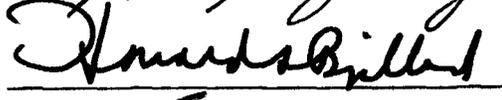
O R D E R

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
1st day of April, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
VIRGIL W. AND FERN E. VOWELS)
DBA DUPONT AUTO WRECKING)
P.O. Box 815)
Craig, Colorado 81626)

AUTHORITY NO. M 5373
CASE NO. 4129-M-Ins.

April 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 25, 1969 , 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

Donald Billard
Ed L. Lueck
Commissioners

Dated at Denver, Colorado, this
2nd day of April, 1969 .

(Decision No. 72784)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
E. L. HOUCHIN)
1080 SOUTH VANCE)
DENVER, COLORADO 80226)

PERMIT NO. B-1561

April 1, 1969

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.

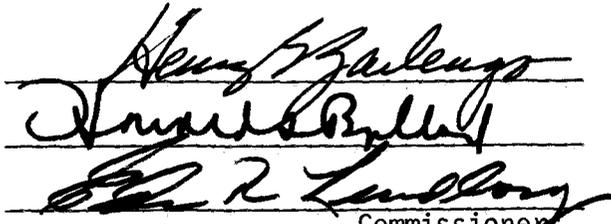
O R D E R

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 1, 1969 to and including October 1, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1969.
1s

(Decision No.72785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT D. BLISS)
2109 GLENN FAIR ROAD)
GREELEY, COLORADO 80630)

PERMIT NO. B-3768

April 1, 1969

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.

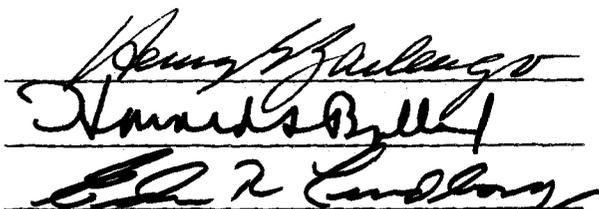
ORDER

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 1, 1969 to and including October 1, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN A. FRESQUEZ)
1014 24TH STREET)
DENVER, COLORADO 80205)

PERMIT NO. B-4846

April 1, 1969

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.

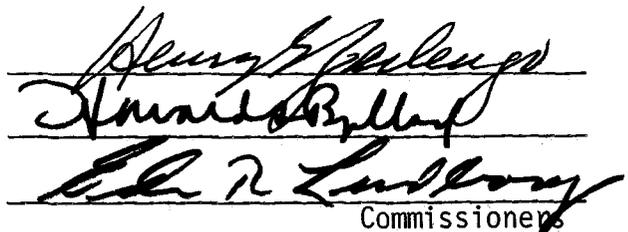
O R D E R

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, 1969 to and including September 11, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1969.
1s

(Decision No. 72787)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
D. C. WARD)
P. O. BOX 435)
GRAHAM, TEXAS 76046)

PUC NO. 4364-I

April 1, 1969

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 10, 1969 to and including September 10, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Gault
James B. Miller
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1969.
1s

(Decision No. 72788)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MR.)
ROCCO GIOSO, MRS. DOROTHY DISPENCE AND)
MRS. ANGELIVA SOMMA ON BEHALF OF THEM-)
SELVES AND OTHERS SIMILARLY SITUATED FOR)
AN ORDER AUTHORIZING PUBLIC SERVICE COM-)
PANY OF COLORADO TO RENDER STREET LIGHT-)
ING SERVICE IN AN UNINCORPORATED AREA IN)
JEFFERSON COUNTY.)

APPLICATION NO. 23615

April 2, 1969

Appearances: D. D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;
Harry A. Galligan, Jr., Esq., 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 Mr. Rocco Gioso and others, representing themselves and all other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Jefferson County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on March 27, 1969, at 10 o'clock A.M. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was heard at that time and place.

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

A petition for street lighting service addressed to Public Service was circulated among the residents of an area in which 35 customers now receive electric service. Of the 35 customers, signatures were obtained of 29, or a percentage of 82.9% of the total number of customers.

Said petitions were submitted as Exhibit Nos. B-1 and B-2 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 6 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. Rocco Gioso. Mr. Gioso 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 four other persons who are residents of the area.

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

The proposed street lighting system was estimated to cost \$1223 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

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

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

O R D E R

THE COMMISSION ORDERS:

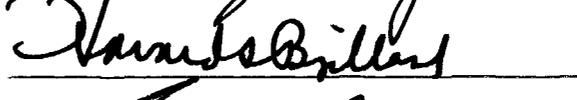
That Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 4 -- Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and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

That street lights, approximately 8 in number, shall be installed as required in the area described as follows:

Beginning at the southeast corner of the lot numbered as 8690 West 41st Avenue; thence west along the south lot line of said last-named lot, across Dudley Street and along the south lot line of the lot numbered as 4095 Dudley Street to the southwest corner of said last-named lot; thence north along the west lot line of said last-named lot to the centerline of West 41st Avenue; thence east along said last-named centerline to the intersection with a southwesterly extension of the northwest lot line of the lot numbered as 4145 Dudley Street; thence northeasterly along said last-named lot line to the centerline of Everett Drive; thence northwesterly along the said last-named centerline to the intersection with a southwesterly extension of the northwest lot line of the lot numbered as 4193 Everett Drive; thence northeasterly along said last-named northwest lot line to the northern most corner of the said last-named lot; thence in a general northerly direction along the irregular rear lot lines of the lots on the west side of Everett Street to the centerline of West 44th Avenue; thence southeasterly along said last-named centerline to the intersection with a northerly extension of the rear lot lines of the lots on the east side of Dudley Street; thence south along said last-named rear lot lines, across West 41st Avenue to the southeast corner of the lot numbered as 8690 West 41st Avenue, 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 2nd day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MRS. WILLIAM SCHMELING, MRS. P. A.)
ARGABRIGHT AND MRS. G. C. HOLTORF ON)
BEHALF OF THEMSELVES AND OTHERS SIM-)
ILARLY SITUATED FOR AN ORDER AUTHOR-)
IZING PUBLIC SERVICE COMPANY OF)
COLORADO TO RENDER STREET LIGHTING)
SERVICE IN AN UNINCORPORATED AREA IN)
ARAPAHOE COUNTY.)

APPLICATION NO. 23618

April 2, 1969

Appearances: D. D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado;
Harry A. Galligan, Jr., Esq.,
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. William Schmeling 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 27, 1969, at 10 o'clock A.M., in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was heard on a consolidated hearing with Application No. 23619.

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 83 customers now receive electric service. Of the 83 customers, signatures were obtained

of 75, or a percentage of 90.4% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-3 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 8 customers did not sign, Public Service could not install street lights without an order of the Commission.

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

Also present in support of the application, though not testifying were five other persons who are residents of the area.

Mr. D. E. Lichtenwaller, 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 PUC 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 \$2257 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.

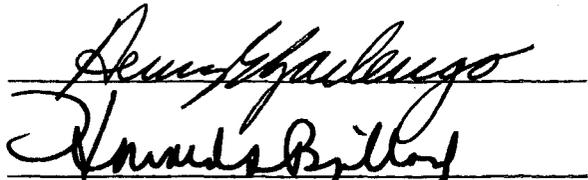
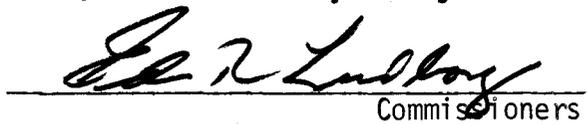
That street lights, approximately 14 in number, shall be installed as required in the area described as follows:

Beginning at the northeast corner of the lot numbered as 6260 Southwood Drive; thence in a generally southwesterly direction along the rear lot lines on the southeast side of Southwood Drive to the eastern most corner of the lot numbered as 6490 South Clarkson Street, continuing along the southeast lot line of said last-named lot, across South Clarkson Street continuing along the southeast lot line of the lot numbered as 6495 South Clarkson Street to the southern most corner of said last-named lot; thence northerly along the irregular west lot line of said last-named lot to the centerline of South Clarkson Street; thence north along said last-named centerline to the intersection with the centerline of Caley Avenue; thence west along said last-named centerline to the intersection with a southerly extension of the rear lot lines of the lots on the west side of South Clarkson Street; thence north along said last-named rear lot lines to the northwest corner of the lot numbered as 6321 South Clarkson Street; thence east along the north lot line of said last-named lot to the centerline of South Clarkson Street; thence north along said last-named centerline to the intersection with a westerly extension of the rear lot

lines of the lots on the north side of Cottonwood Avenue; thence east along said last-named north lot lines to the centerline of Southwood Drive; thence north along said last-named centerline to the intersection with a westerly extension of the north lot line of the lot numbered as 6260 Southwood Drive; thence east along said last-named north 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 2nd day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MR. LEIGH MILNE, MRS. DARLENE JACOB)
AND MR. HAROLD W. SCATTERDAY ON BEHALF)
OF THEMSELVES AND OTHERS SIMILARLY SIT-)
UATED FOR AN ORDER AUTHORIZING PUBLIC)
SERVICE COMPANY OF COLORADO TO RENDER)
STREET LIGHTING SERVICE IN AN UNINCOR-)
PORATED AREA IN JEFFERSON COUNTY.)

APPLICATION NO. 23619

April 2, 1969

Appearances: D. D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado;
Harry A. Galligan, Jr., Esq.,
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 Mr. Leigh Milne and others, representing themselves and all other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Jefferson County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on March 27, 1969, at 10 o'clock A.M., in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was heard on a consolidated hearing with Application No. 23618.

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 128 customers now receive electric service. Of the 128 customers, signatures were obtained

of 109, or a percentage of 85.2% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 through B-4 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 19 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. Leigh Milne. Mr. Milne 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 persons who are residents of the area.

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

The proposed street lighting system was estimated to cost \$3021 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

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

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

O R D E R

THE COMMISSION ORDERS:

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

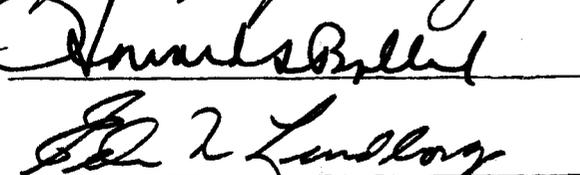
That street lights, approximately 19 in number, shall be installed as required in the area described as follows:

Beginning at the southeast corner of the lot numbered as 1600 Hoyt Street; thence west along the south lot line of said last-named lot to the centerline of Hoyt Street; thence south along said last-named centerline to the intersection with the centerline of West 15th Place; thence west along said last-named centerline to the intersection with the southerly extension of the rear lot lines of the lots on the west side of Hoyt Street; thence north along said last-described rear lot lines to the northwest corner of the lot numbered as 1769 Hoyt Street; thence west across Independence Street, to the northeast corner of the lot numbered as 1710 Iris Street; thence south along the east lot line of said last-named lot to the intersection with the north lot line of the lot numbered as 9635-45 West 17th Avenue; thence east to the northeast corner of said last-named lot, thence south along the east lot line of said last-named lot, continuing across West 17th Avenue and along the east lot line of the lot numbered as 9630-40 West 17th 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 1680 Iris Street; thence south to the southeast corner of said last-named lot; thence west along the south lot line of said last-named lot to the intersection with the centerline of Iris Street; thence south along the said last-named

centerline to the intersection with a westerly extension of the north lot line of the lot numbered as 9699 West 16th Avenue; thence east along said last-named north lot line to the northeast corner of said last-named lot; thence south along the east lot line of said last-named lot, continuing across West 16th Avenue, and along the east lot line of the lot numbered as 9690 West 16th Avenue to the southeast corner of said last-named lot; thence east to the northeast corner of the lot numbered as 9695 West 15th Place; thence south along the east lot line of said last-named lot to the intersection with the centerline of West 15th Place; thence west along said last-named centerline to the intersection with a northerly extension of the east lot line of the lot on the southeast corner of the intersection of Iris Street and West 15th Place; thence south along said east lot line to the southeast corner of said last-described lot; thence west along the south lot line of said last-described lot, continuing across Iris Street and along the south lot line of the lot on the southwest corner of the intersection of Iris Street and West 15th Place, to the southwest corner of said last-described lot; thence north along the west lot line of said last-described lot to the intersection with the south lot line of the lot numbered as 1575 Iris Street; thence west to the southwest corner of said last-named lot; thence north along the rear lot lines of the lots on the west side of Iris Street to the northwest corner of the lot numbered as 1633 Iris Street; thence east along the north lot line of said last-named lot to the southwest corner of the lot numbered as 9700-9704 West 17th Avenue; thence north along the west lot line of said last-named lot, continuing across West 17th Avenue and along the rear lot lines of the lots on the west side of Iris Avenue, across West 18th Avenue and continuing north along the west lot line of the lot numbered as 1801 Iris Street to the northwest corner of said last-named lot; thence west to the southwest corner of the lot numbered as 1881 Iris Street; thence north along the rear lot lines of the lots on the west side of Iris Street to the northwest corner of the lot numbered as 1929 Iris Street; thence east along the north lot line of said last-named lot to the intersection with the centerline of Iris 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 1970 Iris Street; thence east along the rear lot lines of the lots on the south side of West 20th Avenue, across Independence Street to the northeast corner of the lot numbered as 1970-72 Independence Street; thence south to the northwest corner of the lot numbered as 1985 Hoyt Street; thence east along the north lot line of said last-named lot, across Hoyt Street, continuing to the northeast corner of the lot numbered as 1980 Hoyt Street; thence south along the rear lot lines of the lots on the east side of Hoyt Street to the point of beginning.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 1969.

gf

(Decision No. 72791)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RIO GRANDE MOTOR WAY, INC., 1400 WEST)
52ND AVENUE, DENVER, COLORADO, FOR)
CLARIFICATION, REDESCRIPTION AND EX-)
TENSION OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 149)

APPLICATION NO. 23589-Amended

April 1, 1969

PROCEDURE AND RECORD

On February 13, 1969, Rio Grande Motor Way, Inc. filed the instant Application No. 23589 for clarification, redescription and extension of Certificate of Public Convenience and Necessity No. 149. On February 24, 1969, Ephraim Freightways, Inc. filed in such proceeding a Petition to Intervene and to protest, and simultaneously filed a motion entitled "Motion To Set For Hearing Petition Of Rio Grande Motor Way, Inc., For Clarification, Redescription And Extension And That Said Petition Be Heard At A Date Subsequent To Other Related Matters Prior Filed". On March 7, 1969, Rio Grande Motor Way, Inc. filed an amended Application No. 23589. On March 19, 1969, the Public Utilities Commission through its Executive Secretary, William D. Mitchell, set Application No. 23589 as amended, for hearing at 10 o'clock a.m. on April 11, 1969 in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. On March 26, 1969, Ephraim Freightways, Inc. filed a petition to vacate the said hearing date.

We point out that at this stage of the proceeding, Ephraim Freightways, Inc. has not been permitted to intervene in Application No. 23589 and is not at this time a party to the proceeding. It therefore follows that the document designated as "Motion To Set For Hearing Petition Of Rio Grande Motor Way, Inc. For Clarification, Redescription And Extension And That Said Petition Be Heard At A Date Subsequent To Other Related

Matters Prior Filed" as well as the document designated "Petition To Vacate Hearing Date Filed On Behalf Of Protestant Ephraim Freightways, Inc." have been improperly filed and should be denied. Such denial shall not be construed to confer the status of a party upon Ephraim Freightways, Inc.

Under the notice given by the Commission of the hearing on Application No. 23589 now set for April 11, 1969, it is quite possible that other prospective parties may either have a right to intervene or may seek permission of the Commission to intervene. All of such preliminary matters will be ruled upon by the Commission either prior to or at the time of the hearing. We note that the denial of the motions stated herein does not preclude the filing of similar motions by Ephraim Freightways, Inc. if and when they are permitted to appear as a party in the case by Order of the Commission.

O R D E R

THE COMMISSION ORDERS:

1. That the pleading denominated "Motion To Set For Hearing Petition Of Rio Grande Motor Way, Inc. For Clarification, Redescription And Extension And That Said Petition Be Heard At A Date Subsequent To Other Related Matters Prior Filed" be, and the same hereby is, denied.
2. That the pleading denominated "Petition To Vacate Hearing Date Filed On Behalf of Protestant Ephraim Freightways, Inc." be, and the same hereby is, denied.
3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1969.

15

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SCHEDULE CHANGES AND SERVICE ADJUSTMENTS)
PROPOSED BY THE DENVER TRAMWAY CORPORATION,)
350 SOUTH SANTA FE DRIVE, DENVER, COLORADO.)

CASE NO. 5392

April 2, 1969

Appearances: Raymond B. Danks, Esq., Denver, Colorado,
for Denver Tramway Corporation;
Philip Hornbein, Jr., Esq., Denver, Colorado,
for Amalgamated Transit Union No. 1001;
Max P. Zall, Esq., Denver, Colorado,
Brian H. Goral, Esq., Denver, Colorado,
and
Thomas H. Gilliam, Esq., Denver, Colorado,
for the City and County of Denver;
Robert H. Sonheim, Esq., Arvada, Colorado,
for Jefferson County and City of Arvada;
H. L. Thurtell, Esq., Denver, Colorado
for GSA and all other Executive Agencies
of the USA;
Howard Hicks, Denver, Colorado,
for Denver Chamber of Commerce;
Mrs. John D. Anderson, Golden, Colorado,
for League of Women Voters;
Moe Adelman, Denver, Colorado,
for East Side Action Center;
Sarah Wolf, Denver, Colorado,
for North Denver Action Center,
Stapleton-Globeville Coordinating
Committee;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

On March 5, 1969 the Denver Tramway Corporation (Tramway) filed with the Commission, new operating schedules reflecting certain service adjustments to become effective on April 5, 1969, as follows:

1. Elimination of weekday base service, i.e. service between 9 A.M. and 3 P.M., on the following routes:
15, 16, 17, 18, 23, 55, 59, 73, 75, and 82-83.
2. Elimination of Saturday service on the following routes:
9, 15, 16, 17, 18, 23, 31, 55, 73, 75, 82-83, and 84.

3. Reduction in weekday and Saturday night service whereby no service would originate in the downtown area after 10:45 P.M. and service would be discontinued at 8 P.M. on Routes 4, 28, 40 and 60.
4. Headway adjustment (increase in the time elapsed between buses) on Routes 3 and 6.

In the explanation by Tramway accompanying the schedules, it is stated that without these adjustments the Denver Tramway Corporation will experience substantial operating losses and that the curtailments of service, except the headway adjustments, are made on lines which produce revenues of less than out-of-pocket expenses.

On March 11, 1969, the Commission ordered that this Case be set for hearing commencing at 10 A.M., March 24, 1969, in the Commission Hearing Room, 507 Columbine Building, Denver, Colorado. Pursuant to due and proper notice to all interested parties, such hearings were held on March 24 and 25, 1969. Formal protests were filed by the Amalgamated Transit Union Division 1001 and by the City and County of Denver by and through their respective attorneys, and leave to intervene was granted by the Commission. Motion for continuance by the City and County of Denver was denied. Numerous letters of protest have been received by the Commission, and a number of public witnesses appeared at the hearing protesting the proposed service curtailments.

Exhibits Nos. 1 through 27 and Staff Exhibit A were admitted in evidence. At the conclusion of the hearings, the matter was taken under advisement by the Commission.

The Commission has also taken official notice of operating authorities of other carriers now authorized to provide passenger service to Golden, Colorado.

FINDINGS OF FACT

From the record herein the Commission finds as fact that:

1. Denver Tramway Corporation (Tramway) is a public utility operating a public transit system in the Denver Metropolitan Area under the jurisdiction of this Commission and that the Commission has jurisdiction over the subject matter of these proceedings.

2. Tramway has experienced operating losses during the first two months of 1969 and, unless an adjustment is made in either the service provided or the fare charged, such operating losses will continue to accumulate to an unreasonable degree.

3. Public convenience and necessity requires that Tramway continue to provide bus transit service in the Denver Metropolitan Area, but does not require that such service be provided at substantial and continued losses. Continued substantial operating losses by Tramway can only lead to the eventual insolvency of the Company, and the resulting complete curtailment or elimination of the mass transit services it now provides.

4. Public convenience and necessity can be measured to some degree by the number of patrons using a particular service, and, in the absence of special circumstances, continuance of service for a very limited patronage is not required.

5. The various routes now operated by Tramway can be roughly classified as follows:

Routes which produce sufficient revenue to pay operating expenses:

<u>Route</u>	<u>Revenue Per Mile-1968</u>
Rt. 3 -- Englewood	97¢
Rt. 14 -- Colfax-Aurora	90¢
Rt. 13 -- 13th Ave. - W. 38th Ave.	89¢
Rt. 64 -- W. Colfax Ave. -- E. 34th Ave.	84¢
Rt. 40 -- Park Hill	74¢
Rt. 8 -- University Park -- W. 29th Ave.	73¢
Rt. 6 -- E. 6th Ave. -- W. 44th Ave.	70¢
Rt. 50 -- Kalamath -- 22nd Ave.	69¢
Rt. 5 -- So. Gaylord -- Argo	68¢

Routes which produce borderline revenues are the following:

Rt. 28 -- E. 28th Ave. -- Berkeley.	66¢
Rt. 4 -- E. 4th Ave. -- W. 23rd Ave.	61¢
Rt. 8 -- University Hills Express.	60¢
Rt. 60 -- Loretto Heights	58¢
Rt. 9 -- York Street	50¢
Rt. 75 -- Barnum	49¢
Rt. 73 -- Downing Street.	45¢

Routes which consistently operate at substantial losses are these:

<u>Route</u>	<u>Revenue Per Mile-1968</u>
Rt. 59 -- Denver Federal Center	42¢
Rt. 84 -- Golden	40¢
Rt. 16 -- Stockyards.	38¢
Rt. 15 -- Colorado Blvd	37¢
Rt. 19 -- Airport -- Fairmount.	37¢
Rt. 17 -- Garfield Heights -- E. Louisiana Ave.	34¢
Rt. 23 -- Brighton Blvd	33¢
Rt. 82-83 Arvada -- Olivet.	27¢
Rt. 55 -- Federal Blvd.	26¢
Rt. 18 -- Brentwood	17¢
Rt. 31 -- Westminster	7¢

These classifications are based on (a) an average total cost of 66.9¢ per mile; on (b) out-of-pocket cost of about 53¢ per mile; and on (c) drivers' wages, fuel and maintenance costs of 42.5¢ per mile in 1968.

6. Weekday base and Saturday service should at this time be curtailed on the above routes which consistently operate at substantial losses, except as provided herein because of special circumstances:

- A. Route 84 -- Golden should continue to be operated Saturdays, except that appropriate headway adjustments may be made in order that only one bus be required for this service.
- B. Route 83 -- Arvada-Olivet shall be operated on the same basis as under paragraph A, above.
- C. Saturday and weekday base service may be discontinued on Routes 15, 16, 17, 18, 23, 31, 55, 59 and 82. (Saturday only on Route 31)

7. No curtailments should be made at this time on the following routes that produce borderline revenues:

- A. Route 9 -- York Street
Route 73 -- Downing Street
- B. On Route 75 weekday base and Saturday service should be provided only between the southerly terminus (Villa Italia) of said line to downtown but not beyond.

Any further discontinuance or curtailment of service on the routes listed in this Finding would seriously affect public convenience and

necessity, as large areas of the City would be left without any transit service during the periods of curtailment. The revenues on some of these routes may increase due to the fact that a number of adjoining or parallel lines are being curtailed during these periods.

8. Public convenience and necessity do not now require continuance of night service beyond that proposed by Tramway in its new schedules except that Route 40 should continue to operate until 10:45 P.M. Route 40 is among the best revenue producers. Due to discontinuance of night service after 8 P.M. on Route 28 which is an adjoining line, late evening service should continue to be available to the area by Route 40.

9. Extension of Route 64 -- West Colfax may be a substitute for Route 84 -- Golden. Tramway should be ordered to investigate this matter and report thereon to the Commission. There is no other carrier now having authority to provide passenger transportation service by bus between Denver and Golden on a year-around basis.

10. Public convenience and necessity require that some curtailment of relatively unused service be made by Tramway as now proposed, subject to modifications as stated in Findings 6, 7 and 8 hereof, in order to preserve the financial integrity of Tramway and assured continued operation of basic transit service. The services ordered to be retained by the Commission will not at current costs substantially affect the the financial integrity of Tramway, and, on the other hand, the discontinuance of certain services authorized will help maintain it.

11. To allow sufficient time for schedule rearrangements, the existing schedules on Routes 75, 83 and 84 should remain in effect until new workable schedules can be prepared. Such new schedules may be filed to become effective upon seven (7) days notice as good cause exists therefor.

12. The ultimate solution of the mass transit problem in Metropolitan Denver appears to lie in the area of public subsidy or public ownership which is beyond the jurisdiction of this Commission. However, Tramway should be ordered to pursue this avenue vigorously and report thereon to the Commission.

DISCUSSION

The problems of mass transit in the Denver Metropolitan Area have been previously aired before this Commission. In these proceedings, the question of government subsidy or public ownership has arisen, yet no progress has been made. In the interim it is the concern of this Commission that the basic service of bus transportation remain as intact as possible. The fact remains that patronage of the Tramway bus system has been declining even in the absence of service curtailments or fare increases. There is no question that during the peak periods in the morning and evening when people use the public transit system for the purpose of going to and from work that the service should be continued if at all possible. There is no question that public convenience and necessity require that such service be available. The Commission also fully realizes that there are segments of the population, as the various witnesses have indicated, that need and use bus service during other periods. However, it is also clear that this segment of the population, at least on some routes, is rapidly declining. Where this is true, public convenience and necessity becomes almost individual convenience and necessity, and we cannot expect the patrons using the more profitable routes in effect, to subsidize the routes of extremely limited patronage. Any subsidy of this nature is self-defeating in the long run. This does not mean that only routes which recover all of the expenses should be continued. There will necessarily be routes which produce only so-called borderline revenues, or revenues that are somewhere close to the out-of-pocket expenses. There may well be, and some of the evidence indicates that there is, a civic need for more rather than less public transportation in Metropolitan Denver. A need of this nature can however only be met in the same way as other social costs are met, namely, public subsidy, private charity, or tax relief. In this Decision the Commission has endeavored to maintain and retain as much basic service to all areas of the Metropolitan Area as possible. The curtailments which we have not allowed would have practically eliminated essential bus service to areas

of the City which do not have another bus route within a reasonable walking distance. In this respect, we are requiring the continuation of existing service on Route 73 serving the Globeville Area and the new Denver Community College; Route 9 serving the Swansea-Elyria Area; Route 84 serving Lakewood, Pleasant View and Golden; Route 82 serving at least a portion of Arvada and the Ridge Home; and Route 75 which is the only line serving Villa Italia and the general Barnum area. It should be noted that we have permitted curtailment of service on the northerly leg of Route 75 which, at least to some extent, can be covered by Route 73 and other existing lines. There will undoubtedly be hardship created by the proposed curtailments of service on the other lines, but the number of riders involved and the limited number of protests received do not indicate an overwhelming public need.

It should be noted that the proposed service curtailments concern only about 5% of the riding public, and the modifications ordered herein will result in an even smaller segment of the public suffering adverse effects. At the same time, however, the cost savings achieved will go a long way toward preserving the financial integrity of Tramway.

We observe that the various municipalities involved also have grave responsibilities as far as public transit is concerned and possibly could provide important assistance in this vital area without relying solely upon Denver Tramway, a private corporation.

O R D E R

THE COMMISSION ORDERS THAT:

1. The service curtailments and adjustments as proposed by Denver Tramway Corporation in its filing with the Commission of March 5, 1969, identified as Schedule 68.2, to become effective April 5, 1969, shall be permitted to become effective with the following exceptions:

- A. Existing service shall be retained on Routes 73 and 9.

B. Route 75 shall continue to operate with approximately the same or slightly increased headways as at the present time between its southerly terminus Villa Italia and the downtown area.

C. Routes 83 and 84 shall continue to operate on Saturdays as at present except that sufficient headway adjustments may be made to provide service by the operation of a single bus unit on each of the routes during the day.

D. Route 40 shall continue to operate weekdays and Saturdays until approximately 10:45 P.M. to meet new patterns of downtown departures with no change in headway.

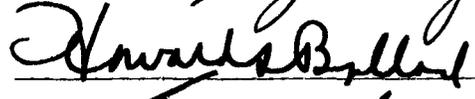
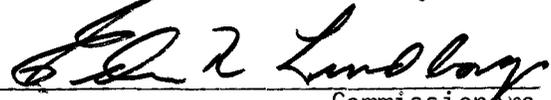
E. The existing schedules on Routes 75, 83, and 84 shall remain in effect until new workable schedules can be prepared. Denver Tramway Corporation shall file new schedules in accordance herewith for Routes 75, 83 and 84 to become effective upon 7 days' notice to the Commission.

2. Denver Tramway Corporation shall investigate the feasibility of extending Route 64 - West Colfax as a potential substitute or additional service for Route 84 and report thereon to the Commission within sixty (60) days of the effective date of this Order.

3. Denver Tramway Corporation shall continue to pursue the possibilities of a public subsidy or tax relief from the City and County of Denver, other municipalities, and any other governmental agency concerned with this problem, and make periodic reports thereon to the Commission not less than every ninety (90) days starting July 1, 1969.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE)
DEPARTMENT OF HIGHWAYS OF THE STATE OF)
COLORADO FOR AUTHORITY TO CONSTRUCT A)
GRADE CROSSING AND INSTALL AUTOMATIC)
FLASHING LIGHT HIGHWAY CROSSING SIGNALS)
ON STATE HIGHWAY NO. 94 AT THE UNION)
PACIFIC RAILROAD COMPANY'S TRACK BETWEEN)
LIMON AND CHEYENNE WELLS, COLORADO,)
RAILROAD MILEPOST 508 PLUS 1220.2 FEET,)
WEST OF AROYA, CHEYENNE COUNTY, COLORADO.)
-----)

APPLICATION NO. 23255
REVISED

April 1, 1969

S T A T E M E N T

BY THE COMMISSION:

On February 5, 1969, the State Department of Highways, Division of Highways-State of Colorado (Division), filed its revised application in accordance with the rules of this Commission, seeking approval for construction of a highway grade crossing and the related installation of automatic flashing light crossing signals at the highway-railroad grade crossing as noted above. With reference to the new construction of a portion of State Highway No. 94 over the instant grade crossing, the initial application as filed on June 17, 1968 was later withdrawn and the basic application revised to include protection of automatic flashing light signals as submitted in the instant filing.

Other explanatory material as submitted with the revised application includes:

- a. Exhibit A: Copy of combination white-print plan sheet to show:
Location Map of highways and crossing area; detailed plan and profile of new highway construction; metes and bounds description of Union Pacific Easement for crossing at M.P. 508 plus 1220.2 feet; and a location plan for proposed signals, all approximately one mile west from Aroya, Cheyenne County, Colorado.

- b. Copy of fully executed Agreement dated January 14, 1968 by and between Department of Highways and Union Pacific Railroad relating to the grade crossing construction.
- c. Information copy of Union Pacific plans to show crossing signals location, wiring circuits and warning times.

With reference to the revised application there is now a second agreement in process of review by Union Pacific, whereby it is provided that the Railroad Company will be reimbursed for 90% of all expenses it might incur incidental to the proposed signal installation. Estimated cost for the signal system is \$13,035, in which there will be a participation of 10% by Union Pacific; with maintenance, operation and repair of the signals to be the responsibility of the Railroad Company. Copies of the completed agreements relating to method payment and the insurance and protective arrangements, will all be made available to the Commission as late-filed exhibits when they are fully executed.

With reference to the application and other investigation of the Commission, it appears that State Highway 94 is a double-lane, asphalt-paved highway which extends directly east from Colorado Springs for a distance of 75 miles via Punkin Center to connect with a Lincoln County road at some 20 miles south of Hugo, Colorado. In a further eastward extension of Colorado 94, there are now 19.6 miles of new road under construction to tie the highway into Colo. 287 (U. S. 40) about seven miles west from Wild Horse. At 1½ miles southwest from the U.S. 40 connection, and near the Union Pacific siding station of Aroya, it is necessary for the new road to cross over the Union Pacific main line track extending in a northwest-southeast direction between Limon and Kit Carson.

Construction of the new State Highway is approximately 125 feet west along the rail line from the location of an old County Road which afforded southward travel toward the west line of Section 5, Township 14 South, Range 51 West. In recent years use of the County Road and the grade crossing has been minor, due to fewer families living in the area and use of farm gates on the County Road to control livestock grazing.

The County Road crossing is also located within the Railroad Easement for the new highway.

The new roadway construction includes direct entrance connections for the old County Road at each side of the rail line to thereby eliminate the former County crossing which has been removed. The new crossing, consisting of treated timber panels at 47 feet wide, is now being used on a detour basis. Standard crossbuck signs have been erected and red "STOP" signs are installed for temporary protection.

It further appears that since the instant crossing will be the result of the new extension of Colorado 94, there is currently no actual traffic count data available; it has therefore been estimated that 115 vehicles per day, annual daily average, will use the grade crossing upon completion of the Highway 94 construction.

Present scheduled train traffic consists of four passenger and four freights, or eight trains daily -- maximum permissible train speed is 79 miles per hour.

Proposed signal installation will provide a warning time of 25 seconds in advance of the movement of a train over the crossing when moving at the maximum speed of 79 miles per hour. It is to be noted also in the application that the Easement from Union Pacific Railroad Company provides sufficient right of way area for the construction of a grade separation structure at this location at the time when required by increased traffic.

Meanwhile, the Commission has forwarded a copy of the original and the revised applications, together with a Notice to interested parties, to the Board of Cheyenne County Commissioners, and to owners of adjacent property in the area. Said Notice was to ascertain if any other action was to be considered within the period of twenty (20) days as designated in said Notice. No adverse reply has been received by the Commission.

After consideration of the instant proposal, it is the belief of the Commission that inherent purpose of constructing the new grade

crossing is in relation to the increasing trend of vehicular traffic and necessity for the Division of Highways to continuously expand the State Highway system to meet new needs. In the instant matter, completion of the Highway 94 extension will provide a direct connection 94 miles in length, between U.S. 40 and Colorado Springs, and be some 24 miles shorter than present route of 118 miles via Limon, Colorado. In view of the Easement provision to currently secure right of way area for future grade separation structure, it now appears to be in the public interest to provide automatic signal protection at the new crossing on an interim stage-construction basis pending future development of increased traffic volumes.

It is therefore the belief of the Commission that the proposed crossing construction is compatible with the public interest; no objections have been received, and the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require the construction, operation and maintenance of a new grade crossing by State Highway No. 94 over the main line track of Union Pacific Railroad Company --Kansas Division--Mile Post 508 plus 1220.2 feet and to thereby replace an existing County Road grade crossing in the immediate vicinity which will be abandoned and removed.

That protection will be provided at the new crossing consisting of standard curb-side automatic flashing light signals and a bell.

That the proposed new crossing installation located west of Aroya, Cheyenne County, Colorado, be authorized as requested.

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways, State of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the following:

1. Construction, operation and maintenance of a new grade crossing for State Highway No. 94, over and across Union Pacific Railroad Company--Kansas Division--main line track at Mile Post 508 plus 1220.2 feet, near Aroya, Cheyenne County, Colorado.
2. Installation, operation and maintenance of protection devices consisting of standard automatic railroad flashing light signals and a bell.
3. Abandonment and removal of former Cheyenne County Road grade crossing in the immediate vicinity (M.P. 508.21) as a part of the new crossing work.

That the new work to be done, costs, installation, maintenance, other improvements and crossing protection shall be as indicated in the preceding Statement, and Exhibit A, the Agreement of January 14, 1968, and the Agreement (Late-filed) pertaining to signal installation; all of which, by reference, are made a part hereof.

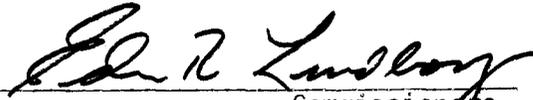
That the proposed signal devices and installation shall all be in accordance with the current Bulletin (No. 6) of the Association of American Railroads' Joint Committee on Railroad Protection.

That the Commission hereby retains jurisdiction to make such further order or orders as may be required in the instant matter.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1969.

(Decision No. 72794)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF DONALD)
P. CHRISTENSON, DOING BUSINESS AS "DON)
CHRISTENSON TRUCKING," 2136 HARLAN)
BOULEVARD, EDGEWATER, COLORADO.)

PERMIT NO. B-6921
SUPPLEMENTAL ORDER

April 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1969, the Commission entered Decision No. 72755 authorizing Donald P. Christenson, doing business as "Don Christenson Trucking," to conduct operations under the trade name and style of Donald P. Christenson, doing business as "Roden Trucking," in the conduct of operations under Permit No. B-6921.

It now appears that a typographical error appears in said decision in that the trade name requested to be used is "Rodon Trucking" rather than "Roden Trucking."

In view of the above and foregoing the Commission states and finds that Decision No. 72755 should be amended and corrected as set forth in the Order following.

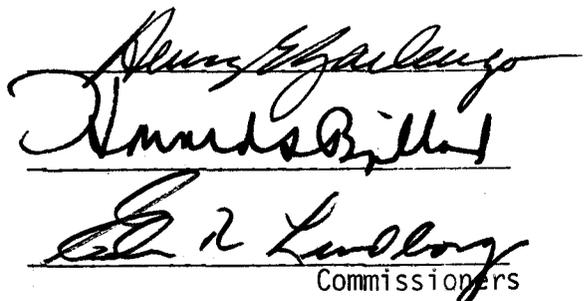
O R D E R

THE COMMISSION ORDERS:

That Decision No. 72755, be, and the same hereby is, amended and corrected, nunc pro tunc, as of March 26, 1969, by changing the spelling of the word "Roden" to "Rodon" as it appears in said Decision No. 72755.

That, except as herein amended, Decision No. 72755 shall remain

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MAURICE G. BURGESS AND WILLIAM M.)	
BURGESS, DOING BUSINESS AS "M. B. BURGESS)	
AND SON," 820 EIGHTH STREET, BERTHOUD,)	<u>APPLICATION NO. 23595-Transfer</u>
COLORADO, FOR AUTHORITY TO TRANSFER)	
PUC NO. 6946 TO LAMB CONSTRUCTION, INC.,)	
229 PARK STREET, LYONS, COLORADO.)	

April 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 27, 1969, Golden Transfer Company of Longmont, Colorado, by its attorney William T. Secor, filed a Petition to Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon parties of record in this proceeding.

On April 1, 1969, the Applicants filed with the Commission a Reply of Applicants to Petition to Intervene Filed on Behalf of Golden Transfer Company.

The Commission has carefully considered said Petition to Intervene and the Reply filed herein, and each and every allegation thereof, and states and is of the opinion that said Petition to Intervene should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Leave to Intervene filed by Golden Transfer Company of Longmont, Colorado, be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
ISHMAEL SINGH DBA)
PETE SINGH AND SONS PRODUCE)
700 East Overland St.)
El Paso, Texas 79901)

AUTHORITY NO. M 13272
CASE NO. 4035-M-Ins.

April 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1969, 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.

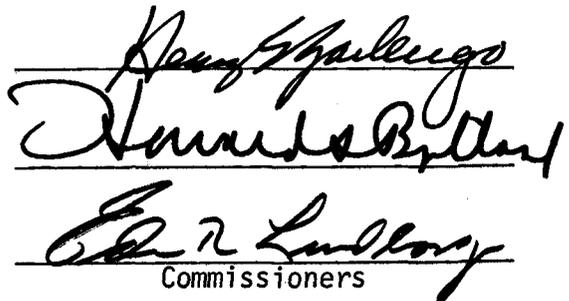
O R D E R

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, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES F. BIBY)
304 South 5th Street)
Kingfisher, Oklahoma 73750)

AUTHORITY NO. M 4741
CASE NO. 4052-M-Ins.

April 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 11, 1969 , 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 Spaulding
Donald B. Bell
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado, this
3rd day of April, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOSEPH R. BAKER DBA)
JOE'S VENDING SERVICE)
2805 North Prospect)
Colorado Springs, Colo. 80907)

AUTHORITY NO. M 458
CASE NO. 4116-M-Ins.

April 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 25, 1969 , 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.

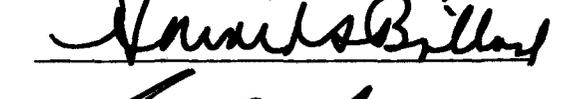
O R D E R

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, 1969 .

(Decision No. 72799)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MRS.)
JOHN HELBIG, MRS. DON D. KUGLER AND MR.)
GLENN A. UNDERWOOD ON BEHALF OF THEM-)
SELVES AND OTHERS SIMILARLY SITUATED FOR)
AN ORDER AUTHORIZING PUBLIC SERVICE COM-)
PANY OF COLORADO TO RENDER STREET LIGHT-)
ING SERVICE IN AN UNINCORPORATED AREA IN)
JEFFERSON COUNTY.)

APPLICATION NO. 23616

April 3, 1969

Appearances: Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado;
Harry A. Galligan, Jr., Esq., 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. John Helbig and others, representing themselves and other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Jefferson County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on March 27, 1969, at 10 o'clock A.M. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was heard at that time and place.

The official file of the Commission contains letters of protest from the following residents of the area.

- Mr. and Mrs. T. L. Sundquist, 4474 Brentwood Street
- Mr. and Mrs. Charles E. Bigler, 4500 Brentwood Street
- Elizabeth C. Fulkerson, 4495 Brentwood Street
- Frank M. Wilson, 4440 Brentwood Street
- Rena C. Wilson, 4440 Brentwood Street
- Vernon E. Creese, 8101 W. 46th Avenue
- Mrs. Mildred Schroder, 4416 Brentwood Street
- Cliff T. Chadwick, 4420 Brentwood Street

In addition to the written protests received, Mr. R. W. Smith, 4475 Balsam Street; Mr. D. O. Roos, 8103 West 46th Avenue, Mr. Cliff T. Chadwick, 4420 Brentwood Street, and Mrs. Rena Wilson, 4440 Brentwood Street, were present at the hearing to offer testimony in protest to the within application.

A petition for street lighting service addressed to Public Service was circulated among the residents of an area in which 63 customers now receive electric service. Of the 63 customers, signatures were obtained of 49, or a percentage of 77.7% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 and B-2 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 16 customers did not sign, Public Service could not install street lights without an order of the Commission.

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

Present in support of the application, though not testifying, were three other persons who are residents of the area.

Mr. D. E. Lichtenwalter, Senior Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. No construction contributions are required of electric customers and, as

provided in the tariff, a charge of \$0.45 per month per customer will be made. The engineering of the street lighting for the area has already been undertaken. It will require approximately 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$1,584, which will be provided from the internal funds of Public Service.

The nature of the protests of the aforementioned R. W. Smith and D. O. Roos was based on esthetic reasons, and testimony to the effect that it is their belief that street lighting will have no appreciable effect on vandalism in the area. Both witnesses stated that they have not seen any statistics which indicate that street lighting is a deterrent to crime. Additionally, Mr. Roos pointed out that a portion of the legal description was in error in that certain addresses numbered on Balsam Street are in actuality numbered on West 46th Avenue. It is the opinion of this Commission that such a defect in the application does not render such application void. Exhibit C, introduced by Applicant, is a map showing the area for which street lighting is requested in this application, which map clearly defines the area and shows the lots in question to be lying within the defined area.

The protests of Mr. Cliff T. Chadwick and Mrs. Rena Wilson were based primarily on the fact that their specific area is well illuminated by parking lot lights located at a church in the near vicinity. Both witnesses stated that they did not object to the proposed charge for street lights, but that they did not wish to further illuminate their particular area.

F I N D I N G S

THE COMMISSION FINDS:

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

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

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

O R D E R

THE COMMISSION ORDERS:

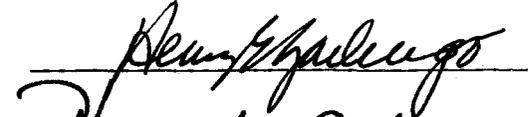
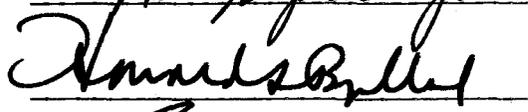
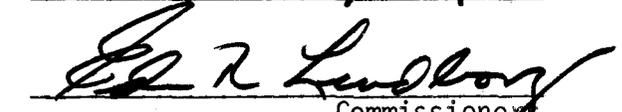
That Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its tariff, Colorado PUC No. 4 - Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and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

That street lights, approximately eleven (11) in number, shall be installed as required in the area described as follows:

Beginning at the southeast corner of the lot numbered as 4460 Balsam Street; thence west along the south lot line of said last-named lot, continuing across Balsam Street and along the south lot lines of the lots numbered as 4465 Balsam Street and 4416-4420 Brentwood Street to the centerline of Brentwood Street; thence north along said last-named centerline to the intersection with an easterly extension of the south lot line of the lot numbered as 4455 Brentwood Street; thence west along said last-named lot line to the southwest corner of said last-named lot; thence north along the rear lot lines of the lots on the west side of Brentwood Street to the northwest corner of the lot numbered as 4595 Brentwood Street; thence east along the north lot line of said last-named lot to the western most corner of the lot numbered as 8295 West 46th Avenue; thence generally east along the irregular rear lot lines of the lots on the north side of West 46th Avenue to the northeast corner of the lot numbered as 4675 Balsam Street; thence south along the east lot line of said last-named lot, across West 46th Avenue to the southeast corner of the lot numbered as 4670 Balsam Street; thence west to the northeast corner of the lot numbered as 4590 Balsam Street; thence south along the rear lot lines of the lots located on the east side of Balsam Street to the point of beginning.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 3rd day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MRS.)	
VICTOR E. NELSON, MRS. SHIRLEY HARTUNG)	
AND MRS. BESSIE WADDEL ON BEHALF OF THEM-)	
SELVES AND OTHERS SIMILARLY SITUATED FOR)	<u>APPLICATION NO. 23617</u>
AN ORDER AUTHORIZING PUBLIC SERVICE)	
COMPANY OF COLORADO TO RENDER STREET)	
LIGHTING SERVICE IN AN UNINCORPORATED)	
AREA IN JEFFERSON COUNTY.)	

April 3, 1969

Appearances: Donald D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;
Harry A. Galligan, Jr., Esq., 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. Victor E. Nelson and others, representing themselves and other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Jefferson County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on March 27, 1969, at 10 o'clock A.M., in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was heard at that time and place.

Appearing at the hearing in protest to the within application was Mr. Lewis K. Mayfield, 6037 West 39th Avenue, Wheat Ridge, Colorado.

A petition for street lighting service addressed to Public Service was circulated among the residents of an area in which 175 customers now receive electric service. Of the 175 customers, signatures were obtained of 132, or a percentage of 75.4% of the total number of

customers. Said petitions were submitted as Exhibit Nos. B-1 through B-3 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 43 customers did not sign, Public Service could not install street lights without an order of the Commission.

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

Present in support of the application, though not testifying, were four other persons who are residents of the area.

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

The proposed street lighting system was estimated to cost \$2,100, which will be provided from internal funds of Public Service.

Mr. Mayfield testified at length that the installation of street lights as proposed in this application will not really reduce vandalism in the area. He further stated that his particular property, at the aforementioned address, is well lit with exterior lights, but that such lights have not deterred vandalism.

Mr. Mayfield testified that it was his opinion that the Notice of this hearing, sent out by this Commission to all interested persons, was not proper. Such Notice provides only for written protests, and it is the belief of this Commission that the Notice referred to by Mr. Mayfield should be revised. Future notices as used in applications for street lighting will make it apparent to those to whom it is sent that testimony may be received from public witnesses at such hearings without a prior written protest. However, the Notice sent out in the instant case is not such as to render the hearing on the application improper.

Mr. Mayfield stated that at the time of the hearing he was undecided as to his position on the instant application, however, his testimony indicated that he was not in favor of it. It should be specifically noted that this Commission has considered the testimony of all of the witnesses in arriving at its decision, giving proper weight to each.

F I N D I N G S

THE COMMISSION FINDS:

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

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

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

O R D E R

THE COMMISSION ORDERS:

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

That street lights, approximately 17 in number, shall be installed as required in the area described as follows:

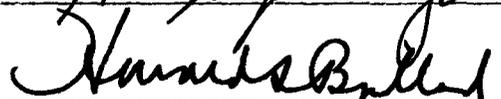
Beginning at the southeast corner of the lot numbered as 5990 West 38th Avenue; thence west along the south lot line of said last-named lot to the centerline of Harlan Street; thence north along said last-named centerline to the intersection with an easterly extension of the south lot line of the lot numbered as 6000 West 38th Avenue; thence west to the southwest corner of said last-named lot; thence north along the west lot line of said last-named lot continuing across West 38th Avenue, and along lot lines to the northwest corner of the lot numbered as 3815 Harlan Street; thence westerly along the south lot lines of the lots numbered as 3835 Harlan Street, 3840-3845 and 3835 Ingalls Street to the southwest corner of said last-named lot; thence north along the west lot lines of the lots on the west side of Ingalls Street, continuing to the northwest corner of the lot numbered as 6095-97 West 40th Avenue; thence east along the north lot lines of the lots on the north side West 40th Avenue to the southwest corner of the lot numbered as 6040-6050 West 41st Avenue; thence north along the west lot line of said last-named lot continuing across West 41st Avenue and along the west lot line of the lot numbered as 6003 West 41st Avenue, and continuing along the west lot lines of the lots on the west side of Harlan Street to the northwest corner of the lot numbered as 4375 Harlan Street; thence west along the south lot line of the lot numbered as 4385 Harlan Street; to the southwest corner of said last-named lot; thence north along the west lot line of said last-named lot to the centerline of West 44th Avenue; thence east along said last-named centerline to the intersection with a northerly extension of the rear lot lines of the lots on the east side of Harlan Street; thence south along said last-named rear lot lines, across West 43rd Avenue and continuing along said last-named rear lot lines, across West 41st Avenue and continuing along said last-named rear lot lines to the corner of the lot numbered as 5943-5945-5947 West 39th Place; thence east along rear lot lines to the northeast corner of the lot numbered as 5925 West 39th Place; thence south along the east lot line of said last-named lot, across West 39th Place and continuing to the southeast corner of the lot numbered as 5920 West 39th Place; thence east to the northeast corner of the lot numbered as 5805 West 39th Avenue; thence south to

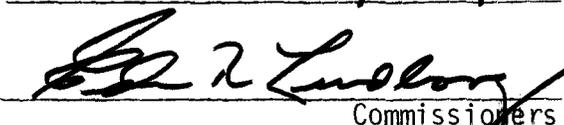
the southeast corner of the lot numbered as 5810 West 39th Avenue; thence west to the northeast corner of the lot numbered as 3850 Harlan Street; thence south to the southeast corner of the lot numbered as 3840 Harlan Street; thence east to the northeast corner of the lot numbered as 5955 West 38th Avenue; thence south continuing across West 38th Avenue to the southeast corner of the lot numbered as 5990 West 38th Avenue, the point of beginning.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DEAN)
A. MARTIN, 2341 8TH STREET, GREELEY, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23613-PP

April 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire.

Said application is presently set for hearing at 10:00 A.M., on April 8, 1969, at Denver, Colorado.

The Commission has now been advised by Attorney for Applicant that Applicant 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.

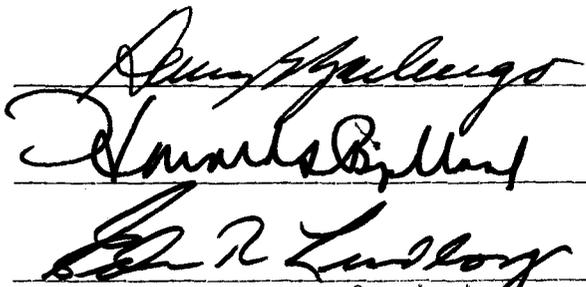
O R D E R

THE COMMISSION ORDERS:

That hearing on Application No. 23613-PP, presently set for 10:00 A.M., on April 8, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 23613-PP be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1969.
1s

(Decision No. 72802)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NEWS & FILM SERVICE, INC., 665)	
KALAMATH STREET, DENVER, COLORADO,)	<u>APPLICATION NO. 23336-Extension-Amended</u>
FOR AUTHORITY TO EXTEND OPERATIONS)	
UNDER PUC NO. 4181.)	

RE: MOTOR VEHICLE OPERATIONS OF)	
NEWS & FILM SERVICE, INC., 665)	<u>PERMIT NO. A-4500</u>
KALAMATH STREET, DENVER, COLORADO.)	

April 4, 1969

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant;
Chester M. Easton, Denver, Colorado,
President of Denver-Climax Truck
Line, Inc., Protestant, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 26, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 4181 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 -- at the hearing -- the herein application was protested by Denver-Climax Truck Line, Inc., Denver, Colorado.

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.

Motion by Applicant to deny the Protest of Denver-Climax Truck Line, Inc. was granted. This application was originally called for hearing under date of November 1, 1968, at which time Protestant, Denver-Climax Truck Line, Inc., made no appearance and on that date the case was merely continued to be heard on January 15, 1969, and since Protestant, Denver-Climax Truck Line, Inc., was not a party to the case at the commencement of the hearing, it was not allowed to come in as a Protestant on the date of the continued hearing.

Protestant, K & K Transfer Co., withdrew its Protest at the time the case was originally called for hearing on November 1, 1968, and at the time the case was continued for hearing on January 15, 1969, Protestant, Denver-Limon-Burlington Transfer Co., did not appear.

In view of the above, the case was heard as a non-protested matter."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, 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

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

1. Applicant, a Colorado corporation, is the present owner and operator of Certificate of Authority PUC No. 4181 and is also the owner and operator of Permit No. A-4500.
2. In the original application, Applicant sought to convert all of the authority contained in Permit No. A-4500 into and to become a part of Certificate of Authority PUC No. 4181 which, if granted, would have resulted in the cancellation of Permit No. A-4500.
3. By the amended application, Applicant seeks to have only a portion of the authority contained in Permit No. A-4500 incorporated into and extended on to Certificate of Authority PUC No. 4181 and the remainder of the authority contained in Permit No. A-4500 would remain.

4. By the amended application and as it is presented in this proceeding, neither the commodity nor the territory is to be enlarged when considering Permit No. A-4500 and Certificate of Authority PUC No. 4181 together. However, if the application is granted, a portion of Permit No. A-4500 will become certificated authority under Certificate of Authority PUC No. 4181 and the remaining portion of Permit No. A-4500 will remain as it is. Therefore, any extension granted by this application to the certificated authority, Certificate of Authority PUC No. 4181, that duplicates Permit No. A-4500 should be cancelled and otherwise stricken from Permit No. A-4500.
5. The present authority of Certificate of Authority PUC No. 4181 and PUC No. 4181-I provides as follows:

"Decision No. 62267: Call and demand transportation service:

1. For the transportation of newspapers,

between Denver, Colorado, on U.S. Highway No. 85, south to Pueblo, serving all intermediate points, and the off-route points of Canon City and Florence, and to points and places on U.S. Highway No. 50, from Pueblo south and east to the Colorado-Kansas State Line, serving all intermediate points, with return to Denver;

2. For the transportation of newspapers,

between Denver, Colorado, and the Colorado-Oklahoma State Line, via U.S. Highway No. 287, serving all intermediate points, including the off-route point of Walsh, Colorado, and return to Denver, Colorado;

3. For the transportation of motion picture and television film,

between Denver, Colorado, and points and places on U.S. Highway No. 50, south and east of Pueblo, serving all intermediate points, to the Colorado-Kansas State Line;

4. For the transportation of motion picture and television film,

between Denver, Colorado, and the Colorado-Oklahoma State Line, via U.S. Highway No. 287, serving all intermediate points, including the off-route point of Walsh, Colorado, and return to Denver, Colorado.

That all authority herein granted that duplicates the authority in Private Carrier Permit No. A-4500, that authority in said private carrier permit is cancelled.

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."

6. The present authority of Permit No. A-4500 provides as follows:

"Decision Number 62267: Transportation of newspapers from Denver to the Kansas State Line via U.S. Highway 40 to Limon, and Highway No. 24 to the State Line, and return via U.S. Highway No. 36 from the State Line to Denver, Colorado, in both intrastate and interstate commerce, serving all points on said highways for the transportation of newspapers, only; also that the interstate operating rights authorized herein are subject to the provisions of the Federal Motor Carrier Act of 1935.

Decision Number 38891: EXTENDED: To the transportation of film and newspapers from Lamar, Colorado, to the Colorado State Line on U.S. Highway No. 50 and intermediate points, and the transportation of film from Limon, Colorado; to the Colorado State Line on U.S. Highway No. 24 and all intermediate points.

Decision Number 38890 transfers and consolidates herewith authority under A-4116: Transportation of newspapers, generally, between Pueblo, Lamar, Eads, Ordway, and return via U.S. 50 to Lamar, U. S. 287 to Eads, U.S. 96 to Pueblo, with the right to serve all intermediate points, and the off-route point of Kit Carson, via U.S. 287, and points intermediate Eads to Kit Carson; and the Rocky Mountain News, only, between Denver and Pueblo, and intermediate points, via U.S. 85, it being contemplated that he can haul the Rocky Mountain News thereby from Denver to points heretofore named that he is authorized to serve east and south of Pueblo.

Decision Number 35089: EXTENDED TO: Transportation of motion picture films from Denver, Colorado, and points beyond, to Lamar, Colorado, on U.S. Highway No. 50; thence to Eads and Kit Carson, Colorado, and the off-route point of Cheyenne Wells, Colorado, thence to Denver, on U.S. Highway No. 40 serving all points between Pueblo and east, back to Denver, no service being authorized between Denver and Pueblo, Colorado, on U.S. Highways 85 and 87.

Decision No. 46519: EXTENDED TO: Transportation of newspapers, between Denver and all points south of Pueblo, located on Highway No. 85-87, and for the transportation of newspapers, between Denver and Canon City and Florence, Colorado.

Decision No. 47815: EXTENDED: To include the right to transport newspapers over regular routes, in unscheduled service, from Denver, Colorado, over U.S. Highways Nos. 6 and 40, to the junction of said highways with Colorado Highway No. 91; thence over said Colorado Highway No. 91 to Leadville, Colorado, with return over the same route, serving all intermediate points, and also Empire, Colorado.

Decision No. 49153: EXTENDED: To authorize the transportation of newspapers for the Denver Post only, between Leadville and Salida and all intermediate points, over Colorado Highway No. 24, and from Salida to Denver, including all intermediate points, over Colorado Highway No. 24 and U.S. Highway No. 285, interstate operating rights being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Decision No. 63257: EXTENDED: To engage in the transportation of newspapers to serve as off-route points in connection with its presently authorized regular route operations between Denver, Colorado, and Leadville, Colorado, to points of Black Hawk, Gold Dust and Central City, Colorado, leaving the regular route, as aforesaid, at the junction of U.S. Highway 6 and Colorado Highway 119, proceeding north-westerly on Colorado Highway 119 to junction Colorado Highway 279, thence westerly to Central City and return over the same route."

7. By the amended application, Applicant seeks to extend the authority contained in Certificate of Authority PUC No. 4181 so as to provide for:

"Transportation of:

1. Newspapers between Denver, Colorado, and the Colorado-New Mexico state line, via U.S. Highways 85 and 87 and Interstate Highway 25, serving all intermediate points and the off-route points of Canon City and Florence; and
2. Newspapers between Denver, Colorado, and Leadville, Colorado, via U.S. Highways 6 and 40 to Empire Junction, thence via U.S. Highway 6, Interstate Highway 70, and Colorado Highway 91, serving all intermediate points and the off-route points of Empire, Black Hawk, Gold Dust and Central City."

Any similar authority which Applicant now holds under its private carrier authority, Permit No. A-4500, is to be cancelled.

8. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
9. 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.
10. 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.
11. There is presently no service available in the area to which extension is sought.
12. The present or future public convenience and necessity requires or will require the extended service as hereinafter set forth.
13. The extension of the authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

1. That the Commission make and enter its Order authorizing Applicant to extend its authority under Certificate of Authority PUC No. 4181 to include the following:

"Transportation of

1. Newspapers between Denver, Colorado, and the Colorado-New Mexico state line, via U.S. Highways 85 and 87 and Interstate Highway 25, serving all intermediate points and the off-route points of Canon City and Florence; and
2. Newspapers between Denver, Colorado, and Leadville, Colorado, via U. S. Highways 6 and 40 to Empire Junction, thence via U.S. Highway 6, Interstate Highway 70, and Colorado Highway 91, serving all intermediate points and the off-route points of Empire, Black Hawk, Golddust, and Central City."

2. That similar authority contained in Permit No. A-4500 granted by Commission Decisions No. 46519, No. 47815 and No. 63257 be cancelled.

3. That henceforth the full and complete authority under Certificate of Authority PUC No. 4181 and PUC No. 4181-I shall appear as follows:

"Transportation -- on call and demand -- of

(1) Newspapers

Between Denver, Colorado, and the Colorado-New Mexico state line over U.S. Highway 85 and 87 and Interstate Highway No. 25, serving all intermediate points and the off-route points of Canon City and Florence, Colorado.

(2) Newspapers, motion picture and television film

Between Denver, Colorado, and the Colorado-Oklahoma state line over U.S. Highway No. 287, serving all intermediate points and the off-route point of Walsh, Colorado.

(3) Newspapers

Between Denver, Colorado, and the Colorado-Kansas state line over Interstate Highway No. 25 and U.S. Highway No. 50 serving all intermediate points located on U.S. Highway 50 east of Pueblo, Colorado.

(4) Newspapers

Between Denver, Colorado, and all points within five (5) miles thereof and Grand Junction, Colorado, and all points within three (3) miles thereof, over U.S. Highway Nos. 6, 40, and Interstate Highway No. 70 to Empire Junction; thence over U.S. Highway 6, and Interstate 70, serving all intermediate points and the following off-route points:

- (a) Empire, Black Hawk, Golddust, Central City, Leadville, Colorado, and all points on Colorado Highway No. 91 between Wheeler Junction and Leadville and all points on U.S. Highway No. 24 between Leadville and Dowd.

- (5) 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That News & Film Service, Inc., be and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 4181 to include the following:

Transportation of

1. Newspapers between Denver, Colorado, and the Colorado-New Mexico State Line, via U.S. Highways 85 and 87 and Interstate Highway 25, serving all intermediate points and the off-route points of Canon City and Florence; and
2. Newspapers between Denver, Colorado, and Leadville, Colorado, via U.S. Highways 6 and 40 to Empire Junction, thence via U.S. Highway 6, Interstate Highway 70 and Colorado Highway 91, serving all intermediate points and the off-route points of Empire, Black Hawk, Golddust, and Central City.

That Applicant's operating authority under Private Carrier Permit No. A-4500, granted by Commission Decision Nos. 46519, 47815, and 63257, which duplicates Applicant's operating authority under Certificate of Public Convenience and Necessity PUC No. 4181, be, and the same hereby is, revoked and cancelled.

That henceforth the full and complete authority under Private Carrier Permit No. A-4500 shall read and be as follows, to-wit:

Transportation of

(1) Newspapers

From Denver to the Kansas state line over U.S. Highway No. 40 to Limon, Colorado; thence over U.S. Highway No. 24 to the Colorado-Kansas state line serving all intermediate points.

(2) Newspapers

From the Colorado-Kansas state line to Denver over U.S. Highway No. 36, serving all intermediate points.

(3) Newspapers

Between Pueblo, Lamar, Eads, and Ordway, Colorado over U. S. Highway No. 50 to Lamar, thence over U.S. Highway No. 287 to Eads, thence over U.S. Highway No. 96 to Pueblo, Colorado, serving all intermediate points and the off-route point of Kit Carson, Colorado and all intermediate points on U.S. Highway No. 385 between Eads and Kit Carson, Colorado.

(4) Newspapers

From Denver, Colorado to points on U.S. Highway No. 50 east of Pueblo to Lamar; thence over U.S. Highway No. 287 to Eads, thence over U.S. Highway No. 96 to Pueblo, serving all intermediate points and the off-route points of Kit Carson, Colorado and all intermediate points on U.S. Highway No. 385 between Eads and Kit Carson, Colorado.

RESTRICTION:

Item 4 of this Permit is restricted to the rendering of transportation service for only The Rocky Mountain News.

(5) Motion Picture Film

Between Denver, Colorado, Lamar, Eads, and Kit Carson, Colorado, over U.S. Highway No. 85-87 to Pueblo; thence over U.S. Highway No. 50 to Lamar, thence over U.S. Highway No. 287 to Eads and Kit Carson; thence over U.S. Highway No. 40 to Denver serving all intermediate points and the off-route point of Cheyenne Wells, Colorado.

RESTRICTION:

Item 5 of this Permit is restricted against serving intermediate points on U.S. Highway 85-87 between Denver and Pueblo, Colorado.

(6) Film and Newspapers

From Lamar, Colorado to the Colorado-Kansas state line over U.S. Highway No. 50, serving all intermediate points.

(7) Film

From Limon, Colorado to the Colorado-Kansas state line over U.S. Highway No. 24, serving all intermediate points.

(8) Newspapers

Between Leadville, Colorado and Salida, Colorado over Colorado Highways No. 4 and No. 15, serving all intermediate points.

RESTRICTION:

Item 8 of this Permit is restricted to the rendering of transportation service for only The Denver Post, Inc.

(9) Newspapers

From Salida, Colorado to Denver, Colorado over U.S. Highway No. 285, serving all intermediate points.

RESTRICTION:

Item 9 of this Permit is restricted to the rendering of transportation service for only The Denver Post, Inc.

- (10) Authority to use equipment in the State of Colorado as a Private 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 henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 4181 and PUC No. 4181-I, as extended, shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) Newspapers

Between Denver, Colorado, and the Colorado-New Mexico State Line over U.S. Highway 85 and 87 and Interstate Highway No. 25, serving all intermediate points and the off-route points of Canon City and Florence, Colorado.

(2) Newspapers, motion picture and television film

Between Denver, Colorado, and the Colorado-Oklahoma State Line over U.S. Highway No. 287, serving all intermediate points and the off-route point of Walsh, Colorado.

(3) Newspapers

Between Denver, Colorado, and the Colorado-Kansas State Line over Interstate Highway No. 25 and U.S. Highway No. 50 serving all intermediate points located on U.S. Highway 50 east of Pueblo, Colorado.

(4) Newspapers

Between Denver, Colorado, and all points within five (5) miles thereof and Grand Junction, Colorado, and all points within three (3) miles thereof, over U.S. Highway Nos. 6, 40, and Interstate Highway No. 70 to Empire Junction; thence over U.S. Highway 6, and Interstate 70, serving all intermediate points and the following off-route points:

(a) Empire, Black Hawk, Golddust, Central City, Leadville, Colorado, and all points on Colorado Highway No. 91 between Wheeler Junction and Leadville and all points on U.S. Highway No. 24 between Leadville and Dowd.

(5) 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.

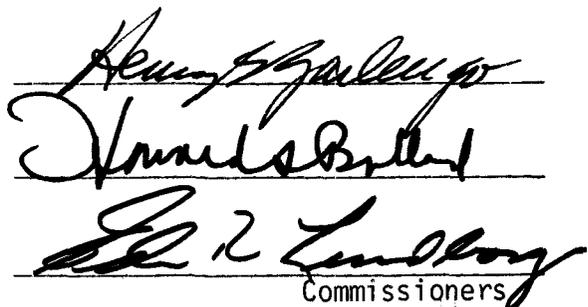
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE)
CITY OF COLORADO SPRINGS, DEPARTMENT OF)
PUBLIC UTILITIES, P. O. BOX 1103, COLO-)
RADO SPRINGS, COLORADO, TO ADD AREAS TO)
ITS CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY WHICH AUTHORIZES THE)
CONSTRUCTION AND OPERATION OF NATURAL)
GAS SYSTEMS FOR THE TRANSMISSION, DISTRI-)
BUTION AND SALE OF NATURAL GAS IN CERTAIN)
AREAS OF EL PASO COUNTY, COLORADO.)

APPLICATION NO. 23614

IN THE MATTER OF THE APPLICATION OF)
MIDWEST NATURAL GAS, INC., A COLORADO)
CORPORATION, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO INSTALL,)
MAINTAIN AND OPERATE, AS SERVICE MAY)
REQUIRE AND WHERE ECONOMICALLY FEASIBLE,)
NATURAL GAS DISTRIBUTION SYSTEMS IN THE)
AREAS LYING WITHIN A SIX-MILE RADIUS OF)
THE TOWN OF FOUNTAIN, EL PASO COUNTY,)
COLORADO, AND LYING ADJACENT TO THE MAIN)
TRANSMISSION LINE OF COLORADO INTERSTATE)
GAS COMPANY AND THE LATERAL LINE FROM)
SAID MAIN TRANSMISSION LINE OF COLORADO)
INTERSTATE GAS COMPANY TO THE TOWN OF)
FOUNTAIN, COLORADO, ALL LOCATED IN THE)
COUNTY OF EL PASO, STATE OF COLORADO.)

APPLICATION NO. 13023

April 4, 1969

Appearances: Horn, Anderson & Johnson by
Louis Johnson, Esq., Colorado Springs
Colorado, for Applicant, The City
of Colorado Springs Department of
Public Utilities;
Harry A. Galligan, Jr., Esq., Denver,
Colorado, for the Staff of the
Commission.

S T A T E M E N T

BY THE COMMISSION:

On February 28, 1969 the Applicant herein, City of Colorado Springs Department of Public Utilities, filed its application for a certificate of public convenience and necessity authorizing it to construct and operate natural gas systems for the transmission, distribution and sale of natural gas in certain areas of El Paso County, Colorado.

The within matter was set for hearing on Wednesday, March 26, 1969 at 10 o'clock A.M. in the hearing room of the Commission, 1845 Sherman Street, Denver, Colorado, after due and proper notice to all interested persons.

Applicant is a municipal corporation, duly organized and existing under the laws of the State of Colorado and is engaged, among other things, in the business of purchase, transmission, distribution and sale of natural gas in certain areas of El Paso County, Colorado. Insofar as the within application is concerned, said Applicant is subject to the jurisdiction of this Commission.

Mr. John Frederick, Superintendent of the Gas Division of the Department of Public Utilities for the City of Colorado Springs, testified for the Applicant. He stated that the City of Colorado Springs, by this application, desires to extend its certificated area for natural gas service to certain areas contiguous to their existing service area. More specifically, the areas are defined as follows:

Section 18, Township 13 South, Range 64 West;

Sections 13 and 14, Township 13 South, Range 65 West;

Sections 15, 16, 21, 22, 27, 28, 33, and 34, all in Township 14 South, Range 65 West; and

Sections 3, 4 and 10, all in Township 15 South, Range 65 West.

The witness further testified that Plateau Natural Gas Company presently has a certificate which includes the aforesaid Sections 3, 4 and 10, Township 15 South, Range 65 West, El Paso County, Colorado. With the application were copies of letters dated January 13 and January 31, 1969, wherein Plateau Natural Gas Company is agreeable to releasing certain sections to the City of Colorado Springs. A letter from Plateau Natural Gas Company addressed to this Commission agreeing to such relinquishment was requested and has been received by this Commission on March 28, 1969. Mr. Frederick testified that the City of Colorado Springs is now serving some customers in the Sections 13 and 14, Township 13 South, Range 65 West

and Section 18, Township 13 South, Range 64 West. These customers are presently served from the gas distribution system extending from Falcon, Colorado. According to the witness, the Applicant is not serving any customers at this time in the other eleven sections with which this application is concerned. However, he stated that Applicant plans to build a meter station and purchase gas from Colorado Interstate Gas at the intersection of their pipeline and the Drennan-Kelker Road which runs through the aforementioned area. The nearest facilities of Plateau Natural Gas are approximately two miles from the area for which a certificate is requested.

Mr. Frederick further testified that the growth in this area of Colorado Springs would indicate that development in the aforementioned areas will be primarily by subdivisions. He stated that an individual customer requesting service would have a rather large construction cost in order to receive natural gas from Applicant, but that a subdivision could receive gas with little or no construction costs.

Also testifying for Applicant was Mr. James Wilson, Comptroller of the Department of Public Utilities for the City of Colorado Springs. Mr. Wilson stated that the City had approximately thirteen million dollars in gas plant value and that it had construction funds available to extend its natural gas system into the areas for which this application was made. He further stated that the natural gas system of Applicant is growing at the rate of approximately eight percent (8%) per year.

Both witnesses for Applicant stated that the natural gas rates currently in effect and filed with this Commission for natural gas service to the residents within the City of Colorado Springs will be the rates which will be applied to the areas requested in this application. Additionally, the extension policies currently in effect within the City will be applied to these areas.

F I N D I N G S

THE COMMISSION FINDS:

From the record herein the Commission finds as fact that:

1. Applicant, City of Colorado Springs Department of Public Utilities, is a municipal corporation duly organized and existing under the laws of Colorado; and for the purpose of this application, is subject to the jurisdiction of this Commission; is engaged in the business of purchase, transmission, distribution and sale of natural gas in certain areas in El Paso County, Colorado.

2. The Commission has jurisdiction over the subject matter of these proceedings.

3. Applicant now holds a certificate of public convenience and necessity from this Commission for the service of natural gas in the area adjacent to those sought in this application. Applicant now seeks to extend such certificated area to include certain additional areas defined as follows:

Section 18, Township 13 South, Range 64 West;

Sections 13 and 14, Township 13 South, Range 65 West;

Sections 15, 16, 21, 22, 27, 28, 33, and 34, all in
Township 14 South, Range 65 West; and

Sections 3, 4, and 10, all in Township 15 South,
Range 65 West.

4. The granting of the certificate for which this application is made is in the public interest and should be authorized.

5. The transfer of Sections 3, 4 and 10, all in Township 15 South, Range 65 West, heretofore included in the certificated areas of Plateau Natural Gas Company under Decision No. 43973, Application No. 13023, to the City of Colorado Springs Department of Public Utilities is in the public interest and should be authorized. (Decision No. 43973 certificated the area to Midwest Natural Gas, Inc., which area was subsequently transferred to Plateau Natural Gas Company in Commission Decision No. 45692, Application No. 14243.)

6. The natural gas rates for the areas included in this application should be the same as the natural gas rates now provided for in Applicant's tariff on file with this Commission and now in effect within the City of Colorado Springs.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require an extension of the certificated service area of the City of Colorado Springs for distribution of natural gas to customers therein.

That this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

That the exterior boundary of the natural gas service area including the extension sought herein is as follows:

Beginning at NW corner of Section 31, T11S, R67W, thence East to the NE corner of Section 32, T11S, R67W, thence South to the SW corner of Section 33, T11S, R67W, thence East to the NE corner of Section 5, T12S, R66W, thence South to the SW corner of Section 4, T12S, R66W, thence East to the NE corner of Section 9, T12S, R66W, thence South to the SW corner of Section 22, T12S, R66W, thence East to the NE corner of Section 30, T12S, R65W, thence South to a point $\frac{1}{2}$ mile South of the NE corner of Section 30, T12S, R65W, thence East to a point $\frac{1}{2}$ mile North of the SW corner of Section 28, T12S, R65W, thence South to the SW corner of Section 28, T12S, R65W, thence East to the NE corner of Section 32, T12S, R64W, thence South to the SE corner of Section 8, T13S, R64W, thence West to the NW corner of Section 17, T13S, R64W, thence South to the SE corner of Section 18, T13S, R64W, thence West to the NW corner of Section 23, T13S, R65W, thence South to the SE corner of Section 10, T15S, R65W, thence West to the SW corner of Section 10, T15S, R65W, thence North to the NW corner of Section 10, T15S, R65W, thence West to the NW corner of Section 9, T15S, R65W, thence South to the SE corner of Section 17, T15S, R65W, thence West to the NW corner of Section 24, T15S, R66W, thence South to the SE corner of Section 26, T15S, R66W, thence West to the NW corner of Section 34, T15S, R66W, thence South to the SE corner of Section 21, T16S, R66W, thence West to the SW corner of Section 19, T16S, R67W, thence North to the SW corner of Section 7, T15S, R67W, thence West to the SW corner of Section 7, T15S, R68W, thence North to the NE corner of Section 36, T14S, R69W, thence West to the SW corner of Section 27, T14S, R69W, thence North to the NW corner of Section 3, T14S, R69W, thence East to the SE corner of Section 36, T13S, R68W, thence North to the NW corner of Section 31, T11S, R67W, which is the point of beginning.

The area contained within the corporate limits of the City of Colorado Springs, Colorado, is excluded herefrom.

That all natural gas shall be odorized before introduction into the distribution system.

That the City shall continue to keep its practices in conformance with the rules regulating the service of gas and electric utilities, as prescribed by this Commission, as now existing and they may be amended from time to time.

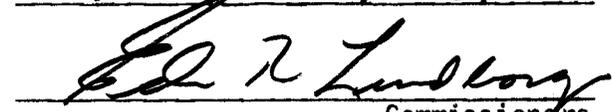
That Sections 3, 4 and 10, all in Township 15 South, Range 65 West, shall be deleted from the certificated area of Plateau Natural Gas Company and a copy of this Order shall be placed in the file of Application No. 13023, which application granted said sections to the predecessor of Plateau Natural Gas Company, subsequently acquired by Plateau.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DAVIS, 5978 SOUTH LOUTHAN STREET,)
LITTLETON, COLORADO.)

PERMIT NO. B-6723
CASE NO. 1197-CL

April 4, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 1, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file current Customer List with the Commission for the year 1969.

The records of the Commission now disclose that proper Customer List has been filed.

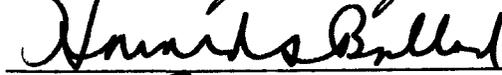
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.

(Decision No. 72805)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HERMAN S. BRODBECK, RR 2, BOX 7,)
COLORADO SPRINGS, COLORADO.)

PERMIT NO. B-5110
CASE NO. 961-CL

APRIL 4, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 18, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file current Customer List with the Commission for the year 1969.

The records of the Commission now disclose that proper Customer List has been filed.

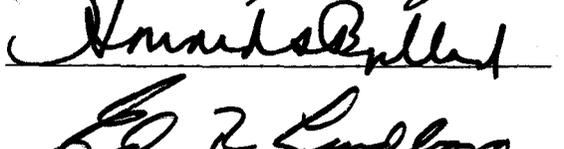
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.

(Decision No. 72806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
M. H. HIGHLAND, ROUTE 1, BOX 347 A,)
LOVELAND, COLORADO.)

PERMIT NO. B-5176
CASE NO. 970-CL

April 4, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 18, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file current Customer List with the Commission for the year 1969.

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.

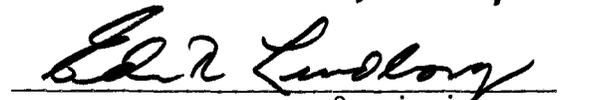
O R D E R

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.

(Decision No. 72807)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HALL SAND & GRAVEL CO., P. O. BOX)
688, LITTLETON, COLORADO.)

PERMIT NO. B-6855
CASE NO. 1073-CL

April 4, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 18, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file current Customer List with the Commission for the year 1969.

The records of the Commission now disclose that proper Customer List has been filed.

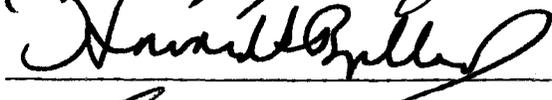
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.

(Decision No. 72808)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DAVID NAVA, 501 NORTH 12TH STREET,)
ROCKY FORD, COLORADO.)

PERMIT NO. B-5238
CASE NO. 974-CL

April 4, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 18, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file current Customer List with the Commission for the year 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.

(Decision No. 72809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ORLANDO CHACON, J. E. CHACON,)
ELIPIO CHACON AND ADELMO CHACON,)
P. O. BOX 523, ROMEO, COLORADO.)

PERMIT NO. B-6519
CASE NO. 1054-CL

April 4, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 18, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file current Customer List with the Commission for the year 1969.

The records of the Commission now disclose that proper Customer List has been filed.

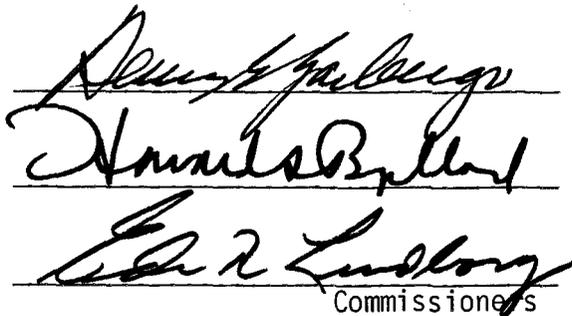
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
STUART ROGELL, DOING BUSINESS AS)
"HOFFMAN TRANSFER CO.," 2921 WALNUT)
STREET, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PUC NO. 453 AND PUC)
NO. 453-I TO CHARLES F. REYNOLDS AND)
H. LEE BRYANT, DOING BUSINESS AS)
"HOFFMAN TRANSFER COMPANY," 2921)
WALNUT STREET, DENVER, COLORADO.)

APPLICATION NO. 23476-Transfer Amended

IN THE MATTER OF THE APPLICATION OF)
STUART ROGELL, DOING BUSINESS AS)
"HOFFMAN TRANSFER CO.," 2921 WALNUT)
STREET, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PUC NO. 2500 AND PUC)
NO. 2500-I TO CHARLES F. REYNOLDS AND)
H. LEE BRYANT, DOING BUSINESS AS)
"HOFFMAN TRANSFER COMPANY," 2921)
WALNUT STREET, DENVER, COLORADO.)

APPLICATION NO. 23477-Transfer Amended

IN THE MATTER OF THE APPLICATION OF)
STUART ROGELL, DOING BUSINESS AS)
"HOFFMAN TRANSFER CO.," 2921 WALNUT)
STREET, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PUC NO. 3510 TO)
CHARLES F. REYNOLDS AND H. LEE BRYANT,)
DOING BUSINESS AS "HOFFMAN TRANSFER)
COMPANY," 2921 BRYANT STREET, DENVER,)
COLORADO.)

APPLICATION NO. 23478-Transfer Amended

April 4, 1969

Appearances: Joseph F. Nigro, Esq., Denver,
Colorado, for Applicants;
T. Peter Craven, Esq., Denver,
Colorado, for Red Ball Motor
Freight, Inc., Northeastern Motor
Freight, Inc., Goldstein Transpor-
tation & Storage, Inc., and Westway
Motor Freight, Inc., Protestants;
Robert S. Stauffer, Esq., Cheyenne,
Wyoming, for Copy of Order.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 11, 1969, the Commission entered Decision No. 72650
in the above-entitled matters.

On March 27, 1969, "Petition for Rehearing on Behalf of Protestants Red Ball Motor Freight, Inc., Westway Motor Freight, Inc., Northeastern Motor Freight, Inc. and Goldstein Transportation & Storage, Inc." was filed with the Commission by T. Peter Craven, 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

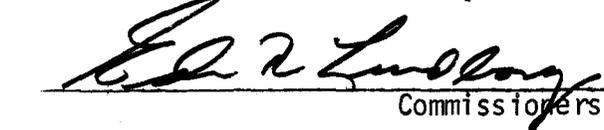
THE COMMISSION ORDERS:

That Petition for Rehearing on Behalf of Protestants Red Ball Motor Freight, Inc., Westway Motor Freight, Inc., Northeastern Motor Freight, Inc. and Goldstein Transportation & Storage, Inc filed with the Commission, 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 4th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JOHN KIRK, DOING BUSINESS AS
JOHNNY'S MEATS
7191 CANOSA COURT
WESTMINSTER, COLORADO 80030

PERMIT NO. M-11800

April 7, 1969

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.

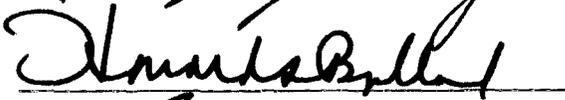
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 22, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1969.
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
DEAN A. MARTIN
2341 EIGHTH STREET
GREELEY, COLORADO 80631

PERMIT NO. M-4755

April 7, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

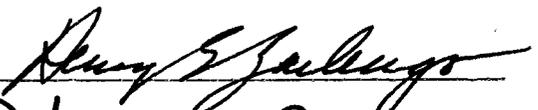
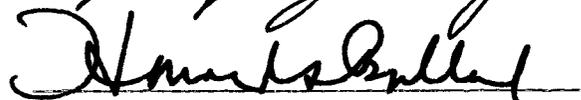
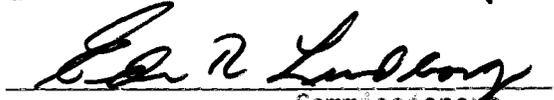
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 3, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
PRIVATE BRANDS WESTERN, INC.
5321 DAHLIA STREET
COMMERCE CITY, COLORADO 80022

PERMIT NO. M-1227

April 7, 1969

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.

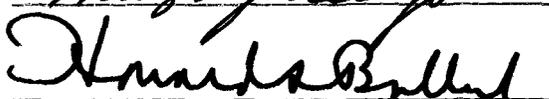
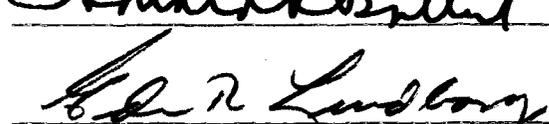
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 20, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CATHERINE PERINO)
1972 WEST THIRD AVENUE)
DURANGO, COLORADO 81301)

PERMIT NO. M-7330

April 7, 1969

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, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
H. L. WILKE)
350 WEST "D" STREET)
PUEBLO, COLORADO 81003)
-----)

PERMIT NO. M-15406

April 7, 1969

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.

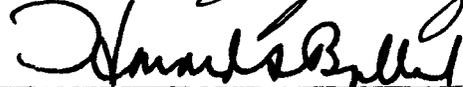
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 4, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1969.
ls

(Decision No. 72817)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLIFFORD M. LEWIS)
510 LOCUST)
HALSTEAD, KANSAS 67056)

PUC NO. 7187-I
SUPPLEMENTAL ORDER

April 7, 1969

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 March 30, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 7th day of April, 1969.
1s

(Decision No. 72818)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN D. MILLS, DOING BUSINESS AS)
ACCOMMODATING HAULING SERVICE)
7535 WEST 8TH PLACE)
LAKEWOOD, COLORADO 80226)

PUC NO. 3809
SUPPLEMENTAL ORDER

April 7, 1969

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 December 20, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RIO GRANDE MOTOR WAY, INC. FOR CLARI-)
FICATION, REDESCRIPTION AND EXTENSION)
OF OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 149.)

APPLICATION NO. 23589-Extension
Clarification and Redescription
Amended

April 7, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 13, 1969, the above-styled application was filed with the Commission.

On April 1, 1969, "Motion to Strike Petition to Intervene and Protest of Ephraim Freightways, Inc." was filed with the Commission by Warren D. Braucher, Attorney for Applicant, and caused copies of said Motion to be served by mail upon all parties of record in this proceeding.

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

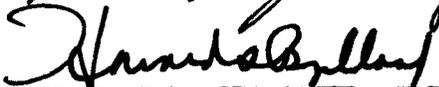
O R D E R

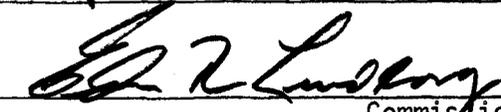
THE COMMISSION ORDERS:

That Motion to Strike Petition to Intervene and Protest of Ephraim Freightways, Inc. filed with the Commission on April 1, 1969, be, and the same hereby is, set for oral argument before the Commission at 2:00 o'clock P.M. on April 8, 1969, at 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CAPRON TRUCK CO., 3360 BLAKE STREET,)
DENVER, COLORADO FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22615-Amended

RE: MOTOR VEHICLE OPERATIONS OF)
CAPRON TRUCK CO., 3360 BLAKE STREET,)
DENVER, COLORADO.)

PERMITS NO. A-454 and NO. A-673

April 8, 1969

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Capron Truck Co.,
Applicant;
Marion F. Jones, Esq., Denver,
Colorado, for Bethke Truck Lines,
Protestant;
John H. Lewis, Esq., Denver,
Colorado, for Thacker Bros.
Transportation, Inc., amicus curiae;
John J. Conway, Esq., Denver, Colorado,
for Contract Carriers Conference of
The Colorado Motor Carriers' Associa-
tion, amicus curiae;
William F. Schenkein, Esq., Denver,
Colorado, for a Copy of Order;
Lloyd C. Espinosa, Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On May 31, 1967, Capron Truck Co. (hereinafter referred to as "Capron" or "Applicant") filed an application with this Commission for a Certificate of Public Convenience and Necessity authorizing transportation, as a motor vehicle common carrier, principally between the Denver commercial zone and points north of Fort Lupton along U. S. Highway 85 to Nunn. Subsequently, the aforesaid application was amended -- without objection by any party -- to request the following authority:

Transportation of general commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading,

in scheduled service,

between Denver, Colorado (and points within five miles thereof) and Nunn, Colorado, serving (a) the terminal points named above; (b) those intermediate points which are located north of Fort Lupton on U. S. Highway 85; points within three miles of Greeley, Colorado; (d) points within three miles of Eaton, Colorado; and (e) the off-route point of Kersey, Colorado.

On June 28, 1967, Bethke Truck Lines (hereinafter referred to as "Bethke" or "Protestant") filed its protest to the instant application as amended. Thacker Bros. Transportation, Inc. (hereinafter referred to as "Thacker") filed a Petition for Leave to Intervene on June 28, 1967; Applicant, on July 5, 1967, filed its Motion to Strike the aforesaid Petition; the Commission, by Decision No. 69787, dated July 7, 1967, denied Thacker's intervention; on July 13, 1967, Thacker orally moved for leave to appear as amicus curiae; and finally the Commission, on July 20, 1967, by Decision No. 69836, authorized Thacker to appear. The Contract Carriers Conference of the Colorado Motor Carriers' Association (hereinafter referred to as "the Contract Carriers Conference"), on July 12, 1967, filed a Petition for Leave to Intervene or alternatively to appear as amicus curiae; and the Commission, on July 20, 1967, by Decision No. 69836, authorized said Conference to appear as amicus curiae. The Staff of the Commission (hereinafter referred to as "the Staff"), on July 10, 1967, pursuant to Rule 6 of the Commission's Rules of Practice and Procedure, gave notice of its participation in the cause; and the Commission on July 20, 1967, by Decision No. 69836, authorized the Staff to so appear as a party.

After notice to all interested persons, firms or corporations, hearings were duly held at Greeley, Colorado on October 16, 17 and 25, 1967. Following the hearings on the aforesaid dates, briefs were filed by Applicant, Protestant, and by both amici curiae.

As material here, Applicant is the present owner and operator of two motor vehicle private carrier permits issued by this Commission. One of the permits -- Private Carrier Permit No. A-454 -- authorized the transportation of freight between Denver and Nunn and intermediate points, serving the off-route point of Kersey. The other permit -- Private Carrier Permit No. A-673 -- authorizes the transportation of freight between Denver and Nunn and intermediate points via U. S. Highway 85. Applicant consented to the cancellation of the aforesaid permits only to the extent that the same would duplicate any authority if granted by the Commission in this present proceeding.

During the course of the hearings, Applicant called and presented eight public witnesses; and, in addition thereto, the testimony of thirteen public witnesses from Denver and five public witnesses from Greeley was stipulated and agreed to by the parties. Applicant's operating evidence was presented by Dale B. Platzer, its vice president and general manager. Three public witnesses appeared and testified on behalf of Protestant. Protestant Frederic A. Bethke and his Gilcrest assistant office manager also personally testified; and, in addition thereto, the testimony of several Denver public witnesses was stipulated and agreed to by the parties. Neither amicus curiae nor the Staff presented any direct evidence.

The record as made contains evidence concerning the inadequacy of existing motor vehicle carrier service and of a public need for additional motor vehicle common carrier service. A farm implement manufacturing company representative at Greeley indicated and described his company's need for afternoon service and its inability to obtain the same; in like fashion, a Ford parts distributor indicated the same; a sporting goods dealer set forth his need for faster service and indicated some dissatisfaction with Protestant's service; a milking machine company official set forth his company's need for a carrier to have a Greeley dock in order to obtain emergency service which, at present, is not available because Greeley lacks a dock; a roller skating rink supplier described his dissatisfaction

with Protestant's pick up service; an agricultural chemical manufacturer set forth his need for Greeley dock service; and an agricultural implement manufacturer at Ault, Colorado expressed difficulty in getting the Protestant to provide service when needed and to his difficulty in tracing shipments tendered to the Protestant when delayed delivery would occur.

The evidence showed that the Protestant maintains terminals at Denver, Colorado and Gilcrest, Colorado (a few miles south of Greeley) but does not have dock facilities at either Gilcrest or Greeley; that very little freight is actually "worked" at Gilcrest because the biggest portion of the freight being delivered comes directly off the trucks departing from Denver; and that consequently, because of the aforesaid, the receiver of freight must normally wait until his freight is reached in the truck before he can get it. Protestant plans to have a warehouse and terminal in Greeley in the future. Protestant does not provide an afternoon southbound service whereby a Greeley shipper could have his freight taken to Denver in the afternoon for delivery to interline carriers that same night for through transportation service to other Colorado points for delivery the next day. This factor places Greeley shippers at a competitive disadvantage with their competitors in Denver whose afternoon's freight is delivered next day to all Colorado points. The Applicant proposed such service and indicated that it is feasible and practical to perform for the same.

Applicant holds interstate common carrier authority paralleling the intrastate authority sought here, and, as a consequence thereof, would be able to render a complete intrastate-interstate service to the public if it is granted the authority as herein sought.

Protestant's evidence consisted of attempts to rebut Applicant's evidence, and that of public witnesses whose testimony was generally to the effect that the Protestant adequately meets all their transportation requirements in excellent fashion.

In presenting its case, Applicant did not rely upon its existing private carrier service as a means of justifying a grant of the proposed

common carrier authority as herein sought. Instead, it based its proof upon a showing of public convenience and necessity and of inadequacy of existing common carrier service. As to the evidence presented in this regard, there were many areas of conflict.

Evidence was presented concerning the fitness, willingness, and ability of Applicant to perform the herein proposed service. This evidence showed that the Applicant operates thirty-four pieces of transportation equipment; maintains full-time experienced personnel; has adequate dock and terminal facilities, including terminals and docks at Denver and Greeley; and is financially qualified, having an unencumbered capital of approximately \$62,000. The Protestant conceded that the Applicant, as a private carrier competitor, has fully operated in a lawful manner. Applicant agreed to abide by all applicable laws and rules and regulations of the Commission.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, and from the above and foregoing Statement, which, by reference, is made a part hereof, the Commission is of the opinion, and finds as fact the following.

1. That Capron Truck Co., a Colorado corporation, is the owner and operator of Private Carrier Permit No. A-454 and Private Carrier Permit No. A-673 which, in substantially duplicating manner, authorize a transportation service between Denver, Colorado and Nunn, Colorado and intermediate points with off-route service to Kersey.

2. That the common carrier authority as herein sought encompasses substantially the same commodities, territory and routes as to points north of Fort Lupton, Colorado which is presently authorized by Private Carrier Permit No. A-454 and Private Carrier Permit No. A-673, except as to restrictions against commodities of unusual value, dangerous explosives, uncrated household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading. These commodity restrictions are presently contained in Applicant's interstate operating

authority. Applicant did not seek authority as to points from Fort Lupton southward toward the Denver commercial zone and by its application, the Applicant intends to retain its private carrier authority in that area.

3. That the Applicant has operated its private carrier permits for a number of years and in a lawful and responsible manner.

4. That the Applicant maintains terminals in Denver and Greeley. It employs qualified, experienced personnel, and operates thirty-four pieces of transportation equipment. Its net worth (unencumbered capital) is approximately \$62,000. Its qualifications are further enhanced by the fact that it holds parallel operating authority from the Interstate Commerce Commission.

5. That, while certain shippers in the affected territory expressed a need for scheduled common carrier afternoon southbound service, Protestant contended that such service was not economically possible. Since we are hereinafter granting the application for other reasons, the shippers will have this service available if, in fact, the Applicant is able to provide the same. Denver, Greeley, and the other communities along the involved route are experiencing tremendous growth in population, business and industry which justifies a finding that there is sufficient traffic available to support two competitive common carriers. Bethke conceded on the witness stand that, should the Commission determine that there is need for an additional common carrier between the points as herein involved, he would have no objection to the granting of the instant application. Bethke did, however, remain as a Protestant. The Commission does find that the public convenience and necessity requires the granting of the instant application to the extent and in the manner as hereinafter set forth.

6. That Protestant Bethke, as the only Protestant, holds the only scheduled motor vehicle common carrier certificate authorizing service to the territory as herein involved.

7. That continued operation by the Applicant of Private Carrier Permit No. A-454 and Private Carrier Permit No. A-673 in the territory south of Fort Lupton would not be consistent or feasible with the conduct

of common carrier operations serving the territory north of Fort Lupton. Commission regulations, for example, prohibit private carrier advertising. Applicant would be permitted as a common carrier to advertise in Denver but would be forbidden to do so as a private carrier. The common carrier advertising would inevitably bring Applicant's name before the public and would accordingly enhance and benefit his private carrier operation. The prohibition against transporting both private carrier freight and common carrier freight in the same vehicle at the same time, and the resulting necessity to use separate pick up and delivery vehicles, would materially increase the cost of operation. Other examples could be cited also of the practical difficulties of maintaining a private carrier service over only part of a route (where interstate common carrier service is performed) and common carrier service over the balance of that route. The Commission recognizes that other situations may exist where similar problems arise from existing operations of other carriers. We make no decision here as to other motor vehicle carriers, but we do intend to avoid these problems in granting the new authority to the Applicant herein.

8. That the wording used in the application to describe the proposed service is repetitive and will be hereinafter redescribed in such a manner as not to change the scope of the application as amended.

THE COMMISSION FURTHER FINDS:

1. That the public convenience and necessity require and will require the scheduled motor vehicle common carrier service of Capron Truck Co. as set forth in the following Order.

2. That the Applicant is fit, willing and able to perform the service as set forth in the following Order, and should be granted authority so to do.

3. That it would not be consistent with the public interest for Applicant to operate Private Carrier Permit No. A-454 and Private Carrier Permit No. A-673 when authorized to operate as a common carrier as set

forth in the following Order. That the granting of the common carrier authority should therefore be conditioned upon the fact of complete revocation and cancellation of Private Carrier Permit No. A-454 and Private Carrier Permit No. A-673.

O R D E R

THE COMMISSION ORDERS:

That Capron Truck Co., a Colorado corporation, Denver, Colorado, be, and hereby is, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

Transportation -- on schedule -- of

General commodities

Between Denver, Colorado (and a five mile radius thereof) and Nunn, Colorado over U. S. Highway 85, serving intermediate points located north of Fort Lupton, Colorado and the off-route point of Kersey, Colorado. Pick up and delivery service is authorized within Greeley, Colorado and a three mile radius thereof, and Eaton, Colorado and a three mile radius thereof.

RESTRICTION:

This Certificate is restricted against the transportation of articles of unusual value, dangerous explosives, uncrated household goods, commodities in bulk, and commodities requiring special equipment;

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

That the private carrier operating authorities of Capron Truck Co., being Private Carrier Permit No. A-454 and Private Carrier Permit No. A-673, be, and the same hereby are, revoked and cancelled in their entirety.

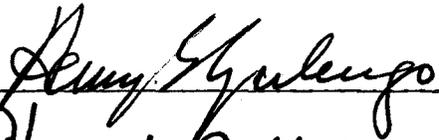
That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission within twenty days from the date hereof.

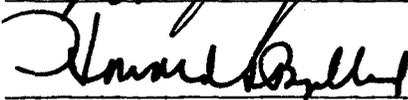
That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, public enemy or extreme conditions.

That this Order is subject to compliance by the holder of this Certificate 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 8th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UDELL SEAL, ROUTE 1, BOX 371, P. O.)
BOX 525, DELTA, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23609-PP

April 10, 1969

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 24, 1969, 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 called for hearing -- by Commission Examiner William D. Mitchell -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, 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.

ORDER

THE COMMISSION ORDERS:

That Application No. 23609-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1969.
gf

(Decision No. 72822)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK L. ATWOOD, 224 NORTH CASCADE,)
MONTROSE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23630-PP

April 10, 1969

Appearances: Mrs. Jack L. Atwood, Montrose,
Colorado, wife of Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 3, 1969, 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 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 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

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

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 150 miles of said forests;

- (2) Rough lumber

From sawmills in said 150-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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Jack L. Atwood, Montrose, 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 150 miles of said forests;

(2) Rough lumber

From sawmills in said 150-mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against the rendering of any 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

Henry Spaulding

Donald R. Bell

J. R. Linsley

Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT M. LARSON, DOING BUSINESS AS)
"BOB LARSON TRUCKING," BOX 304, BASALT,)
COLORADO, FOR AUTHORITY TO EXTEND OPER-)
ATIONS UNDER PERMIT NO. B-7190.)

APPLICATION NO. 23449-PP-Extension

April 10, 1969

Appearances: Oates and Austin, Esqs., Aspen,
Colorado, for Applicant;
Peter J. Crouse, Esq., Denver,
Colorado, for Don Ward, Inc.,
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 9, 1968, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-7190 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 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 Don Ward, Inc.

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

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

1. Applicant is an individual, doing business as "Bob Larson Trucking."
2. Applicant presently holds authority from this Commission under Permit No. B-7190, which reads as follows:

"Decision No. 71371: 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 seventy-five (75) 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 seventy-five (75) 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 seventy-five (75) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of seventy-five (75) miles of said pits and supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

3. The authority to which extension is hereby sought, Permit No. B-7190, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicant seeks to extend the authority under Permit No. B-7190 to include the following:

"Transportation of ore from mines located within the Counties of Eagle and Pitkin, State of Colorado."
5. The present and future need for a locally based ore carrier was established by the uncontroverted testimony of witnesses Hollingsworth and Smart.

6. There is a present need for a carrier to haul ore intra-state in quantities ranging from six tons to forty tons (assay loads to one or several assay laboratories located, for example, at Carbondale, Colorado, at the Colorado School of Mines, Golden, Colorado, and at several other possible locations within the State of Colorado).
7. The testimony of Edwin A. Smart, Mining Consultant and Local Manager for McCulloch Mining Company, a subsidiary of McCulloch Oil Company, established the need for transportation services in the hauling of assay loads, particularly to the Colorado School of Mines, Golden, Colorado. In his testimony, witness Smart related that the aforesaid McCulloch Mining Company and Utah Construction and Mining Company are presently engaged as joint venturers in the exploration of Cowenhoven Tunnel and sees a present and/or immediate future need for the hauling of assay loads of ore to the Colorado School of Mines. Another client of witness Smart, the Silver Dawn Mining Company, is presently engaged in mining and is presently working the "Smuggler Mine" on a two-phase basis. The first phase is working the dump, the next phase will be to mine underground ore. There is a present need for transportation service to haul from this mine and various other mines in the immediate area to the Colorado School of Mines, Golden, Colorado, starting now.
8. The uncontroverted testimony of witnesses Smart and Hollingsworth was to the effect that they had never been solicited by any carrier for transportation of ore. Witness Smart had never heard of Don Ward, Inc. His company would have shipped some assay loads last fall if he could have found available transportation service.
9. Witnesses Nelson, Hollingworth and Smart testified that their companies would use the transportation services of the Applicant at such time as he was authorized to perform such services.
10. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
11. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
12. 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.
13. 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.
14. 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.

15. 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-7190 to include:

"Transportation of ore from mines located within the Counties of Eagle and Pitkin, State of Colorado, to all points within the State of Colorado."

That henceforth the entire authority under Permit No. B-7190 shall be 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 seventy-five (75) 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 seventy-five (75) 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 seventy-five (75) miles of said jobs.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of seventy-five (75) miles of said pits and supply points.

RESTRICTION:

Items numbered 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Ore

From mines located within the Counties of Eagle and Pitkin, State of Colorado, to all 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Robert M. Larson, doing business as "Bob Larson Trucking," Basalt, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-7190 to include the following:

Transportation of ore from mines located within the Counties of Eagle and Pitkin, State of Colorado, to all points within the State of Colorado.

That henceforth the full and complete authority under Private Carrier Permit No. B-7190, 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 75 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 75 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 75 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Ore

From mines located within the Counties of Eagle and Pitkin, State of Colorado, to all points within the State of Colorado.

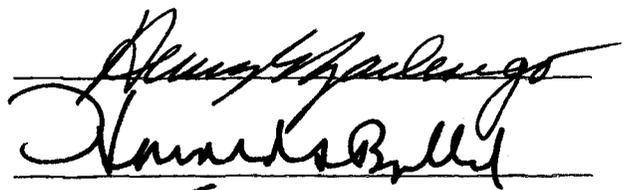
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

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 10th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOROTHY HOPE TRUJILLO, ADMINISTRA-)
TRIX OF THE ESTATE OF WALTER J.)
TRUJILLO, DECEASED, 470 WILLS STREET,)
CENTER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-6184 TO)
DOROTHY HOPE TRUJILLO, 470 WILLS)
STREET, CENTER, COLORADO.)

APPLICATION NO. 23564-PP-Transfer

April 10, 1969

Appearances: Robert W. Ogburn, Esq., Monte
Vista, Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 9, 1969, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-6184.

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 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

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

1. Walter J. Trujillo, now deceased, was formerly the owner and operator of Permit No. B-6184, which is the subject of this proceeding.
2. Said authority has been continually operated in the past and is presently in good standing with the Commission.
3. Upon the death of the said Walter J. Trujillo, his widow, Dorothy Hope Trujillo, was appointed Administratrix pursuant to Letters of Administration dated July 19, 1967.
4. Pursuant to Decree of Final Settlement issued by the District Court, In and For The County of Saguache, State of Colorado, dated January 31, 1969, the personal property, which included this authority, was distributed to the Transferee.
5. Transferee holds no previously granted authority from this Commission.
6. There is to be no consideration paid for this authority since the Transferee is the sole distributee of the Estate of Walter J. Trujillo, Deceased.
7. The Permit is free and clear of any debts, encumbrances or obligations.
8. Transferee has no equipment as it had been previously sold.
9. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.
10. 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 her right, title and interest in and to Permit No. B-6184 to Dorothy Hope Trujillo, and that henceforth the full and complete authority under said Permit No. B-6184 shall be and read as follows, to-wit:

"Transportation of

Farm products

From farms and cellars within a radius of ten miles of Center, Colorado, to loading points in said area."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Dorothy Hope Trujillo, Administratrix of the Estate of Walter J. Trujillo, Deceased, Center, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-6184 to Dorothy Hope Trujillo, Center, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-6184 shall read and be as follows, to-wit:

Transportation of

Farm products

From farms and cellars within a radius of ten miles of Center, Colorado, to loading points in said area.

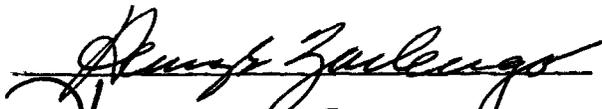
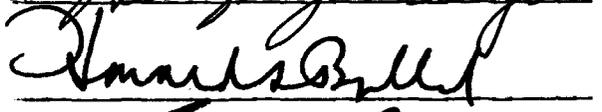
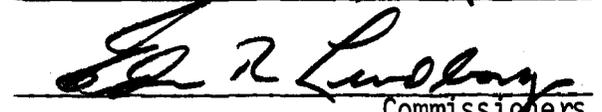
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT BELL, BOX 667, DELTA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23606-PP

April 11, 1969

Appearances: Albert Bell, Delta, Colorado,
pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 24, 1969, 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 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 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

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

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 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Albert Bell, Delta, 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 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 the rendering of any 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

Henry J. Zuckerman
Harold B. Butler
E. J. Lusk
Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT BURUSE, ROUTE 2, HOTCHKISS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23608-PP

April 11, 1969

Appearances: Robert Buruse, Hotchkiss,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 24, 1969, 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 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 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

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

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 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Robert Buruse, Hotchkiss, 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 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 the rendering of and 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.

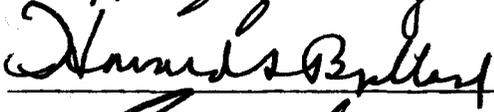
That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

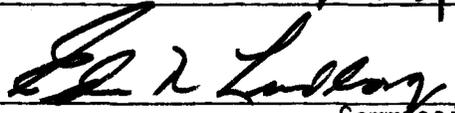
That the right of Applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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 11th day of April, 1969.
gf

(Decision No. 72827)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. F. BURKHARD CO., A CORPORATION,)
P. O. BOX 126, HOTCHKISS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23629-PP

April 11, 1969

Appearances: W. L. States, Hotchkiss, Colorado,
Vice-President of Applicant Cor-
poration, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 3, 1969, 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 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 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

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

1. Applicant is a corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant does not hold previously granted authority from this Commission other than an "M" Permit.
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 the employees of the Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as 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 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 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 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That A. F. Burkhard Co., a corporation, Hotchkiss, 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 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 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 50 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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.

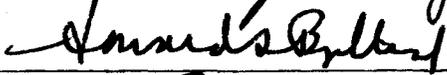
That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

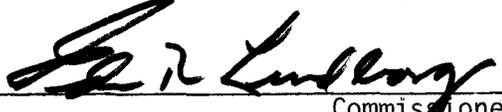
That the right of Applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.
gf

(Decision No. 72828)

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 11, 1969

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:

J. F. Adkins	1209 - 25th Street Alamogordo, New Mexico 88310
Dean D. Allison dba Dean Allison Trucking	637 North Barrett Road Yuba City, California 95991
All Star Coach Inc.	720 West Buchanan Street Phoenix, Arizona 85007
B and J Supply Inc.	Box 94037 4000 South Eastern Oklahoma City, Oklahoma 73109
Thomas Bacon	Brush, Colorado 80723
Wesley G. Baker	P. O. Box 33 Idalia, Colorado 80735
Big Stone Canning Co.	P. O. Box 577 Ortonville, Minnesota 56278
Arlo F. Bowen	Route 1 Wheatland, Wyoming 82201
Alvin E. Brooks	1102 Binkley Dumas, Texas 79029
Dan W. Caldwell	Box 35 Cripple Creek, Colorado 80813
Chicken House, Inc.	Route 2, Box 40 Sidney, Nebraska 69162
Commercial Distributing Co.	25 South 3rd West Salt Lake City, Utah 84101
E. E. Mallow dba Cortez Precast	P. O. Box 517 Cortez, Colorado 81321
Bert DeFellippie	Box 166 Florence, Colorado 81226
DeLong's Incorporated	Dix Road and Industrial Drive Jefferson City, Missouri 65101
Louis A. DeShea dba DeShea Suppliers	548 North 26th Street Grand Junction, Colorado 81501

Eagle Campers Inc.	4736 Isleta S.W. Albuquerque, New Mexico 87105
Dwaine Easley	P. O. Box 242 Ben Wheeler, Texas 75754
Faith Contracting Corporation	1245 Boston Avenue Longmont, Colorado 80501
Catarino Gonzales Jr.	Box 579 Burlington, Colorado 80807
Carrol Webster Hogue	Route 1, Box 170-A East 6th Street Las Animas, Colorado 81054
Newton B. Irvin dba Hubbard Park Lumber Co.	288 - 27½ Road Grand Junction, Colorado 81501
Jerry McAdow	1701 West Stoll Denver, Colorado 80221
John Robert McCrumb dba Independent Towing	3217 - 11th Avenue Greeley, Colorado 80631
J and J Casing Pullers, Inc.	P. O. Box 1436 Farmington, New Mexico 87401
David Johnson	2502 West 9th Street North Platte, Nebraska 69101
James Howard Jones and Donald Ray Mitts dba Jones and Mitts Trucking	1641 Smiley Drive Murray, Utah 84107
Joseph A. Dixon dba K and L Service Co.	333 A North Circle Drive Colorado Springs, Colorado 80909
Charles J. Kemp	Route 2, Box 213 Delta, Colorado 81416
Michael T. and Linda E. Drowns dba Linda Vista Mobile Homes	6390 East Highway 24 Colorado Springs, Colorado 80909
Ted L. Martinez	734 Worth Center, Colorado 81125
Orville W. Miller	3505 Bennett Durango, Colorado 81301
James M. O'Bleness	Box 81 Satanta, Kansas 67870
Odds and Ends Ltd.	5801 Federal Boulevard Denver, Colorado 80221
Overhead Door Co.	8600 South Central Express Way Dallas, Texas 75239
Don Paine	R. R. 1 Edison, Nebraska 68936

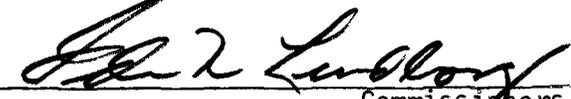
Park Chapman Industries, Inc.	11705 Shiawassee Street Lennon, Michigan 48449
James W. and Phyllis G. Rawson and Aurelia E. Vease dba Plains Grain Co.	Burlington, Colorado 80807
Lloyd H. Putter	1706 North 9th Street Canon City, Colorado 81212
John W. Fowler dba Quality Auto Wrecking	1000 East Las Vegas Colorado Springs, Colorado 80906
David Milner dba Rocky Mountain Chuckwagon	1003 "C" South Tejon Street Colorado Springs, Colorado 80903
Telesforo and Dolores Rodriguez	Alamo Star Route Box 6 Walsenburg, Colorado 81089
Ben F. Shollenbarger dba Shollenbarger Wood Treating	Springer, New Mexico 87747
Vernon Smith	P. O. Box 164 Holly, Colorado 81047
South West Mobile Homes Inc.	4710 North Nevada Colorado Springs, Colorado 80907
Tony's Inc.	Airport Industrial Center Building 673 Salina, Kansas 67401
Tripple F Feed	P. O. Box 3600 Des Moines, Iowa 50322

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 11th day of April, 1969.
gf

(Decision No. 72829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: FREIGHT, ALL KINDS, FROM THE)	
TRANSPORTING CARRIERS OWN PUBLIC	)	INVESTIGATION AND SUSPENSION
WAREHOUSE TO TERMINALS OR DOCKS	)	<u>DOCKET NO. 615</u>
OF OVER-THE-ROAD FOR-HIRE CARRIERS.	)	<u>SUPPLEMENTAL ORDER</u>

April 10, 1969

Appearances: Joseph F. Nigro, Esq., Denver,
Colorado, for Respondents
Weicker Transfer & Storage Co.,
Gulf Atlantic, and Rocky Mountain
Warehouse Corporation;
John P. Thompson, Esq., Denver,
Colorado, for Intervenors
Boulder-Denver Truck Line and
Denver-Loveland Transportation, Inc.,
and Mel Chance, Individually;
Christian O. Igenbergs, Esq.,
Denver, Colorado, and
Ralph Knull, Denver, Colorado
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On March 17, 1969, the Commission entered Decision No. 72688 in the above-entitled matter.

On April 4, 1969, "Petition for Re-Hearing or Re-Consideration" was filed with the Commission by Respondents Weicker Transfer and Storage Company, Gulf Atlantic, and Rocky Mountain Warehouse Corporation, by their attorneys.

The Commission has carefully considered Petition for Re-Hearing or Re-Consideration 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 Re-Hearing or Re-Consideration filed with the Commission by Respondents, Weicker Transfer and Storage Company,

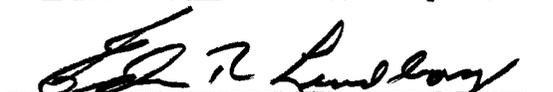
Gulf Atlantic, and Rocky Mountain Warehouse Corporation, be, and the same hereby is, denied.

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 10th day of April, 1969.
mp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
KEITH KINNETT, P. O. BOX 1264,)	
MONTROSE, COLORADO, FOR AUTHORITY TO	)	<u>APPLICATION NO. 23622-PP-Extension</u>
EXTEND OPERATIONS UNDER PERMIT NO.)	
B-7194.)	

April 11, 1969

Appearances: Keith Kinnett, Montrose,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 27, 1969, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-7194 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 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

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

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permit No. B-7194, which reads as follows:

"Decision No. 71367: Transportation of

(1) 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.

(2) Rough Lumber

From sawmills in said fifty (50) mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service."

3. The authority to which extension is hereby sought, Permit No. B-7194, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicant seeks to extend the authority under Permit No. B-7194 as follows:

"Transportation of logs, poles and timber products, from forest to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100 mile radius to markets in the State of Colorado; PROVIDED, HOWEVER, THAT NO TOWN-TO-TOWN SERVICE SHALL BE RENDERED."
5. The extension applied for herein is compatible with and does not conflict with 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-7194 as follows:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; PROVIDED, HOWEVER, THAT NO TOWN-TO-TOWN SERVICE SHALL BE RENDERED."

That henceforth the entire authority under Permit No. B-7194 shall be as follows:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Keith Kinnett, Montrose, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-7194 to include

the following:

Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; PROVIDED, HOWEVER, THAT NO TOWN-TO-TOWN SERVICE SHALL BE RENDERED.

That henceforth the full and complete authority under Private Carrier Permit No. B-7194, as extended, shall read and be as follows, to-wit:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 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 the rendering of any town-to-town service.

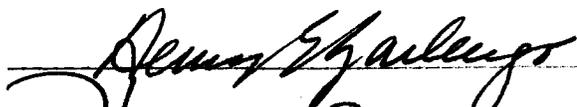
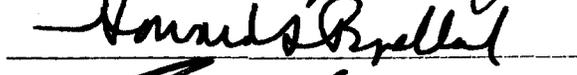
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

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 11th day of April, 1969.

1s

(Decision No. 72831)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RIO GRANDE MOTOR WAY, INC. FOR CLARI-)
FICATION, REDESCRIPTION AND EXTENSION)
OF OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 149.)

APPLICATION NO. 23589-Amended
Extension, Clarification and
Redescription

April 10, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 8, 1969, pursuant to Order of the Commission in Decision No. 72819, oral argument was held on "Motion to Strike Petition to Intervene and Protest of Ephraim Freightways, Inc." filed with the Commission by Warren D. Braucher, Attorney for Applicant.

The Commission states and finds that said Motion to Strike should be taken under advisement until a decision is rendered by the Supreme Court of the State of Colorado in Supreme Court Action No. 23653, Leonard DeLue, D. J. Sebern, T. W. Rinker and Ted P. Rinker, doing business as "Armored Motors Service", and the Contract Carriers' Conference of the Colorado Motor Carriers' Association, Plaintiffs in Error, vs. The Public Utilities Commission of the State of Colorado, John Joseph Perry and Paul K. DiAndrea, doing business as "Perry Transfer Company" and B. D. C. Corporation of Colorado, Defendants in Error.

The Commission further states and finds that Applicant's oral motion to vacate hearing on Application No. 23589-Amended now set for April 11, 1969, be and hereby is, granted and said application shall be reset for hearing at a date subsequent to the decision of the Supreme Court of the State of Colorado in said Supreme Court Action No. 23653 hereinbefore referred to.

O R D E R

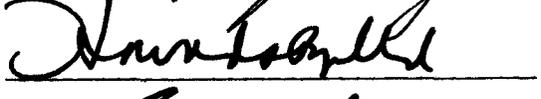
THE COMMISSION ORDERS:

That Motion to Strike Petition to Intervene and Protest of Ephraim Freightways, Inc. filed with the Commission on April 1, 1969, be, and the same is, taken under advisement until a decision is rendered by the Supreme Court of the State of Colorado in Supreme Court Action No. 23653, Leonard DeLue, D. J. Sebern, T. W. Rinker and Ted P. Rinker, doing business as "Armored Motors Service", and the Contract Carriers' Conference of the Colorado Motor Carriers' Association, Plaintiffs in Error, vs. The Public Utilities Commission of the State of Colorado, John Joseph Perry and Paul K. DiAndrea, doing business as "Perry Transfer Company" and B. D. C. Corporation of Colorado, Defendants in Error.

That hearing on Application No. 23589-Amended presently set for hearing at 10:00 o'clock A.M., April 11, 1969, at Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, is hereby vacated.

Said matter will be later reset for hearing before the Commission at a date subsequent to the decision of the Supreme Court of the State of Colorado in said Supreme Court Action No. 23653 hereinbefore referred to.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner

Dated at Denver, Colorado,
this 10th day of April, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GERAD M. MAGEE)
GENERAL DELIVERY)
GILLETTE, WYOMING 82716)

PERMIT NO. B-6439

April 11, 1969

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.

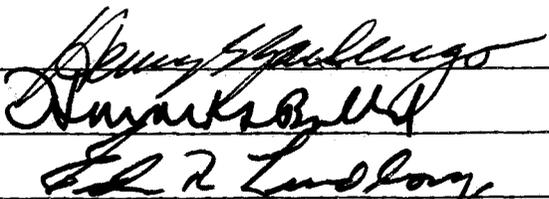
O R D E R

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 28, 1969 to and including September 28, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KARL J. SHRODE & RICHARD A. SHRODE, DOING)
BUSINESS AS "S & S TRUCKING")
E. 5TH AVE. & LASHLEY STREET)
LONGMONT, COLORADO 80501)

PERMIT NO. B-7185

April 11, 1969

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.

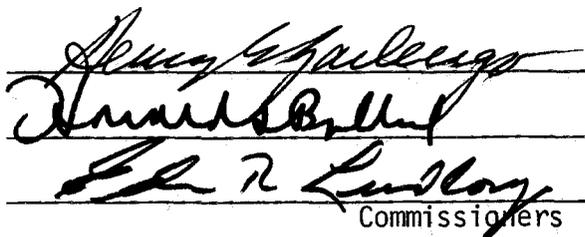
O R D E R

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 28, 1969 to and including September 28, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
LEO H. POOL
P. O. BOX 612
DOLORES, COLORADO 81323

PERMIT NO. B-7270

April 11, 1969

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.

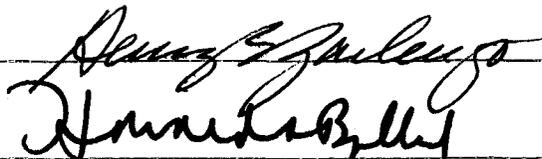
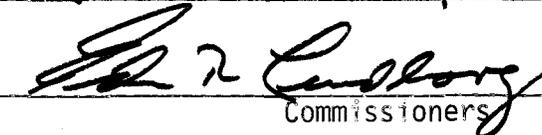
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 10, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.

(Decision No. 72835)

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 NO. ARCADIA)
COLORADO SPRINGS, COLORADO 80907)

PERMIT NO. B-5256

April 11, 1969

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.

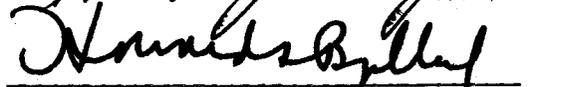
O R D E R

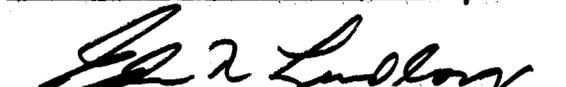
THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of April 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JESSE E. BROWN)
2100 - 10TH AVENUE)
GREELEY, COLORADO 80631)

PERMIT NO. M-12193

April 11, 1969

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.

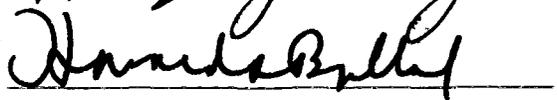
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 4, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JESSE E. BROWN
2100 - 10TH AVENUE
GREELEY, COLORADO 80631

PUC NO. 4574-I

April 11, 1969

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.

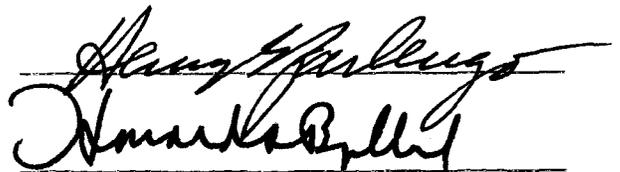
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 4, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 11th day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
W. E. BELDEN
RURAL ROUTE NO. 1
SYLVIA, KANSAS 67581

PUC NO. 6803-I

April 11, 1969

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.

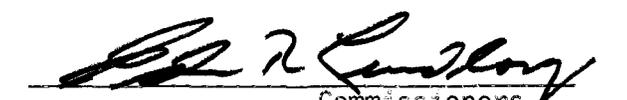
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.
1s

(Decision No. 72839)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DWAUNE E. REDFIELD)
PALISADE, NEBRASKA 69040)

PUC NO. 4772-I

April 11, 1969

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.

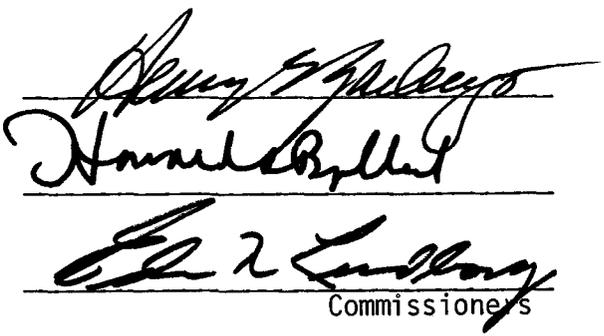
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 23, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.
15

(Decision No. 72840)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BILL JENKINS, DOING BUSINESS AS)
BILL JENKINS TRUCKING CO.)
704 WEST SANDIA)
CLOVIS, NEW MEXICO 88101)
-----)

PUC NO. 7172-I

April 11, 1969

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.

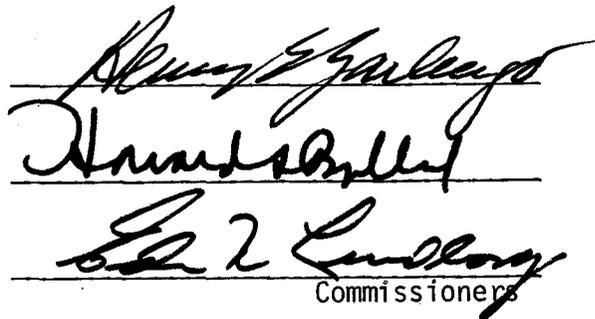
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1969.
1s

(Decision No. 72841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) EVERETT S. BALDWIN, 6840 HURON STREET,) DENVER, COLORADO, FOR A CLASS "B" PER-) MIT TO OPERATE AS A PRIVATE CARRIER BY) MOTOR VEHICLE FOR HIRE.) -----	APPLICATION NO. <u>23599-PP</u>
---	---------------------------------

April 14, 1969

Appearances: Everett S. Baldwin, Denver,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 17, 1969, 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 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 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

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

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 service 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 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 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 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Everett S. Baldwin, 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 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 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 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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

Dated at Denver, Colorado,
this 14th day of April, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENTS, CLIFTON L. CLARK &)
ERNEST L. PETERSON, DBA GOLDEN)
WEST TRANSPORTATION COMPANY,)
P. O. BOX 328, FREDERICK, COLORADO)
80530)

CASE NO. T-9
CERTIFICATE NO. 1012
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE

April 14, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above-named Respondents were issued the above-captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondents have violated the law and the rules and regulations of the Commission by failing and neglecting to file a schedule of rates as required, and that said respondents are now conducting motor vehicle operations under said operating rights in violation of said law, rules and regulations.

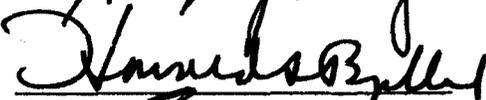
The Commission states and finds that unless the named Respondents file with the Commission the above-stated matter or shows cause why the captioned and numbered operating rights should not be revoked for failure to comply therewith on or before the date set for hearing of this Case, the Commission will (1) enter an order without further notice, revoking said respondents operating rights for this violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That the Case be, and the same hereby is, set for hearing before the Commission on May 5, 1969, 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

Commissioner

Dated at Denver, Colorado, this
14th day of April, 1969. dh

(Decision No. 72843)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOB G. MORRISON, DOING BUSINESS AS)
"GRAND MESA SAFARIS," 239 TWYMAN)
DRIVE , GRAND JUNCTION, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23632

April 14, 1969

Appearances: H. K. Webster, Esq., Grand
Junction, Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 28, 1969, 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 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'S FINDINGS OF FACT

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

1. Applicant is an individual, doing business as "Grand Mesa Safaris".
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 or special need for the proposed service and the granting of the authority, as hereinafter set forth, will be in the public interest.
6. There is presently no service available.
7. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
8. 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 for a Certificate of Public Convenience and Necessity authorizing Applicant to operate as a common carrier by motor vehicle for hire with authority as follows:

"Transportation -- on call and demand -- of

(1) Passengers in sightseeing service

Between Grand Junction, Colorado, on the one hand, and points within a sixty (60) mile radius thereof, on the other hand.

RESTRICTIONS:

This Certificate is restricted as follows:

- (a) To the use of four (4) wheel drive vehicles not to exceed ten (10) passengers.
- (b) 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, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Bob G. Morrison, doing business as "Grand Mesa Safaris," Grand Junction, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation -- on call and demand -- of

Passengers in sightseeing service

Between Grand Junction, Colorado, on the one hand, and points within a sixty (60) mile radius thereof, on the other hand.

RESTRICTION:

This Certificate is restricted as follows:

1. To the use of four-wheel drive vehicles, with a maximum capacity of not to exceed ten (10) passengers.
2. To round trip service originating and terminating at Grand Junction, Colorado;

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

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

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 14th day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BEST-WAY PAVING CO., A COLORADO COR-)
PORATION, 1855 MONTVIEW BOULEVARD,)
P. O. BOX 338, GREELEY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23643-PP

April 14, 1969

Appearances: William E. Shade, Esq., Greeley,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 20, 1969, 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 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 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

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

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant does not hold previously granted authority from this Commission other than an "M" Permit.
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 the employees of the Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as 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 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 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 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Best-Way Paving Co., a Colorado corporation, Greeley, 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 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 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 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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

Commissioner

Dated at Denver, Colorado,
this 14th day of April, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: EDIBLE SYRUPS, AND BLENDS
THEREOF, IN BULK, BETWEEN
POINTS IN COLORADO

INVESTIGATION AND SUSPENSION
Docket No. 635

April 14, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1969, Hubert Work, Executive Vice President, filed with the Commission for North Denver Storage., doing business as Weicker Transport Co., Local Tariff No. 1, Colorado PUC No. 1, naming commodity rates for the transportation of edible syrups, and blends thereof, in bulk, between points in Colorado. This schedule is published to become effective April 16, 1969. The transportation service is to be performed under Permit No. B-802.

The Commission finds that the rates by respondent herein 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.

ORDER

THE COMMISSION ORDERS:

1. That the Statement and Findings be, and the same are hereby, made a part hereof.
2. That it shall enter upon a hearing concerning the lawfulness of the rates as proposed in the tariff 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 August 14, 1969, 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 schedule: under the Public Utilities Law.

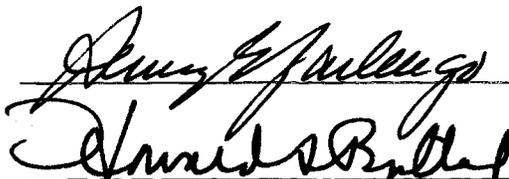
5. That neither the schedule hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

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 Hubert Work, Executive Vice President, North Denver Storage Co., doing business as Weicker Transport Co., 2900 Brighton Blvd., Denver, Colorado 80205, and said carrier be, and it is hereby, made respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to in the statement and findings herein.

7. 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. 635 be, and the same is hereby, set for hearing before the Commission on the 17th day of June, 1969, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Edwin R. Lundborg necessarily absent and not participating.

Dated at Denver, Colorado, this
14th day of April, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RICHARD H. ESHE AND LOIS MAE ESHE,)	
DOING BUSINESS AS "SOUTH PARK MOTOR)	
LINES," 48 EAST 56TH AVENUE, DENVER,	)	<u>APPLICATION NO. 23600-Extension</u>
COLORADO, FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY AUTHORIZING)	
EXTENSION OF OPERATIONS UNDER PUC NO.)	
1026 AND PUC NO. 1026-I.)	

April 14, 1969

Appearances: John P. Thompson, Esq., Denver, Colorado, for Richard H. Eshe and Lois Mae Eshe, doing business as "South Park Motor Lines," Applicants;

Raymond B. Danks, Esq., Denver, Colorado, for Denver-Climax Truck Line, Inc., Protestant;

Edward T. Lyons, Esq., Denver, Colorado, for Goldstein Transportation & Storage, Inc., and Westway Motor Freight, Inc., Protestants;

Joseph F. Nigro, Esq., Denver, Colorado, for Hoffman Transfer and Weicker Transfer & Storage Company, Inc., Intervenors.

PROCEDURE AND RECORD

On February 3, 1969, Richard H. Eshe and Lois Mae Eshe, co-partners doing business as "South Park Motor Lines" filed the instant application (No. 23600-Extension) seeking a certificate of public convenience and necessity authorizing an extension of operations under PUC No. 1026 (as to intrastate commerce in Colorado) and under ICC--MC--97186 (as to interstate and foreign commerce), such proposed extension to authorize (as amended):

Transportation of general commodities, except cement in bulk, in scheduled service over regular routes

Between Denver, Colorado, and points within five miles thereof, on the one hand, and on the other hand, the east portal of Straight Creek Tunnel (located in Clear Creek County, Colorado) and the west portal of Straight Creek Tunnel (located in Summit County, Colorado) over U.S. Highway 6, Interstate Highway 70, and Colorado Highway 9, serving no intermediate points.

On March 24, 1969, a Protest was filed by Denver-Climax Truck Line, Inc. On March 26, 1969, a Petition for Leave to Intervene with Protest contained therein was filed by Goldstein Transportation & Storage, Inc. On March 27, 1969, a joint Petition to Intervene as their interest might appear was filed by Hoffman Transfer and Weicker Transfer and Storage Company, Inc. On April 1, 1969, a Motion to Strike the Hoffman and Weicker Petition to Intervene was filed by the Applicants. Also on April 1, 1969, a Motion to Strike the Denver-Climax Protest was filed by Applicants.

After due and proper notice, the application was called for hearing by Commissioner Howard S. Bjelland at 10:00 o'clock A.M. on Thursday, April 3, 1969, in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado. After taking the above appearances as listed, the Presiding Commissioner asked whether there were any preliminary matters that needed to be determined prior to the taking of testimony, whereupon the following preliminary matters were raised:

1. Edward T. Lyons, Esq. requested permission to add Westway Motor Freight, Inc. as a Protestant along with Goldstein Transportation & Storage, Inc. on the grounds that through inadvertent omission of counsel, Westway Motor Freight, Inc. had not been included as a Protestant. Over the objections of John P. Thompson, Esq., permission was granted to add Westway Motor Freight, Inc. as a Protestant. The Petition for Leave to Intervene as to Goldstein Transportation & Storage, Inc. and Westway Motor Freight, Inc. was granted.

2. The Motion to Strike the Petition to Intervene as to Hoffman Transfer and Weicker Transfer and Storage Company, Inc. was granted and pursuant thereto the said Petition to Intervene was stricken. At this point, Joseph F. Nigro, Esq. requested permission of the Presiding Commissioner to file a proper intervention as to Hoffman Transfer and Weicker Transfer and Storage Company, Inc. The request was denied.

3. The Motion to Strike the Denver-Climax Protest was considered by the Presiding Commissioner, and the Motion to Strike was denied.

4. John P. Thompson, Esq. now requested permission of the Presiding Commissioner to amend the application by interlineation by inserting the words "except cement in bulk" after the word commodities in the authority sought in the instant application. Permission to so amend was granted and the amendment was made by interlineation and has been included in the description of the authority sought as set out hereinabove.

5. At this point colloquy occurred between counsel as to whether the Westway and Goldstein Protest should be restricted only to intrastate commerce. The Presiding Commissioner ruled that such Protest went to both inter and intrastate commerce.

6. John P. Thompson, Esq. now moved for a continuance in the proceeding based on surprise occasioned by the rulings by the Presiding Commissioner as to the Goldstein and Westway Protest. The Motion for Continuance was denied.

After the above rulings on preliminary matters had been made by the Presiding Commissioner, the Applicant proceeded to present testimony. Lois M. Eshe -- one of the applicants, Lamoyne Willemsen -- a tire salesman for Art Malanti's Construction Tire Service, and Dennis Jones -- a sales representative for Midwest Rubber, testified in support of the application. Applicant's exhibits 1 through 4 inclusive were admitted in evidence. Upon conclusion of the case of the Applicants, the Protestants moved to dismiss the application for failure of proof. The Presiding Commissioner took such motion under advisement and pending ruling thereon, recessed and continued the hearing.

DISCUSSION

By the application filed herein, Richard H. Eshe and Lois Mae Eshe, doing business as "South Park Motor Lines," seek a Certificate of Public Convenience and Necessity from this Commission authorizing the rendition of scheduled regular route common carrier service between Denver, Colorado and points within five miles on the one hand and the construction sites of Straight Creek Tunnel on the other. The east portal of Straight

Creek Tunnel is located in Clear Creek County, Colorado and the west portal of Straight Creek Tunnel is located in Summit County, Colorado. No authority is sought to serve intermediate points. If the authority sought herein should be granted, the Applicants intend to operate daily scheduled service five days a week to and from the construction site. The two shipper witnesses testifying in support of the application indicated that their respective companies did have some shipments to the tunnel sites and that they were already receiving scheduled service to the tunnel sites from Denver-Climax Truck Line, Inc.

In this particular case it is unnecessary to set forth in great detail the testimony introduced at the hearing. The Commission now specifically finds that the evidence introduced is completely inadequate to prove public convenience and necessity as to a scheduled regular route common carrier service. The Applicants have failed to sustain the burden of proof. Under these circumstances the Motion to Dismiss must be sustained and the application denied.

O R D E R

THE COMMISSION ORDERS:

That Motion to Dismiss be, and the same hereby is, sustained and Application No. 23600-Extension be, and the same hereby is, dismissed and denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1969.

1s

Original

(Decision No. 72847)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM 91, COLORADO MOTOR CARRIERS')
ASSOCIATION, AGENT, LOCAL CARTAGE)
TARIFF NO. 15, COLORADO PUC NO. 13)

INVESTIGATION AND SUSPENSION
Docket No. 626

April 21, 1969

Appearances: Joseph F. Nigro, Esq., for
Respondents
Ralph H. Knull, for the Staff
of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 8, 1969, the Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed 4th Revised Page No. 6, to Local Cartage Tariff No. 15, Colorado PUC No. 13, which added a new item, No. 91, setting forth certain rules regarding the transportation of freight during normal business hours. Said tariff provisions were scheduled to become effective on February 8, 1969. However, upon receipt of a protest filed on behalf of General Foods Corporation, the Commission, by Decision No. 72514, dated February 4, 1969, ordered the provisions suspended and the use thereof deferred to and including June 4, 1969.

The matter was set for hearing before the Commission on the 8th day of April, 1969, at 10:00 o'clock a.m., at Denver, Colorado. The hearing was held as scheduled and the matter taken under advisement.

Mr. Joseph F. Nigro, on behalf of the Respondent Motor Carriers, offered the following amendment to Item 91 of Local Cartage Tariff No. 15, Colorado PUC No. 13:

"Class and commodity rates published in this tariff will apply for the transportation of freight during normal business hours. Shipments picked up or delivered at times other than normal business hours at request of shipper or consignee will be subject to overtime charges based on the hourly rates published on Page 8 of this tariff. The hourly rates will apply to actual hours operated between 4:30 p.m., and 8:00 a.m., and are for the account of the party requiring this service.

"The term normal business hours, as used in this rule, means the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday of each week except the following holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, December 24 and Christmas Day."

The record disclosed that said amendment had been agreed to by Mr. James A. Meade, Manager Motor Carrier Rates, General Foods Corporation, in a letter to Mr. Grunwald, President of Acme Delivery Service, dated April 1, 1969. Said letter of agreement from Mr. Meade was filed as Applicant's Exhibit No. 1.

As said amendment is agreeable to the Protestant, General Foods Corporation; the Respondent Motor Carriers and to the Staff of the Commission, the Commission finds that said amendment should be published in lieu of the existing provisions in Item 91 under suspension in this proceeding.

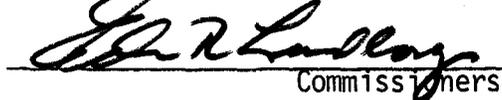
O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.
2. That Respondents herein be, and they are hereby, notified and required to cancel Item 91 of Local Cartage Tariff No. 15, Colorado PUC No. 13, referred to in Decision No. 72514, dated February 4, 1969, and to publish in lieu thereof the amendment proposed in Exhibit No. 1, and quoted in the Statement and Findings herein, upon notice to the Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
3. That this proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
21st day of April, 1969. av

(Decision No. 72848)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
APPLEWOOD UTILITIES, INC., 2680)
YOUNGFIELD STREET, DENVER, COLORADO,)
TO CANCEL CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY AND TO)
TRANSFER ASSETS TO THE CONSOLIDATED)
MUTUAL WATER COMPANY, A NON-PROFIT)
COLORADO CORPORATION.)

APPLICATION NO. 23631

April 15, 1969

Appearances: Bennett S. Aisenberg, Esq., Denver,
Colorado, for Applewood Utilities,
Inc., Applicant;
Richard C. Cockrell, Esq., Denver,
Colorado, for Consolidated Mutual
Water Company; and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

The above entitled application was filed with the Commission on March 7, 1969, whereby Applewood Utilities, Inc., (Applicant) seeks authority of this Commission to cancel its certificates of public convenience and necessity and to transfer its assets and business to The Consolidated Mututal Water Company (Consolidated Mutual), a non-profit Colorado corporation.

After due and proper notice to all interested parties, including the customers of Applicant, the matter was set for hearing before the Commission on March 31, 1969 at 10 o'clock a.m. at the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado. Since State offices were closed on March 31, 1969, by order of the Governor of the State of Colorado, in honor of the late President Eisenhower, the matter was continued to April 1, 1969, and was then heard by the Commission.

No written protests to the application have been received by the Commission, nor did anyone appear at the hearing protesting the application.

Exhibits numbered 1 through 5 were admitted into evidence, and testimony by officials of Applicant and the Consolidated Mutual Water Company was received in support thereof. At the conclusion of the hearing, the matter was taken under advisement by the Commission.

F I N D I N G S

From the record herein, the Commission finds as fact, that:

1. Applicant is a public utility engaged in the business of distribution and sale of water, subject to the jurisdiction of this Commission, and the subject matter of this proceeding is also within the jurisdiction of this Commission.

2. Applicant now holds certificates of public convenience and necessity to supply water utility service in the County of Jefferson, State of Colorado, which certificates have been granted to it by this Commission in its Decisions as follows:

<u>Decision Number</u>	<u>Application Number</u>
44429	13481
45710	14042
47948	15267
51977	16783
59060	18980
66727	21687

3. Consolidated Mutual Water Company is a mutual non-profit Colorado corporation which supplies water to approximately 13,200 customers who are also stockholders of the Company.

4. The transfer of the assets of Applicant to Consolidated Mutual, as proposed in the Agreement between the parties (Exhibit 3), will result in the present customers of Applicant becoming stockholders of Consolidated Mutual on an equal basis with its other stockholders.

5. Consolidated Mutual has the requisite experience, water supply and financial ability to provide adequate water service to customers of Applicant at reasonable rates.

6. Applicant is now experiencing operating losses and cannot continue to provide adequate service to its customers at present rates,

due mainly to the limited number of customers served.

7. All of the existing customers of Applicant will be served by Consolidated Mutual, if this application is granted, and will be issued stock in Consolidated Mutual without charge or contribution of any kind, except regular rates and charges for service provided. The current rates of Consolidated Mutual are slightly lower than those of Applicant and should continue at this level for the foreseeable future.

8. Any extension of facilities or new taps made by Applicant from the date of this Order until the transfer is accomplished should be made according to the specifications and practices of Consolidated Mutual to prevent the refusal of Consolidated Mutual to serve such new customers, pursuant to Section 8 of the Agreement between the parties, Exhibit 3.

9. No existing or prospective customers of the Applicant will be adversely affected if this application is granted.

10. Public convenience and necessity no longer requires, and will not require, that Applicant continue to provide water utility service in the certificated area as stated in Finding No. 2, and the application should be granted.

O R D E R

THE COMMISSION ORDERS THAT:

1. The application herein be, and hereby is granted, and Applicant is authorized to transfer its assets to Consolidated Mutual Water Company in accordance with the Agreement between the parties as contained in Exhibit 3 in this proceeding.

2. Any extension of facilities, or any new tap provided by Applicant to any new customer before the effective date of the transfer described above shall be made in accordance with the specifications and practices of the Consolidated Mutual Water Company.

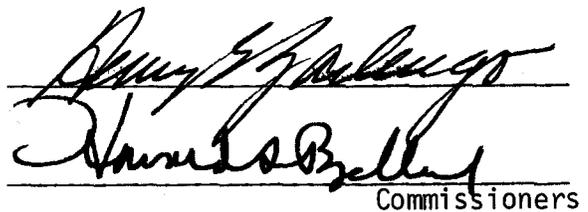
3. Certificates of Public Convenience and Necessity previously granted to Applicant in Decisions numbered: 44429, 45710, 47948, 51977, 59060, and 66727, be, and hereby are, cancelled effective with the date

of final transfer of assets to Consolidated Mutual.

4. Applicant shall file with this Commission its final financial and operating report for a partial year, 1969, within ninety (90) days of the effective date of the transfer to Consolidated Mutual and shall advise the Commission in writing of the effective date of the transfer authorized herein within five (5) days of such date.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 15th day of April, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SALIDA-CANON TRUCKING, INC., DOING)	
BUSINESS AS "CENTRAL COLORADO TRUCK-) <u>APPLICATION NO. 23448-Extension</u>
ING CO.," 1517 H STREET, SALIDA,	
COLORADO, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER PUC NO. 1554.)	
-----)	

April 14, 1969

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant;
John J. Conway, Esq., Denver,
Colorado, for Berta Brothers
Transportation, Salida Transfer
Company and Eveready Freight Service,
Inc., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 27, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1554 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 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.

Motion for continuance was made by Protestant, Berta Brothers Transportation, on the grounds that a principal witness was ill and, therefore, unable to appear. There was no objection to said Motion and it was granted.

Protestant, Don Camper, Inc., had previously withdrawn from the case and Protestants, Weicker Transfer and Storage Company, Duffy Storage and Moving and Hoffman Transfer, did not appear so the only parties remaining to the proceeding are the Applicant and Protestants, Berta Brothers Transportation, Salida Transfer Company and Eveready Freight Service, Inc."

The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

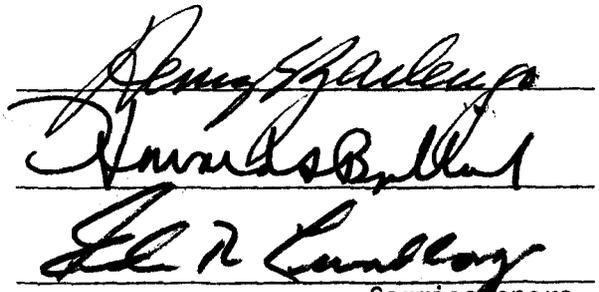
The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23448-Extension, be, and is hereby, continued and reset for hearing on July 9, 1969, at 10:00 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1969.

ls

(Decision No. 72850)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLAUDE I. DUNN, 1130 SOUTH ALTON,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23635-PP

April 14, 1969

Appearances: Claude I. Dunn, Denver,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 5, 1969, 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 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 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

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

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 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 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 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Claude I. Dunn, 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 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 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 50 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

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.

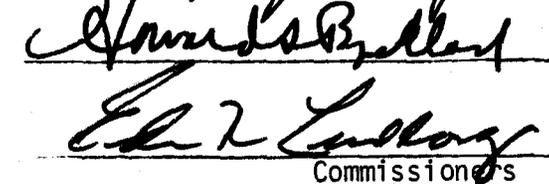
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

Dated at Denver, Colorado,
this 14th day of April, 1969.

1s

(Decision No. 72851)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CALVIN W. HARVEY, 14501 EAST COLFAX)	
AVENUE, AURORA, COLORADO, FOR A)	<u>APPLICATION NO. 23628-PP</u>
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

April 14, 1969

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 3, 1969, 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 called for hearing -- by Commission Examiner William D. Mitchell -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such notice, failed to appear in person or by representative.

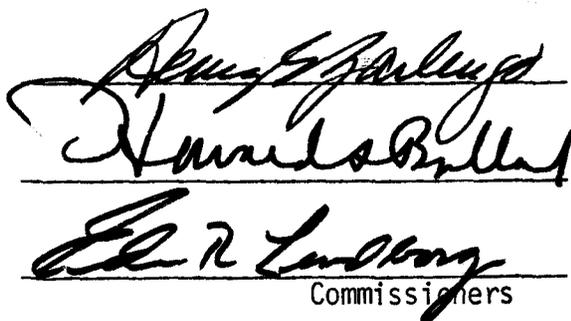
The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein instant application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23628-PP be, and the same is hereby, dismissed forthwith

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES M. STENGEL, ROUTE 2, BOX 104,)
BOULDER-LONGMONT DIAGONAL, BOULDER,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 6628 TO THOMAS J. WHITLOCK,)
1388 CHERRYVALE ROAD, BOULDER,)
COLORADO.)

APPLICATION NO. 23634-Transfer

April 14, 1969

Appearances: Edgar R. Locke, Esq., Boulder,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 4, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 6628.

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 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

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

1. Transferor herein is the present owner and operator of PUC No. 6628, 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 the 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. 6628 to Thomas J. Whitlock, and that henceforth the full and complete authority under said PUC No. 6628 shall read as follows, to-wit:

"Transportation of

Buildings

Between all points within that portion of Boulder County, State of Colorado, lying within a twenty-five (25) mile radius of the intersection of 28th Street and Arapahoe Avenue, City of Boulder, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Charles M. Stengel, Boulder, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 6628 to Thomas J. Whitlock, Boulder, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 6628 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of
Buildings

Between all points within that portion of Boulder, County, State of Colorado, lying within a twenty-five (25) mile radius of the intersection of 28th Street and Arapahoe Avenue, City of Boulder, Colorado.

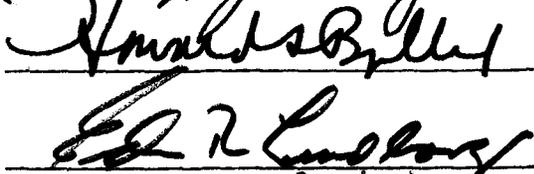
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1969.
1s

(Decision No. 72853)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ORVAL J. RUTH AND ULA RUTH, 9029)
EAST OXFORD DRIVE, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-4753 TO SEYMOUR C. STUURMANS AND)
LUELLA M. STUURMANS, DOING BUSINESS)
AS "STU'S UNLOADING SERVICE," 1034)
SOUTH UNIVERSITY BOULEVARD, DENVER,)
COLORADO.)

APPLICATION NO. 23633-PP-Transfer

April 14, 1969

Appearances: Dennis W. Thome, Esq., Westminster,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 5, 1969, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-4753.

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 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

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

1. Transferors are a partnership.
2. Transferors herein are the present owners and operators of Permit No. B-4753, 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. Transferees herein hold no previously granted authority from this Commission other than an "M" Permit and also have an application to transfer PUC No. 6710-I pending before the 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. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. Transferees 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 and have or will make adequate provision for insurance.
9. If this transfer is approved, Transferees intend 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

That the Commission make and enter its Order authorizing Transferors to transfer all of their right, title and interest in and to Permit No. B-4753 to Seymour C. Stuurmans and Luella M. Stuurmans, doing business as "Stu's Unloading Service", and that henceforth the full and complete authority under said Permit No. B-4753 shall read as follows, to-wit:

Transportation of

(1) Building materials

Between all points within the City and County of Denver, State of Colorado, and a fifteen (15) mile radius thereof."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Orval J. Ruth and Ula Ruth, Denver, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-4753 to Seymour C. Stuurmans and Luella M. Stuurmans, doing business as "Stu's Unloading Service," Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-4753 shall read and be as follows, to-wit:

Transportation of

Building materials

Between all points within the City and County of Denver, State of Colorado, and a fifteen (15) mile radius thereof.

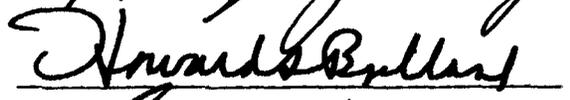
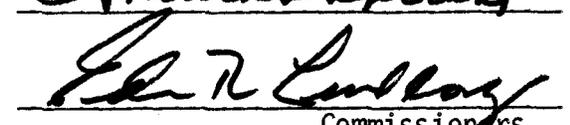
That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1969.
ls

(Decision No. 72854)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
HARMACK GRAIN CO NO. 2, RFD PLATNER,)	
OTIS, COLORADO, FOR A CLASS "B" PERMIT)	<u>APPLICATION NO. 23637-PP</u>
TO OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

April 14, 1969

Appearances: John J. Conway, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 10, 1969, 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 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 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

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

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant also holds authority from this Commission under Certificate of Authority PUC No. 6607-I and Permit No. M-7938.
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) Grain and processed feed

Between Denver, Colorado, and a five (5) mile radius thereof, on the one hand, and Cheyenne Wells, Colorado, on the other hand.

RESTRICTIONS:

This Permit is restricted as follows:

- (a) To performing service for one customer, only, viz: Cheyenne Farmers Elevator Co., Inc.
- (b) Against the transportation of liquid commodities, in bulk, in 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Harmack Grain Co. No. 2, Otis, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Grain and processed feed

Between Denver, Colorado, and a five (5) mile radius thereof, on the one hand, and Cheyenne Wells, Colorado, on the other hand.

RESTRICTION:

This Permit is restricted as follows:

1. To the rendering of transportation service for only the Cheyenne Farmers Elevator Co., Inc.
2. Against the transportation of liquid commodities, in bulk, in tank vehicles;

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

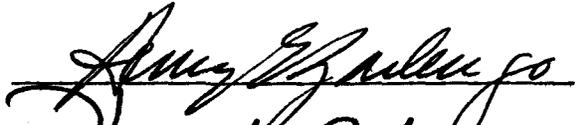
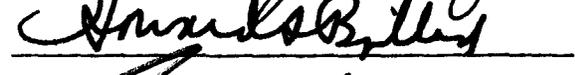
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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 14th day of April, 1969.
1s

(Decision No. 72855)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
W. LEONARD WELLMAN)
ROUTE 1, BOX 42)
SOUTH FORK, COLORADO 81154)

PERMIT NO. M-1707

April 16, 1969

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.

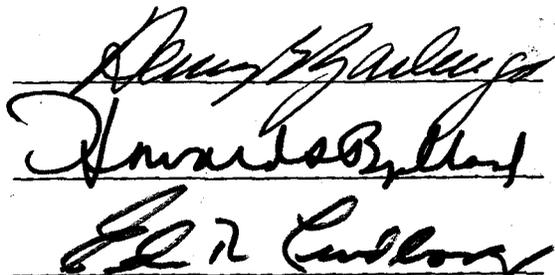
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 30, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of April, 1969.
gf

(Decision No. 72856)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
O. G. LINN)
DOING BUSINESS AS)
"LINN HARDWARE")
P. O. BOX 1015)
KIMBALL, NEBRASKA 69145)

PERMIT NO. M-5432

April 16, 1969

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.

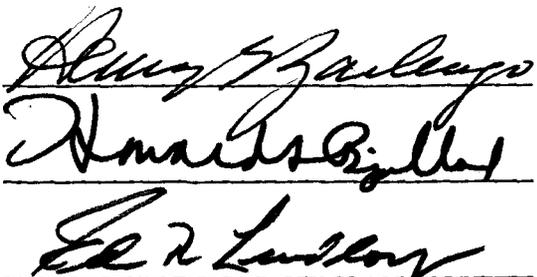
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 26, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of April, 1969.
gf

(Decision No. 72857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EARL C. WILSON, DOING BUSINESS AS)
"WILSON DAIRY")
EVERGREEN, COLORADO 80439)

PERMIT NO. M-6214

April 16, 1969

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.

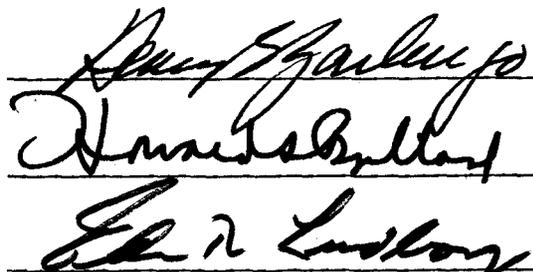
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 12, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of April, 1969.

gf

(Decision No. 72858)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DAVIS IRON WORKS, INC.)
630 NORTH VALLEY MILLS DRIVE)
P. O. BOX 7335)
WACO, TEXAS 76710)

PERMIT NO. M-7908

April 16, 1969

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.

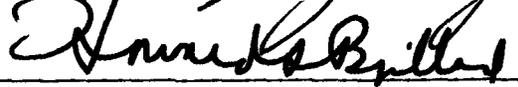
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 7, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of April, 1969.
gf

(Decision No. 72859)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES A. UPP, DOING BUSINESS AS)
"UPP'S RADIO & TELEVISION SERVICE)
134 EAST FIRST)
SALIDA, COLORADO 81201)

PERMIT NO. M-14318

April 16, 1969

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.

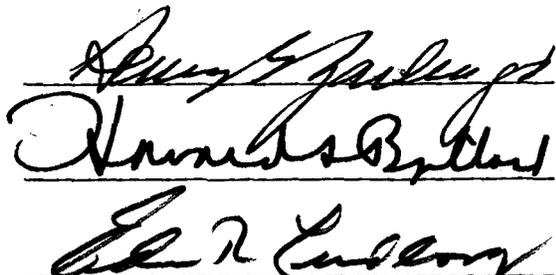
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of April, 1969.
gf

(Decision No. 72860)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
E. L. HOUCHIN)
1080 SOUTH VANCE)
DENVER, COLORADO 80226)

PERMIT NO. B-1561

April 16, 1969

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 April 11, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin G. Baileys
Howard B. Butler
Ed. R. Cuskey
Commissioners

Dated at Denver, Colorado,
this 16th day of April, 1969.

gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN MARTINO)
RYE STAR ROUTE BOX 194)
PUEBLO, COLORADO 81001)

PUC NO. 5793-I

April 16, 1969

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.

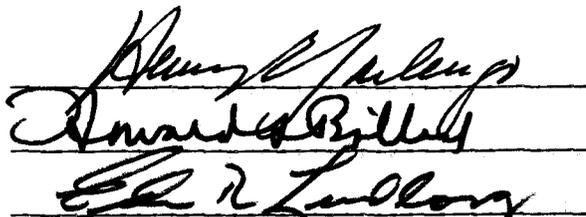
O R D E R

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, 1969, to and including September 12, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 16th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HIGH MOUNTAIN WATERLINE COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO SUPPLY WATER)
FACILITIES TO A CERTAIN PORTION OF)
EASTERN BOULDER COUNTY.)

APPLICATION NO. 23465

April 21, 1969

Appearances: Herbert A. Shatz, Esq., Denver, Colorado,
for Applicant, High Mountain Waterline
Company;
Raphael J. Moses, Esq., Boulder, Colorado,
for PLAN-Boulder, Protestant;
Marvin B. Woolf, Esq., Boulder, Colorado,
for David Mayhoffer, Protestant;
George Pomainville, Esq., Longmont, Colorado,
for City of Lafayette, Protestant;
John S. Hough, Esq., Longmont, Colorado,
and
Raphael J. Moses, Esq., Boulder, Colorado,
for Boulder Valley Water Users Association,
Protestant;
Paul A. Morris, Esq., Boulder, Colorado, for
City of Louisville, Protestant;
Walter L. Wagenhals, Esq., Boulder, Colorado,
and
Raphael J. Moses, Esq., Boulder, Colorado,
for City of Boulder, Protestant;
Forrest E. Cook, Esq., Boulder, Colorado,
for Left-Hand Ditch Company, Protestant;
Harry A. Galligan, Jr., Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On October 30, 1968, High Mountain Waterline Company (hereinafter referred to as Applicant or High Mountain), a Colorado corporation, filed an application with this Commission for a certificate of public convenience and necessity to supply water to a certain portion of Boulder County situated east of the City of Boulder, State of Colorado. Pursuant to proper notice to all interested persons, firms or corporations, the instant matter was duly set for hearing on November 26, 1968.

Formal protests hereto were filed with the Commission by the following:

The City of Boulder, Colorado
The City of Louisville, Colorado
The City of Lafayette, Colorado
The Boulder Valley Water Users Association
The Left Hand Ditch Company
PLAN--Boulder
David Mayhoffer

On November 26, 1968, the hearing on the instant matter was commenced. Further hearings were held by virtue of agreement between the parties hereto on December 18 and 19, 1968; January 6, 7 and 9, 1969; and February 3 and 4, 1969. At the conclusion of the hearing, the instant matter was taken under advisement.

Because of the magnitude of the proceeding, which involved numerous technical exhibits concerning water rights, engineering and economic feasibility, the Applicant presented its direct case prior to cross examination by Protestants and Staff. Where the testimony of the witnesses was of a non-technical nature, cross examination by Protestants and Staff was held immediately following the direct testimony of such witnesses.

Applicant, in this proceeding, has the burden of establishing -- among other things -- the following:

1. The need for water service
2. The adequacy of available water
3. The economic feasibility of the entire project

A number of witnesses testified as to the present water situation in the area for which the certificate is herein sought. They indicated that while they presently have well water on their own properties, the abundance of such water, as well as the quality, leaves much to be desired. It was shown that conservation of their own water was required because they have no way of knowing how long it will last. The mineral content of this water is such that it becomes undesirable for domestic uses and, in many cases, the water must be hauled or purchased from other sources to maintain proper household water.

Without exception, the witnesses appearing felt that some source of water on an area basis should be made available. An attempt has been made by various organizations in the past to form a water district or to arrange with the communities surrounding the involved area to provide a centralized water system. In each instance the organizations that have been formed have been unable to devise a plan whereby obtaining water by a centralized system would have been feasible.

The evidence disclosed that virtually all of the prospective customers of Applicant now residing in the area for which the herein certificate is sought have private wells or share wells with neighbors. However, the Baseline Heights Water and Sanitation District, which would become a wholesale customer of High Mountain, has almost no wells.

Even though most of the potential customers have access to water of some kind, the Commission is of the opinion, with regard to the above first requirement, that a need for a centralized water system has been adequately established by Applicant. Tap water for domestic purposes which is not potable without boiling or some other treatment can hardly be considered satisfactory.

The second requirement, as above set forth, concerns the availability of water. There was much evidence concerning the rights to water as well as to the economic feasibility of bringing such water to the area. Applicant introduced evidence concerning water from a number of sources.

The first source was that of the Hall Reservoir which High Mountain proposes to build on the south St. Vrain Creek some eight to ten years in the future. Certain filings have been made with the State Engineer with respect to this reservoir, and, as in any water priority situation, this filing establishes certain water rights. However, the water rights secured by this filing may or may not provide water at some future date. The water rights of the Button Rock Reservoir is presently being adjudicated. Applicant's witness on water rights, George Vranesh, Attorney at Law, testified that the filing for the Button Rock Reservoir was prior in time

to that of the Hall Reservoir and would thus be expected to have a better right to such water. If it is determined in the adjudication proceeding that the Button Rock Reservoir has a right so junior as to have no practical value, then certainly the Hall Reservoir rights of Applicant, if any, could not be relied upon as a source of water for the proposed project.

The second source of water was the Altoona Reservoir located in the Left Hand Canyon, north and west of Boulder approximately midway between Lyons and Boulder. The filing for this reservoir took place one day before the filing for the Hall Reservoir. The water which would be retained in these reservoirs are both tributary to the South St. Vrain Creek. Therefore, the right to such water by High Mountain, which rights were attained through predecessor companies, would be essentially the same.

It should be noted that any water which might be stored at some future date in either of the two above mentioned reservoirs would come only during periods of flood. It appears obvious to the Commission that any rights to such water are so junior on a daily appropriation basis as to be totally unavailable for use in this project. The evidence was not clear and precise as to the frequency of flood waters in this area for the purpose of filling such reservoirs.

The third source of water considered by Applicant in this project would come from what is known as the Midwest Wells. These wells are located, according to Applicant, approximately four miles north and east of Boulder. Tests made by Applicant's engineers indicate that some 1,400 gallons per minute can be pumped from this source. Protestant's engineering experts established that the tests performed by Applicant on these wells were not sufficiently complete to ascertain a reasonable evaluation of this source of water.

The Midwest Well is an abandoned oil test well which has been converted to a water well. Applicant's study -- Exhibit 6 -- indicates that this well is at a depth of 2,900 feet and was initially bored in 1921. It appears that considerable work would be necessary to convert this well

to use by High Mountain in its proposed project. Should such a conversion take place, a reasonably reliable source of water would be made available. However, the feasibility studies presented by Applicant indicate that this source of water will not be used in the initial years of operation.

The fourth and last source of water which the Applicant relied upon was that which could be obtained from the Lewis Well. The Lewis Well is a relatively shallow well into abandoned coal mines in the Louisville Area. These mines have filled with water from underground and/or surface sources. High Mountain claims its right to such water as the purchaser of the rights of the previous owner who used this water for irrigation purposes. Such water has been used for approximately 110 days each year and for a period of 14 to 16 hours per day. The status of such ground water is presently in a state of some confusion. For example: If it can be shown that this water is tributary to a stream or river with prior adjudicated rights, would it be a right of the owner of such a well to remove any of the underground water prior to the fulfillment of all higher priority rights downstream? In addition, the record is not completely clear whether or not the irrigation usage for 110 days per year could be converted to year-round domestic usage as proposed by Applicant herein. Testimony by Protestant Boulder's expert witness, Glenn G. Saunders, Attorney at Law and water expert, indicated that such a source of water would not be a reliable source for a project such as contemplated by High Mountain.

It is this latter source of water -- the Lewis Well -- upon which the Applicant relied in the preparation of its economic feasibility. All the evidence as presented indicated that the transmission lines and treatment plant were geared to the use of this water. Some rather vague evidence was offered to show that the Applicant realized additional water beyond this point would eventually be required to satisfy the needs of this area. The Applicant, however, was not specific as to the costs involved to transport such water to the area, nor did it offer any specific evidence as to the quality of the water in any other area. General statements were made

that water from any other source contemplated by Applicant would require a less sophisticated treatment, but there was no showing as to the chemical content of any such water.

The Commission finds that the procurement of decreed water of sufficient priority is an absolute essential to the granting of a certificate of public convenience and necessity to a water company contemplating service to individual users. It is also incumbent upon the Applicant to show that once a customer is connected to its water system, that customer must be assured of a good and adequate supply of water in future years. High Mountain has indicated that it has a source of water from the four above-mentioned areas, but it has tied its entire feasibility to only one of these sources. The Commission further finds that the showing made by Applicant has not been sufficient to show an adequate supply of good water for the use of its proposed customers. We cannot certificate a company to supply water to a large number of customers when the evidence shows that at some point in time within a foreseeable future such a supply may not be possible.

The absence of the availability of water is a sufficient reason in and of itself to deny the instant application. However, since it may be possible at some future date to secure a firm water supply adequate to serve the residents of the involved area, we deem it necessary and proper to discuss the aspects of economic feasibility as presented by Applicant.

While the definition of an economically feasible project may vary according to the commodity involved, and the various aspects of each individual project, there are certain basic criteria which must be examined. An economically feasible project may be defined as one which, within a reasonable time, generates sufficient revenue from the rates charged to pay all necessary operating expenses and provide an adequate return to the investors of the company to attract future investment capital and maintain the financial integrity of the company.

In the instant proceeding the amount of revenue to be derived can

be estimated by determining the number of customers which may reasonably be anticipated and applying the proposed rate to the amount of water estimated to be used by each customer. The evidence adduced at the hearing gives rise to some question as to the validity of Applicant's determinations. The evidence, as submitted, indicated approximately 597 residents within the area for which the herein certificate is sought. Applicant, in Exhibit 10, estimated that, at the beginning of the first year of operation, 650 customers would attach to its water system; and that an additional 120 customers would hook on during the first year of operation making a total of 770 customers. For each additional year thereafter, Applicant estimated that there would be an additional 200 customers per year hooking on to this system. It cannot be denied that the availability of a good water supply would encourage the building of new homes and perhaps attract new businesses to the involved area. The closeness to Boulder will certainly be a factor. However, a number of other factors will influence the rate of growth of such an area, but these were not discussed in this proceeding. Protestant, City of Boulder, in its Exhibit 18, presented a feasibility study based on 450 customers at the beginning of the first year of operation with an annual increase of 100 customers per year from that time. The Commission finds that the customer estimate, as provided by Applicant, is optimistic beyond the point of reasonableness. While not adopting the estimate of the City of Boulder, a first year estimate not exceeding the number of total residents in the area is a more realistic approach to the problem.

Closely akin to the number of prospective customers who would take water from such a water system is the amount of water which each customer could be expected to use. Here again a wide divergence of opinion exists. High Mountain has estimated water usage at the rate of 20,000 gallons per customer per month. The Commission recognizes that the amount of water used by a customer depends not only upon the cost of the water, but also upon the quality, its availability, and whether or not other sources of water are available. The average water usage in the Baseline Heights Area averages

approximately 13,000 gallons per month per customer. Baseline Heights Subdivision is not unlike other areas for which water service is proposed in this application. In its feasibility presentation, the City of Boulder used a water usage figure slightly in excess of 15,000 gallons per customer per month. The Commission finds this usage estimate to be reasonable.

As above indicated, one of the prime considerations in estimating water usage is the availability of water from another source. Virtually all the prospective customers now residing in the involved area for which the herein certificate is sought have water wells. The Baseline Heights Area, with an average use of 13,000 gallons, has practically no water wells, and these customers are dependent upon the district water supply as their sole supply. Customers presently using well water will continue to do so for irrigation and other non-domestic uses for at least as long as the well supply can be retained without major expenditure.

For the above reasons, the Commission finds that the water usage estimate of Applicant -- 20,000 gallons per month per customer -- is not reasonable. It is reasonable to expect that new customers attaching to the proposed water system will use more water than the existing customers now on wells. There is no reason, however, to believe that the water usage will reach the 20,000 gallon level estimated by Applicant. A reduction in water usage to a reasonable level materially affects the economic feasibility of this entire project.

With respect to the economic feasibility, Applicant has shown a reasonable return by the fifth year of operation based on its estimate of customer growth and water usage. By reducing both the number of customers and the water used by them, Applicant cannot achieve a satisfactory economic position in the foreseeable future based on the rates proposed.

It is clear that any project can be feasible to a Company if its rates are sufficiently high to pay operating expenses; to service the debt; and earn a return for its investors. The Commission finds that the rates proposed by High Mountain are not adequate to insure the aforesaid.

Applicant indicated it would attempt to guarantee the rate presented for a period of five years and offered a proposed agreement between it and the Baseline Heights Water District in which a rate guarantee was indicated. It should be clearly noted that it is not in the public interest for any company to make such a rate guarantee when such a guarantee could be confiscatory to the Company. It has always been the position of this Commission that the public interest can only be served through the maintenance of a healthy economic situation for both the company offering its utility services and for the consumers using such services.

No utility company can usurp the regulatory function and rate-making policies of this Commission by guaranteeing specific rates to customers for any period of time. A utility company cannot contract away its right to necessary rate relief since a financially viable utility is essential to public convenience and necessity.

An integral part of High Mountain's proposal is a \$400 charge made to each customer connecting to the water system. This \$400 charge was considered by High Mountain to be a combination contribution in aid of construction and a tap fee. This charge would be non-refundable and was considered to be essential to the project. In other words, unless such contribution was received from each customer there would be insufficient money with which to construct the initial project.

In summary, this Commission has a duty and an obligation in granting certificates of public convenience and necessity to evaluate all aspects of any proposal. In the instant proceeding there has been no firm showing of an adequate water supply, nor has there been a proper showing of economic feasibility for the involved project. The possession of a certificate, such as that sought in this proceeding, is a continuing property right. The residents of the involved area would be required to put up a non-refundable cash deposit in the amount of \$400 which would be placed in jeopardy if High Mountain would be unable to perform. It would not be in the best interest of the herein prospective customers to buy into a situation which may, in the

opinion of the Commission, require substantial increases in rates. This is not to say that Applicant may not at some future date reapply for a certificate and be granted the same upon a proper showing of adequate water supply and proper financial feasibility.

In conclusion, it is the opinion and finding of this Commission that public convenience and necessity does not require the granting of the certificate as herein sought and that the instant application should accordingly be denied.

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 herein involved matter is subject to the jurisdiction of this Commission.
2. That the public interest requires the Applicant show -- among other things -- the following to obtain a certificate of public convenience and necessity:
 - a. A need for water service in the area for which a certificate of public convenience and necessity is sought.
 - b. An assurance of an adequate water supply for the future.
 - c. The economic feasibility of the entire project based upon rates as proposed by the Applicant.
3. That there is a need for a centralized water distribution system in the area for which the herein certificate is sought.
4. That the Applicant failed to show that it possesses rights of sufficient priority to decreed water to supply the involved area for which a certificate is sought.
5. That Applicant has not shown that an adequate supply of water is available.

6. That the Applicant failed to show that the proposed project is economically feasible at the rates as proposed.

7. That the Applicant failed to satisfy all of the requirements in Finding No. 2 above.

8. That public convenience and necessity do not require the granting of the certificate as herein sought.

9. That from the evidence the Applicant has failed to establish that it has definite water rights to a sufficient quantity of water to adequately supply the users which it intends to serve, and that providing water to such users in the manner proposed is not economically feasible or in the best interest of such users.

10. That the instant application should be denied as set forth in the Order following.

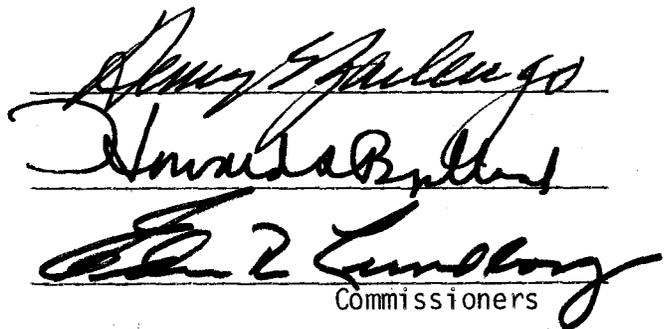
O R D E R

THE COMMISSION ORDERS:

That the instant application be, and 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 21st day of April, 1969.
1s

Original

(Decision No. 72863)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED RATES,
CHARGES AND PROVISIONS WITHIN THE
STATE OF COLORADO APPLICABLE TO
USED HOUSEHOLD EFFECTS, ETC.

)
)
) INVESTIGATION AND SUSPENSION
Docket No. 634

SUPPLEMENTAL ORDER

April 16, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 27, 1969, the Commission entered Decision No. 72768, instituting proceedings in the above-entitled matter, suspending operation of schedules to and including July 29, 1969, unless otherwise ordered by the Commission, and setting said matter for hearing at 10 a.m., on June 5, 1969, at Denver, Colorado.

On April 11, 1969, the Respondents, Amick Transfer & Storage Co., Buehler Transfer, Bekins Van & Storage Co., Duffy Storage & Moving, Hoffman Transfer, Johnson Storage & Moving, Merchants Transfer & Storage Co., and Weicker Transfer & Storage Co., by and through their Attorney, Joseph F. Nigro, filed with this Commission Petition for Reconsideration and Motion to Vacate Decision No. 72768.

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

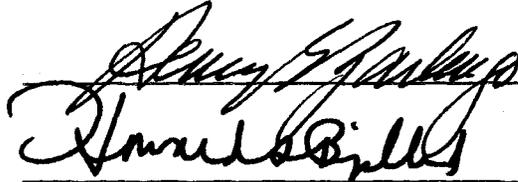
O R D E R

THE COMMISSION ORDERS:

That Petition for Reconsideration and Motion to Vacate Decision No. 72768, filed with the Commission by the Respondents be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Edwin R. Lundborg
necessarily absent and not
participating.

Dated at Denver, Colorado, this
16th day of April, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EVEREADY FREIGHT SERVICE, INC., BUENA
VISTA, COLORADO, TO TRANSFER TO COMFURT
GAS, INCORPORATED, A COLORADO CORPORA-
TION, BUENA VISTA, COLORADO, CERTIFI-
CATE OF PUBLIC CONVENIENCE AND NECESSITY
AUTHORIZING EXERCISE OF FRANCHISE RIGHTS
GRANTED BY ORDINANCE NO. 192 OF THE TOWN
OF BUENA VISTA, COLORADO, DATED NOVEMBER
6, 1962, FOR THE DISTRIBUTION AND SALE
OF GAS, EITHER NATURAL, ARTIFICIAL OR
MIXED, IN SAID TOWN BY EVEREADY FREIGHT
SERVICE, INC.

APPLICATION NO. 23100-Transfer

IN THE MATTER OF THE APPLICATION OF
COMFURT GAS, INCORPORATED, A COLORADO
CORPORATION, BUENA VISTA, COLORADO, FOR
APPROVAL OF THE FINANCING ARRANGEMENT
FOR THE PURCHASE BY THE APPLICANT OF
THE CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY OF EVEREADY FREIGHT SER-
VICE, INC., AUTHORIZING THE EXERCISE OF
FRANCHISE RIGHTS GRANTED BY ORDINANCE
NO. 192 OF THE TOWN OF BUENA VISTA,
COLORADO, DATED NOVEMBER 6, 1962, FOR
THE DISTRIBUTION AND SALE OF GAS, EITHER
NATURAL, ARTIFICIAL OR MIXED, IN SAID
TOWN BY EVEREADY FREIGHT SERVICE, INC.

APPLICATION NO. 23151-Securities

April 17, 1969

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicants,
Eveready Freight Service, Inc.,
and ComFurt Gas, Incorporated;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of the
Commission;
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 19, 1968, Eveready Freight Service, Inc., (Eveready),
filed its Application No. 23100 with this Commission. Said application
was set for hearing after due notice to all interested parties, at

10 o'clock A.M., April 15, 1968, in Room 507, Columbine Building, 1845 Sherman Street, Denver, Colorado. After the commencement of proceedings, the hearing was continued to be reset at a later date.

On April 25, 1968, ComFurT Gas, Incorporated, (ComFurT) filed its Application No. 23151-Securities with this Commission. Application No. 23100 of Eveready was set for continued hearing on May 20, 1968, and Application No. 23151-Securities of ComFurT was set for hearing on the same date. At the request of both Applicants, the hearing date of May 20, 1968 was vacated and reset for June 12, 1968 by Commission Decision No. 71324. Again, upon the request of the Applicants, the hearing date of June 12, 1968 was vacated by Commission Decision No. 71416.

Upon the statement of both Applicants that they were prepared to go to hearing, Applications Nos. 23100 and 23151-Securities were reset for hearing on April 10, 1969 at 10 o'clock A.M. at the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado, at which time and place both applications were called up for a de novo hearing. Upon order of the Commission at that time entered, the hearing was consolidated on both applications on a joint record.

Eveready is a Colorado corporation operating as a public utility under the Certificate of Public Convenience and Necessity granted by Decision No. 39344 dated September 9, 1952 and Decision No. 63414 dated August 4, 1964 of this Commission which authorized the exercise of franchise rights in the Town of Buena Vista, Colorado for the distribution and sale of gas, either natural, artificial or mixed. The franchise is by its terms assignable and has been assigned by Eveready to ComFurT as shown by Exhibit E, which was admitted into evidence. Eveready also is engaged in the transportation of freight by motor vehicle under the jurisdiction of this Commission.

It is the above-mentioned Certificate of Public Convenience and Necessity to serve gas in Buena Vista, Colorado which Eveready asks approval of this Commission to transfer to ComFurT.

ComFurT Gas, Incorporated, is a Colorado corporation organized on January 24, 1968 for the purpose, among other things, of selling, supplying and servicing, wholesaling and retailing, natural and propane gas. Its Articles of Incorporation were admitted into evidence as Exhibit C.

Applicant's witness, Mr. Thomas A. Crocombe, President of ComFurT, stated that common stock of ComFurT, with a book value of \$13,591, was issued to Eveready Freight Service, Inc., at the time of ComFurT's incorporation in partial payment for assets valued at \$168,938, consisting of net utility plant, net non-utility property, cash, accounts receivable, and material and supplies which were sold by Eveready to ComFurT. This represented the entire assets of Eveready devoted to the gas business. The list of equipment included in the assets are shown on Exhibit B, which was admitted into evidence.

In addition to the stock issued to Eveready, ComFurT issued a Promissory Note to Eveready in the amount of \$150,722 with an interest rate of five percent (5%) on the unpaid balance for a period of 177 months, Exhibit I, secured by a Security Agreement (mortgage) on certain equipment, Exhibit H. This Promissory Note plus the stock and an additional amount of \$4,625 provided by the assumption of gas meter deposits represented the full value of the \$168,938 in net book assets purchased by ComFurT. The Purchase and Sale Agreement, Exhibit M, admitted into evidence show the terms of the sale.

The Balance Sheets of Eveready as of January 31, 1968 and February 1, 1968, the date preceding and the date following the sale of assets to ComFurT was admitted into evidence as Exhibit N. The Balance Sheet of ComFurT as of February 1, 1968 was admitted into evidence as Exhibit A. These two exhibits and accompanying journal entries reflect the transfer of assets from Eveready to ComFurT.

One further transaction occurred which separated the controlling interest of ComFurT from Eveready. The principals of ComFurT, Mr. Crocombe

and Mr. Furphy, owned common stock of Eveready equal in value to the common stock issued to Eveready by ComFurT in partial payment for the assets mentioned above. The Eveready stock owned by Mr. Crocombe and Mr. Furphy was exchanged for the ComFurT stock owned by Eveready. Thus, these two individuals became the owners of all the outstanding shares of ComFurT in what was termed by the witness as a tax-free exchange of stock.

Mr. Leslie Whittemore, a Certified Public Accountant, testified that he was the accountant for both of the Applicants and had advised them on the stock transactions involved in the sale. It is his opinion that this would be a tax-free exchange under Section 351 of the Internal Revenue Code. The tax-free aspect of this exchange eliminates the necessity of considering the effects of income taxes as a burden on the customers that necessarily must be considered by this Commission when a public utility is purchased.

Mr. Crocombe further testified that ComFurT was in a position to serve the Town of Buena Vista equally as well as it had been served by Eveready. Its personnel and equipment were basically the same and, in fact, both Mr. Crocombe and Mr. John V. Furphy, Vice President of ComFurT, had been employees of Eveready's gas business before ComFurT was formed. The principals of ComFurT expect the net income of the Company to adequately meet the promissory note payment requirements.

Mr. Shirly Avery, President of Eveready, testified that it was his opinion that the principals of ComFurT were well qualified to operate it as a gas utility because of their previous experience at Eveready. It also was stated that it had been his desire for sometime to separate the gas and freight businesses. Now the opportunity arose not only to achieve this separation, but also to lighten his business activity by selling off the gas business.

F I N D I N G S

From the record herein the Commission finds as fact that:

1. Applicant, Eveready Freight Service, Inc., is a Colorado corporation and has been a public utility subject to the jurisdiction of

this Commission, engaged in the purchase, distribution and sale of natural and propane gas in the Town of Buena Vista, Colorado.

2. Applicant, ComFurT Gas, Incorporated, is a Colorado corporation and is a public utility subject to the jurisdiction of this Commission, engaged in the business of purchase, distribution and sale of natural and propane gas in the Town of Buena Vista, Colorado.

3. The Commission has jurisdiction over the subject matter of these proceedings.

4. Applicant, Eveready Freight Service, Inc., now holds from this Commission certificates of public convenience and necessity granted by Decision No. 39344 in Application No. 11734 and Decision No. 63414 in Application No. 20327.

5. The Commission is fully advised in the premises.

6. The acquisition and operations of the public utility properties by ComFurT will result in service to customers at least equal to that previously provided by Eveready and the transfer of the above-mentioned certificates of public convenience and necessity by Eveready to ComFurT is not inconsistent with the public interest and should be authorized.

7. The financing arrangement consisting of the issuance of 135.91 shares of non-assessable common stock with a book value of \$13,591 and a promissory note in the amount of \$150,722 bearing interest at the rate of 5% per annum on the unpaid balance, for a term of 177 months is not inconsistent with the public interest; that such issuance is permitted by law and is consistent with the provisions of Chapter 115-1-4, Colorado Revised Statutes, 1963; and should be approved.

8. Applicant, ComFurT Gas, Incorporated, has acquired franchise rights for the construction, operation and maintenance for the transmission, distribution and sale of gas for fuel and illuminating power for the Town of Buena Vista by assignment from Eveready Freight Service, Inc

Dec 12/64
pg 5

O R D E R

THE COMMISSION ORDERS THAT:

1. The transfer of certificates of public convenience and necessity now held by Applicant Eveready Freight Service, Inc., described in Finding No. 4 above, to Applicant ComFurT Gas, Incorporated, and the purchase of the gas distribution system, related facilities and other assets of Eveready by ComFurT be, and hereby are, authorized and approved.

2. The Applicant ComFurT Gas, Incorporated, be, and hereby is, authorized to exercise franchise rights, as described in Finding No. 8 above, according to the terms of the franchise ordinance of the Town of Buena Vista, Colorado, identified as Exhibit E in these proceedings, and that this Order shall be deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

3. The issuance by ComFurT Gas, Incorporated, of 135.91 shares of non-assessable common stock with a book value of \$13,591 for the purposes hereinabove described be, and it hereby is, authorized and approved, and the transfer of such shares by Eveready to Thomas A. Crocombe and John V. Furphy resulting in the transfer of controlling interest in ComFurT to these individuals is hereby specifically authorized and approved.

4. The issuance by ComFurT Gas, Incorporated, of a promissory note in the principal amount of \$150,722 for the purposes and on the terms hereinabove described be, and it hereby is, authorized and approved.

5. The common stock and promissory note issued hereunder shall bear on the face thereof for proper and easy identification thereof a legend as follows:

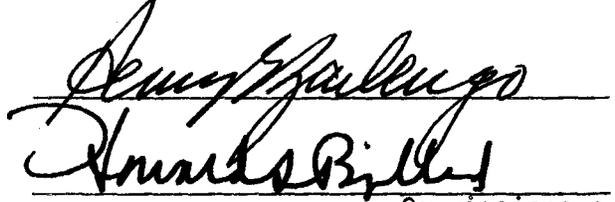
C.P.U.C. Identification No. 23151.

6. The Applicant ComFurT Gas, Incorporated, shall operate the utility property acquired from Eveready Freight Service, Inc., in accordance with the Rules and Regulations of this Commission with respect to service, construction, maintenance, operation, accounting and other matters applicable to gas utilities.

7. The Applicant ComFurT Gas, Incorporated, shall adopt the rates, and tariffs for gas service of Eveready Freight Service, Inc., in accordance with Rule 23 of the Rules of Practice and Procedure before this Commission.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 17th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MARSHALL PRODUCE COMPANY)
315-21 South 7th Street)
Wymore, Nebraska 68466)

AUTHORITY NO. M 7849
CASE NO. 4181-M-Ins.

April 18, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , 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.

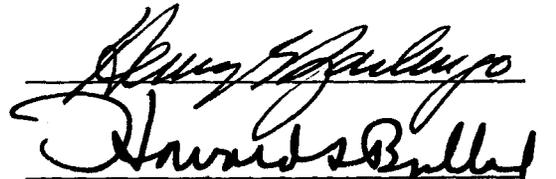
O R D E R

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
18th day of April, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
METRO COMMUTER AIRLINES, INC.,)
STAPLETON INTERNATIONAL AIRPORT,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A SCHEDULED COMMON)
CARRIER BY AIRPLANE FOR THE TRANS-)
PORTATION OF PERSONS AND PROPERTY)
ON SCHEDULE, FROM, TO AND BETWEEN)
THE FOLLOWING POINTS IN THE STATE OF)
COLORADO: DENVER, GREELEY, FORT)
COLLINS-LOVELAND, LONGMONT, BOULDER,)
AND FROM, TO AND BETWEEN DENVER,)
COLORADO SPRINGS, CANON CITY, PUEBLO)
AND LA JUNTA.)

APPLICATION NO. 23395

April 17, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

1. Hearings were heretofore concluded in the above-entitled application on or about the 5th day of March, 1969, at which time the matter was taken under advisement.
2. That under date of November 8, 1968, Applicant was granted temporary authority pending a determination of the application.
3. That subsequently thereto, the Commission received information indicating that Applicant has failed to maintain insurance contrary to the Rules and Regulations of this Commission and that Applicant's purported insurance on file with this Commission was cancelled for non-payment of premium.
4. That under date of March 21, 1969, the Commission notified Applicant to cease and desist from any further operations but, contrary to said Cease and Desist Order, the Commission is informed and believes that Applicant has continued to operate under its temporary authority.
5. That the Commission is desirous of hearing further testimony concerning Applicant's fitness to hold authority from this Commission and

the matter should, therefore, be reopened and hearings held concerning the matters referred to above and any other related or pertinent information with respect thereto.

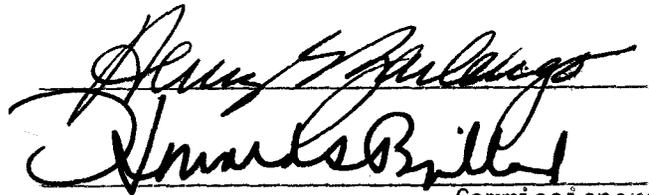
O R D E R

THE COMMISSION ORDERS:

IT IS THEREFORE ORDERED AND DECREED the matter shall be reset for the taking of further evidence concerning the fitness of Applicant to hold authority from this Commission on the 30th day of April, 1969, commencing at 10:00 o'clock a.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, and for such further and continued hearings as the Commission may direct.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 17th day of April, 1969.

1s

Original

(Decision No. 72867)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED RATES)
AND CHARGES APPLICABLE TO MINIMUM)
CHARGE SHIPMENTS)
-----)

INVESTIGATION AND SUSPENSION
Docket No. 632

April 18, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 19, 1969, the Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed Third Revised Page 85, Item 420 (I), (Minimum Charge) to its Local and Joint Class and Commodity Tariff 12-B, Colorado PUC No. 19, setting forth increased rates and charges scheduled to become effective March 27, 1969.

Said matter was suspended by the Commission by Decision No. 72707, dated March 19, 1969, and set for hearing before the Commission on the 24th day of April 1969. On April 11, W. F. Bossert, Divisional Traffic Manager, Benjamin Moore & Co., filed a request for additional time and postponement of hearing date.

There being sufficient cause shown for postponement, the Commission states and finds that hearing date set for April 24, 1969 shall be vacated and reset for May 28 and 29, 1969.

O R D E R

THE COMMISSION ORDERS:

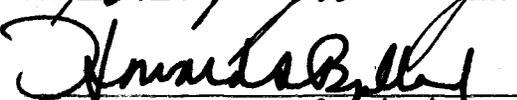
1. That Investigation and Suspension Docket No. 632, set for hearing on the 24th day of April, 1969, at 10 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, be, and the same hereby is, vacated.

2. That Investigation and Suspension Docket No. 632, be, and the same hereby is, reset for hearing on May 28 and 29, 1969, at

10 a.m., in the Hearing Room of the Commission at Denver, Colorado.

3. 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

Commissioner Edwin R. Lundborg necessarily absent and not participating.

Dated at Denver, Colorado, this
18th day of April, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES ON)
LIVESTOCK BETWEEN POINTS IN ADAMS,)
BOULDER, LARIMER AND WELD COUNTIES)
AND BETWEEN POINTS IN SAID COUNTIES AND)
THE DENVER UNION STOCKYARDS AND A RADIUS)
OF FIVE MILES THEREOF.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 633

April 18, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 7, 1969, the Colorado Meat Dealers Association, by M. J. Cloughesy, Vice President, Transportation, filed a Petition to Intervene as a protestant in the above-entitled proceeding, and caused a copy of said Petition to be served by mail upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers Association.

The Commission states and finds that applicant for intervention, Colorado Meat Dealers Association, is a party 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.

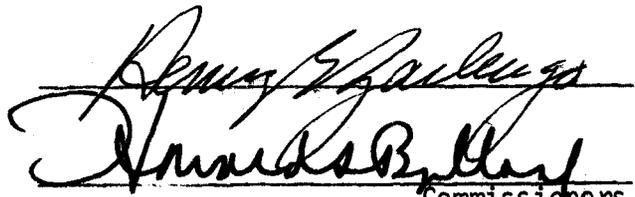
O R D E R

THE COMMISSION ORDERS:

That the Petition for Leave to Intervene as Protestant in Behalf of Colorado Meat Dealers Association be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 18th day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GEORGE W. FULTS)
511 - 29 ROAD)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. B-5598

April 18, 1969

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 April 14, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Donald Butler
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 18th day of April, 1969.

(Decision No. 72870)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WITTICHEN SOLVENTS COMPANY, INC.)
2019 HIGHLAND AVENUE SOUTH)
BIRMINGHAM, ALABAMA 35205)

PERMIT M-675

April 21, 1969

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.

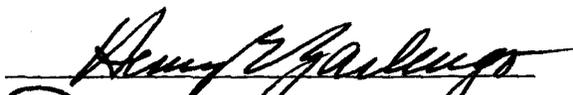
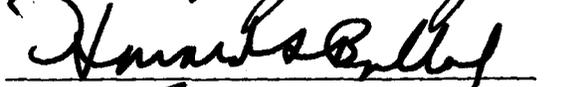
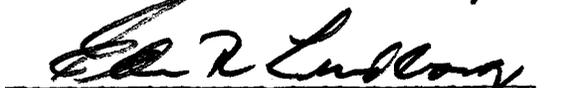
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 14, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner's

Dated at Denver, Colorado,
this 21st day of April, 1969.
1s

(Decision No. 72872)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BENNY G. PETERSON, DOING BUSINESS AS)
PETE'S DISTRIBUTING COMPANY)
642 WEST 9TH)
LOVELAND, COLORADO 80537)

PERMIT NO. M-2248

April 21, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

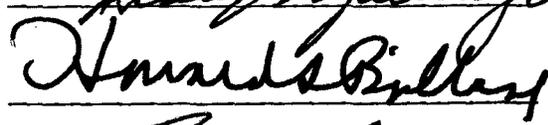
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 19, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioner

Dated at Denver, Colorado,
this 21st day of April, 1969.
1s

(Decision No. 72873)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DON BRONSON, DOING BUSINESS AS)
COLORADO MOTORS)
2000 WEST QUINCY AVENUE)
ENGLEWOOD, COLORADO 80110)

PERMIT NO. M-3499

April 21, 1969

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.

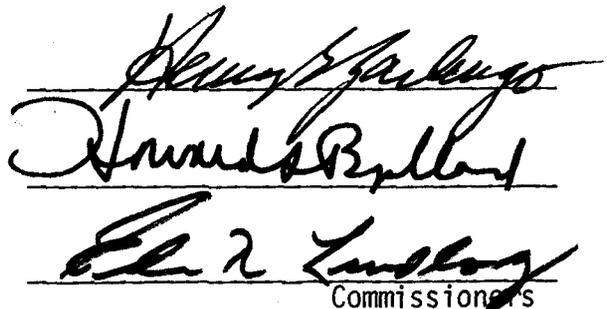
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 12, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.

(Decision No. 72874)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
LEONARD T. & ROBERT M. LINDHOLM
1220 SHERMAN AVENUE
CANON CITY, COLORADO 81212

)
}
}
}

PERMIT NO. M-3635

April 21, 1969

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.

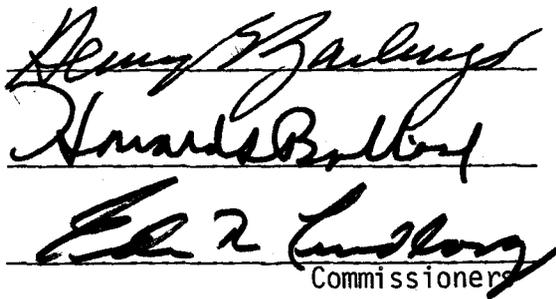
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 19, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
M. S. McCLARAN & HOWARD E. JONES)
DOING BUSINESS AS "E. G. STEELE LUMBER)
CO." 281 NORTH COLLEGE AVENUE)
FORT COLLINS, COLORADO 80501)

PERMIT NO. M-5016

April 21, 1969

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 20, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 21st day of April, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EVERETT & BROWN IMPLEMENT CO.)
P. O. BOX 177)
FORT MORGAN, COLORADO 80701)

PERMIT NO. M-5396

April 21, 1969

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.

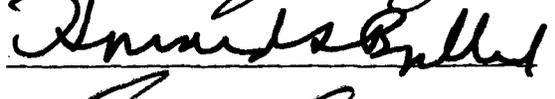
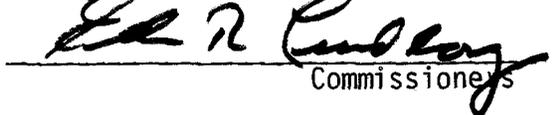
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 20, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.
1s

(Decision No. 72877)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PAUL W. ECHOLS)
P. O. BOX 205)
LARKSPUR, COLORADO 80118)

PERMIT NO. M-8155

April 21, 1969

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 16, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.
1s

(Decision No. 72878)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
HAROLD J. FABRIZIO
4840 EATON STREET
DENVER, COLORADO 80212

PERMIT NO. M-14371

April 21, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

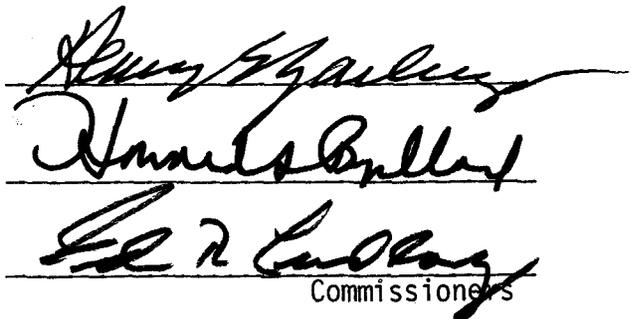
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 30, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.

(Decision No. 72879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HAROLD J. FABRIZIO)
4840 EATON STREET)
DENVER, COLORADO 80212)

PUC NO. 5660-I

April 21, 1969

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, 1969 to and including September 30, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Fairley
Donald B. Ball
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROY NAUMANN)
P. O. BOX 132)
SIMLA, COLORADO 80835)

PERMIT NO. B-3127

April 21, 1969

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 December 11, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Fullen
Donald B. Miller
Ed 2 Crowley
Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.

(Decision No. 72881)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
COL-ORO CORPORATION, DOING BUSINESS AS)
MOUNTAIN WEST AIRLINES CO.)
P. O. BOX 1689)
ASPEN, COLORADO 81611 -----)

PUC NO. ACS-60

April 21, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

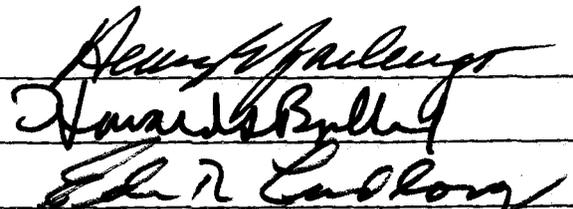
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 7, 1969 to and including June 30, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILMA M. BRYANT & BOURDETTE BRYANT)
DOING BUSINESS AS "BRIGHTON-NORTH-)
GLENN CAB, 151 SOUTH 16TH AVENUE,)
BRIGHTON, COLORADO 80601)

PUC NO. 1791

April 21, 1969

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 April 2, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin S. Paulsen
Howard S. Bryant
Ed W. Lindberg
Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.
15

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
JOHN DENNIS DILLON, 1631 EAST 5TH)	PERMIT NO. B-5192
STREET, DELTA, COLORADO.)	<u>CASE NO. 973-CL</u>

April 21, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 1, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file current Customer List with the Commission for the year 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Zarlengo

James R. Billard

Ed R. Ludwig
Commissioners

Dated at Denver, Colorado,
this 21st day of April, 1969.

(Decision No. 72884)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER T. LINN, 5017 ADAMS STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 3605 TO MIDIA V.)
HART, DOING BUSINESS AS "D. R. HART)
RUBBISH REMOVAL," 7980 NEWPORT,)
COMMERCE CITY, COLORADO.)

APPLICATION NO. 23640-Transfer

April 22, 1969

Appearances: Robert E. McLean, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 6, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3605.

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 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

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

1. Transferor herein is the present owner and operator of PUC No. 3605, 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 the 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. 3605 to Midia V. Hart, doing business as "D. R. Hart Rubbish Removal", and that henceforth the full and complete authority under said PUC No. 3605 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

Between points in the City and County of Denver, and from points in the City and County of Denver to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Elmer T. Linn, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3605 to Midia V. Hart, doing business as "D. R. Hart Rubbish Removal," Commerce City, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3605 shall read and be as follows, to-wit:

Transportation of

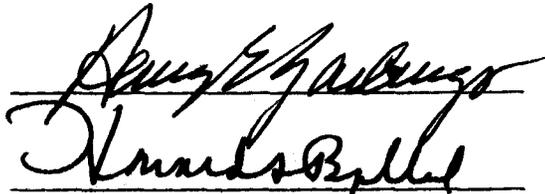
Ashes, trash, and other refuse

From all points within the City and County of Denver, Colorado to designated and approved dumps and disposal sites within the following counties: Adams, Arapahoe, Jefferson, and Denver, 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 the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 22nd day of April, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
 Wesley Piper)
 Box 153)
 Walsh, Colorado 81090)

AUTHORITY NO. M-13320

CASE NO. 4197M--Ins

April 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , 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
23rd day of April, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DALE C. REASONER, 5435 GARLAND STREET,)
ARVADA, COLORADO, FOR A CLASS "B" PER-)
MIT TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23584-PP

April 23, 1969

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 7, 1969, 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 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 Applicant, 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. 23584-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zaldano

Donald Byler

Ed R. Ludwig

Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND R. SANBORN, 1206 BURNHAM)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23607-PP

April 23, 1969

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 24, 1969, 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 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 Applicant, who, without regard to such notice, failed to appear in person or by representative.

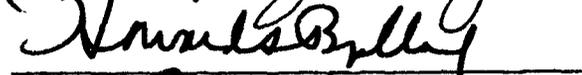
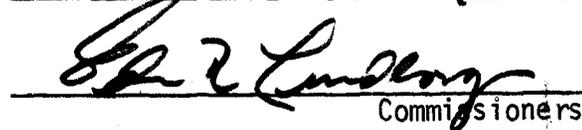
The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein instant application be dismissed for failure to prosecute.

ORDER

THE COMMISSION ORDERS:

That Application No. 23607-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KARL JANECEK, ROUTE 2, NORTH PLATTE,)
NEBRASKA.)

PUC NO. 4096-I

April 23, 1969

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 Karl A. Janecek in lieu of Karl Janecek, in the conduct of operations under PUC No. 4096-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.

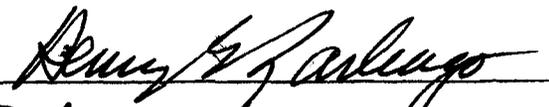
O R D E R

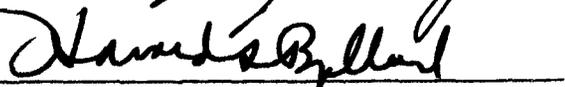
THE COMMISSION ORDERS:

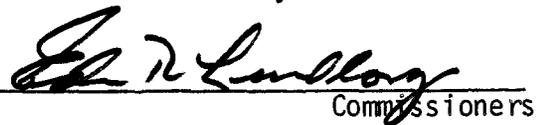
That Karl Janecek be, and hereby is, authorized to conduct operations under the name Karl A. Janecek in the conduct of operations under PUC No. 4096-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1969.

gf

(Decision No. 72889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. W. WATSON, DOING BUSINESS AS "WATSON)
PRODUCE COMPANY," ROUTE 4, MARION,)
KENTUCKY, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO WATSON)
LIVESTOCK TRUCKING, INC., STURGIS ROAD,)
MARION, KENTUCKY.)

PUC NO. 7189-I - Transfer

April 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore F. W. Watson, doing business as "Watson Produce Company," Marion, Kentucky, was granted a certificate of public convenience and necessity being PUC No. 7189-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate-holder now seeks authority to transfer said PUC No. 7189-I to Watson Livestock Trucking, Inc., Marion, Kentucky.

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:

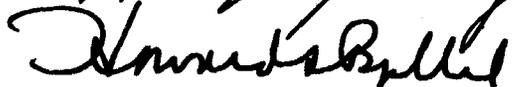
That F. W. Watson, doing business as "Watson Produce Company," Marion, Kentucky, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 7189-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference --

to Watson Livestock Trucking, Inc., Marion, Kentucky, 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 23rd day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY D. McMORRIS, 5231 MONROE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL OF THE OUTSTANDING CAPITAL)
STOCK IN AND TO ALLEN TRANSFER COMPANY,)
A COLORADO CORPORATION, ROUTE 1, BOX 16,)
BERTHOUD, COLORADO, RECORD OWNER OF PUC)
NO. 6282 AND PUC NO. 6282-I, TO EDSON)
EXPRESS, INC., LONGMONT, COLORADO.)

APPLICATION NO. 23646-Stock Transfer
Amended

IN THE MATTER OF THE APPLICATION OF)
JERRY D. McMORRIS, 5231 MONROE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL OF THE OUTSTANDING CAPITAL)
STOCK IN AND TO ALLEN TRANSFER COMPANY,)
A COLORADO CORPORATION, ROUTE 1, BOX 16,)
BERTHOUD, COLORADO, RECORD OWNER OF PUC)
NO. 6831, TO EDSON EXPRESS, INC.,)
LONGMONT, COLORADO.)

APPLICATION NO. 23647-Stock Transfer
Amended

April 23, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Golden Transfer Company of Longmont, Colorado and Sorenson Truck Service, Inc., of Longmont, Colorado, by their attorney, William T. Secor, filed a Petition for Leave to Intervene as their interest may appear in the above-captioned proceedings and caused copies of said Petition to be served by mail upon parties of record in these proceedings.

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

O R D E R

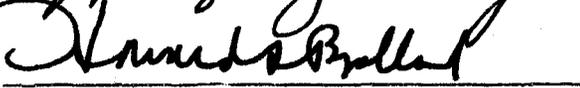
THE COMMISSION ORDERS:

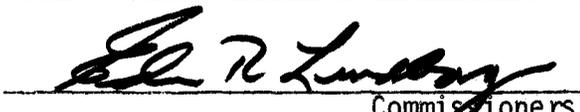
That Petition for Leave to Intervene of Golden Transfer Company and Sorenson Truck Service, Inc., as their interest may appear, be, and the same hereby is, granted.

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 23rd day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE)
DEPARTMENT OF HIGHWAYS OF THE STATE OF)
COLORADO FOR AUTHORITY TO WIDEN VALLEY)
HIGHWAY BRIDGE IN THE VICINITY OF WEST)
36TH AVENUE AND INCA STREET OVERPASSING)
TRACK AND RAIL FACILITIES OF THE)
COLORADO AND SOUTHERN RAILWAY COMPANY;)
THE CHICAGO, BURLINGTON & QUINCY)
RAILROAD COMPANY; AND THE DENVER AND)
RIO GRANDE WESTERN RAILROAD COMPANY,)
IN THE CITY AND COUNTY OF DENVER,)
STATE OF COLORADO.)

APPLICATION NO. 23237

April 23, 1969

STATEMENT

BY THE COMMISSION:

On June 12, 1968, the Department of Highways of the State of Colorado (Department), filed its application in accordance with the rules of this Commission, seeking approval for additional widening of highway overpass structures at the highway-railroad crossing as noted above.

Other explanatory material submitted with the instant application includes:

- Exhibit A - Photo copy of portion of a Denver Street Map to show Valley Highway area at West 38th Avenue interchange and location of Highway overpass structures above railroad trackage in vicinity of West 36th Avenue and Inca Street.
- Exhibit B - Combination plan sheet to show layout and elevation data of original structure, with notes and clearance dimensions for new widening.

Also received by the Commission as a late-filed Exhibit is a copy of the fully executed Supplemental Agreement, dated May 7, 1968, between the Department of Highways and The Colorado and Southern Railway Company; the Chicago, Burlington & Quincy Railroad Company and The Denver and Rio Grande Western Railroad Company pertaining to proposed overpass widening.

With reference to the instant application and other investigation data of the Commission, it appears the proposed work involves two separate overpass structures that were built in 1948 as the initial phase of the double-lane Valley Highway project. In order to meet standards of the Interstate system, there was the addition of another lane on the inside of each bridge during 1962. Thereby the adjoining curb sections now provide a low median separation barrier between the two structures, which are each carrying three lanes of vehicular traffic in each direction. It is noted too, that during the relatively quiet times, traffic on this particular section of Interstate 25 has grown to impressive figures. For example, a count taken on Tuesday, March 19, 1968, showed a total of 28,369 northbound and southbound vehicles during the slack hours, 9 A.M. to 3 P.M. From 2 to 3 P.M., there was a total north and south movement of 5,447 vehicles (or about 90 a minute), while the register for the 24-hour period was 92,470. Summertime counts reasonably would run 10 percent above these figures.

The new widening is to add another 12-foot wide lane on the outside of each bridge. No change is planned for the existing structures; support for the extra widening on each bridge is being provided by two additional steel girders to be carried on an added column and cap extension of reinforced concrete. The existing outside curbing and hand railing are to be removed and replaced by a new 6-inch curb and steel railing on the outer borders of the widened bridges.

The new work of widening will be in accordance with construction plans prepared by the Highway Department and approved by the several railroads, by the U.S. Bureau of Public Roads and by the City and County of Denver. Commission clearance requirements will be exceeded as shown in the following:

A. Vertical Clearances to new overhead girders:

<u>Track</u>	<u>Plan</u>	<u>Actual</u>	<u>Commission Specification</u>
C. B. & Q. #6	25' - 7 1/2"	25' - 9"	22' - 6"
D. & R. G. #5	23' - 9"	23' - 9"	22' - 6"

B. Horizontal dimensions at close points:

<u>Location</u>	<u>Plan</u>	<u>Actual</u>	<u>Commission Specification</u>
At North end:			
C. B. & Q. #6 -- East side	10'-11 1/2"	11'-0"	8'-6"
C. & S. #3 -- West side	10'-5 3/4"	10'-6"	8'-6"
D. & R. G. #7 -- West side	8'-11"	9'-0"	8'-6"

All of the proposed construction is contained within the designated highway right of way. No abutting properties are affected. The estimated cost for the new widening is \$139,324, including preliminary engineering and contingencies. After construction is completed the Department of Highways will maintain, at its sole expense, the separation structures including piers, abutments, drainage and roadway embankments and roadway surfaces. Maintenance of track, railroad roadbed and facilities shall continue as maintenance responsibilities of the respective Railroads.

Meanwhile, the Commission forwarded a copy of the instant application, together with a Notice, to the interested parties and to the Director of Public Works -- City of Denver. Said Notice was to ascertain if any other action was to be considered within the period of twenty (20) days as designated in said Notice. No adverse reply has been received by the Commission.

After consideration of the instant proposal, it is apparent that on the basis of past service of the original structures since 1948, the existing clearances have been found to be satisfactory and there will be no deviation in the new work. In like manner, design of the structures has proven adequate for the traffic loadings and approval of proposed widening is necessary in order to meet the needs of constantly increasing traffic volumes.

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

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require additional roadway widening of the existing grade separation structures as proposed herein.

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

O R D E R

THE COMMISSION ORDERS:

That Applicant, the Department of Highways, State of Colorado, be, and it hereby is, granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to authorize and approve additional roadway widening on the Valley Highway overpass bridges of Interstate Route No. 25 identified as:

West 36th Avenue and Inca Street Bridges --

Structure No. E-16-EM Left

Structure No. E-16-EZ Right;

overpassing six rail lines of:

The Colorado and Southern Railway Company,

The Chicago, Burlington and Quincy Railroad Company, and

The Denver and Rio Grande Western Railroad Company

in the City and County of Denver, Colorado.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin H. Hurling
Donald B. Miller

Ed R. Lullay
Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1969.

s1

(Decision No. 72892)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN JOSEPH PERRY AND PAUL K.)
DI ANDREA, DOING BUSINESS AS "PERRY)
TRANSFER COMPANY," 3303 QUIVAS STREET,)
P. O. BOX 11223, HIGHLAND STATION,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-6659.)

APPLICATION NO. 23549-PP-Extension
SUPPLEMENTAL ORDER

April 23, 1969

Appearances: Edward T. Lyons, Esq., Denver,
Colorado, for Applicants;
Truman A. Stockton, Esq., Denver,
Colorado, and
Roger B. Sollenbarger, Esq., Denver,
Colorado, for Murph's Express, Inc.
and Colorado Cartgage, Inc.,
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1969, the Commission entered Decision No. 72769 in the above-entitled matter.

On April 14, 1969, "Petition for Rehearing," was filed with the Commission by Murph's Express, Inc. and Colorado Cartgage Company, Inc., Protestants, by and through their Attorneys, Stockton and Lewis.

The Commission has carefully considered said Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Petition should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission herein, be, and the same hereby is, granted, and that said matter shall be set

for rehearing before the Commission at 10:00 A.M., May 15, 1969, at
500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN GYPSUM CORP.)
210 HARRISON STREET)
FORT LUPTON, COLORADO,)
Complainant,)

vs.

DENVER AND RIO GRANDE WESTERN RAILROAD CO.)
1531 STOUT STREET)
DENVER, COLORADO, AND)
CHICAGO, BURLINGTON & QUINCY RAILROAD CO.)
200 UNION DEPOT)
DENVER, COLORADO,)
Respondents.)

CASE NO. 5383

April 24, 1969

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Complainant;
Royce D. Sickler, Esq., Denver,
Colorado, for Respondent,
Denver and Rio Grande Western
Railroad Company;
W. L. Peck, Esq., Denver, Colorado,
for Respondent, Chicago, Burlington
& Quincy Railroad Company;
Christian O. Igenbergs, Esq., Denver,
Colorado, for the Staff of the
Commission;
Ralph H. Knull, Denver, Colorado, and
Lawrence C. Abdoo, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Complainant herein alleges that the presently filed rate for the transportation of gypsum from a rail siding on the Dotsero cut-off of Rio Grande to a siding of the Burlington at the Rocky Mountain Cement Plant near Lyons is not just and reasonable and presents certain contentions in support thereof, all of which the Respondents deny. A hearing was begun in the matter during the course of which, after the presentation of some evidence, a Motion was made to dismiss the Complaint. It appears that the

Complainant may not have a market for its gypsum whereby it might use the transportation facilities of the Respondents. On the other hand, the evidence is general and vague that the Complainant is not definitely foreclosed from obtaining a market for its gypsum whereby it would make use of such transportation facilities.

The Commission finds under the evidence and circumstances in this case that it should proceed with a hearing and make a determination of the just and reasonable rate. With a determination of a just and reasonable rate, the Complainant will be in a position whereby it will know the definite cost to it to deliver its product to destination. A determination of a just and reasonable rate may or may not place the Complainant in a position whereby it may be competitive and obtain business. Yet, nevertheless, it is the duty of the Commission to act on this Complaint under the circumstances.

The Commission finds that the hearing should continue and a date set therefor as is set out in the following Order.

O R D E R

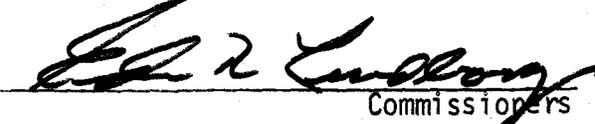
THE COMMISSION ORDERS:

That the Motion to Dismiss herein be, and the same hereby is, denied.

That the hearing be resumed and continued at 10:00 A.M., on June 10, 1969, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1969.
gf

(Decision No. 72894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BESSEMER BUS CORPORATION, DOING)
BUSINESS AS "AIR LINES CAB SERVICE,")
P. O. BOX 1180, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PUC NO. 1305 AND)
PUC NO. 1305-I.)

APPLICATION NO. 23579-Extension
Amended

April 24, 1969

Appearances: Louis Johnson and Robert E. Anderson,
Esqs., Colorado Springs, Colorado,
for Applicant;
John R. Barry, Esq., Denver, Colorado,
for Continental Trailways System,
Protestant;
William A. Baker, Esq., Colorado Springs,
Colorado, for Yellow Cab Co. of Colorado
Springs, Protestant;
Dalton O. Ford, Denver, Colorado, of the
Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 16, 1969, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1305 and PUC No. 1305-I 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 Conclusions.

The record transmitted by the Examiner discloses that -- at the hearing -- there 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."

Following the testimony of two witnesses for the Applicant, namely, Mr. Frank W. Ladwig and Mr. John J. Asmusi, and the admission of two Exhibits, namely, Flight Schedules in and out of Colorado Springs and Continental Airlines Proposed Flight Schedules as of April 27, 1969, and after conferences among the parties as to exactly what authority Applicant now has and what authority they are requesting by this extension, Applicant moved to discontinue the present hearing and requested that it be given fifteen (15) days within which to file an Amended Application which would request an interpretation of the present authority together with an extension. There was no objection to Applicant's motion and, inasmuch as Applicant's interpretation of its present authority differs greatly from what it appears to be by the record of the Commission, said Motion was granted. In view of the additional matters that will then likely appear in the Amended Application, a new and complete Notice will be required.

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

The Examiner, in his filed report with the Commission, has concluded and recommended, from the above and foregoing, that the herein matter be continued to be reset at a later date upon the filing of an amended application.

The Commission has given careful consideration to the record and exhibits 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 hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

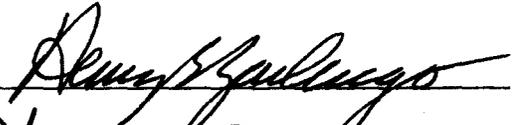
O R D E R

THE COMMISSION ORDERS:

That Application No. 23579-Extension-Amended, be, and hereby is, continued to be reset for hearing by the Secretary of the Commission at a later date to be determined by the Commission, provided that the Applicant files with the Commission an amended application requesting a hearing thereon on or before May 6, 1969.

That if said amended application, and request for hearing thereon is not received by the Commission on or before May 6, 1969, then the above-entitled captioned matter shall be dismissed without any further notice and shall be closed upon the docket of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF DETENTION CHARGES, LOCAL CARTAGE TARIFF NO. 15, COLORADO PUC NO. 13, COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT))))	<u>INVESTIGATION AND SUSPENSION</u> <u>Docket No. 631</u>
--	------------------	--

April 23, 1969

Appearances: Joseph F. Nigro, Esq.
for Respondents

Ralph H. Knull
for the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 13, 1969, Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed 5th Revised Page No. 6 to Local Cartage Tariff No. 15, Colorado PUC No. 13, scheduled to become effective March 15, 1969, which amended item 85 thereon by increasing the detention charges therein and adding a rule that such detention charges would be paid by the party paying the freight charges.

Said tariff provisions were suspended by Decision No. 72658, dated March 12, 1969, and the use thereof deferred to and including July 13, 1969.

The herein subject matter was set for hearing before the Commission on April 8, 1968, at 10 a.m., at Denver, Colorado. Hearing was held on that date and the matter taken under advisement.

As a preliminary matter, a suggested amendment was offered by Mr. Nigro, on behalf of the Respondent motor carriers, proposing numerous changes in the wording and application of item 85. A discussion was held between Mr. Nigro, the Respondent Motor Carriers and the Commission Staff and the form and content of the proposed amendment, to be filed with the Commission by Mr. J. R. Smith, Chief of Tariff

Bureau, Colorado Motor Carriers' Association, was decided upon.

Mr. Robert Zediker, Vice President of Acme Delivery Service was called as a witness for the Respondent Motor Carriers and testified that the hours of 8 a.m., to 4:30 p.m., are the normal straight time hours; that hours worked other than those specified are overtime pay hours; that some customers require delivery at 7 a.m., and that this requires calling a driver by 6 a.m., so that he will have time to hook up the equipment and be ready by that time; that they experience a great deal of waiting time at some shippers and some consignees, and that it normally takes 40 to 50 minutes to unload a 5000-pound shipment.

Mr. Zediker introduced respondents' Exhibit No. 1 which purported to show the shipments delivered by Acme Delivery Service from General Foods Corporation to King Soopers, Lowry Field and Associated Grocers, indicating thereon the number of cases handled, the weight, revenue, hours spent loading and unloading and the revenue per hour which accrued to the carrier. In the examples shown, the hours spent varied from 8½ hours for a 22,283-pound shipment to 24 hours for a 71,778-pound shipment. The revenue received per hour varied greatly also in said examples, ranging from a low of \$3.28 per hour in one example to a high of \$10.17 per hour in another.

No further evidence was presented, Exhibit 1 was officially accepted, and the matter was taken under advisement.

Mr. Smith, in line with the agreement reached during the hearing, filed with the Commission on April 9, 1969, the proposed amendment to item 85. The Commission finds that said amendment conforms with the time limits allowed in item 275 of CMCA Tariff No. 12-B, Colorado PUC No. 19, that the charges specified for detention for a truck or tractor and semi-trailer, with one man, are reasonable, and that the provision requiring the detention charges to be assessed against the consignor in the case of loading and the consignee in the case of unloading, regardless of whether the line haul charges are prepaid or collect, is just and reasonable.

O R D E R

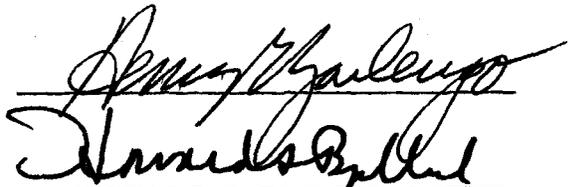
THE COMMISSION ORDERS:

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

2. That Respondent Motor Carriers herein be, and they are hereby, notified and required to cancel item 85 of Local Cartage Tariff No. 15, Colorado PUC No. 13, referred to in Decision No. 72658, dated March 12, 1969, and to publish in lieu thereof, Amended Item 85 as shown in Appendix "A", attached hereto, on or before May 10, 1969, upon notice to the Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

3. That this proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioner

Dated at Denver, Colorado, this
23rd day of April, 1969. av

APPENDIX "A"

ITEM 85

DETENTION

Class and commodity rates published in this tariff include the following free time for the loading, unloading, and/or waiting to load or unload each vehicle:

FLOOR LOAD

1 pound to 4,999 pounds	1 hour
5,000 pounds to 10,000 pounds	1½ hours
10,001 pounds to 15,000 pounds	2 hours
15,001 pounds to 20,000 pounds	2½ hours
20,001 pounds or over	3 hours

PALLETIZED

All weights1½ hours

Delay in loading, unloading and/or waiting to load or unload beyond free time specified above, when caused by shippers, consignees or their representatives, will be charged for as follows:

Truck or tractor and semi-trailer (with one man,) \$10.50 per hour. Fractions of an hour will be figured at the next one-fourth hour and charged for at the rate of \$2.63 for each one-fourth hour.

Such charges will be in addition to all other lawful charges and will be assessed against the consignor in the case of loading or against the consignee in the case of unloading, irrespective of whether line haul charges are prepaid or collect.

(Decision No. 72896)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)
OF RESPONDENT, BRISSON TRUCKING)
COMPANY, INC., 4415 McINTYRE ROAD,)
GOLDEN, COLORADO; UNDER PERMIT)
NO. B-6285.)

CASE NO. 5385

April 24, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Respondent;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 11, 1969 the Commission entered Decision No. 72649 in the above-entitled Case which provided as follows, to-wit:

"That the authority of Respondent, Brisson Trucking Company, Inc., being Permit No. B-6285, be and the same hereby is revoked and cancelled, provided, however, that in lieu of said revocation and cancellation, Respondent may, if it should so desire, elect to pay the sum of One Thousand Two-Hundred Fifty Dollars (\$1,250) to the Treasurer of the state of Colorado, on or before the effective date of this Order for the use and benefit of the state of Colorado under and pursuant to the provisions of the Public Utilities Act which is hereby as an alternative penalty assessed for the violations of the law and the Rules and Regulations of the Commission.

"That, in the event the revocation Order as aforesaid shall be set aside and held for naught in accordance with its provisions, then and in that event the authority as set forth in Permit No. B-6285 shall concurrently, with such setting aside of the revocation Order be amended and corrected so as to show the successors in interest of certain named customers and thereafter the full and complete authority under said authority shall be as follows, to-wit:

Transportation of crated lettuce, from cooling plants, and potatoes, in bags, from fields and storage facilities from Alamosa, Colorado, and a radius of fifty miles thereof, to points within the City of Denver, Colorado, and a radius of ten miles thereof; peaches, apples and pears, from Delta and Mesa counties, Colorado, to Denver, Colorado, and a radius of ten miles thereof, for the following customers only:

Q-T Markets, Inc., dba Appollo Supers,
2552 Ridge Road, Denver, Colorado;

Simeone Brothers, 202 Denargo Market,
Denver, Colorado;

Mile Hi Fruit and Vegetable Company,
Denargo Market, Denver, Colorado;

Lew Johnson Brokerage Co., 155 Denargo
Market, Denver, Colorado;

Famularo & Sons, 213 Denargo Market,
Denver, Colorado.

On March 27, 1969 the Respondent, Brisson Trucking Company, Inc., by check paid the Treasurer of the state of Colorado the sum of One Thousand Two Hundred Fifty Dollars (\$1,250) in accordance with the terms of the alternative penalty provision of said Decision No. 72649.

Inasmuch as the Respondent has elected and has paid the sum of One Thousand Two Hundred Fifty Dollars (\$1,250) on or before April 1, 1969 as provided in Decision No. 72649 the Commission states and finds that Permit No. B-6285 should not be revoked and should remain in force and effect.

O R D E R

THE COMMISSION ORDERS:

That that portion of Decision No. 72649, dated March 11, 1969, providing for the revocation of Permit No. B-6285, of the Respondent, Brisson Trucking Company, Inc., be and the same hereby is set aside and held for naught, and that said operating rights should remain in full force and effect and be fully operative, and, that henceforth the full and complete authority under Permit No. B-6285 shall read and be as follows:

Transportation of

(1) Crated Lettuce

From cooling plants, located in Alamosa, Colorado, and a fifty (50) mile radius thereof, to points within the City and County of Denver, Colorado and a ten (10) mile radius thereof.

(2) Potatoes, in bags

From fields and storage facilities, located within Alamosa, Colorado and a fifty (50) mile radius thereof, to points within the City and County of Denver, Colorado and a ten (10) mile radius thereof.

(3) Peaches, apples, and pears

From Delta and Mesa Counties, state of Colorado to points within the City and County of Denver, Colorado and a ten (10) mile radius thereof.

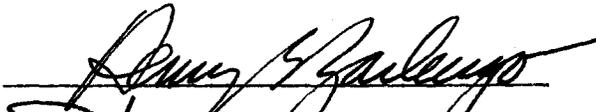
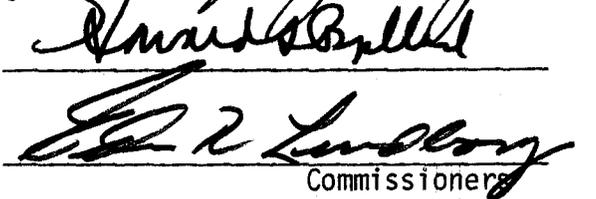
RESTRICTION:

A. Items 1, 2, and 3 are restricted to performing service for the following named customers, only:

1. Q-T Markets, Inc., dba Appollo Supers, 2552 Ridge Road, Denver, Colorado.
2. Simeone Brothers, 202 Denargo Market, Denver, Colorado.
3. Mile Hi Fruit and Vegetable Company, Denargo Market, Denver, Colorado.
4. Lew Johnson Brokerage Co., 155 Denargo Market, Denver, Colorado.
5. Famularo & Sons, 213 Denargo Market, Denver, Colorado.

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 24th day of April, 1969.

ls

(Decision No. 72897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
READY MIXED CONCRETE COMPANY, A COLO-)	
RADO CORPORATION, 3200 BRIGHTON BOULEVARD,	)	<u>APPLICATION NO. 23627-PP-Extension</u>
DENVER, COLORADO, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER PERMIT NO. B-7074.)	

April 24, 1969

Appearances: Bryant O'Donnell, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 28, 1969, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-7074 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 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.

Prior to the hearing, Protestant, Weicker Transfer & Storage Company, withdrew its Protest by letter."

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

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

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 under Permit No. B-7074, which reads as follows:

"Dec. #69711: (1) Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points;

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

sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 100 miles of said jobs;

insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points;

provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles.

(2) Transportation of cement in bulk and in sacks from supply points to mixing plants and construction sites for one customer only, Spratlen Materials, Inc., a wholly owned subsidiary of Applicant.

(3) Transportation of ready mixed concrete from supply points to construction sites within a 100 mile radius of said supply points."

3. The authority to which extension is hereby sought, Permit No. B-7074, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicant seeks to extend the authority under Permit No. B-7074 to include the following:

"Transportation of iron pyrite cinders from Denver, Colorado, to Ideal Cement Company plant and quarry located near Fort Collins, Colorado."

5. The extension applied for herein is compatible with and does not conflict with 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. The chief corporate officers as well as the employees of the Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as 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-7074 to include:

"Transportation of iron pyrite cinders from Denver, Colorado, to Ideal Cement Company plant and quarry located near Fort Collins, Colorado."

That henceforth the entire authority under Permit No. B-7074 shall be 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 (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 home and small construction jobs within a radius of one hundred (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 one hundred (100) 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 (100) miles of said pits and supply points;

RESTRICTION:

Items No. 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Cement

From supply points to mixing plants and construction sites within the State of Colorado.

RESTRICTION:

Item No. 5 of this Permit is restricted to performing transportation for one customer, only, viz: Spratlen Materials, Inc.

(6) Ready mixed concrete

From supply points to construction sites within a one-hundred (100) mile radius of said supply points.

(7) Iron pyrite cinders

From Denver, Colorado, to Ideal Cement Company plant and quarry located near Fort Collins, Colorado.

RESTRICTION:

Item No. 7 restricted to performing transportation for one customer, only, viz: Ideal Cement Company."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Ready Mixed Concrete Company, a Colorado corporation, Denver, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-7074 to include the following:

Transportation of iron pyrite cinders from Denver, Colorado, to Ideal Cement Company plant and quarry located near Fort Collins, Colorado.

That henceforth the full and complete authority under Private Carrier Permit No. B-7074, 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 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;

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Cement

From supply points to mixing plants and construction sites within the State of Colorado.

RESTRICTION:

Item 5 of this Permit is restricted to the rendering of transportation service for only Spratlen Materials, Inc.

(6) Ready mixed concrete

From supply points to construction sites within a one-hundred (100) mile radius of said supply points.

(7) Iron pyrite cinders

From Denver, Colorado, to Ideal Cement Company plant and quarry located near Fort Collins, Colorado.

RESTRICTION:

Item 7 of this Permit is restricted to the rendering of transportation service for only the Ideal Cement Company.

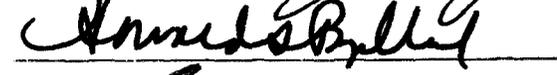
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit deemed advisable.

That this Order is made a part of the permit granted by Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1969.
bk

(Decision No. 72898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD E. ANDERSON 220 WEST 2ND)
STREET, LEADVILLE, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 6988)
TO TIMBERLINE TOURS, INC., A COLO-)
RADO CORPORATION, 220 WEST 2ND)
STREET, LEADVILLE, COLORADO.)

APPLICATION NO. 23641-Transfer

April 24, 1969

Appearances: Richard E. Anderson, Leadville,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 12, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 6988.

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

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

1. Transferor herein is the present owner and operator of PUC No. 6988, 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. The sole purpose of this transfer is to place the authority under corporate status. The owner, Richard E. Anderson, will be the president and principal stockholder of that corporation.
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 the consideration to be paid is fair and reasonable.
6. The Certificate 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. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and 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

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 6988 to Timberline Tours, Inc., a Colorado corporation, and that henceforth the full and complete authority under said PUC No. 6988 shall read as follows, to-wit:

"Transportation of

Passengers in sightseeing service

Between all points within the Counties of Lake, Chaffee, Park, Eagle, Pitkin and Summit, State of Colorado.

RESTRICTION:

- (a) Restricted to the use of four (4) wheel drive equipment.
- (b) All service rendered under this Certificate shall originate and terminate in Leadville, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Richard E. Anderson, Leadville, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 6988 to Timberline Tours, Inc., a Colorado corporation, Leadville, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 6988 shall read and be as follows, to-wit:

Transportation of

Passengers in sightseeing service

Between all points within the following Counties of the State of Colorado: Lake, Chaffee, Park, Eagle, Pitkin and Summit.

RESTRICTION:

This Certificate is restricted as follows:

- (a) To the use of four (4) wheel drive equipment
- (b) All transportation service to be rendered under this Certificate must originate and terminate in Leadville, Colorado.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1969.

1s

(Decision No. 72899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LESTER D. KEMP, ARRIBA, COLORADO,)
FOR AUTHORITY TO LEASE PUC NO. 403) APPLICATION NO. 20355-Lease
AND PUC NO. 403-I TO DON D. LUKOW,)
ARRIBA, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
LESTER D. KEMP, ARRIBA, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.) APPLICATION NO. 23610-Transfer
403 AND PUC NO. 403-I TO LUKOW)
TRUCKING CO., INC., P.O. BOX 72,)
ARRIBA, COLORADO.)

April 24, 1969

Appearances: Arthur R. Hauver, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 7, 1969, the above-entitled Application No. 23610-Transfer was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 403 and PUC No. 403-I.

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 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.

By motion and stipulation of the parties, Application Nos. 23610-Transfer (Lester D. Kemp to Lukow Trucking Co., Inc.) and 23611-Transfer (Joe Shean to Lukow Trucking Co., Inc.) were heard on a joint record; however, separate Orders are to issue."

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

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

1. Transferor herein is the present owner and operator of PUC No. 403 and PUC No. 403-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 holds no previously granted authority from this Commission. However, Don D. Lukow, an individual, holds an "M" Permit 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. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have 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

1. That the Commission make and enter its Order cancelling the Lease under Application No. 20355-Lease granted under Decision

No. 62823, dated April 27, 1964, leasing PUC No. 403 and PUC No. 403-I from Lester D. Kemp to Don D. Lukow.

2. That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 403 and PUC No. 403-I to Lukow Trucking Co., Inc., and that henceforth the full and complete authority under said PUC No. 403 and PUC No. 403-I shall be and appear as follows:

"Transportation -- on call and demand -- of

(1) General commodities

Between all points within the following described area: Commencing at a point six (6) miles east of Arriba, Colorado, on U.S. Highway No. 24; thence south ten (10) miles to a point; thence west thirteen (13) miles to a point; thence north forty-five (45) miles to a point; thence east thirteen (13) miles to a point; thence south to the point of beginning and to and from said points from and to points in the State of Colorado.

(2) Farm machinery, farm products (including livestock), farm supplies, coal, and household goods

Between all points within the following described area: Commencing at a point four (4) miles west of Flagler, Colorado; thence north thirty (30) miles to a point; thence east fourteen (14) miles to a point; thence south forty (40) miles to a point; thence west fourteen (14) miles to a point; thence north ten (10) miles to the point of beginning; and to and from said points from and to points in the State of Colorado.

RESTRICTION:

Item No. 2 restricted against transportation of farm machinery, farm products (excluding livestock), farm supplies, coal and household goods between Denver, Colorado, and Flagler, Colorado, and intermediate points.

(3) Livestock

Between all points within the following described area commencing at a point two (2) miles east of Vona on U.S. Highway No. 24; thence south eleven (11) miles to a point; thence west nine (9) miles to a point; thence north forty (40) miles to a point; thence east nine (9) miles to a point; thence south to point of beginning and to and from said points from and to points in the State of Colorado.

(4) Bulk farm products (including livestock), farm supplies, used farm machinery, coal, farmer's household goods

Between all points within an area described as follows: Commencing at the southeast corner of area described in Item No. 3; thence south ten (10) miles to a point; thence west twenty-three (23) miles to a point; thence north ten (10) miles to a point; thence east twenty-three (23) miles to the point of beginning; and to and from said points from and to points in the State of Colorado.

RESTRICTION:

Item No. 4 restricted against the transportation of commodities other than bulk farm products, livestock and used farm equipment between towns on Highways 24 and 40 in competition with scheduled line-haul common carriers.

- (5) 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That the present and outstanding lease of Certificate of Public Convenience and Necessity PUC No. 403 and PUC No. 403-I, from Lester D. Kemp, Arriba, Colorado, to Don D. Lukow, Arriba, Colorado, approved and authorized by the Commission in Decision No. 62823, dated April 27, 1964, be, and the same hereby is, cancelled.

That Lester D. Kemp, Arriba, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 403 and PUC No. 403-I to Lukow Trucking Co., Inc., Arriba, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 403 and PUC No. 403-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) General commodities

Between all points within the following described area; Commencing at a point six (6) miles east of Arriba, Colorado, on U.S. Highway No. 24; thence south ten (10) miles to a point; thence west thirteen (13) miles to a point; thence north forty-five (45) miles to a point; thence east thirteen (13) miles to a point; thence south to the point of beginning and to and from said points from and to points in the State of Colorado.

(2) Farm machinery, farm products (including livestock), farm supplies, coal, and household goods

Between all points within the following described area: Commencing at a point four (4) miles west of Flagler, Colorado; thence north thirty (30) miles to a point; thence east fourteen (14) miles to a point; thence south forty (40) miles to a point; thence west fourteen (14) miles to a point; thence north ten (10) miles to the point of beginning; and to and from said points from and to points in the State of Colorado.

RESTRICTION:

Item 2 of this Certificate is restricted against transportation of farm machinery, farm products (excluding livestock), farm supplies, coal and household goods between Denver, Colorado, and Flagler, Colorado, and intermediate points.

(3) Livestock

Between all points within the following described area commencing at a point two (2) miles east of Vona on U.S. Highway No. 24; thence south eleven (11) miles to a point; thence west nine (9) miles to a point; thence north forty (40) miles to a point; thence east nine (9) miles to a point; thence south to point of beginning and to and from said points from and to points in the State of Colorado.

(4) Bulk farm products (including livestock), farm supplies, used farm machinery, coal, farmer's household goods

Between all points within an area described as follows: Commencing at the southeast corner of area described in Item 3; thence south ten (10) miles to a point; thence west twenty-three (23) miles to a point; thence north ten (10) miles to a point; thence east twenty-three (23) miles to the point of beginning; and to and from said points from and to points in the State of Colorado.

RESTRICTION:

Item 4 of this Certificate is restricted against the transportation of commodities other than bulk farm products, livestock and used farm equipment between towns on Highways 24 and 40 in competition with scheduled line-haul carriers.

- (5) 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.

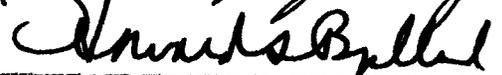
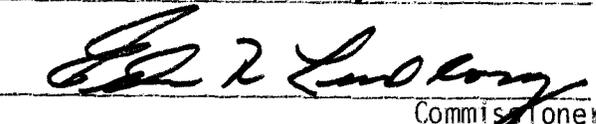
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1969.
Is

(Decision No. 72900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAURICE G. BURGESS AND WILLIAM M.)
BURGESS, DOING BUSINESS AS "M. G.)
BURGESS AND SON," 820 EIGHTH STREET,)
BERTHOUD, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 6946 TO LAMB)
CONSTRUCTION, INC., 229 PARK STREET,)
LYONS, COLORADO.)

APPLICATION NO. 23595-Transfer

April 24, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 11, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 6946.

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 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 follow, to-wit:

EXAMINER FINDINGS OF FACT

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

1. Transferors herein are the present owners and operators of PUC No. 6946, 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 authority from this Commission under Certificates of Authority PUC No. 6815 and PUC No. 6980 and Permit No. B-7278.
4. There is some slight duplication between the authority sought to be transferred and the authority being leased from Richard Stanley Stafford, doing business as "Northern Trash Disposal Co." Should the Applicant exercise the option to purchase in the Stafford Lease, the slight duplication can, at that time, be cured by cancellation of such duplicating authority.
5. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
6. The full purchase price less a deposit has been deposited in escrow and will be paid out to the Transferor at such time as the Commission approves the transfer.
7. The Certificate is free and clear of any debts, encumbrances or obligations.
8. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
9. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
10. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
11. 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 Transferors to transfer all of their right, title and interest in and to PUC No. 6946 to Lamb Construction, Inc., and that henceforth the full and complete authority

under said PUC No. 6946 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From the town of Berthoud, Colorado, and a five (5) mile radius thereof to regularly designated and approved dumps and disposal sites located within the Counties of Weld and Larimer, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Maurice G. Burgess and William M. Burgess, doing business as "M. G. Burgess and Son," Berthoud, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 6946 to Lamb Construction, Inc., Lyons, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 6946 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other refuse

From the town of Berthoud, Colorado, and a five (5) mile radius thereof to regularly designated and approved dumps and disposal sites located within the Counties of Weld and Larimer, 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 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 the prior filing of the annual report by transferor herein, covering the operation under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1969.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MINIMUM CHARGE APPLICABLE)
TO APPLIANCES DELIVERED TO A)
PRIVATE HOME)
-----)

CASE NO. 1585

April 24, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 21, 1969, the Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed 3rd Revised Page 84 to its Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19, scheduled to become effective April 28, 1969, as set forth in Appendix "A" attached hereto.

On April 22, 1969, the Chief of Tariff Bureau filed application No. 405, requesting permission to publish and become effective April 28, 1969, the elimination and participation of Richard H. Eshe and Lois Mae Eshe, d/b/a South Park Motor Lines, in Item 420 (G). The publication is to be accomplished on 4th Revised Page No. 84.

In support of this request it is stated: --

"At the carrier's request, your petitioner added the name of South Park Motor Lines to the provisions of Item 420 (G) for the purpose of providing the increased minimum charges in connection with service to off-route points. This publication became effective on March 7, 1969.

"Then, on March 21, 1969, your petitioner, again at the carrier's request, published the participation of South Park Motor Lines in Item 420 (H) to provide an increased charge for home deliveries of certain appliances, etc.

"It has now been brought to our attention that this letter publication, which is scheduled to become effective April 28, 1969, could result in conflicting charges.

"To correct this situation, the carrier proposes to cancel its participation in Item 420 (G) and to continue its participation in Item 420 (H) which more nearly meets its needs in the territory which it serves."

Under the provisions of Rule 18C (1) (a) and 18C (1) (c) of the Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado, the Commission states and finds that the changes

proposed appear to represent just, fair and reasonable rates and charges, and governing provisions, and that an order should be entered prescribing the same.

O R D E R

THE COMMISSION ORDERS:

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

2. That the rates and charges as set forth in Appendix "A" of this Order, subject to the rules and regulations as provided in the aforesaid tariffs, shall be the prescribed rates, rules and regulations of the Commission; provided however, that the elimination of Richard H. Eshe and Lois Mae Eshe, d/b/a South Park Motor Lines in Item 420 (G) shall be permitted to become effective April 28, 1969, and the Publishing Agent shall file 4th Revised Page 84 on or before April 28, 1969.

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 28, 1969, 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 28, 1969, 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.

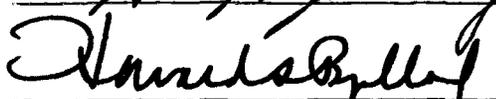
7. That this Order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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
24th day of April, 1969. av

(Decision No. 72902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL O. GIRLEY, DOING BUSINESS AS)
"GIRLEY'S ASH & TRASH SERVICE," 627)
EAST MAPLE, COLORADO SPRINGS, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 2834 TO TERRANCE VERN CHAMBERS,)
DOING BUSINESS AS "C & C DISPOSAL,")
819 KINGSLEY DRIVE, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 23592-Transfer

April 25, 1969

Appearances: Robert Dunlap, Esq., Colorado Springs,
Colorado, for Applicants;
Edwin Strand, Esq., Colorado Springs,
Colorado, for Ace Disposal Service,
Best Way Disposal, Security Garbage
Co. and Superior Sanitation, Inc.,
Protestants;
Dalton O. Ford, Denver, Colorado, of
the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 31, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 2834.

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.

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

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

1. Transferor is the record owner of Certificate of Authority PUC No. 2834, which is the subject of this proceeding.
2. Said Transferor operated this Certificate for approximately fifteen (15) years. However, following the death of his wife and a heart attack to himself, he ceased operating the authority in May of 1968 and attempted to find a purchaser for his business.
3. Shortly thereafter, he began negotiations with an employee, one Bruce Anderson, for a transfer of the authority and under date of July 11, 1968, the Commission received a request concerning the transfer of this authority from Mr. Girley to Mr. Anderson.
4. For various reasons, namely financing, nothing ever came of this transfer and, in fact, no formal application was ever made to the Commission to transfer the authority to Mr. Anderson.
5. Under date of October 23, 1968, Mr. Girley requested a suspension of the authority setting forth the fact of his wife's death, his heart attack and that he was "looking for a buyer."
6. By Commission Decision No. 72097, dated October 29, 1968, the Commission allowed a voluntary suspension of the Certificate from October 23, 1968 to April 23, 1969.
7. Pursuant to request from Mr. Girley and by Commission Decision No. 72052, dated February 3, 1969, the Commission reinstated the authority as of January 27, 1969.
8. Under date of January 31, 1969, the Commission received this application to transfer the authority from Mr. Girley to Terrance Vern Chambers, doing business as "C & C Disposal", the Transferee in this proceeding.
9. Mr. Girley has borrowed funds and financed the operation of his business from the Rocky Mountain Industrial Bank in Colorado Springs and his present indebtedness to the bank is \$1,550. That bank has been assisting Mr. Girley in negotiating the sale of his business.
10. Protestants are all ash and trash haulers in the area covered by the Certificate involved in this proceeding and it is the contention of Protestants that (1) Mr. Girley abandoned his authority prior to the suspension, (2) Mr. Girley did, in fact, attempt to transfer the authority to Mr. Anderson without

Commission approval and, (3) the Rocky Mountain Industrial Bank, in fact, assumed control and ownership of the Certificate at the instance of Mr. Girley and for these reasons, the Commission should not allow the transfer of the Certificate.

11. There is pending before the Commission a Complaint Case designated as Case No. 5393 wherein the Protestants in this proceeding have made complaint against the Transferee in this proceeding as more fully set forth therein and it is specifically found that the issues and matters involved in said Complaint Case have no bearing and are not to be determined in this proceeding.
12. With respect to Protestant's contentions in this transfer proceeding, it is specifically found that Transferor has, at no time, abandoned the authority but, in fact, has done everything within his power to preserve and maintain the "good standing" of the authority pending negotiations for the sale and transfer of the authority. Further, it is specifically found that Transferor's negotiations with Mr. Bruce Anderson were nothing more than negotiations made in good faith and that neither the negotiations nor the assistance given to Mr. Girley by the Rocky Mountain Industrial Bank would be cause to deny this application.
13. Protestants presented no evidence whatsoever to support findings so as to cause a denial of this transfer.
14. Transferee herein holds no previously granted authority from this Commission.
15. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
16. The Certificate is free and clear of any debts, encumbrances or obligations.
17. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
18. 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 the safety requirements of the Commission and has or will make adequate provision for insurance.
19. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
20. 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. 2834 to Terrance Vern Chambers, doing business as "C & C Disposal", and that henceforth the full and complete authority under said PUC No. 2834 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From all points within a ten (10) mile radius of the intersection of Pikes Peak and Nevada Avenue, Colorado Springs, Colorado, to designated and approved dumps and disposal sites within a thirty (30) mile radius of said intersection."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Carl O. Girley, doing business as "Girley's Ash & Trash Service," Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 2834 to Terrance Vern Chambers, doing business as "C & C Disposal," Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2834 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other refuse

From all points within a ten (10) mile radius of the intersection of Pikes Peak and Nevada Avenue, Colorado Springs, Colorado, to designated and approved dumps and disposal sites within a thirty (30) mile radius of said intersection.

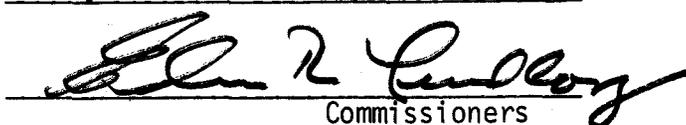
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the

Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.
ls

(Decision No. 72903)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTWAY MOTOR FREIGHT, INC., 5231)
MONROE STREET, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PUC NO. 701.)

APPLICATION NO. 23593-Extension

April 25, 1969

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 14, 1969, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 701 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 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.

By motion and stipulation of the parties, Application Nos. 23542 and 23593 were heard on a joint record; however, separate Orders are to issue."

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

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

1. Applicant is a Colorado corporation and presently holds authority from this Commission as follows:
 - (a) Certificate of Authority PUC No. 701 and PUC No. 701-I, which is set forth in Exhibit No. "1" and will not be reiterated here. This authority is in good standing with the Commission.
 - (b) Applicant also holds Certificate of Authority PUC No. 3407 and Permit Nos. A-430 and A-1268 and further has two applications pending before the Commission. However, these authorities and applications have no bearing on this proceeding.
2. By this application, Applicant seeks to extend Certificate of Authority PUC No. 701 and PUC No. 701-I so as to provide for:

"Transportation of freight as a common carrier by motor vehicle over regular routes, on schedule, between Boulder, Colorado, and points within five (5) miles thereof, on the one hand, and, on the other, Golden, Colorado, and points within two (2) miles thereof, via Colorado Highway No. 93, serving all intermediate points."
3. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
4. Applicant has sufficient 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. 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.

7. There is presently no service available in the area to which extension is sought.
8. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
9. The extension 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 that Applicant be and hereby is authorized to extend operations under PUC NO. 701 and PUC NO. 701-I as follows:

"Transportation -- on schedule -- of general commodities between Boulder, Colorado, and points within a five (5) mile radius thereof, and Golden, Colorado, and points within two (2) miles thereof, over Colorado Highway 93, serving all intermediate 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 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

ORDER

THE COMMISSION ORDERS:

That Westway Motor Freight, Inc., Denver, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 701 to include the following:

Transportation -- on schedule -- of
General commodities

Between Boulder, Colorado, and points within a five (5) mile radius thereof, and Golden, Colorado, and points within two (2) miles thereof, over Colorado Highway 93, serving all intermediate points.

That applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of

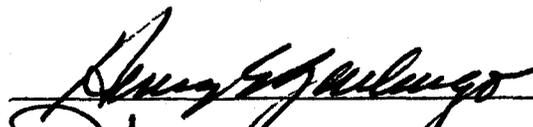
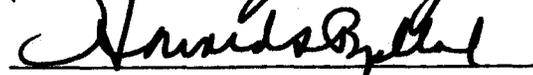
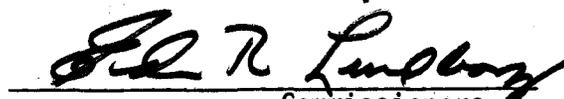
this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.

ls

(Decision No. 72904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DENVER BUILDING SUPPLY CO. (CORP.))
301 VALLEJO STREET)
DENVER, COLORADO 80223)

PUC NO. 6925-I

April 25, 1969

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 21, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DENVER BUILDING SUPPLY CO. (CORP.))
301 VALLEJO STREET)
DENVER, COLORADO 80223)

PERMIT NO. M-8163

April 25, 1969

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.

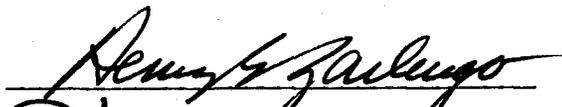
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 21, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.
gf

(Decision No. 72906)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* / * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD A. ZIEBARTH AND)
DOROTHY L. ZIEBARTH)
7000 NIAGARA)
COMMERCE CITY, COLORADO 80022)

PERMIT NO. B-6756

April 25, 1969

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.

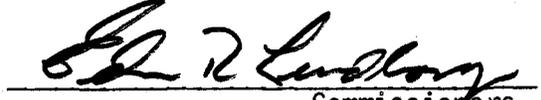
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 25, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.
gf

(Decision No. 72907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD A. ZIEBARTH AND)
DOROTHY L. ZIEBARTH)
7000 NIAGARA)
COMMERCE CITY, COLORADO 80022)
-----)

PERMIT NO. M-243

April 25, 1969

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.

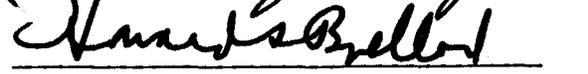
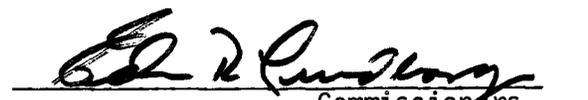
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 25, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.
gf

(Decision No. 72908)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLARENCE W. KROEGER)
GENERAL DELIVERY)
HOLYOKE, COLORADO 80734)

PERMIT NO. B-3574

April 25, 1969

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.

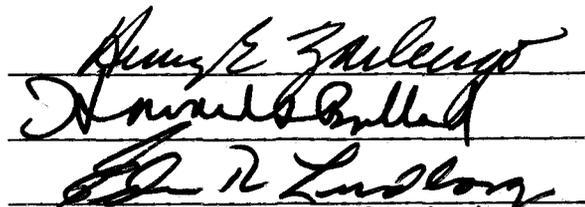
O R D E R

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 28, 1969, to and including September 28, 1969.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.
gf

(Decision No. 72909)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLARENCE W. KROEGER)
GENERAL DELIVERY)
HOLYOKE, COLORADO 80734)

PERMIT NO. M-9361

April 25, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 28, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin J. Pellegrino
Donald B. Butler
E. J. Conroy
Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.
gf

(Decision No. 72910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES D. CRABDREE)
1162 LARADO STREET)
AURORA, COLORADO 80010)

PERMIT NO. B-5802

April 25, 1969

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 April 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

James S. Galleago
Donald S. Byland
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1969.

gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Richard Mondragon)
418 Wood Street)
Fort Collins, Colorado 80521)

AUTHORITY NO. M-12401
CASE NO. 4149-M-Ins.

April 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , 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. Gabel
Donald B. Bell
Ed R. Ludwig
Commissioners

Dated at Denver, Colorado, this
28th day of April 1969 .

LW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLE JUICE, EDIBLE SYRUP AND)	
VINEGAR, IN TANK VEHICLES, BETWEEN)	
POINTS ON THE WESTERN SLOPE OF	)	<u>INVESTIGATION AND SUSPENSION</u>
COLORADO, AND DENVER, COLORADO	)	<u>Docket No. 622</u>
-----)	

April 25, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 5, 1968, by Decision No. 72770, the matter involved herein was suspended and set for hearing on February 5, 1969.

On December 27, 1968, by Decision No. 72357, petition to intervene, of Bulk Transporters, Inc., was granted.

On January 29, 1969, by Decision No. 72490, John J. Conway, Attorney for Respondent, Jim Chelf, Inc., petitioned for continuance of scheduled hearing date. This was granted and the matter set for hearing on March 18, 1969.

On March 11, 1969, by Decision No. 72656, said matter was further suspended for an additional period of not exceeding three months from April 4, 1969, and hearing date set for March 18, 1969, was vacated and reset for May 20, 1969.

The Commission is now in receipt of a petition by John J. Conway, Esq., advising that Respondent does not desire to pursue the matter and requests the Investigation and Suspension Docket No. 622 be withdrawn and canceled.

Upon consideration of said requests, the Commission finds that it will be in the public interest that:

1. Jim Chelf, Inc., 5226 Brighton Boulevard, Denver, Colorado 80216, file the necessary cancellation supplement to its Local Freight Tariff No. 2, Colorado PUC No. 2.

2. Investigation and Suspension Docket No. 622 be withdrawn and canceled.

O R D E R

THE COMMISSION ORDERS:

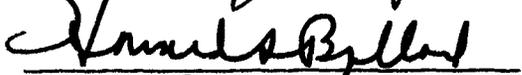
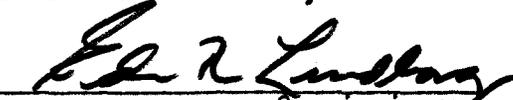
1. That the Statement and Findings be, and they are hereby, made a part hereof.

2. That Jim Chelf, Inc., 5226 Brighton Boulevard, Denver, Colorado 80216, file the necessary cancellation Supplement to its Local Freight Tariff No. 2, Colorado PUC No. 2, upon ten (10) days' notice to the Commission and the general public, and not later than May 7, 1969.

3. That Investigation and Suspension Docket No. 622, presently set for hearing at 10:00 o'clock a.m., on May 20, 1969, in the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and the same hereby is, vacated.

4. That this proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado, this
25th day of April, 1969. av

(Decision No. 72913)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WHITE RIVER ELECTRIC ASSOCIATION, INC.,)
OF MEEKER, COLORADO, FOR AUTHORITY TO)
ISSUE SECURITIES AND THE APPLICATION)
OF THE PROCEEDS THEREFROM FOR CERTAIN)
SPECIFIED PURPOSES.)

APPLICATION NO. 23433-SECURITIES

SUPPLEMENTAL ORDER

April 25, 1969

Appearances: Frank G. Cooley, Esq., Meeker,
Colorado, for Applicant;
Christian O. Igenbergs, Esq., Denver,
Colorado, for the Staff of the
Commission;
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission

S T A T E M E N T

BY THE COMMISSION:

The Commission, by its Decision No. 72119 of November 1, 1968, in the matter of the issuance of securities by the above Applicant, included a condition in the Order as follows:

"That Applicant shall make a study of its rate structures in cooperation with the Staff of this Commission and shall submit a written report of the results of the study to this Commission within six months of the date of the Order herein."

Such a report would be due by May 1, 1969. The Staff of the Commission has been making studies of the cost of service and of the level of rates which have not been completed as of the present date, due to non-stable conditions heretofore existing in the operations of White River. These conditions particularly had relation to the sale and delivery of large power to a customer, which customer did not come on the line on a firm basis until approximately December of 1968. In addition to this, metering difficulties

were experienced on large power customers that affected kilowatt hour sales, kilowatt hour system losses and system revenues. This rendered unreliable the statistical data for the calendar year 1968 to a degree that would require substantial estimates of kilowatt hours sold as well as system kilowatt hour losses and revenues. Because of these and other factors, White River Electric Association, Inc., by its Manager, Roger M. Purdy, on April 10, 1969, addressed a letter to the Commission requesting an extension of time to complete the rate studies with particular regard to the level of the rates being applied by White River to its customers and in the letter stated:

"Commencing with January, 1969, White River Electric is entering upon a period of operation which will more nearly reflect the normal operation, without adjustments, due to new loads coming on the line, as was the case for 1967 and 1968. Also, by using calendar year 1969 any report would tie in with the regular report submitted to the PUC."

F I N D I N G S

THE COMMISSION FINDS:

That good cause exists to grant the extension of time requested by Applicant.

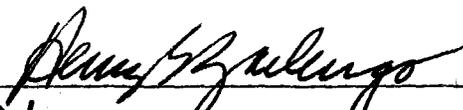
O R D E R

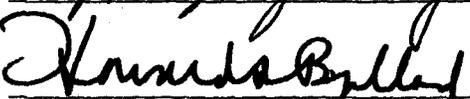
THE COMMISSION ORDERS:

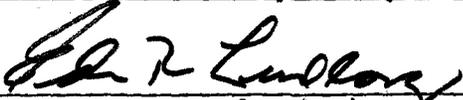
That the requirement of the Commission in its Order of November 1, 1968, Decision No. 72119, that Applicant make a report of the results of the rate study within six months of the date of said Order be extended, pursuant to Applicant's request, to March 31, 1970.

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 25th day of April, 1969.
1s

(Decision No. 72914)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES W. LAIRAMORE, 8911 HUNTER)
WAY, WESTMINSTER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23636-PP

April 25, 1969

Appearances: Charles W. Lairamore, Westminster,
Colorado, pro se;
William Andrew Wilson, Esq., Denver,
Colorado, for Englewood-Littleton-Arapahoe
Rubbish Removal, Inc., Vanish Rubbish Re-
moval, Freddie's Rubbish Removal, Metro-
politan Trash, Inc., Bestway Disposal,
Commerce Refuse Disposal, Inc., Brite'n
Best Rubbish Removal, Industrial Disposal,
Decker Disposal, A-Aurora Removal Service,
Aurora F & S Sanitary Carrier, Aurora and
East Denver Disposal, and Northland Disposal,
Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 7, 1969, 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 -- 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

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

1. The applicant himself offered no evidence other than his own testimony which had to do with what he proposed to do in the event the authority was granted to him and there was no showing whatsoever of any present or special need for the proposed service. Applicant offered no testimony whatsoever from customers or anyone that might use the proposed service.
2. Protestants' testimony showed that they would be adversely effected in various ways if the authority were granted and, in fact, the proposed authority, if granted, would impair the efficient public service of existing common carriers who are now adequately serving the same territory transporting the commodity requested in this application.
3. The application should be denied.

EXAMINER CONCLUSIONS

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

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

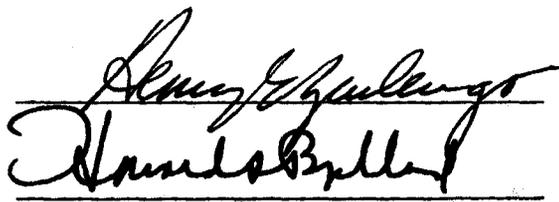
O R D E R

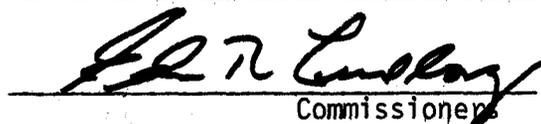
THE COMMISSION ORDERS:

That Application No. 23636-PP, be, and the same hereby is,
denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioner

Dated at Denver, Colorado,
this 25th day of April, 1969.
Is

(Decision No. 72915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ARTHUR S. VAN EPS, DOING BUSINESS)
AS "VANISH RUBBISH REMOVAL," 2691)
SOUTH VINE, DENVER, COLORADO.)

PUC NO. 3202

April 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Arthur S. Van Eps, doing business as "Vanish Rubbish Removal," (Debtor) owner and operator of PUC No. 3202, herein seeks authority to encumber said certificate to Englewood-Littleton-Arapahoe Rubbish Removal, Inc., in accordance with the certain terms and conditions as set forth in copies of the Security Agreement and Financing Statement, dated April 15, 1969, and properly filed with the Commission, as executed by and between said parties, in accordance with the statutory provisions of the Uniform Commercial Code.

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

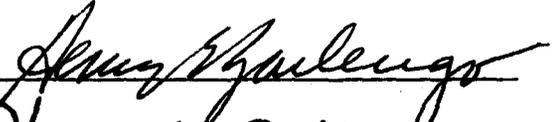
O R D E R

THE COMMISSION ORDERS:

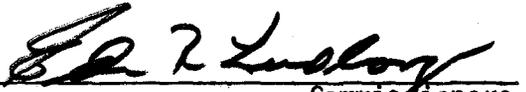
That Debtor, Arthur S. Van Eps, doing business as "Vanish Rubbish Removal," be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 3202, to Secured Party, Englewood-Littleton-Arapahoe Rubbish Removal, Inc., as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 28th day of April, 1969.
gf

(Decision No. 72916)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EPHRAIM FREIGHTWAYS, INC., 1385)
UMATILLA STREET, DENVER, COLORADO.)

PUC NO. 7368
PUC NO. 7368-I

April 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Ephraim Freightways, Inc., (Debtor), owner and operator of PUC No. 7368 and PUC No. 7368-I, herein seeks authority to encumber said Certificates to Red Ball Motor Freight, Inc. (Secured Party), to secure payment of the indebtedness in the sum of \$50,000.00, in accordance with the certain terms and conditions as set forth in copies of the Financing Statement and Security Agreement and Note, dated October 2, 1968, and properly filed with the Commission, as executed by and between said parties in accordance with the statutory provisions of the Uniform Commercial Code.

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

O R D E R

THE COMMISSION ORDERS:

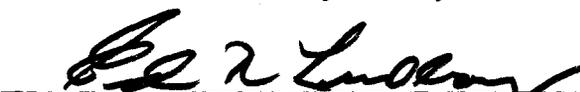
That Debtor, Ephraim Freightways, Inc., be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 7368 and PUC No. 7368-I, to Secured Party, Red Ball Motor Freight, Inc. to secure payment of the indebtedness in the sum of \$50,000.00 as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 28th day of April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIMMY R. MOORE, DOING BUSINESS AS)
"SUBURBAN BUS LINES," 2373 NEWARK)
STREET, AURORA, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23438

April 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant herein sought a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of passengers and their baggage, on schedule, as set forth in said application.

The Commission has now been advised by Clayton N. Morrison, Attorney for the Applicant, that Applicant no longer desires authority herein sought and requests that said application be dismissed.

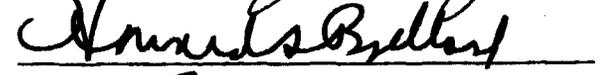
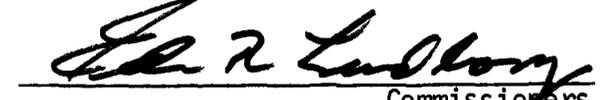
The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23438 be, and the same hereby is, dismissed.
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 April, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAY CARLLEY, LIVESTOCK EXCHANGE)
BUILDING, WICHITA, KANSAS.)

PUC NO. 2608-I

April 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission in receipt of a communication from the above-styled certificate-holder requesting authority to do business under the trade name and style Jay Carlley, doing business as "Jay Carlley Trucking Co.," in lieu of Jay Carlley in the conduct of operations under PUC No. 2608-I.

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

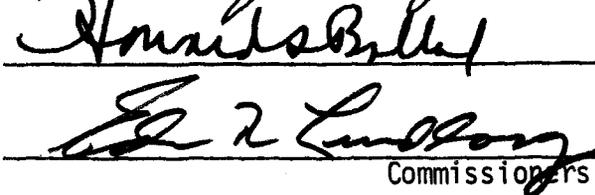
ORDER

THE COMMISSION ORDERS:

That Jay Carlley be, and hereby is, authorized to conduct operations under the trade name and style of Jay Carlley, doing business as "Jay Carlley Trucking Co.," in the conduct of operations under PUC No. 2608-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

The 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 April, 1969.

gf

(Decision No. 72919)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE MESA VERDE COMPANY, THE MESA VERDE)
NATIONAL PARK, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23565

SUPPLEMENTAL ORDER

April 28, 1969

Appearances: Gordon F. Garrett, Esq., Denver,
Colorado, for Applicant;
C. S. "Buddy" Rogers, doing business
as "Cortez Taxi and Transfer Co.,"
Cortez, Colorado, Protestant, pro se;
Robert Jindra, Ouray, Colorado, of the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1969, the Commission entered Decision No. 72772 in the above-entitled matter, granting to Applicant, The Mesa Verde Company, a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

The Commission is in receipt of a communication from Gordon F. Garrett, Attorney for the Applicant, requesting that the Applicant be authorized to change its corporate name from The Mesa Verde Company to Mesa Verde Company in the conduct of operations authorized by said Decision No. 72772.

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

O R D E R

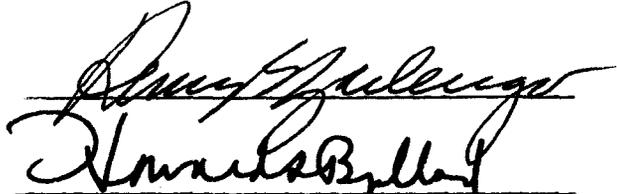
THE COMMISSION ORDERS:

That The Mesa Verde Company be, and hereby is, authorized to change its corporate name to Mesa Verde Company in the conduct of operations

granted by Decision No. 72772, dated March 28, 1969, 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 28th day of April, 1969.
ls

(Decision No. 72920)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WALES TRUCKING COMPANY, A CORPORATION,)	
BOX 6186, DALLAS, TEXAS, FOR AUTHORITY	)	<u>PUC NO. 1826-I - Transfer</u>
TO TRANSFER INTERSTATE OPERATING RIGHTS)	
TO WALES TRANSPORTATION, INC., BOX)	
6186, DALLAS, TEXAS.)	

April 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Wales Trucking Company, Dallas, Texas, was granted a certificate of public convenience and necessity, being PUC No. 1826-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate-holder now seeks authority to transfer said PUC No. 1826-I to Wales Transportation, Inc., Dallas, 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

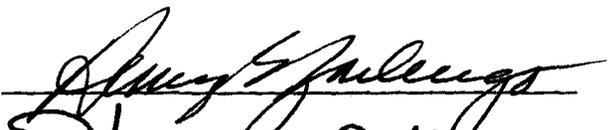
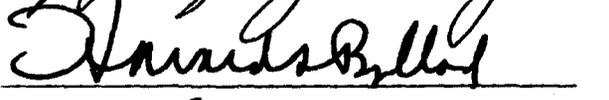
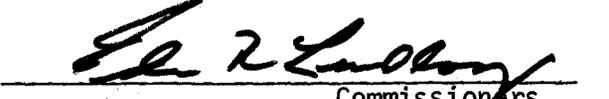
THE COMMISSION ORDERS:

That Wales Trucking Company, a corporation, Dallas, Texas, be, and hereby is, authorized to transfer all right, title and interest in and

to PUC No. 1826-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Wales Transportation, Inc., Dallas, 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 28th day of April, 1969.
ls

(Decision No. 72921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF)
COLORADO P.U.C. NO. 5 OF THE)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, 930 - 15TH)
STREET, DENVER, COLORADO, FILED)
PURSUANT TO THIS COMMISSION'S)
DECISION NO. 72385, DATED)
JANUARY 7, 1969.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 625

April 28, 1969

Appearances: Akolt, Shepherd, Dick & Rovira, Esqs., Denver, Colorado by
Luis D. Rovira, Esq., Denver, Colorado, and
Denis G. Stack, Esq., Denver, Colorado, for Mountain States Telephone and Telegraph Company;
H. L. Thurtell, Esq., Denver, Colorado and
Iris Bell, Esq., Denver, Colorado, for United States General Services Administration;
John P. Holloway, Esq., Boulder, Colorado, for the Regents of the University of Colorado, Protestant;
Larry F. Hobbs, Esq., Denver, Colorado, for Bailey, Colorado, area residents;
J. Pierpont Fuller, Esq., Denver, Colorado, for Telephone Answering Services of the Mountain States, Inc. and Telephone Answering Service, Inc., Protestants;
Gorsuch, Kirgis, Campbell, Walker & Grover, Esqs., Denver, Colorado, by
Leonard M. Campbell, Esq., Denver, Colorado, for the Colorado Municipal League, Protestant;
Max P. Zall, Esq., Denver, Colorado, and
Brian H. Goral, Esq., Denver, Colorado, for the City and County of Denver, Protestant;
Howard Cloud, Lakewood, Colorado, for the Jefferson County School District;
Mary D. Gordon, Esq., Colorado Springs, Colorado, for the City of Colorado Springs;
Robert Smith, Pueblo, Colorado, and Elmer P. Cogburn, Esq., Pueblo, Colorado for C.F. & I. Corporation
George Vincent, Denver, Colorado, Communications Coordinator, State of Colorado;
Henry F. Hansen, Denver, Colorado, for Denver Public Schools;
Carl Rite, Denver, Colorado, Telephone Cost Control, pro se;

Appearances: (Continued)

G. Hamilton Evans, Denver, Colorado,
Greater Denver Hotel Association and
Colorado Motel Association;
Girts Krumins, Esq., Denver, Colorado,
and
Harry A. Galligan, Jr., Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

Pursuant to Commission Decision No. 72385 of January 7, 1969, the Commission authorized Mountain States Telephone and Telegraph Company, hereinafter referred to as "the Company," for the reasons and in the manner stated in said Decision, to file a new schedule of rates for its Colorado intrastate telephone service which, when applied to the test year 1967 conditions, would produce additional gross revenues in the amount of \$2,133,957; said rates to become effective on 30 days' notice to the Commission.

By said Decision, the Commission also authorized the Company to file a "Tariff Rider" to provide for a charge of 3.07% of gross revenues in addition to all regularly filed charges or, in the alternative, to file such new and separate rate schedule with an adjustment clause, which when applied to the test year 1967 conditions, would produce additional gross revenues in the amount of \$3,745,004, either of which would become effective on 5 days' notice to the Commission and would remain effective for only so long as the present 10% Federal Income Tax Surcharge remains in effect.

On January 20, 1969, the Company filed its Advice Letter No. 502 accompanied by approximately 435 new and revised tariff sheets under Tariff No. 5, hereinafter referred to as "Proposed Rate Schedule."

The effective date of the schedule so filed was to be March 4, 1969. Pursuant to Commission Decision No. 72528 of February 6, 1969, entered by the Commission on its own initiative, the effective date of said schedule was suspended and the matter set for hearing before the Commission at 10:00 o'clock A.M., on February 24, 1969, in the Commission Hearing Room, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, all of which is more fully set out in said Decision.

Formal protests were duly filed by the City and County of Denver, by Telephone Answering Services of the Mountain States, Inc., and by Telephone Answering Service, Inc. Numerous letters of protest were received and filed with the Commission and a number of persons appeared at the hearing to voice their protests against the proposed rates and charges. Applicant's Exhibits 1, 2, 3, 3a, 4, 5, and 6, Protestant Denver's Exhibits A, B, and C, and Protestant Colorado University's Exhibits D, E and F were received in evidence. The Applicant's Exhibit 1 which is the Proposed Rate Schedule was modified and revised during the hearing by Exhibit No. 2.

At the conclusion of the hearing the parties were given 30 days within which to file briefs and the matter was taken under advisement.

The Law (115-3-1.) provides that "all charges made" by a public utility for "any service rendered or to be rendered shall be just and reasonable," and (115-3-2.) empowers the Commission, and makes it the Commission's duty "to adopt all necessary rates and charges" of public utilities "and prevent unjust discrimination . . . and to all things . . . which are necessary or convenient in the exercise of such power." Under the law the burden is upon the utility to establish by sufficient and competent evidence that its rates and charges are just and reasonable and not unjustly discriminatory.

The Commission has authorized additional revenues in certain amounts, to-wit: (a) \$3,745,004 to offset the 10% Federal Income Tax Surcharge, and (b) \$2,133,957 to augment the Company's earnings in order that it realize a fair return. It is incumbent that this two-fold authorization must be exercised in a manner conforming to law and, in particular, to the law above referred to. Does the allocation of the rates and charges as provided and structured in the Proposed Rate Schedule meet the prerequisites of the law? Are the proposed rates and charges just and reasonable? Are they unjustly discriminatory?

Consideration of the Proposed Rate Schedule and of the evidence discloses many substantial inconsistencies and differentials in rates and

charges to various customers who receive substantially the same service which is provided without additional or different equipment. As the evidence in the record is inadequate to explain and justify these substantial inconsistencies and differentials it appears that such rates and charges are not just and reasonable and are unjustly discriminatory.

The "value of service" concept is strenuously urged without reasonable consideration of its method of application under the Proposed Rate Schedule. The Company's own evidence indicates that as here applied the "value of service" concept is based almost entirely on its "subjective" opinion. Very little evidence of an objective nature in support thereof is tendered. It is contended that since it is impossible to devise a precise mathematical rate structure which will avoid every discrimination the seasoned judgment and opinion of the utility's personnel must prevail. While we consider this "judgment and opinion" with great care, and with due respect, to which it is entitled, we cannot abdicate our legal duty to adopt only those rates and charges which, after careful consideration of all the facts, contentions, and the law, we find to be just and reasonable and not unjustly discriminatory.

The Commission does not favor delays in the rate-making process. With the proper evidence before us it might have been possible for the Commission to make the corrections deemed necessary and prescribe different rates and charges. This would have obviated the necessity of going through the entire spread of a rates and charges process one more time. However, the evidence presented by the Company is so meager that it is impossible to determine the revenue effect of any changes we might have deemed proper. As a consequence, if the Commission were to attempt to prescribe rates and charges different from those proposed by the Company the revenues raised thereby could either be unreasonably in excess of, or below, the authorized additional revenues. It must be emphasized that this Commission must make appropriate findings of fact which are legally adequate before it can permit rates and charges proposed by the Company to become effective.

FINDINGS OF FACT

Having carefully considered the record herein,

The Commission FINDS that the Company has filed the Proposed Rate Schedule (Exhibits 1 and 2) pursuant to Commission Decision No. 72385, dated January 7, 1969, which authorizes an increase in its intrastate telephone rates and charges consisting of two parts, (1) a percentage increase of approximately 3.07% of gross revenues to provide revenues to offset the 10% Federal Income Tax Surcharge to be effected by a Tariff Rider and to remain in effect only for so long as the Federal Income Tax Surcharge is effective, and (2) a percentage increase of approximately 1.78% as a general rate increase. It is noted that these two increases total slightly less than 5%.

The Commission FINDS:

1. Relative to the Proposed Rate Schedule:

(a) That the additional rates and charges authorized to offset the Federal Income Tax Surcharge is limited to only main station and PBX trunk services and is not applied on a broad base of services which would result in more equal treatment.

(b) That the increase in rates and charges authorized to offset the Federal Income Tax Surcharge is applied on the basis of an identical flat increment to all rate groups and results in widely varying percentage figures which would be avoided by use of an overall percentage basis.

(c) That a substantial differential will be established between rates and charges for business and for PBX extensions; for example

Business extensions, per month	\$2.00
Series 100 PBX extensions, per month	2.50
Series 200 PBX extensions, per month	2.75
Series 300 PBX extensions, per month	3.00

(d) That the flat rate on semi-public coin telephone service is higher than on one-party measured business service; for example

Semi-public coin telephone, per month (Plus 10¢ per local call)	\$8.85 + \$.75 surcharge increment
Measured business, per month (100 call allowance)	\$8.25 + \$.05 surcharge increment

(e) That station rates for various PBX systems are substantially different even though different equipment is not required, for example

Series 100 PBX - Main station, per month	\$3.65
Series 200 PBX - Main station, per month	4.50
Series 300 PBX - Main station, per month	5.25

(f) That increases in rates and charges are proposed which are substantially in excess of the overall total of the percentage rate increases authorized (less than 5%) such as the rates and charges on multi-party lines, combination tie trunks, toll diversion, tie lines, secretarial boards, intra-exchange private line service, and numerous other special services, all without good cause shown. The percentages of these increases range from as much as 15% to over 100%.

(g) That the proposed packaging of PBX systems will require customers (who reasonably may be considered captive) presently having at no extra charge camp-on equipment to buy a different and higher series system at a very substantial increase in rates and charges.

(h) That services such as measured PBX service will be "frozen" to existing customers.

(i) That increases of rates and charges on many specific types of service are being made far in excess (as much as 130%) of the total of the percentages of the two increases authorized by the Commission without a showing of corresponding changes in the cost of rendering the service, or in the value of the service, or of any other reasons, to adequately justify the same.

(j) That the Proposed Rate Schedule includes exchange group 11 which at this time does not apply to any exchange; that no top limit should be placed on the highest group of any existing exchanges; and, that the proposed grouping is basically a classification of ten groups.

(k) That a 4, 6, 8, or 10 group classification of exchanges may be appropriate but there is no evidence in the record upon which the

Commission can consider the merits of such alternative methods of classification of exchanges.

2. Relative to the presently effective rates and charges:

(a) That different rates and charges are applicable for residence extension telephones in various areas.

(b) That different rates and charges are applicable for business extension telephones in various areas.

(c) That certain exchanges have outgrown their rate groups and are receiving service at rates and charges below those of other exchanges having a corresponding, or even a lesser, number of telephones.

(d) That in certain other and less important practices such as relating to obsolete wall sets, special payments of commissions to Denver drug stores, etc., special and unequal treatment is given without good reason.

(e) That the classification of exchanges is made on the basis of total telephones but should be made on the basis of total terminals in the future.

The Commission FINDS:

That all the items in paragraph 1, although they do not include all the items of apparent discriminatory rates and charges in the Proposed Rate Schedule, are sought to be made without reasonable explanation and justification as to their fairness even though on their face the various customers are obviously treated radically unequally, and that such rates and charges are not just and reasonable and are unjustly discriminatory.

That all the items in paragraph 2, although they do not include all items of apparent inequitable rates and charges in the existing rates, are inequitable and should be corrected in a legal and proper manner.

The Commission FINDS that the Proposed Rate Schedule includes some disproportionate increases in existing rates and charges made for certain type services. Some of these increases exceed 100% of the existing

rates and charges. The Company has made no showing to what extent the existing rates and charges for these services are not just and reasonable from either a cost of service, or value of service, viewpoint, or that changes of a technical nature, or otherwise, have occurred since the existing charges were instituted to render them not just or reasonable. The presumption is that the existing rates and charges when they were instituted as applied to the overall revenue requirements at that time were just and reasonable and not discriminatory. Any increase proposed substantially above the overall percentage rate increase (less than 5%) authorized by the Commission should be supported by sufficient evidence as to the propriety of such change.

The Commission FINDS that in many areas 8-party service, such as in the Bailey area, continues to prevail without any offer to customers of an alternate service to their great dissatisfaction and in spite of complaint; that only vague promises of an economic feasibility study and future action to remedy the situation have been made; that such service is inadequate and should within the limitation of economic feasibility be corrected as soon as possible; that a complete study of 8-party service, having in view the elimination of such service, should be made to provide the Company and the Commission with information upon which future action may be based to alleviate this condition and a report of such study filed with the Commission; that certain exchange boundaries may be obsolete and that the Company should make a study thereof and ascertain if such boundaries are reasonably in conformity with the current community of interest; that certain utility services are rendered and charges made therefor without filed rates; that rates and charges for all utility services rendered, whether under general tariff schedules or special contracts, should be filed; that the revenue effect of the proposed changes in rates and charges is generally not computed on the basis of actual data but is computed on estimates and special studies, ostensibly because actual information is not available; and, that the Company should make a feasibility study of a business information system to provide such actual data.

The Commission FINDS that a restructuring of the whole schedule of rates is being proposed based apparently on the assumption that many of the present rates and charges are obsolete and consequently inequitable because of the passage of time. If this is so, many customers will be affected in their rates and charges in different ways. Such customers have not had adequate notice that their rates and charges would be affected in such manner.

The Commission FINDS that the Company should file an Advice Letter as hereinafter ordered.

The Commission FINDS that the Proposed Rate Schedule filed with the Commission should be permanently suspended and not permitted to become effective.

O R D E R

THE COMMISSION ORDERS:

That the Proposed Rate Schedule filed by Mountain States Telephone and Telegraph Company, pursuant to Decision No. 72385, with the Commission be, and hereby is, permanently suspended and shall remain permanently ineffective.

That an economic feasibility study be made of the 8-party service being rendered in various areas in conformity with the Findings herein and a report of such study be filed with the Commission within six months from the effective date of this Order.

That the Company make a study of exchange boundaries in conformity with the Findings and a report of such study be filed with the Commission within six months from the effective date of this Order.

That the Company file all rate schedules and contracts under which utility services are being rendered, not presently on file, within 30 days from the effective date of this Order and keep such rate schedules and contracts currently on file.

That the Company make an economic feasibility study of a business information system to provide actual data in conformity with the

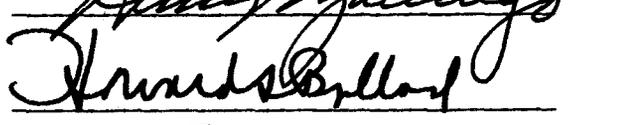
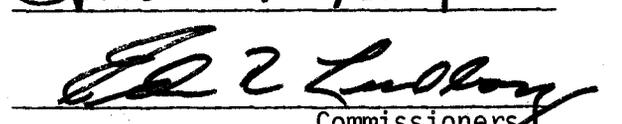
Findings herein and file a report of such study with the Commission within six months from the effective date of this Order.

That the Company file a new Rate Schedule in conformity with the Findings herein, to become effective upon 30 days' notice to the Commission, to raise the revenues authorized in Decision No. 72385, such rates to be just and reasonable and not unjustly discriminatory. To said Rate Schedule, when filed, there shall be attached an Advice Letter in accordance with Rule 20 of the Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado, and there shall be included therein a statement setting forth in detail the changes proposed, the revenue effect of each change, and the percentage increase or decrease involved for each such change.

That the Company shall file with the Commission for its consideration a classification of exchanges based on the number of total terminals into groups of 4, 6, 8, or 10, and the rates which will be required by such classification to provide the authorized revenues, indicating the percentage increases for each type of service in each exchange in addition to any other classification the Company may wish to propose.

That this Order shall become effective forthwith.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of April, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CEMENT, IN BAGS FROM)
PORTLAND, COLORADO TO LAS)
ANIMAS, COLORADO)
-----)

INVESTIGATION AND SUSPENSION
Docket No. 627

April 28, 1969

Appearances: Robert L. Harris for
Las Animas Transfer Co.
Hubert Work for
Weicker Transfer & Storage Co.
Ralph H. Knull for the
Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 17, 1969, Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed 2nd Revised Page No. 47-A, which added Item 489 in Motor Freight Tariff No. 14, Colorado PUC No. 13, naming a rate of 21¢ per cwt., 40,000-pound minimum, on cement in bags palletized, from Portland, Colorado to Las Animas, Colorado, scheduled to become effective February 17, 1969. Upon receipt of protest filed on behalf of Weicker Transfer and Storage Co., the Commission suspended said tariff provisions by Decision No. 72535, dated February 10, 1969, with the use thereof being deferred to and including June 17, 1969.

The herein subject matter was set for hearing before the Commission on the 9th day of April, 1969, at 10 a.m., in the Commission hearing room at Denver, Colorado. Hearing was held on that date and the matter taken under advisement.

Mr. Robert Harris, President of Respondent Las Animas Transfer Co., appeared and testified in support of the proposed tariff filing. His testimony disclosed that he operates under authority of PUC Certificate No. 254, issued by the Commission; that the suspended tariff filing covered cement in bags on pallets at a 40,000 pound minimum, and a rate of 21¢ per

cwt., from Portland, Colorado to Las Animas, Colorado; that the shipper would load and the consignee unload; that his revenue on the minimum weight would be \$84.00, and that his total fully allocated costs for the year 1968, amounted to 36.8 per mile; that to keep good men he must retain them on the payroll year around, but that business is slow during certain periods and it is difficult to utilize the men or equipment fully at all times. He testified further that there are no rush orders on the cement and that he may handle at his convenience; that his consignees are not on rail siding and that truck delivery is more convenient for them and that he utilizes a tandem axle White tractor and a flatbed trailer for this particular haul.

In response to questions, Mr. Harris testified that the cement is now moving via rail; that this rate proposal differs from that which was considered by the Commission under Investigation and Suspension Docket No. 592 in that the present proposal requires that the shipments be palletized, that the shipper load and consignee unload, and the minimum weight was increased from 33,000 pounds to 40,000 pounds. Mr. Harris agreed, in response to questions from Mr. Work, that the value of a new tandem axle tractor would be around \$22,500 and that, on the basis of an average yearly mileage of 40,000 miles, the depreciation on a ten year basis would approximate 5¢ per mile.

Mr. Harris also agreed, in response to questions from the Staff, that the overall cost of 36.8 cents per mile included all of the types of movements in which his Company participates (short local hauls as well as longer line haul movements), and includes also pick up and delivery costs for LTL as well as TL shipments.

Mr. Hubert Work, Vice President of Protestant Weicker Transfer and Storage Co., appeared and testified in opposition to the suspended tariff provisions. His testimony disclosed that Weicker's operating costs are estimated to be as high as 70¢ per mile, and in his opinion any haul producing less than 60¢ per mile would be non-compensatory. He added that this could vary depending upon the frequency and volume of movement. Mr. Work testified that, in his opinion, the establishment of

this low rate would be detrimental to the motor carrier industry.

On cross examination, Mr. Work testified that he did not know if Weicker had ever handled a load of cement from Portland to Las Animas, Colorado. It was also developed during cross examination of Mr. Work that there is a rate of 21¢ - 45,000-pound minimum, applying on cement from Portland to Denver; that the mileage, Portland to Denver, is 107 miles and from Portland to Las Animas, is 109 miles. Mr. Work testified that although Weicker participates in the Denver rate, it hauls very little cement in this area.

Mr. Harold Lootens, Financial Analyst for the Commission, was called as a Staff witness and introduced Staff Exhibit No. 1. His testimony explained the exhibit which was an analysis of the truck mile costs of the Las Animas Transfer for the year 1968. Said exhibit purported to show that the out-of-pocket costs amounted to 32.7¢ per mile, and that the total truck mile costs, excluding terminal expenses (because of shipper load, consignee unload provisions), amounted to 35.3¢ per mile. It was Mr. Lootens' opinion, based upon this study, that the haul would be compensatory for Respondent, Las Animas Transfer Co., and that, in fact, the operating ratio for the move involved would be 92.4 percent.

The Commission has carefully considered the evidence and testimony offered in this proceeding and finds that the rate of 21¢ (cents), 40,000-pound minimum, applying on cement in bags, palletized, from Portland, Colorado to Las Animas, Colorado, subject to shipper load and consignee unload, is just and reasonable, and an appropriate Order should be entered.

O R D E R

THE COMMISSION ORDERS:

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

2. That the Order entered by Decision No. 72535, dated February 10, 1969, suspending the operation of the tariff provisions referred to in the Statement and Findings herein, be, and it hereby is, vacated and set aside as of April 30, 1969.

3. That the necessary supplement to Motor Freight Tariff No. 14, Colorado PUC No. 13, shall be filed upon notice to the Commission and the general public by not less than one day's filing and posting, in the manner prescribed by law and the Rules and Regulations of the Commission.

4. That this proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Gault
Donald R. Bell
Ed R. Luby
Commissioners

Dated at Denver, Colorado, this
28th day of April, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: EDIBLE SYRUPS, AND BLENDS
THEREOF, IN BULK, BETWEEN POINTS
IN COLORADO

)
) INVESTIGATION AND SUSPENSION
) Docket No. 635

April 28, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1969, North Denver Storage Co., doing business as Weicker Transport Co., filed Local Tariff No. 1, Colorado PUC No. 1, naming commodity rates for the transportation of edible syrups, and blends thereof, in bulk, between points in Colorado. Said tariff was suspended by Decision No. 72845, dated April 14, 1969, to and including August 14, 1969.

The Commission is now in receipt of Application No. 1, by Hubert Work, Executive Vice President, North Denver Storage Company, doing business as Weicker Transport Company, dated April 18, 1969, requesting that:

"Inasmuch as this tariff was published to apply in connection with a private carrier authority, and inasmuch as the Weicker Transfer and Storage Company is seeking authority to publish the same tariff provisions in connection with its common carrier authority, your petitioner does not desire to defend the current publication."

Upon consideration of said request, the Commission finds that said schedule should be withdrawn and canceled; that hearing date set for June 17, 1969, should be vacated.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they hereby are, made a part hereof.
2. That Local Freight Tariff No. 1, Colorado PUC No. 1, issued and filed with this Commission by North Denver Storage Company, doing

business as Weicker Transport Company, should be canceled and withdrawn on one day's notice, effective April 30, 1969. The necessary cancellation supplement shall be issued to the respective tariff.

3. That hearing date set for June 17, 1969, applicable to Investigation and Suspension Docket No. 635, is hereby vacated and this proceeding discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
28th day of April, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN AIRWAYS, INC., STAPLETON INTER-)
NATIONAL AIRPORT, P. O. BOX 7215,)
PARK HILL STATION, DENVER, COLORADO,)
FOR EXTENSION OF ITS COMMON CARRIER)
AUTHORITY TO OPERATE SCHEDULED SERVICE)
BY AIRPLANE.)

APPLICATION NO. 23432-Extension

RE: AIR CARRIER OPERATIONS OF ASPEN)
AIRWAYS, INC., STAPLETON INTERNATIONAL)
AIRPORT, P. O. BOX 7215, PARK HILL)
STATION, DENVER, COLORADO.)

PUC NO. AC-25

IN THE MATTER OF THE APPLICATION OF)
ASPEN AIRWAYS, INC., STAPLETON INTER-)
NATIONAL AIRPORT, P. O. BOX 7215,)
PARK HILL STATION, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23440

SUPPLEMENTAL ORDER

April 29, 1969

Appearances: John F. Mueller, Esq., Denver,
Colorado, and
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, of Stockton
and Lewis, Denver, Colorado, for
Applicant;
Warren Braucher, Esq., Denver,
Colorado, for Rio Grande Motor Way
and Denver and Rio Grande Western
Railroad Company, Protestants;
Floyd K. Roberts, Denver, Colorado,
of Continental Trailways for Copy
of Order.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 12, 1969, the Commission entered Decision No. 72655 in the
above-entitled matters.

It now appears that the Commission through inadvertence, in setting
forth the authority contained under PUC No. ACS-25, omitted from the descrip-
tion the authority granted under Decision No. 63278, dated July 10, 1964.

In view of the above and foregoing, the Commission states and finds that Decision No. 72655 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 72655 be, and the same hereby is, amended, nunc pro tunc, as of March 12, 1969, by striking therefrom the second paragraph of the Order therein contained and the entire authority under PUC No. ACS-25, appearing on page 6 and 7 of the Order thereof, and inserting in lieu thereof the following:

"That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. ACS-25 shall read and be as follows, to-wit:

Transportation by fixed-wing aircraft -- on schedule -- of

1. Passengers and property

Between Aspen, Colorado, on the one hand, and Denver, Colorado, on the other hand.

RESTRICTION:

Item 1 of this Certificate is restricted as follows:

- a. No office or branch shall be established for the purpose of developing or soliciting business at any town or city other than Aspen and Denver, Colorado, and airports within a ten (10) mile radius of said cities.

2. Passengers and property

Between Aspen, Colorado, on the one hand, and Grand Junction, Colorado, and airports within a ten (10) mile radius thereof on the other hand, with the right to open an office in Grand Junction, Colorado, for the solicitation of business.

RESTRICTION:

Item 2 of this Certificate is restricted as follows:

- a. To the conduct of operations between December 15 and April 15 inclusive each year.
- b. Against performing service between Denver, Colorado and Grand Junction, Colorado.

3. Passengers and their baggage

Between Rifle, Colorado, on the one hand, and Denver, Colorado, on the other hand.

RESTRICTION:

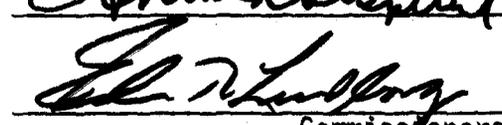
Item 3 of this Certificate is restricted as follows:

- a. No office or branch shall be established for the purpose of soliciting business at any town or city other than Rifle and Denver, Colorado, and airports within a ten (10) mile radius of said cities."

That, except as herein amended, Decision No. 72655 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of April, 1969.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ADJUSTMENT AND CLARIFICATION OF)
RATES, RULES AND REGULATIONS, AND)
PROVISIONS; AND INCREASED RATES ON)
SHIPMENTS IN EXCESS OF FIFTY FEET,)
APPLICABLE TO HEAVY COMMODITIES)
BETWEEN POINTS IN COLORADO)

CASE NO. 1585

April 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 4, 1969, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent, filed revised pages as designated in Appendix "A" attached hereto, to its Motor Freight Tariff No. 13, Colorado PUC No. 12* (*The Motor Truck Common Carriers' Association, Agent, Series) which schedules were published to become effective April 5, 1969.

In support of these adjustments the Commission is in receipt of communications from the Chief of Tariff Bureau and Carriers involved.

Items 40, paragraph (A), 100 and 235 being amended by removing reference to rates "in cents per 100 pounds" so that the rates provided on Page 33, either by the loaded mile or by the hour can be applied on this traffic.

Item 60 eliminates the current provisions applicable to quantity shipments and provides a minimum weight factor of 30,000 pounds per vehicle on shipments from one consignor to one consignee on one bill of lading in one day.

Item 270 and Page 33 are amended by deleting the portion pertaining to loads in excess of 50,000 pounds per vehicle and providing an additional hourly charge for loadings between 50 and 60 tons. Mr. Hubert Work, Executive Vice President, Weicker Transfer & Storage Company explains in his letter of January 21, 1969, that this should clarify and eliminate confusion and misunderstanding in the application of these rates and charges.

Item 350, shipments in excess of fifty feet in length, is a new provision to provide additional revenue for shipments of commodities of a lengthy nature. Mr. Vern Gasper, Supervisor of Traffic, N. W. Transport Service, Inc., states in his letter of February 3, 1969, that:

"Higher cost factors are represented by utilization of "stretch trailers." The original cost is higher and maintenance cost extends beyond and above the normal 40-foot trailer."

Under the provisions of Rule 18C (1) (a) of the Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado, the Commission states and finds that the changes proposed appear to represent just, fair and reasonable rates and charges and governing provisions, and that an order should be entered, nunc pro tunc, prescribing the same, effective April 5, 1969.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact and Appendix "A" attached hereto, be, and they are hereby, made a part hereof.
2. That the changes as set forth herein shall be the prescribed rates, rules and regulations of the Commission on and after April 5, 1969.
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 5, 1969, 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.
6. That on and after April 5, 1969, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding,

charging and collecting rates and charges which shall be less than those herein prescribed.

7. 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.

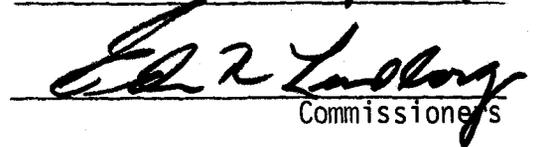
8. That an Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

9. That this Order shall become effective forthwith.

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

11. That the effective date of the amendments provided in Appendix "A" attached hereto shall be, nunc pro tunc, April 5, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this
29th day of April, 1969. av

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
Motor Freight Tariff No. 13
Colorado PUC No. 12*

(*The Motor Truck Common Carriers' Association, Agent, Series)

Item	
No.	Rules and Regulations

3rd Revised Page No. 14

APPLICATION OF RATES ON TRAILER MOUNTED UNITS:

Shipments of machinery and equipment mounted and installed on pneumatic tired trailers, semi-trailers, or trucks owned and furnished by the shipper, when such installation makes the trailer, semi-trailer, or truck and equipment mounted thereon an integral unit to transport, and for which the carrier is required to furnish a truck or truck-tractor only and to perform only a towing service, will be accepted, subject to the following conditions:

(a) The distance rates ③ provided in this tariff, or as amended, will apply, based on the weight of the lading, (see paragraph (b) subject to the minimum weight applicable in connection with the rate used.

(b) The weight of the lading will be determined by deducting 20 per cent, as the tare weight of the trailer, from the actual gross weight of the lading and trailer, lading and semi-trailer or lading and truck, whichever is applicable. The tare weight allowed by the provisions of this paragraph shall in no case exceed 12,000 pounds.

40

(c) The trailer, semi-trailer, or truck to be towed must be licensed properly by the owner, and be in a safe and proper condition for movement over the highways of Colorado on its own wheels and must conform to the insurance and safety rules, regulations and requirements of the State of Colorado.

(d) For the purpose of this item, time lost due to tire or mechanical failure of, or deficiency of, the trailer, semi-trailer, or truck, when not caused by fault of the carrier, shall be considered as "Detention Time" and charged for at the hourly rates named in Item No. 270. Free time for detention will not be granted under the provisions of this item. Charges for detention time are in addition to the transportation charges provided in this item.

(e) In instances where special highway permits are required by state or municipal bodies or commissions and such special permits designate the route to be traveled, the highway distance via such route shall be used to determine the charges.

5th Revised Page No. 15

BASIS FOR RATES ON QUANTITY SHIPMENTS:

Ⓐ Except as otherwise provided, the rates in this tariff are subject to 30,000 pounds minimum weight per vehicle on shipments from one consignor to one consignee on one bill of lading in one day.

EXCEPTION: Will not apply in connection with the provisions of Section 4.

ISSUED MARCH 4, 1969

EFFECTIVE APRIL 5, 1969

Item
No.

RULES AND REGULATIONS

6th Revised Page No. 17

100

(a) EXCLUSIVE USE OF VEHICLE FOR TRANSPORTATION OF ARTICLES NOT NAMED IN THIS TARIFF: When a shipper requests the exclusive use of a vehicle for service in transporting commodities not named or provided for in this tariff, the charge will be based on the hourly rate set forth in Item No. 270; provided, however, that in no event shall the charge be lower than 120% of the applicable class rate where the transportation is over the route of a scheduled line haul motor vehicle common carrier (regular route carrier), or a combination of such carriers.

(b) EXCLUSIVE USE OF VEHICLE FOR TRANSPORTATION OF ARTICLES NAMED IN THIS TARIFF: When a shipper requests the exclusive use of a vehicle for service in transporting commodities named or provided for in this tariff (weighing under 4,000 pounds), the charge will be based on the hourly rate set forth in Item No. 270, or the distance rates Ⓢ for less than 30,000 pounds published in this tariff, whichever produces the lower total charge.

4th Revised Page No. 23

235

RETURN RATES FOR THE SAME CONSIGNEE OR SAME CONSIGNOR:

When the same consignor or the same consignee makes available to the carrier a return load of the same or like commodities immediately following the unloading of the original shipment, the return load will be hauled at 60% of the applicable Ⓢ rate. Subject to the following conditions:

- (1) The return tonnage must be compatible to the equipment used for the original movement;
- (2) The total loading and/or unloading and/or delay time for the entire movement shall be limited to three free hours and the additional time, if any, shall be assessed at the hourly rates set forth in Item 270. Ⓢ Ⓢ

Item
No.

RULES AND REGULATIONS

11th Revised Page No. 24

HOURLY RATES AND ADDITIONAL CHARGES FOR SPECIAL SERVICES:

The following charges are in addition to the per hundredweight or per mile transportation charges provided in this tariff and will be assessed on shipments when special services and/or extra labor is required in loading or unloading, or when extra services are required due to weak bridges or other highway obstructions preventing accessibility on the normal route. Also, for stringing material along a right-of-way, to tow, drag, or gather material or equipment to or from loading or unloading place, to pull down, or set up material, machinery or equipment, or wreck or place same in position, or to rig up or to pump liquids on or off tanks.

Rates shown below include the services of driver or operator where indicated.

All hourly charges shall be computed from the time unit and operator leave carrier's terminal until they return to the carrier's terminal.

STRAIGHT TIME rates will be charged for all hours worked except those provided for in Overtime Item No. 220.

EQUIPMENT	Straight Time per hour
Stake Truck and Driver	\$ 9.00
Winch Truck and Driver	12.00
Tail Gage lift truck and Driver	9.50
Tractor and Hi-Bed and Driver:	
Lading not exceeding 20 tons	13.50
Lading exceeding 20 tons or stretch trailer	16.00
Tractor and low-bed and driver:	
Lading not exceeding 25 tons	15.00
Lading exceeding 25 tons but not exceeding 40 tons	20.00
Lading exceeding 40 tons but not exceeding (A) 50 tons	25.00
(A) Lading exceeding 50 tons but not exceeding 60 tons	35.00
Lading exceeding 60 tons	75.00
Foreman - Each	8.00
Helpers - Each	7.50
Helpers (High Work) - Each	9.00*
Rigging Foreman - Each	10.00*
Riggers - Each	9.00*

270

Fractions of an hour will be charged for at the nearest one-half hour.
*Labor rates apply to teamster labor only. Other crafts furnished at prevailing rates.

NOTE 1: A minimum of 2 hours will apply to all straight line at rates above.

(C) NOTE 2: Other equipment which is required to transport, push or support lading shall be charged for at the rate or charge of the contractor and such expense shall be borne by the consignor or consignee. Copy of invoice will be attached to carrier's billing.

Any extra expense involved in furnishing material and equipment for rigging up, bracing, or moving of wires will be in accordance with the amount required or the expenses incurred.

Any necessary travel or subsistence expenses involved in performing the above services are additional.

Item
No. RULES AND REGULATIONS

1st Revised Page No. 26-A

⚡ SHIPMENTS IN EXCESS OF 50 FEET IN LENGTH:

350 Shipments in excess of 50 feet in length shall be assessed a penalty
Ⓐ of 1½% of the applicable rate, per foot, in excess of 50 feet.

SECTION NO. 2
Distance Commodity Rates

The following rates will apply on the commodities described on pages 28 to 31.

8th Revised Page No. 33

Rates in cents per loaded mile applying between points in all territories. Hourly charges ⚡Ⓒ in Item 270 will apply on all distances of 30 miles or less.

Miles	WEIGHT PER VEHICLE OR COMBINATION OF VEHICLES OPERATED UNDER A SINGLE POWER UNIT: (Subject to Item 330)						
	Less than 30,000 pounds		30,000 to 40,000 pounds		40,001 to 50,000 pounds		
	Rate	Break Point (Miles)	Rate	Break Point (Miles)	Rate	Break Point (Miles)	
31 - 50	190	41	210	44	220	44	
51 - 70	150	62	180	66	186	67	
71 - 90	130	80	165	87	173	85	
91 - 120	113	108	156	111	160	112	
121 - 150	100	--	143	137	147	141	
151 - 175	100	--	129	168	137	169	
176 - 200	100	--	123	182	131	185	
201 - 225	100	--	111	214	120	217	
226 - 250	100	--	105	--	115	241	
Over 250	100	--	105	--	110	--	

LOADS IN EXCESS OF 50,000 POUNDS PER VEHICLE:

ⒸⒶ Hourly charges in Item 270 will apply.

ISSUED MARCH 4, 1969

EFFECTIVE APRIL 5, 1969

- ⚡ denotes addition
- Ⓐ denotes increase
- Ⓒ denotes change resulting in neither increase nor reduction.
- Ⓔ denotes - eliminate
- Ⓓ denotes reduction

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO FOR AUTHORITY TO CONSTRUCT,)
OPERATE AND MAINTAIN HIGHWAY/RAILWAY)
GRADE SEPARATION STRUCTURE OVER-PASSING)
THE GREAT WESTERN RAILWAY COMPANY)
TRACK AND RIGHT OF WAY AT MILEPOST)
1.175 EAST OF THE CITY OF LONGMONT,)
BOULDER COUNTY, COLORADO.)

APPLICATION NO. 23367

April 29, 1969

S T A T E M E N T

BY THE COMMISSION:

On August 23, 1968, the State Department of Highways, Division of Highways - State of Colorado (Division), filed its application, in accordance with the rules of this Commission, seeking approval for construction of a new highway overpass structure on Colorado Highway No. 119 at the highway-railroad crossing as noted above.

Other explanatory material submitted with the instant application includes:

Exhibit A - Copy of combination Plan sheet showing layout, location, property ownership and railroad easement at new crossing overpass site.

Exhibit B - Profile and Plan sheet to show outside dimensions and clearances for the highway bridge.

Also received by the Commission as a late-filed exhibit is a copy of the fully executed Agreement, dated August 12, 1968, between the State Department of Highways - State of Colorado and The Great Western Railway Company pertaining to proposed overpass construction.

With reference to the instant application and other investigation data of the Commission, it appears that Colorado Highway No. 119 now extends easterly on East 3rd Avenue from the Longmont City Limits in

a meandering route for some 1½ miles along properties of Kuner-Empson Packing Company and Great Western Sugar Company ; it then takes a direct section-line alinement eastward from the Great Western Sugar plant to Interstate No. 25 at four miles beyond. Approximately one mile east from Longmont there is a grade crossing of Colorado No. 119 over the mainline track of The Great Western Railway serving into the Great Western Sugar plant.

In the instant work, Division of Highways is reconstructing some 2.5 miles of the highway to secure a more direct alignment and provide a wider roadway. Starting at Martin Street (City Limits), East 3rd Avenue will be built as a new road for some 0.3 mile eastward to Lashley Lane and provide a 4-lane street section with curb and gutter and allow for parking on both sides of the street. From Lashley Lane eastward, the initial construction will be 2 lanes of a future 4-lane facility, and be on the new alignment where rising topography offers ideal location for separation of grades between the rail line and the new highway. The final development of the roadway work will include the proposed grade separation in the form of two bridges above the rail line for divided eastbound and westbound vehicular traffic.

On the basis of stage construction for the whole project, funds have been allocated for the initial highway reconstruction, and it is proposed that a single 2-lane bridge be built at this time to be located at south side of Railroad Milepost 1.175 in the Southwest quarter of Section 1, Township 2 North, Range 69 West, Boulder County.

The new bridge will consist of a reinforced continuous concrete slab supported on steel I-beams; it will be 42 feet wide between curbs, providing for two 12-foot lanes with related shoulders and curbs. Steel hand rails will be placed on the outer curbs. Length of the bridge is 124 feet with a 53 foot span over the rail line; the supporting columns are provided with collision wall inserts at track side. Horizontal clearances are 17 feet at west side and 20.5 feet at east side. Vertical clearance

is 23'-6" from top of rail to under side of the roadway girders.

In addition to the desirability and need for new highway alignment, it is estimated that by 1987, 11,200 vehicles will be using the new road daily. Rail traffic on this portion of the line varies between two and three trains per day at speeds up to the maximum of 15 miles per hour.

It appears that upon completion of the new alignment for State Highway No. 119, the old road will become a part of the Boulder County road system. The existing grade crossing, of necessity, will remain in place in order to provide access and circulation of traffic into Great Western Sugar Company and other associated industries in the area, including the Railway terminal. Protection at the present crossing consists of two crossbuck signs. There is limited visibility to the north-east where the track enters a cut in the high ground area near the new over-pass location. Meanwhile, with the large volume of highway traffic that will be diverted to the new bridge and the low train speeds involved, it is reasonable that the old crossing may remain in service pending development of new traffic patterns and possible new land uses or traffic re-routing that would permit a later closing of the crossing.

The Agreement as completed with Great Western provides for site location of the instant overpass bridge as the first phase of a final four-lane roadway and another railroad overpass structure for separation of opposing vehicular traffic; also for construction plans, installation of track guard rails, insurance, safety and working provisions. All construction costs and continuing structure maintenance will be paid by Division of Highways in accordance with appropriate rules and regulations of the Federal Government. Continuing maintenance expense of the railroad track, track guard rails, roadbeds and drainage facilities shall remain as the responsibility of The Great Western Railway Company. Estimated costs are as follows:

\$ 785	Railroad Guard rail track
48,218	Overpass Structure D-16-BM
4,822	10% Contingency, engineering and change orders
<u>1,000</u>	Rail road flagging expenses
\$54,825	Estimate total

Other approvals have been granted by U.S. Bureau of Public Roads relating to plans and specifications, also by Chief Engineer, Colorado Division of Highways, and The Great Western Railway officials.

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

After consideration of the instant proposal, it is apparent there is a need for the new highway and related rail line crossing. It is therefore the belief of the Commission that the proposed separation construction is compatible with the public interest, and the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That public safety, convenience and necessity require the construction and maintenance of the grade separation structure as proposed herein, over trackage of The Great Western Railway Company and on the re-location of Colorado Highway No. 119 near the east limits of the City of Longmont, Colorado.

That the existing grade crossing of former State Highway No. 119 over the Great Western line shall remain in service as a part of the Boulder County road system.

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

O R D E R

THE COMMISSION ORDERS:

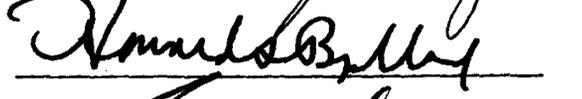
That Applicant, the State Department of Highways, Division of Highways - State of Colorado, be, and it hereby is, granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to authorize and approve the installation, construction and maintenance of a new highway-railroad grade separation structure over trackage of The Great Western Railway Company, near east limits of the City of Longmont, Colorado, as follows:

Single bridge highway overpass for Colorado Highway No. 119, at Mile Post 1.175 over the Great Western Railway Main line; being in the Southwest quarter of Section 1, Township 2 North, Range 69 West of the Sixth Principal Meridian, Boulder County, Colorado.

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of April, 1969.

ls

(Decision No. 72927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF WESTMINSTER, COLORADO, FOR)
AUTHORITY TO INSTALL CROSSING PROTEC-)
TION DEVICES AT THE INTERSECTIONS OF)
THE MAIN LINE OF THE COLORADO AND)
SOUTHERN RAILWAY COMPANY WITH LOWELL)
BOULEVARD, WEST 72ND AVENUE, AND WEST)
76TH AVENUE IN THE CITY OF WESTMINSTER,)
COLORADO.)

APPLICATION NO. 22470
SUPPLEMENTAL ORDER

April 29, 1969

Appearances: James R. Stitt, Esq., Westminster,
Colorado, for the City of Westminster;
Willard L. Peck, Esq., Denver, Colorado,
for The Colorado & Southern Railway
Company;
Martinus (Martin) H. Nickerson, County
Traffic Engineer, Commerce City,
Colorado, for Adams County;
J. L. McNeill, Engineer, Denver,
Colorado, of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On April 27, 1967 by Decision No. 69420, the Commission issued its Order in the above-entitled matter.

On February 24, 1969 the amount of \$22,772.11 was certified by the Staff of the Commission for payment from the Highway Crossing Protection Fund to The Colorado and Southern Railway Company as the State's portion of the cost of the captioned protection devices in response to Auditor's Bill No. 1201 from The Colorado and Southern Railway Company. This was purported to be the final billing on this project and was paid on March 26, 1969 by State Warrant No. 2-256280.

On April 14, 1969 The Colorado and Southern Railway Company presented its Auditor's Bill No. 4087 to this Commission for an amount of \$777.80 representing 80% of an additional cost incurred by the railroad on this project resulting from a retroactive meal allowance provided the

Brotherhood of Railway Signalmen under Arbitration Award No. 298. This amount has been certified to by the Staff of this Commission as representing fairly an additional cost of signal installation on this project to that which previously had been recommended for payment on February 24, 1969.

F I N D I N G S

THE COMMISSION FINDS:

That the additional cost of protection devices of \$777.80 representing 80% of the total additional costs of such devices were incurred by the Colorado and Southern Railway Company under Arbitration Award No. 298.

That the cost has been certified to by the Staff of the Commission as representing fairly the additional cost of protection devices at the captioned location.

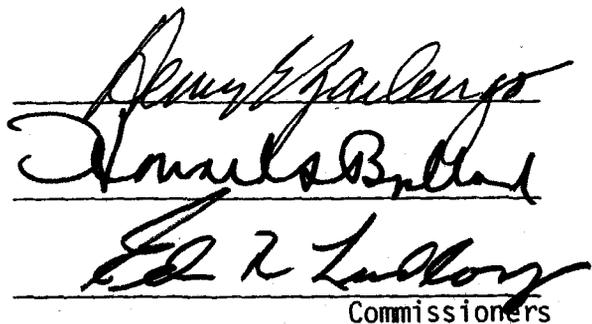
That the amount of \$777.80 presented by means of Auditor's Bill No. 4087 should be paid to The Colorado and Southern Railway Company out of the Highway Crossing Protection Fund.

O R D E R

THE COMMISSION ORDERS:

That the amount of \$777.80 representing 80% of the additional costs of protection devices at the captioned location be paid to The Colorado and Southern Railway Company out of the Highway Crossing Protection Fund.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
~~the~~ 29th day of April, 1969.

ls

(Decision No. 72928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. G.)
WERTZ, P. O. BOX 463, FLEMING, COLORADO,) APPLICATION NO. 23655-PP
FOR A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.)

April 29, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of grain, between all points within an area comprised of the Counties of Logan, Phillips and Yuma, State of Colorado, and from said points to all points within the State of Colorado.

Said application is presently set for hearing at 10:00 A.M., on May 8, 1969, at 500 Columbine Building, Denver, Colorado.

The Commission is in receipt of a communication from said Applicant requesting dismissal of said application.

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

O R D E R

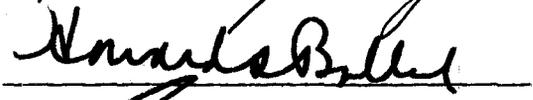
THE COMMISSION ORDERS:

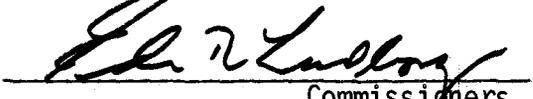
That the hearing on Application No. 23655-PP, presently set for hearing at 10:00 A.M., May 8, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 23655-PP be, and the same hereby is,
dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 29th day of April, 1969.
1s

(Decision No. 72929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK F. STURDIVANT, BOX 191, PAGOSA)
SPRINGS, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-5621 TO RICHARD)
L. GALLAVAN, BOX 11, PAGOSA SPRINGS,)
COLORADO.)

APPLICATION NO. 23602-PP-Transfer

April 29, 1969

Appearances: Frank F. Sturdivant, Pagosa Springs,
Colorado, Transferor, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 14, 1969, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-5621.

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

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

1. Transferor is an individual.
2. Transferor herein is the present owner and operator of Permit No. B-5621, 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 other than an "M" permit.
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 the safety requirements of the Commission and has 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

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-5621 to Richard L. Gallavan, and that henceforth the full and complete authority under said Permit No. B-5621 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 fifty miles of said pits and supply points;

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION:

- (a) Items 1, 2, 3 and 4 are restricted to the use of dump trucks."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Frank F. Sturdivant, Pagosa Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-5621 to Richard L. Gallavan, Pagosa Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-5621 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 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 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 50 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 miles of said pits and supply points;

RESTRICTION:

This Permit is 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 transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

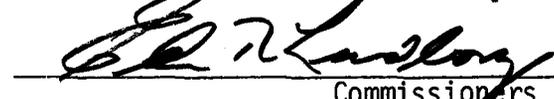
The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of April, 1969.
1s

(Decision No. 72930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. E. CARROLL, P. O. BOX 127, SOUTH)
FORK, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23594

April 29, 1969

Appearances: C. E. Carroll, South Fork,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 10, 1969, 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 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

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

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 or special need for the proposed service and the granting of the authority, as hereinafter set forth, will be in the public interest.
6. There is presently no service available.
7. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
8. 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 for a Certificate of Public Convenience and Necessity authorizing Applicant to operate as a common carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Passengers

Between South Fork, Colorado, and Summitville, Colorado, over U.S. Highway 160 and Park Creek Road, serving all intermediate points.

RESTRICTION:

(a) Restricted to transportation of employees of the Cleveland-Cliffs Iron Co. and persons conducting business with said Cleveland-Cliffs Iron Co."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That C. E. Carroll, South Fork, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation of

Passengers

Between South Fork, Colorado, and Summitville, Colorado, over U.S. Highway 160 and Park Creek Road, serving all intermediate points.

RESTRICTION:

This Certificate is restricted to the transportation of the employees of only the Cleveland-Cliffs Iron Co. and persons conducting business with only the Cleveland-Cliffs Iron Co.;

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

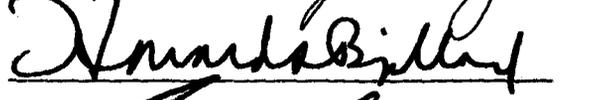
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of April, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLIFFORD E. KOEHLER DBA)
KOEHLER TIRE AND OIL COMPANY)
4116 Bent Drive)
Colorado Springs, Colorado 80909)

AUTHORITY NO. M 7286
CASE NO. 4177-M-Ins.

April 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

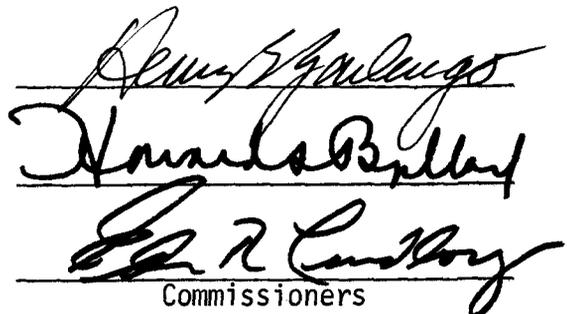
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
30th day of April, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM 109260-A AND ITEM)
(RULE) 110-A, SEC. 3 (d),)
NMFC A-10, COLORADO PUC NO. 7,)
SUPPLEMENTS NOS. 9 AND 10)

CASE NO. 1585

May 5, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 13, 1968 and January 13, 1969, the Commission issued Decisions Nos. 72252 and 72382, respectively, prescribing provisions applicable to Item 109260-A, (Lamp or Lighting Fixture Diffusers, Globes, Shades, Refractors or Reflectors), ICC, I & S No. M22797 and Item (Rule) 110-A, Section 3 (d), "address" means a particular street address (not a U.S. Post Office Box Number) where street address is available, including Post Office Zip Code, ICC, I & S No. M-22854.

On March 7, 1969, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N. W., Washington, D. C. 20036, filed Supplement No. 19 to its NMFC A-10, Colorado PUC No. 7, scheduled to become effective May 15, 1969.

In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 19, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 19, are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 19, provided for the cancellation of Item No. 109260-A and Item (Rule) 110-A,

Section 3 (d), the Commission states and finds that an order should be entered removing the prescription of the above items in Case No. 1585.

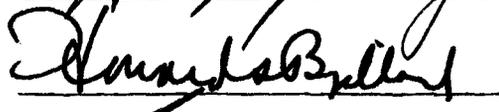
O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings, and Appendixes "A" and "B" herein, be, and they are hereby, made a part hereof.
2. That the classes and items (rules) as set forth in Supplement No. 19, amending NMFC A-10, Colorado PUC No. 7, shall be the prescribed classes and items (rules) of the Commission.
3. That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-10, Colorado PUC No. 7, as amended, shall comply with the changes provided herein on May 15, 1968.
4. That on and after May 15, 1969, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-10, Colorado PUC No. 7, as amended, shall cease and desist from publishing, demanding or applying classes and items (rules) which shall differ from the classes and items (rules) published in National Motor Freight Classification A-10, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.
5. That this rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.
6. That the Orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.
7. That this Order shall become effective forthwith.

8. 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
5th day of May, 1969. av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC A-10, Colorado PUC No. 7
Supplement No. 19

Effective May 14, 1969

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No.19
amending NMFC A-10

CLASSES AND RULES

Applying on:

Freight Traffic covered by tariffs governed by this
classification as such tariffs may provide.

Case No. 1585
Decision No. 72932
May 5, 1969

APPENDIX "A"

March 10, 1969
File 101-Rule 110
File 101-109260
File 104-A10-19

Office of Proceedings
Interstate Commerce Commission
Washington, D. C. 20423

Gentlemen:

Attached for ready reference is a copy of Supplement 19 to National Motor Freight Classification A-10, MF-ICC 11, issued March 10, 1969, effective May 15, 1969, which provides for the cancellation of matter under suspension in I&S M-22854 and M-22797.

A copy of this letter and a copy of the aforementioned supplement is being sent, via first class mail, today to each party of record in I&S M-22854 and M-22797, in compliance with the proviso in the first ordering paragraph of Special Permission M-94200 (Revised May 10, 1967).

Very truly yours,

NATIONAL MOTOR FREIGHT TRAFFIC
ASSOCIATION, INC., AGENT

(signed)

H. J. Sonnenberg, Issuing Officer
National Motor Freight Classification

HJS/pk

Encl: Sup. 19 to NMFC A-10

cc: Wm. Herbold, Secretary, National Classification Committee
cc: H. C. Willson, Chairman, National Classification Board (D135, S92;
D122, S12)
cc: Bryce Rea, Counsel, National Motor Freight Traffic Association, Inc.
cc: George H. Hilton, Chairman, Board of Suspension, Interstate Commerce
Commission
cc: Parties of Record in I&S M-22854.
cc: Parties of Record in I&S M-22797.

RULES

ITEM (RULE) 110-B (Cancels Item (Rule) 110-A and Item (Rule) 110):

DEFINITIONS AND EXPLANATION OF TERMS, PUNCTUATION AND REFERENCES

The following general definitions will apply when such terms are used in this classification or in tariffs governed by this classification. Where different definitions are provided for the same terms in connection with rates, classes, rules or other provisions, such definitions will take precedence.

Sec. 1. "Carrier," "Consignee," "Consignor" or "Shipper" includes the authorized representatives or agents of such "carrier," "consignee," "consignor" or "shipper".

Sec. 2. "Truck" or "Vehicle" means any vehicle or vehicles propelled or drawn by a power unit and used on highways in the transportation of property.

Sec. 3 (a). "Point" means a particular city, town, village, community or other area which is treated as a unit for the application of rates.

Sec. 3 (b). "Place" means a particular street address or other designation of a factory, store, warehouse, place of business, private residence, construction camp or the like, at a point.

Sec. 3 (c). "Site" means a particular platform or specific location for loading or unloading at a place.

Sec. 4. Explanation of words "Rate" or "Class":

Sec. 4 (a). "Rate" means the figure stated in cents, dollars and cents, or fractions thereof, to be used in computing the charge on property transported.

Sec. 4 (b). "Class" means the numerals or letters, or combinations thereof, assigned to an article or group of articles in this classification or in exceptions thereto, for the purpose of determining the applicable rate.

Sec. 5. A shipment is a lot of freight tendered to the carrier by one consignor at one place at one time for delivery to one consignee at one destination on one bill of lading.

Sec. 6 (a). "Volume" (Vol.) rates or classes are those for which a volume minimum weight (Vol. min. wt.) is provided, and charges will be assessed at the volume minimum weight shown in tariffs governed hereby, except that actual weight will apply when in excess of the volume minimum weight.

Sec. 6 (b). "Truckload" (TL) rates or classes are those for which a truckload minimum weight (indicated by minimum weight factors in this classification, see also item (rule) 997) is provided, and charges will be assessed at the truckload minimum weight shown in this classification or in tariffs governed hereby, except that actual weight will apply when in excess of the truckload minimum weight.

Sec. 6 (c). "Less than Truckload" (LTL) rates or classes are those applicable to a quantity of freight less than the volume or truckload minimum weight specified for the same article.

Sec. 6 (d). "Any Quantity" (AQ) rates or classes are those applicable to the article regardless of the quantity or weight of the shipment.

Sec. 7. Explanation of Words "and" and "or" and the use of Parentheses:

Sec. 7 (a). "And" is used to couple the terms between which it appears.

Sec. 7 (b). "Or" provides for alternation or use of either or both of the terms between which it appears.

Sec. 7 (c). In the description of articles the term appearing between parentheses constitutes another description of the identical article immediately preceding the parentheses.

Sec. 8. "Density." Where classes are applicable according to the density of articles as tendered for shipment, the word "density" means "pounds per cubic foot." The cubage of loose articles or pieces, or packaged articles shall be determined by multiplying the greatest straight-line dimensions (not circumferential) of length, width and depth in inches, including all projections, and dividing by 1728 cubic inches (one cubic foot). The density shall be the result of the division of the weight per article, piece or package by the cubage ascertained.

Sec. 9. Indentations: Where any part of the description of an article is found set away from the left margin in a position subordinate to the text preceding it, the description is to be read with its context and particularly with the preceding heading or headings. The effect of its position upon the meaning of a description should be carefully observed. Example: Item 1010, "Abrasives Group," controls items 1030 to 2050. Item 1070 "Crude or Lump" being further indented, is governed by the description just above it in item 1050.

Sec. 10. Unless otherwise provided, where individual items designate an article as being "enameled," the term means porcelain or vitreous enamel.

Sec. 11 (a). "In the rough" means wooden articles that are not further manufactured than sawed, hewn, planed or bent.

Sec. 11 (b). "In the white" means wooden articles that are further manufactured than provided for in (a), but including not more than one coat of priming.

Sec. 11 (c). "Finished" means wooden articles after they have passed the state of manufacture provided for in (b).

Sec. 12. Meanings of forms of shipments explained:

Sec. 12 (a). "SU" (Set Up) means articles in their assembled condition, or disassembled, folded or telescoped but not meeting the conditions described in Sec. 12, paragraphs (b) through (f). Where an article does meet the conditions described in Sec. 12, paragraphs (b) through (f), but such provisions are not published in item descriptions, the SU classes will apply.

Sec. 12 (b). "SU in sections" or "In SU sections" means articles taken apart in sections regardless of bulk or cubage, except that where other forms of shipment are provided in the same item and the meaning for such forms of shipment as described in (c) through (f) herein is complied with, the ratings for such other forms of shipment will apply.

Sec. 12 (c). "KD" (Knocked Down) means that an article must be taken apart, folded or telescoped in such a manner as to reduce its bulk at least 33½ percent from its normal shipping cubage when set up or assembled.

Sec. 12 (d). "KD flat" means that an article must be taken apart, folded or telescoped in such a manner as to reduce its bulk at least 66½ percent from its normal shipping cubage when set up or assembled.

Sec. 12 (e). "Folded" means that an article must be folded in such a manner as to reduce its bulk at least 33½ percent from its normal shipping cubage when not folded.

Sec. 12 (f). "Folded flat" means that the article must be folded in such a manner as to reduce its bulk at least 66½ percent from its normal shipping cubage when not folded.

(Continued)

RULES—Concluded

ITEM (RULE) 110-B—Concluded

Sec. 13 (a). "Nested" means that three or more different sizes of an article must be placed each smaller within the next larger or that three or more of the same articles must be placed one within the other so that each upper article will not project above the next lower article by more than one-third of its height.

Sec. 13 (b). "Nested solid" means that three or more of the same article must be placed one within or upon the other so that the outer side surfaces of the one above will be in contact with the inner side surfaces of the one below and so that each upper article will not project above the next lower article by more than 1/4 inch.

Sec. 13 (c). Rates or classes provided for "nested" articles will not apply when articles of different name or material, whether grouped in one description or shown separately, are nested or placed one within the other.

Sec. 14. "Iron" as used in the description of an article includes "Steel" and vice versa.

Sec. 15. Unless otherwise specifically provided:

Sec. 15 (a). The word "rubber" refers to natural or synthetic rubber or rubber compounds.

Sec. 15 (b). The word "foam" used in conjunction with "rubber" or the words "foam rubber" refer to cellular rubber produced by the introduction of gas or air into latex and vulcanizing.

Sec. 15 (c). The word "sponge" used in conjunction with "rubber" or the words "sponge rubber" refer to cellular rubber produced by the introduction of gas or air into non-liquid rubber and vulcanizing.

Sec. 15 (d). The words "plastic" or "plastics" refer to materials consisting of or articles made from synthetic gums or resins, cellulose derivatives, casein solids, coal tar or petroleum resins or rubber hydrochloride, with or without inert fillers, see Note, and whether or not reinforced or laminated with fibres, glass flakes or with macerated or sheet paper or fabric.

Note 4—The term "fillers" refers to organic or inorganic materials in finely divided or fibrous form (ground, chopped or pulverized) used to produce desired physical, chemical or electrical properties of finished materials or articles. Examples of fillers are:

- | | | | |
|------------------|------------------|-----------|-------------------|
| Wood flour; | Alpha cellulose; | Asbestos; | Glass fibres; |
| Nut shell flour; | Soybean meal; | Mica; | Synthetic fibres; |
| Cotton flock; | Carbon black; | Earths; | Vegetable fibres. |

Sec. 16. Unless otherwise provided, where reference is made to gauge, it means U. S. Standard Gauge shall be used for determining thickness of sheet or plate steel; Browne & Sharpe Gauge shall be used for determining thickness of rods and sheet of aluminum, copper, brass and bronze; and U. S. Steel Wire Gauge shall be used for determining thickness of iron or steel wire. The table at Footnote A sets forth the nominal thicknesses. Where classification provisions are based on gauge and where only thickness is available, the table in Footnote A must be used to convert thickness to comparable gauge.

FOOTNOTE A—

TABLE OF STANDARD GAUGES

Gauge Number	Nominal Thickness in Decimals of an Inch			Gauge Number	Nominal Thickness in Decimals of an Inch		
	United States Steel Wire (STL. W. G.)	Browne & Sharpe (B. & S. G.)	United States Standard (Revised) U. S. S. G.		United States Steel Wire (STL. W. G.)	Browne & Sharpe (B. & S. G.)	United States Standard (Revised) U. S. S. G.
000000	.4900			18	.0475	.040303	.0478
00000	.4615	.580000		19	.0410	.035890	.0418
00000	.4305	.516500		20	.0348	.031961	.0359
0000	.3938	.460000		21	.03175	.028462	.0329
000	.3625	.409642		22	.0286	.025346	.0299
00	.3310	.364796		23	.0258	.022572	.0269
0	.3065	.324861		24	.0230	.020101	.0239
1	.2830	.289297		25	.0204	.017900	.0209
2	.2625	.257627		26	.0181	.015941	.0179
3	.2437	.229423	.2391	27	.0173	.014195	.0164
4	.2253	.204307	.2242	28	.0162	.012641	.0149
5	.2070	.181940	.2002	29	.0150	.011257	.0135
6	.1920	.162023	.1943	30	.0140	.010025	.0120
7	.1770	.144285	.1793	31	.0132	.008928	.0106
8	.1620	.128490	.1644	32	.0128	.007950	.0097
9	.1483	.114423	.1494	33	.0118	.007080	.0090
10	.1350	.101897	.1345	34	.0104	.006305	.0082
11	.1205	.090742	.1196	35	.0095	.005615	.0075
12	.1055	.080808	.1046	36	.0090	.005000	.0067
13	.0915	.071962	.0897	37	.0085	.004453	.0064
14	.0800	.064084	.0749	38	.0080	.003965	.0060
15	.0720	.057068	.0673	39	.0075	.003531	
16	.0625	.050821	.0598	40	.0070	.003144	
17	.0540	.045257	.0538				

Item	ARTICLES	CLASSES		Ⓜ	
		LTL	TL		
04109260-B Cancels 109260-A and 109260	LAMPS OR LIGHTING GROUP , subject to item 109000:				
	Lamp or Lighting Fixture Globes, Shades or Reflectors, NOI:				
	Sub 1	Other than flat or nested, in wooden boxes, or in Packages 1289 or 37F.....	250	250	AQ
	Sub 2	Nested, in wooden boxes, or in Packages 1289 or 37F.....	200	200	AQ
Sub 3	Flat, in boxes.....	100	70	20.2	
EXPLANATION OF REFERENCE MARKS (For explanation of abbreviations, see page 713 of classification)					
Refer- ence Mark	EXPLANATION	Refer- ence Mark	EXPLANATION		
▲	Indicates change in wording which results in neither increases nor reductions.	Ⓞ	Cancellation of suspended matter in I. & S. Dockets Nos. M-22854 and M-22797 authorized; ICC Permission No. M-94200.		
- fine -					

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: National Motor Freight)
Classification A-10, COLORADO)
PUC NO. 7, SUPPLEMENT NO. 18)
-----)

CASE NO. 1585

May 5, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 7, 1969, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N. W., Washington, D. C. 20036, filed Supplement No. 18, to its NMFC A-10, Colorado PUC No. 7, scheduled to become effective May 14, 1969, except as otherwise provided. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 18, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 18, are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 18, appear to represent just, fair and reasonable classes and rules, 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 Appendixes "A" and "B" herein, be, and they are hereby, made a part hereof.
2. That the classes and items (rules) as set forth in Supplement No. 18, amending NMFC A-10, Colorado PUC No. 7, shall be

the prescribed classes and items (rules) of the Commission.

3. That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-10, Colorado PUC No. 7, as amended, shall comply with the changes provided herein on May 14, 1969, except as otherwise provided.

4. That on and after May 14, 1969, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-10, Colorado PUC No. 7, as amended, shall cease and desist from publishing, demanding or applying classes and items (rules) which shall differ from the classes and items (rules) published in National Motor Freight Classification A-10, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.

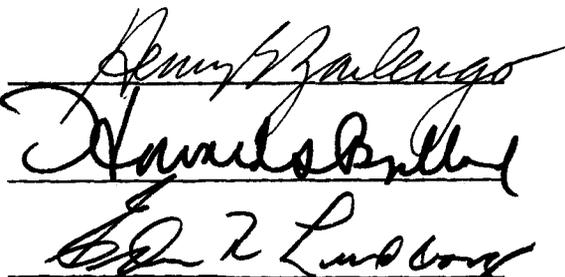
5. That this rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

6. That the Orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

7. That this Order shall become effective forthwith.

8. 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
5th day of May, 1969. av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC A-10, Colorado PUC No. 7
Supplement No. 18

Effective May 14, 1969

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 18
amending NMFC A-10

CLASSES AND RULES

Applying on:

Freight Traffic covered by tariffs governed by this
classification as such tariffs may provide.

Case No. 1585
Decision No. 72933
May 5, 1969

PREFACE: Below is a summary list of changes being proposed in this supplement. (* indicates new item number.) Following this summary list will be found a detailed explanation of the reasons for the proposed change ("D?-S?" means Docket number and Subject number under which identificational Classification Board considered this proposal under its established rules of procedure.)

222-C	42650-A	*93128	--	153840-B	166910-A
235-A	44100-A	*102660	119394-A	*153842	167390-A
15520-A	47790-C	*105210	119396-A	154630-A	175920-A
15522-A	47792-C	*108140	121420-A	154632-A	176020-A
29270-B	48392-A	*108142	*124790	*154634	176230-A
29275-B	*49443	111205-A	131660-A	*154636	176290-A
29280-B	49530-A	111210-A	139140-A	*154638	177340-A
29298-A	55580-A	118160-A	145740-A	*154640	*185820
37710-A	63840-A	119385-A	145840-A	162813-B	187160-A
38490-A	63842-A	119387-A	145860-A	162814-B	Pkg. 2051
41025-B	64300-A	119389-A	145862-A	163816-B	Pkg. 2083
*41026	70720-A	119392-A	146290-A	163817-A	
			*150480		

222-C
(D134-S62) Addition of the requirement in Sec. 1, "All boxes manufactured on and after September 1, 1969, having fixed (predetermined) dimensions when set up or assembled must show in inches the outside length, width, and height dimensions and cubage produced from such dimensions; see Note, "will implement carriers efforts to ascertain actual density of articles in transit and facilitate their efforts to establish classification classes and provisions appropriate to such characteristic, as well as to assist carriers in applying proper classes where classes as published are applicable according to density of article as tendered for shipment. This change results in an increase.

235-A
(D135-S103) This change of wording to the explanation of Reels is the result of a National Classification Board proposal. The purpose is to allow interpretation as to what constitutes a rule only to such articles as are in fact reels and to preclude further interpretation of the present rule as inclusive of plastic or paper board tubing. This change results in an increase.

15520-A
15522-A
(D137-S50) Athletic or Sporting Goods. Item 15520 brought forward without change in its application. Restrictive wording has been added to Note, item 15522, which qualifies the application of classes on athletic or Sporting Goods as described in item 15520. This is a result of a National Classification Board proposal stemming from present classification of "combination" sporting goods (such as combination badminton and volley ball sets) under the provisions of item 15520 at classes not reflective of the transportation characteristics of such articles as inflated balls. Result of publication will be to permit specific classes to be applied on these articles (inflated balls) under the mixed package rule, at classes in keeping with their characteristics. Added restriction results in an increase.

29270-B
29275-B
29280-B
29298-A
(D126-S7) Boxes, fibreboard, without wooden frames, corrugated, LTL classes changed to reflect present transportation characteristics, resulting in an increase. Items 29270, 29280 and 29298 brought forward without change.

- 37710
(D137-S29) Door Sills or Thresholds. Item description broadened to clearly embrace wooden thresholds which have characteristics similar to those of wooden door sills, which broadened application of this item results in a reduction.
-
- 38490-A
(D138-S15) Houses or Buildings, NOI. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by shippers or carriers. Restricting the classification to no longer apply on this commodity as such, results in an increase.
-
- 41025-B
*41026
(D136-S42) Containers, bulk commodity shipping. Item 41025 republished to add reference to new note item 41026, restricting the movement of "old, used", shipping containers, which added restriction results in an increase. This proposal is for the purpose of restricting the movement of empty bulk commodity shipping containers in motor common carrier service to a number equal to the loaded containers that move in Motor common carrier service.
-
- 42650-A
(D137-S9) Acrylate, butyl, ethyl. This proposal adds hydroxyethyl acrylate to an item now providing for various other types of acrylates. The shipping characteristics and uses for these new types are similar to other types provided for and therefore the additions to the present item are justified, which broadened application results in a reduction.
-
- 44100-A
(D137-S65) Copper Carbonate. This is a shipper proposal requesting the use of a new type of packaging in connection with copper carbonate. The package was tested under permit and the results being good, the package is being recommended for insertion in the classification. Broadening the application of this item results in a reduction.
-
- 47790-C
47792-C
(Memo) Cigars, tobacco. Item 47790 republished to correct punctuation errors due to printers error which occurred when this item was brought forward from supplement 10 and shown in supplement 13. Note item 47792 brought forward without change. Correction of the punctuation in item 47790 results in neither an increase or reduction.
-
- 48392-A
(Memo) Wording changed for tariff simplification and clarification and to comply with provisions of Released Rates Order MC No. 1, and as amended, authorized by the ICC. As printed in NMFC A-10 the portion of this item in quotes referred to \$20.00 per pound declared value in error. Changed wording of this item to comply with the Released Rates order results in neither an increase or reduction.
-
- *49443
49530-A
(D135-S27) Fabrics, cotton. Item description changed for tariff clarification and simplification to more adequately reflect modern trade practices, which results in a reduction. Revised description requires renumbering of item to place it among other "Fabrics" in item 49443 in proper alphabetical sequence.
-

- 55580-A
(D135-S66) Eggs, shelled, Egg Albumen (Whites) or Yolks, frozen. This is a shipper proposal, proposing the addition of a new type of package which is as good as or better than those presently authorized under the item. The package was tested under permit and should be approved for publication. Broadening packaging provisions of this item results in a reduction.
-
- 63840-A
63842-A
(D137-S54) Exhibition Booths or Stalls. Item 63840 is being cancelled and combined with commodities named in item 154630, resulting in an increase. Note item 63842 being cancelled. Provisions previously listed are now shown in new note item 154638 resulting in neither an increase or a reduction.
-
- 64300-A
(D137-S54) Exposition Exhibits. Item 64300 is being cancelled and combined with commodities named in item 154630, resulting in a reduction.
-
- 70720-A
(D137-S51) Animal hair, wool. Contact with manufacturers developed that these articles were no longer manufactured or shipped. The public notice of intention to cancel did not result in any contradiction to the fact that the description of such articles is obsolete. Restricting the classification to no longer apply on this commodity as results in an increase.
-
- *93128
(D136-S61) Bars or Hooks. This was a shipper request for a new item to establish reasonable classes on garment hanger bars or hooks. Shipping characteristics were given as densities of 38 and 54 pounds and value of 24 cents and 47 cents per pound on the bars and hooks respectively. In light thereof the classes proposed were established.
-
- *102660
(D133-S18) Inserts (Markers), Ceramic, NOI. New entry being added to provide specifically for ceramic road markers. Based on transportation characteristics and lack of item in the classification to adequately describe the material, this action is justified.
-
- *105210
(D137-S62) Fixtures, concrete form retaining or supporting. New entry being established to cover fixtures, concrete form retaining or supporting, when 12 gauge or thicker steel, viz.: Braces, Brackets, Clamps, Clips, Hooks, Wedges and Walers. The classes reflect the transportation characteristics and will clarify and ensure the proper application of the tariff provisions.
-
- *108140
*108142
(D132-S101) Kits, inpatient treatment. New item added to the classification at shipper's request to specifically provide for these articles at classes reflective of their transportation characteristics. New note added in connection with new item 108140 to clearly indicate the nature of the kit.
-
- 111205-A
(D134-S3) Life Preservers, other than cushions. Item description being amended to consolidate items 111205 and 111210 since transportation characteristics are so similar. Classes on Kopak filled life preservers would be increased to classes applicable on foam or expended plastic or rubber life preservers. The average density is 4.54 pounds per cubic foot. The minimum weight factor is being reduced from 18.1 to 10.2 to reflect loadability of these commodities. This results in a reduction.
-

111210-A (D134-S3)	Life Preservers, other than cushions. Item Description being cancelled since the provisions are being consolidated with item 111205. This will result in clarification and simplification to ensure proper application of the tariff provisions. This results in an increase.
118160-A (D130-S60)	Cones, ceramic. This was a shipper proposal to change the description and classes of item 118160 to allow application of the item on ceramic or abrasive tumbling barrel shapes of all sorts, rather than only cones. In recognition of the fact that there are various forms other than cones, the description has been modified. To accomplish this, item 118160 is cancelled and a new item is recommended. Restricting the classification to no longer apply on "cones", as such, results in an increase.
119385-A 119387-A 119389-A 119392-A 119394-A 119396-A (D128-S72)	Devices, filtering or cleaning, or Cartridges (Elements). Item description amended for tariff clarification and simplification by changes in Note reference to more clearly indicate the type of mixed shipments which are allowed, which broadened and restricted application could result in both increases and reductions. Note item 119387 brought forward without change in application. Note 119389 description amended for tariff clarification and simplification to more clearly indicate the type of mixed shipments which will be covered by item 119385. Cancellation is for tariff clarification and simplification to avoid conflict with the amended Note provisions of item 119389.
121420-A (D138-S2)	Freezers, ice cream, hand, tin. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by shippers or carriers. Restricting the classification to no longer apply on this commodity as such, results in an increase.
*124790 (D130-S60)	Media, burnishing, finishing or polishing. The request for reduced classes was not justified on the basis of the record. Although the density is substantial, the value per pound ranges up to \$1.11 per pound, which is higher than what is normally considered reasonable for a Column 50 LTL class. The packaging is amended to allow for shipment of the product in burlap bags.
131660-A (D138-S5)	Tobacco Hogshead Forming Machinery. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by shippers or carriers. Restricting the classification to no longer apply on this commodity as such, results in an increase.
139140-A (D132-S16)	Organs, electric. This was a National Classification Board proposal prompted by the result of carrier complaints on claims problems and light densities on consoletype electric organs weighing 100 pounds or less. As a result of research, it was determined that the shipping characteristics were considerably different from those used to establish the present classes in 1961. Therefore, the classes were revised to reflect the current shipping characteristics, which changed LTL and TL classes result in an increase.
145740-A (D138-S17)	Artillery Tool Carts. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by anyone. Restricting the classification to no longer apply on this commodity as such, results in an increase.

145840-A Caisson, Limber. Cancellation of items 145840, 145860 and
145860-A 145862, is for tariff clarification to remove obsolete provisions
145862-A from the classification. No objections were made known by any-
(D138-S16) one. Restricting the classification to no longer apply on the
commodities as such, results in increases.

146290-A Guns, NOI. This item republished to remove reference to Rule 140.
(Memo) Since there is no Rule 140 the result is neither an increase or
reduction.

*150480 Panels, paint test, steel. This is a shipper proposal to provide
(D135-S86) a specific listing on paint test panels. The transportation
characteristics justify adding a new item and will ensure proper
application of the tariff provisions.

153840-B Pan Liners. Sub 1 is amended to allow for corrugated pan liners
*153842 which are flat, and not folded, to move under this item. The
(D137-S27) present description provides only for such liners which are
folded flat. Since shipping characteristics of flat pan liners
will be the same as pan liners folded flat, the change is
justified. Sub 4 is amended to allow for pan liners, other
than corrugated, which are flat, but not folded, to move under
this item. The present description provides only for such liners
which are folded flat. Since shipping characteristics of flat
pan liners will be the same as pan liners folded flat, the change
justified. These changes could result in both an increase and a
reduction. This new note item 153842 is added to restrict the
application of Subs 1 and 4 of Item 153840 to flat pan liners,
which do not have raised or standing rims, edges or ends. Pan
liners which have such raised or standing rims, edges or ends
will have different shipping characteristics from flat liners
and, thus, should not be provided for at these classes.

154630-A Paraphernalia, exhibition or show. Item 154630 is being expanded
154632-A to include provisions of present items 63840 and 64300 into one
(D137-S54) description and made all classes the same. This will place
commercial and Government shippers on an equal basis, clearly
describe what is being shipped, stabilize shipping programs and
alleviate the confusion that exists between shippers and
carriers as to the proper classification. This will clarify and
simplify and ensure proper application of the tariff provisions.
Restricted and expanded provisions could result in both increases
and reductions. Item 154632 is being cancelled and the same basic
provisions will be written in other item to ensure proper appli-
cation of the tariff provisions, resulting in neither an increase
or a reduction.

*154634 New note items 154634, 154636, 154638 and 154640 being added for
*154636 clarification and simplification to ensure proper application of
*154638 the tariff provisions.
*154640
(D137-S54)

162813-B (D134-S17)	Projectile or Rocket Parts NOI, plastic or rubber. Change in punctuation (insertion of semi-colon after "plate or sheet steel") is to clarify application of item on projectile or rocket parts of metals in other than plate or sheet form, which changed punctuation results in neither an increase or a reduction.
166910-A (D138-S25)	Hatch Linings, refrigerator car. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by anyone. Restricting the classification to no longer apply on this commodity as such, results in an increase.
167390-A (D130-S61)	Rail Joints. This was a shipper proposal recommending amendment of item 167390 to allow for rail joints of iron and plastic to move under this item and also reduction of the classes to reflect the transportation characteristics of the article. The revised description is approved, but the present classes are retained. Articles with values of \$1.40 to \$1.80 per pound do not normally permit column 55 and 35 classes, even though other transportation characteristics appear to be reasonable. Removing the restriction of "insulated joints" results in a reduction.
175920-A (D138-S51)	Signs, cast iron. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by anyone. Restricting the classification to no longer apply on this commodity as such, results in an increase.
176020-A (D138-S18)	Advertising Boards. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by anyone. Restricting the classification to no longer apply on this commodity as such, results in an increase.
176230-A (D138-S18)	Signs, concrete. Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by anyone. Restricting the classification to no longer apply on this commodity as such, results in an increase.
176290-A (D138-S47)	Pulpboard (Signs). Cancellation is for tariff clarification to remove obsolete provisions from the classification. No objections were made known by anyone. Restricting the classification to no longer apply on this commodity as such, results in an increase.
177340-A (D128-S40)	Sponges, impregnated with soap or cleaning compound. LTL and TL classes changed to more adequately reflect the transportation characteristics of this commodity. Minimum weight factor changed to reflect loadability in motor carrier equipment. This change results in increases as to classes and reductions as to minimum weight.
*185820 (137-S57)	Pipeline Scrapers. New entry being added to provide specifically for pipeline scrapers. Classes assigned are reflective of the transportation characteristics and will ensure proper application of the tariff provisions.
187160-A (D130-S21)	Traps, flying insect. Shipper proposal seeking to establish a new item to provide for electric flying insect traps when shipped KD. The assigned classes are reflective of the transportation characteristics and will clarify and ensure proper application of the tariff provisions. Lower LTL classes in sub 2 result in a reduction.

Pkg. 2051 (D137-S67) This is a shipper proposal which proposes the amendment of Package 2051 of the classification. The change requested is justified due to the extent that although the package is being amended, it does not reduce the strength of the package authorized, but rather increases it due to the fact there is a lesser weight shipped in the same test box. The package should be approved for publication, and this change results in an increase.

Pkg. 2083 (D137-S65) This is a shipper proposal and also is the result of Test Shipment Permit T675. The results of shipment made under permit warrant Package 2083 being added to the classification, which results in a reduction.

- Finis -

RULES

ITEM (RULE) 222-C

SPECIFICATIONS FOR FIBREBOARD BOXES

CORRUGATED OR SOLID FIBREBOARD BOXES

Section 1:

(See Section 14 for explanation of terms.) Subject to provisions of item (rule) 680, and unless otherwise provided in separate descriptions of articles, or in Dangerous Articles Tariff referred to in item (rule) 540, when the following requirements and specifications are complied with, rates or classes applying on articles "in boxes" will apply on the same articles in solid or corrugated fibreboard boxes described in this rule, all hereinafter referred to as fibre boxes, or as fibreboard boxes. All boxes manufactured on and after October 1, 1969, having fixed (predetermined) dimensions when set up or assembled must show in inches the outside length, width, and height dimensions and the cubage produced from such dimensions; see Note.

Note—Cubage is the product obtained by multiplying the extreme dimensions of length, width and depth, including all projecting portions, and dividing the sum thereof by 1728. Example: 20 (inches) x 20 (inches) x 20 (inches) = 8000 (inches) — 1728 = 4.63 cubic feet. Disregard dimensions smaller than $\frac{1}{4}$ inch.

Use of "Other Than item (rule) 222" Boxes:

Provisions in commodity tariffs or exceptions to the classification reading "in boxes" will apply when the fibreboard boxes used comply with either the requirements of this item (rule) or with other specific requirements authorized in this classification.

(Continued)

Other portions to this Rule shown in Supplement No. 18, and not incorporated herein, are not pertinent hereto.

ITEM (RULE) 235-A

SPECIFICATIONS FOR BUNDLES, COILS, REELS OR ROLLS

Bundles, coils, reels or rolls, must be securely tied, strapped, covered or otherwise protected to afford safe handling, reasonable and proper protection of the shipment and to protect against damage to other goods. Reels must be so designed as to have an axis or hub allowing rotation.

Item	ARTICLES	CLASSES		Ⓢ
		LTL	TL	
63840-A 63842-A 64300-A	Exhibition Booths or Stalls. †Cancel. See item 154630. Note— Cancel. †No further application. Exposition Exhibits. †Cancel. See item 154630.			
70720-A	FLOOR COVERING OR RELATED ARTICLES, subject to item 70500: Carpets, Carpeting, Mats, Matting or Rugs, subject to item 70700: Animal hair, wool. Cancel. †Obsolete.			
*93128	HARDWARE GROUP, subject to item 92900: Bars or Hooks, garment hanger, iron or steel.	70	40	36.2
*102660	INSERTS (MARKERS), AISLE, ROAD OR STREET, subject to item 102600: Ceramic, NOI, see Note, item 102692, in boxes.	70	40	36.2
*105210	IRON OR STEEL, subject to item 104000: Fixtures, concrete form retaining or supporting, 12 gauge or thicker steel, viz.: Braces; Hooks; Brackets; Wedges; Clamps; Walers; Clips; In packages.	60	35	40.2
*108140 *108142	Kits, inpatient treatment, NOI, in boxes, see Note, item 108142. Note— Applies on kits containing expendable medical treatment accessories such as bags, bottles, gloves, towels, pads, drapes, straps, tubing, razor-blades, safety pins, bandages or dressings, swabs or fibre balls; with or without clamps, syringes, forceps or other expendable medical instruments, other than intravenous catheters; with or without drugs or medicines, other than narcotics or chemical compounds.	100	70	20.2
111205-A 111210-A	Life Preservers, other than cushions; or Life Preservers or Water Skiing Belts, Jackets or Vests; with or without cloth covering, in boxes. Life Preservers. Cancel. †See item 111205.	150	100	10.2
118160-A 119385-A Sub 1 Sub 2 Sub 3 Sub 4 Sub 5 119387-A 119389-A 119392-A 119394-A 119396-A 121420-A *124790 131660-A	MACHINERY GROUP, subject to item 114000: Cones, ceramic, tumbling barrel media. Cancel. †See item 124790. Devices, filtering or cleaning, or Cartridges (Elements) therefor, internal combustion engine or air compressor, in boxes or crates, or in packages securely fastened on lift truck skids or pallets; also TL, if 36 inches or over in height, loose; Air Cleaners, see Note, item 119389. Cartridges (Elements): Oil filter, see Note, item 119389. Air cleaner. Filters, oil, see Notes items 119387, 119389. Note— Oil filters weighing each 400 pounds or more may be shipped on skids. Note— Provisions also apply on air cleaner cartridges not in excess of 20 percent of the weight of articles with which shipped, or in TL, not in excess of 20 percent of the weight upon which charges are assessed. Charges on such weight of air cleaner cartridges will be assessed on the basis of the highest class applicable to any of the other articles with which shipped. Note— Cancel. †See Note, item 119389. Note— Cancel. †See Note, item 119389. Note— Cancel. †See Note, item 119389. Freezers, ice cream, subject to item 121400: Hand, tin. Cancel. †Obsolete. Media, burnishing, finishing or polishing, ceramic or synthetic abrasive, in burlap bags or in boxes. Tobacco Hoghead Forming. Cancel. †Obsolete.	85 85 125 70	40 40 85 35	24.2 24.2 10.2 30.2
139140-A Sub 1 Sub 2	MUSICAL INSTRUMENTS, OR PARTS NAMED, subject to item 138800: Organs, electric, weighing each 100 pounds or less in boxes: Portable or table top type. Console type.	100 125	70 85	14.2 12.2
145740-A 145840-A 145860-A 145862-A *146290-A	ORDNANCE GROUP, subject to item 145600: Artillery Tool Carts. Cancel. †Obsolete. Caisson, Limber. Cancel. †Obsolete. Caissons, Limbers or Wagons. Cancel. †Obsolete. Note— Cancel. †Obsolete. Guns, NOI (Cannon, Howitzers or Mortars), bore 6 inches or over, with or without gun mounts.	100	70 55	18.2 30.2
*150480	Panels, paint test, steel, old, used, having value for reclaiming by removal of paint and cleaning, in packages.	55	55	AQ
153840-B Sub 1 Sub 2 Sub 3 Sub 4 *153842	PAPER ARTICLES GROUP, subject to item 152000: Pan Liners: Corrugated, fluted, or other than flat, see Note, item 153842, or other than folded flat; Taper-sided, nested solid in nests of twenty or more, and sixteen or more of such nests in a paper or pulpboard sleeve, in packages. Taper-sided NOI, or other than taper-sided, in packages. Flat, see Note, item 153842, or folded flat, other than corrugated or fluted, in packages. Note— Provisions for flat liners apply only on liners not having raised or standing rims, edges or ends.	100 200 65	70 150 35	14.2 10.1 36.2

Item	ARTICLES	CLASSES		Ⓢ
		LTL	TL	
♦154630-A	Paraphernalia , exhibition or show, NOI, see Note, item 154634; Exhibits , exhibition or exposition, NOI, see Note, item 154634; or Booths or Stalls , exhibition, NOI, KD, see Note, item 154638; in boxes, crates or trunks, see Note, item 154640; also TL loose.	100	70	24.2
154632-A	Note —Cancel. *No further application.			
*154634	Note —Classes apply on articles or material for the display of exhibits.			
*154636	Note —Classes apply on articles or material to be displayed or exhibited.			
*154638	Note —Classes apply on materials which serve to form a booth or stall for the display of articles or exhibits. Classes also apply on necessary lighting, installation equipment, decorations or floor covering not to exceed 10 percent of weight upon which charges are assessed.			
*154640	Note —Articles need not be boxed or crated when they are folded and secured in such a manner to provide a self-contained unit having no exposed finished surfaces, suitable to withstand the ordinary hazards of transportation.			
*162813-B	Projectile or Rocket Parts NOI, subject to item 162810: Plastic or rubber; plastic or rubber and metal combined, see Note, item 162817; plate or sheet steel; or metal, other than steel, in boxes or crates or in harnesses or Package 1459:			
Sub 1	LTL, having a density of:	250		
Sub 2	Less than 4 pounds per cubic foot, see Notes, items 162814 and 162816.	150		
Sub 3	4 pounds per cubic foot but less than 6 pounds, see Notes, items 162814 and 162816.	100		
Sub 4	6 pounds per cubic foot but less than 12 pounds, see Notes, items 162814 and 162816.	85		
Sub 5	12 pounds or greater per cubic foot, see Note, item 162814.		100	10.2
Sub 6	TK.		70	16.2
			60	21.2
			45	30.2
Δ162814-B	Note —Shipper must certify on shipping order and bill of lading as follows: "The density of the projectile or rocket parts is hereby stated to be 'Less than 4 pounds,' '4 pounds but less than 6 pounds,' '6 pounds but less than 12 pounds,' or '12 pounds or greater,'" as the case may be.			
Δ162816-B	Note —The charge for a package or piece or a lesser density may be assessed on the basis of the next lower class provided in connection with the next heavier density at the weight which would accrue from multiplying the cubage of such package or piece by the lowest weight named in such density group. In such instances, the following certification must be shown on shipping orders and bills of lading at time of shipment: "The cubage of the individual packages or pieces in this shipment which are subject to classes applicable to a specific density group is (insert cubage in feet) and the declared density is (insert declared density) at a resultant weight of (insert weight for billing purposes)."			
Δ162817-A	Note —Also applies on Rocket Motor Insulators . Rocket motor insulators may be shipped on a plaster of paris mold, with or without mandrel and interior support.			
166910-A	RAILWAY GROUP , subject to item 165100: Hatch Linings , refrigerator car. Cancel. ♦Obsolete.			
167390-A	Rail Joints , iron and wood or insulating material combined.	70	40	36.2
175920-A	Signs , cast iron. Cancel. ♦Obsolete.			
176020-A	SIGNS GROUP , subject to item 175980: Advertising Boards . Cancel. ♦Obsolete.			
176230-A	Signs , other than figures or images, NOI, subject to item 176160: Concrete. Cancel. ♦Obsolete.			
176290-A	Pulpboard. Cancel. ♦Obsolete.			
177340-A	Sponges , impregnated with soap or cleaning compound, in boxes.	♦200	♦85	♦12.2
*185820	TOOLS, OR PARTS NAMED , subject to item 183550: Scrapers , pipeline (Pipeline Pigs), in packages.	77½	45	30.2
187160-A	TRAPS , subject to item 187100: * Flying Insect , electric, in boxes:			
Sub 1	SU.	150	150	AQ
Sub 2	KD.	85	45	30.2
SPECIFICATIONS FOR NUMBERED PACKAGES (For application, see item (rule) 680, Sec. 1 (c).)				
Miscellaneous				
(Cancels "Package 2051", page 687 of classification.)				
♦ Package 2051				
In 1 gallon self-supporting polyethylene containers individually enclosed in corrugated fibreboard boxes testing not less than 200 pounds. Two or four such packages must be enclosed in a corrugated fibreboard box meeting the requirements of Table A of item (rule) 222 for boxes having a minimum bursting test of not less than 275 pounds.				
(Add "Package 2085" to page 689 of classification.)				
♦ Package 2085				
In three-ply extensible Kraft paper bags meeting the requirements of item (rule) 200, Sec. 2, Table C, having a total basis weight of not less than 160 pounds. Two inner plies of 50 pound basis weight extensible Kraft and the exterior ply of 60 basis weight extensible Kraft coated with not less than 7½ pounds of polyethylene per ream. Net weight must not exceed 50 pounds.				

EXPLANATION OF REFERENCE MARKS
(For explanation of abbreviations, see page 713 of classification)

Refer- ence Mark	EXPLANATION
↓	Indicates reduction.
◆	Indicates increase.
▲	Indicates change in wording which results in neither increases nor reductions
△	Matter in this item is brought forward without change in application from item being cancelled.
*	Indicates new item.
Ⓜ	Minimum weight factor, see item (rule) 997.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANCIS KUBOSKE, DOING BUSINESS AS)
"SAN JUAN SCENIC JEEP TOURS," OURAY,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE, ON SCENIC TRIPS ON THE SUR-)
FACE OF THE MOON.)

APPLICATION NO. 23715

April 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, Applicant, Francis Kuboske, doing business as "San Juan Scenic Jeep Tours," Ouray, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, on scenic trips on the surface of the moon.

The Commission has considered said application and states and finds that the same should be dismissed for lack of jurisdiction.

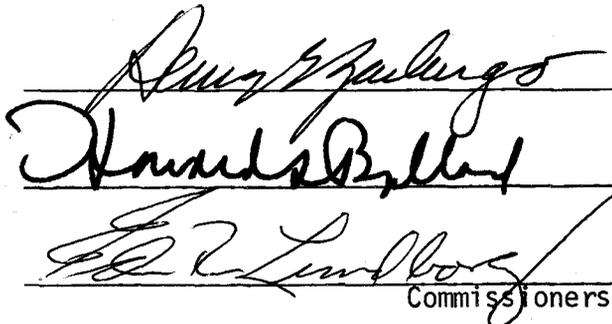
O R D E R

THE COMMISSION ORDERS:

That Application No. 23715 be, and the same hereby is, dismissed for lack of jurisdiction.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of April, 1969.

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.)

May 1, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the herein-
after 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 high-
ways of the State of Colorado but have either (1) failed to file an appli-
cation requesting such authority or (2) have failed, after filing an appli-
cation 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:

Berger Brothers Berger, Bernard & Marcus, dba	1607 Sunset Drive, Mandan, North Dakota 58554
Bethers, Ray	Box 116, Kamas, Utah 84036
Billings Feed Company, Inc.	P.O.Box A F Washington Highway 40 Vernal, Utah 84078
C & W Trucking Wilson Wilbur MacDonal, dba	471 Charlottetown Center Charlotte, North Carolina 28204
C & W Trucking, Inc.	P.O. Box 367, Osborne, Kansas 67473
Cattle Van, Inc.	P.O. Box 1152, Jackson, Mississippi 39206
Decker, C. C.	Rt. 3, Box 149, Benton, Arkansas 72015
Domsey Trading Corporation	29-05 122nd St., College Point, New York 11354
E & S Trucking, Inc.	Shelby, Nebraska 68662
Easley, Dwaine	P.O. Box 24, Ben Wheeler, Texas 75754
Enns, Ronald K.	Box 48, Cheraw, Colorado 81030
Food Marketing, Inc.	1231 Blue Gum Street, Suite J. Anaheim, California 92806
Francis, Jay	Box 24, Wilsey, Kansas 66873
Frozen Rite Foods, Inc.	1601 South Good Latimer Exp. Box 15704, Dallas, Texas 75215
Fulbright, L. D.	232 Clairemont, El Paso, Texas 79912
Gallagher, Pat	Route 1, Hereford, Texas 79045
Hamilton, James L.	502 E. 7th, McCook, Nebraska 69001
Hill, Roy	625 Sunny Side, Dallas, Texas 75211
Honeycutt, Roy	R. R. 1, Alamosa, Colorado 81101
Jones, George W.	R. 1, Holly, Colorado 81047
Kansas Transport Company, Inc.	1060 W. Kansas Ave. McPherson, Kansas 67460

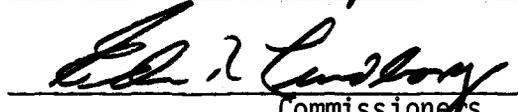
Kay, Johnnie	516-14th St., Wisner, Nebraska 68191
Kimball Frac Service	Box 1028, Kimball, Nebraska 69145
Larson, George D.	904 - 6th S.W., Pipestone, Minn. 56164
McAnally Transportation	12215 - 7th St., Yucaipa, Calif. 92399
Mercer Trucking Company, Inc.	Box 475, Greenacres, Washington 99016
Meyer, Richard	R. 1, Superior, Nebraska 68978
Miller, Jack	1006 W. 7th, Amarillo, Texas 79101
Nashville Trucking Company Banks, Ray Jr., dba	Box 69 Nashville, Arkansas 71852
Olander, Vernon D.	P.O. Box 388, Buhl, Idaho 83316
Olson Trucking Olson, Albert C. dba	LeMars, Iowa 51031
Nelson, Harvey	Veblen, South Dakota 57270
Oklahoma Maid Trailer Sales Hall, Harold, dba	P.O. Box 193, 407 N. Broadway Marlow, Oklahoma 73055
Ottmann, Raymond	Box 217, Rockport, Missouri 64482
Paine, Don	Edison, Nebraska 88936
Parks Transports, Inc.	R.R. 2, Ashland, Nebraska 68003
Ringer, Robert	R. 1, Sheldon, Wisconsin 54766
Ringgenberg, J. O., Inc.	R. 3, Jetmore, Kansas 67854
Rodgers, W. W. & Sons Rodgers, W. W., Roy Doug, & Billy Don, dba	1103 South Harwood Dallas, Texas 75201
S-K Trucking	3412 North 36th St., Boise, Idaho 83703
Scow, Dave, Trucking Scow, Dave, dba	Shelby, Nebraska 68662
Sedlacek, William P.	Box 31, Roscoe, Nebraska 69159
The Southland Corporation	2841 Pierce St., Dallas, Texas 75233
Tasco Judd, Don C., dba	P. O. Box 1072 Dumas, Texas 79029
Trively and Sons Trively, Verle H., Charle R., Vance A., Randall K., dba	Randolph, Iowa 51649
Western Pump & Equipment Company, Inc.	Route 1 Hereford, Texas 79045
Williams Truck Lines, Inc.	Highway 71, Audubon, Iowa 50025

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 1st day of May, 1969.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES)
ON LIVESTOCK BETWEEN POINTS IN)
ADAMS, BOULDER, LARIMER AND WELD)
COUNTIES, AND BETWEEN POINTS IN)
SAID COUNTIES AND THE DENVER)
UNION STOCKYARDS AND A RADIUS OF)
FIVE MILES THEREOF)
-----)

INVESTIGATION AND SUSPENSION
Docket No. 633

April 30, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 21, 1969, by Decision No. 72729, the Commission suspended on protest Original Pages 87-F-2 and 87-F-3, scheduled to become effective March 27, 1969, to the Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado PUC No. 13, setting said matter for hearing on the 11th day of June, 1969, at 10 a.m., in the Hearing Room of the Commission. The effective use of said schedules was deferred to and including July 25, 1969.

On March 25, 1969, by Decision No. 72767, the Commission included other pertinent matter under this suspension, namely, Sixth Revised Page No. 87-E and Fifth Revised Page No. 87-F, also published to become effective March 27, 1969.

On April 18, 1969, by Decision No. 72868, the Commission permitted a petition for intervention by M. J. Cloughesy, Vice President, Transportation, Colorado Meat Dealers Association, as a party of interest who might be affected by an order in this proceedings.

The Commission is now in receipt of a petition by J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, denoted as Application No. 406, dated April 28, 1969, requesting permission to cancel the above-cited pages. The justification therefore is as follows:

"During a meeting of carriers, livestock commission agent and packer representatives, and representatives of this Commission's Rate Department in Greeley on April 25, the carriers agreed that they would request permission to cancel the present tariff filing so that they could then publish other changes which were agreed upon (by carriers and packers representatives) during the meeting."

Upon consideration of said requests, the Commission finds that it will be in the public interest that:

1. J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, file with the Commission and notice to the general public, the necessary cancellation notice of this Suspension No. 633, and issue revised pages restoring matter formerly on pages:

5th Revised Page No. 87-E
4th Revised Page No. 87-F
Original Page No. 87-F-2
Original Page No. 87-F-3

2. Investigation and Suspension Docket No. 633 be withdrawn and cancelled.

O R D E R

THE COMMISSION ORDERS:

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

2. That J. R. Smith, Colorado Motor Carriers' Association, Agent, issue the necessary cancellation supplement of Investigation and Suspension Docket No. 633; and issue the necessary revised pages to Motor Freight Tariff No. 14, Colorado PUC No. 13, restoring the rates, rules, regulations and provisions formerly shown on:

5th Revised Page No. 87-E
4th Revised Page No. 87-F

and cancelling the following:

Original Page 87-F-2
Original Page 87-f-3

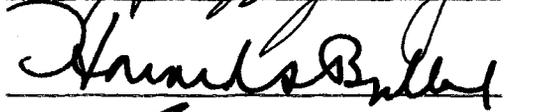
3. That Investigation and Suspension Docket No. 633, presently set for hearing at 10 a.m., in the Commission Hearing Room, 507 Columbine

Building, 1845 Sherman Street, Denver, Colorado 80203, be, and the same hereby is, vacated.

4. That this proceeding be, and it hereby is, discontinued.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
30th day of April, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CARLOS G. CHAMBERS)
3540 East 1st Avenue)
Denver, Colorado 80206)

AUTHORITY NO. M 164
CASE NO. 4209-M-Ins.

May 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 29, 1969 , 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.

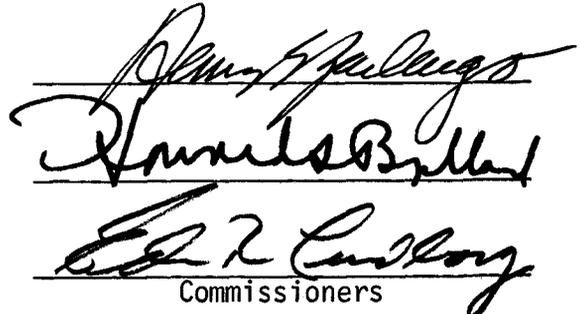
O R D E R

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 May, 1969 .

(Decision No. 72938)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY D. McMORRIS, 5231 MONROE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL OF THE OUTSTANDING CAPITAL)
STOCK IN AND TO ALLEN TRANSFER COMPANY,)
A COLORADO CORPORATION, ROUTE 1, BOX 16,)
BERTHOUD, COLORADO, RECORD OWNER OF PUC)
NO. 6282 AND PUC NO. 6282-1, TO EDSON)
EXPRESS, INC., LONGMONT, COLORADO.)

APPLICATION NO. 23646-Stock Transfer
Amended

IN THE MATTER OF THE APPLICATION OF)
JERRY D. McMORRIS, 5231 MONROE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL OF THE OUTSTANDING CAPITAL)
STOCK IN AND TO ALLEN TRANSFER COMPANY,)
A COLORADO CORPORATION, ROUTE 1, BOX 16,)
BERTHOUD, COLORADO, RECORD OWNER OF PUC)
NO. 6831, TO EDSON EXPRESS, INC.,)
LONGMONT, COLORADO.)

APPLICATION NO. 23647-Stock Transfer
Amended

May 1, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

City Storage and Transfer, Inc., of Boulder, Colorado, by its Attorney, William T. Secor, filed a Petition for Leave to Intervene as its interest may appear in the above-captioned proceedings and caused copies of said Petition to be served by mail upon parties of record in these proceedings.

The Commission states and finds that applicant for intervention, City Storage and Transfer, Inc., is a party who may or might be interested in or affected by any order which may be entered in these proceedings and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Petition for Leave to Intervene of City Storage and Transfer, Inc., of Boulder, Colorado, as its interest 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 1st day of May, 1969.
1s

(Decision No. 72939)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARIPINE LOGGING, INC., AN ARIZONA)
CORPORATION, 405 WEST 7TH, CORTEZ,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23510-PP

May 1, 1969

Appearances: Connie M. Cox, Cortez, Colorado,
Secretary-Treasurer of Applicant
corporation, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 25, 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

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

1. Applicant is an Arizona corporation duly authorized to transact business in the State of Colorado.
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. The chief corporate officers as well as the employees of the Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as 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 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Aripine Logging, Inc., an Arizona corporation, 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

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 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 the rendering of any 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.

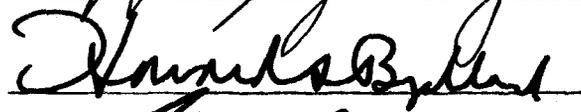
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of its customers, the necessary tariffs, required insurance, and has secured authority sheets.

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 1st day of May, 1969.
1s

(Decision No. 72940)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
L. D. MORSE, 1907 TELSIA DRIVE,)	
COLORADO SPRINGS, COLORADO, FOR)	<u>APPLICATION NO. 23624-PP-Transfer</u>
AUTHORITY TO TRANSFER PERMIT NO.)	
B-7065 TO W. S. HIRSTEIN, 2771)	
SOUTH LOWELL BOULEVARD, DENVER,)	
COLORADO.)	

May 1, 1969

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 25, 1969, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-7065.

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

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

1. Transferor is an individual.
2. Transferor herein is the present owner and operator of Permit No. B-7065, 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 the safety requirements of the Commission and has 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

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-7065 to W. S. Hirstein, and that henceforth the full and complete authority under said Permit No. B-7065 shall read as follows:

"Transportation of

(1) Newspapers

Over the following described routes:

- (a) Denver to Trinidad, Colorado, over U.S. Highway No. 85 and Interstate Highway No. 25, serving all intermediate points and the off-route points of Palmer Lake and Larkspur.

- (b) Denver to Trinidad, Colorado, over U.S. Highway No. 85 and Interstate Highway No. 25 to Colorado Springs, thence over Colorado Highway No. 115 to its junction with U.S. Highway No. 50; thence over U.S. Highway No. 50 to Canon City; thence over Colorado Highway No. 120 to its junction with Colorado Highway No. 67; thence over Colorado Highway No. 67 to its junction with Colorado Highway No. 96; thence over Colorado Highway No. 96 to its junction with Colorado Highway No. 165; thence over Colorado Highway No. 165 to its junction with U.S. Highway No. 85 and Interstate Highway No. 25; thence over U.S. Highway No. 85 and Interstate Highway No. 25 to Trinidad, Colorado, with the right to use U.S. Highway No. 50 between Pueblo, Colorado, and Canon City, Colorado, as an alternate route. Serving all intermediate points.
- (c) Denver to Holly, Colorado, over U.S. Highway No. 85 and Interstate Highway No. 25 to Pueblo, Colorado; thence over U.S. Highway No. 50 to Holly, Colorado, serving all intermediate points on U.S. Highway No. 50 between Pueblo, Colorado, and Holly, Colorado, and the off-route points of McClave and Wiley, Colorado.

RESTRICTIONS:

- (a) This Permit is restricted to service for one customer, only, viz: The Rocky Mountain News, Denver, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That L. D. Morse, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-7065 to W. S. Hirstein, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-7065 shall read and be as follows, to-wit:

Transportation of

Newspapers

Over the following described routes:

- (a) Denver to Trinidad, Colorado, over U.S. Highway No. 85 and Interstate Highway No. 25, serving all intermediate points and the off-route points of Palmer Lake and Larkspur.
- (b) Denver to Trinidad, Colorado, over U.S. Highway No. 85 and Interstate Highway No. 25 to Colorado Springs, thence over Colorado Highway No. 115 to its junction with U.S. Highway No. 50; thence over U.S. Highway No. 50 to Canon City; thence over Colorado Highway No. 120 to its junction with Colorado Highway No. 67; thence over Colorado Highway No. 67 to its junction with Colorado Highway No. 96; thence over Colorado Highway No. 96 to its junction with Colorado Highway No. 165; thence over Colorado Highway No. 165 to its junction with U.S. Highway No. 85 and Interstate Highway No. 25; thence over U.S. Highway No. 85 and Interstate Highway No. 25 to Trinidad, Colorado, with the right to use U.S. Highway No. 50 between Pueblo, Colorado, and Canon City, Colorado, as an alternate route. Serving all intermediate points.
- (c) Denver to Holly, Colorado, over U.S. Highway No. 85 and Interstate Highway No. 25 to Pueblo, Colorado; thence over U.S. Highway No. 50 to Holly, Colorado, serving all intermediate points on U.S. Highway No. 50 between Pueblo, Colorado, and Holly, Colorado, and the off-route points of McClave and Wiley, Colorado.

RESTRICTION:

This Permit is restricted to the rendering of transportation service for only The Rocky Mountain News, Denver, Colorado.

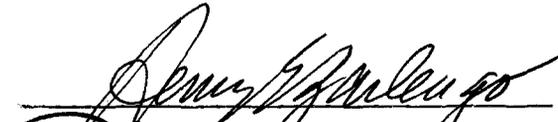
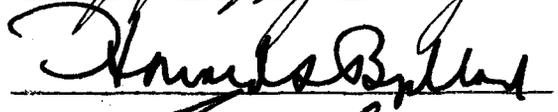
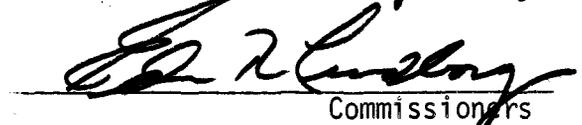
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Carlos G. Chambers
3540 E 1st Avenue
Denver, Colorado 80206

AUTHORITY NO. B-2860
CASE NO. 1512-H-Ins.

- May 2, 1969 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 29, 1969, 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.

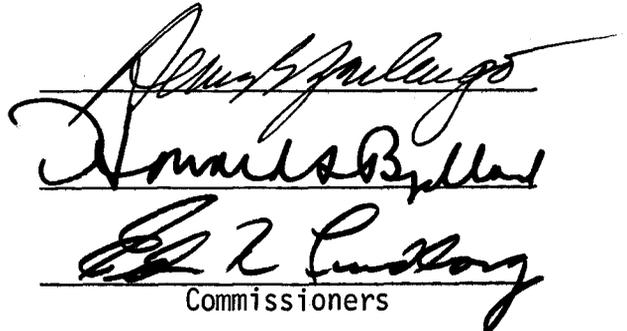
O R D E R

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 May, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Paul Sabo
1721 Claremont
Pueblo, Colorado 81001

AUTHORITY NO. B-5325
CASE NO. 1433-H-Ins.

May 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 11, 1969 , 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.

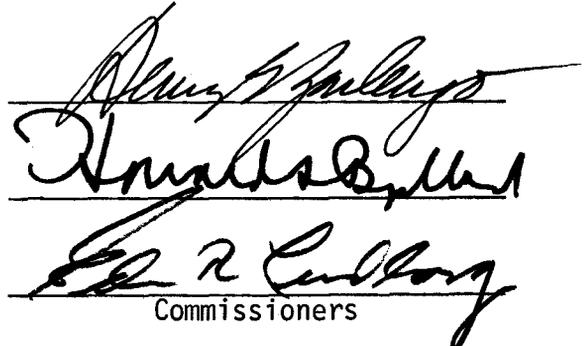
O R D E R

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 May, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
T. L. Tucker)
Lamar, Colorado 81052)

AUTHORITY NO. B-1148 & I
CASE NO. 1481-H-Ins.

_ May 2, 1969 _

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , 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.

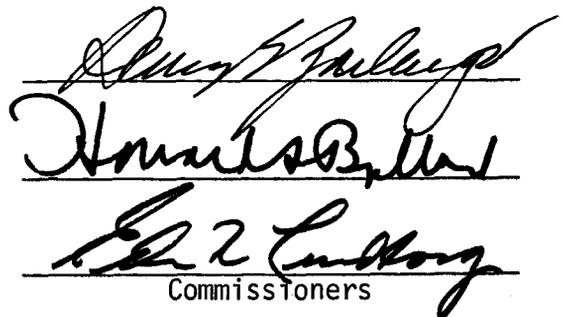
O R D E R

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 May, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
T. L. Tucker)
Lamar, Colorado 81052)

AUTHORITY NO. 1407
CASE NO. 1460-H-Ins.

- May 2, 1969 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , 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

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

Dated at Denver, Colorado, this
2nd day of May, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Richard F. Thomas
2006 South Columbine
Denver, Colorado 80210

AUTHORITY NO. 3671
CASE NO. 1466-H-Ins.

- May 2, 1969 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , 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 May, 1969 .

(Decision No. 72946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARLAND C. GAINES, DOING BUSINESS AS)
"GAINES QUARRY," 2295 PEAR AVENUE,)
CANON CITY, COLORADO, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-7177.)

APPLICATION NO. 23601-PP-Extension

May 1, 1969

Appearances: Garland C. Gaines, Canon City,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 7, 1969, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-7177 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 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

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

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permit No. B-7177, which reads as follows:

"Decision No. 71275: Transportation of
Crude Clay

From Rock Creek Mine, Rock Creek, Colorado, to all points in the State of Colorado.

RESTRICTION:

This permit is restricted to service for one customer, only, viz: Standard Fire Brick Company at Pueblo."

3. The authority to which extension is hereby sought, Permit No. B-7177, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicant seeks to extend the authority under Permit No. B-7177 to include the following:

"Transportation of used, reclaimed brick from C.F.&I. Mills, Pueblo, Colorado, to A. P. Green Refractories, Standard Division, Pueblo, Colorado."
5. The extension applied for herein is compatible with and does not conflict with 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 operations 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-7177 to include the following:

"Transportation of used, reclaimed brick from C.F.&I. Mills, Pueblo, Colorado, to A. P. Green Refractories, Standard Division, Pueblo, Colorado."

That henceforth the entire authority under Permit No. B-7177 shall be as follows:

"Transportation of

(1) Crude Clay

From Rock Creek Mine, Rock Creek, Colorado, to all points in the State of Colorado.

RESTRICTION:

Item No. 1 is restricted to service for one customer only, viz: Standard Fire Brick Company, Pueblo, Colorado.

(2) Used, reclaimed Brick

From C. F. & I. Mills, Pueblo, Colorado, to A. P. Green Refractories Co. Standard Division, Pueblo, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Garland C. Gaines, doing business as "Gaines Quarry," Canon City, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-7177 to include the following:

Transportation of used reclaimed brick from C.F.&I. Mills, Pueblo, Colorado, to A. P. Green Refractories Co. Standard Division, Pueblo, Colorado.

That henceforth the full and complete authority under Private Carrier Permit No. B-7177, as extended, shall read and be as follows, to-wit:

Transportation of

(1) Crude Clay

From Rock Creek Mine, Rock Creek, Colorado, to all points in the State of Colorado.

RESTRICTION:

Item 1 of this Permit is restricted to the rendering of transportation service for only the Standard Fire Brick Company, Pueblo, Colorado.

(2) Used reclaimed Brick

From C. F. & I. Mills, Pueblo, Colorado, to A. P. Green Refractories Co. Standard Division, Pueblo, Colorado.

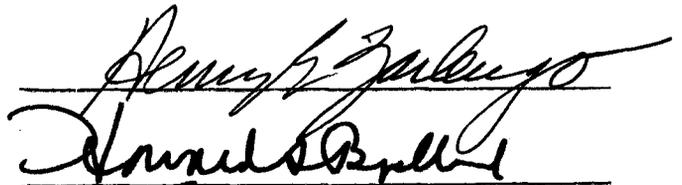
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

That 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 1st day of May, 1969.

bk

(Decision No. 72947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE SHEAN, STRATTON, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-1317 AND PERMIT NO. B-1317-I TO)
LUKOW TRUCKING CO., INC., P. O. BOX)
72, ARRIBA, COLORADO.)

APPLICATION NO. 23611-PP-Transfer

May 1, 1969

Appearances: Arthur R. Hauver, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 7, 1969, the above entitled application was filed requesting authority to transfer Private Carrier Permit No. B-1317 and Permit No. B-1317-I.

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 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.

By motion and stipulation of the parties, Application Nos. 23610-Transfer (Lester D. Kemp to Lukow Trucking Co., Inc. and 23611-Transfer

(Joe Shean to Lukow Trucking Co., Inc.) were heard on a joint record; however, separate Orders are to issue."

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

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

1. Transferor is an individual.
2. Transferor herein is the present owner and operator of Permit No. B-1317 and Permit No. B-1317-I, 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; however, Don D. Lukow, as an individual, holds an "M" Permit 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 corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. The chief corporation officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and 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

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-1317 and Permit No. 1317-I to Lukow Trucking Co., Inc., a Colorado corporation, and that henceforth the full and complete authority under said Permit No. B-1317 and Permit No. B-1317-I shall read as follows, to-wit:

"Transportation -- on call and demand -- of

Livestock, farm products, farm supplies, farm equipment and feeds

(1) Between points in the following described area:

Beginning at the intersection of U.S. Highway 24 and Colorado Highway 59, thence north along Colorado Highway 59 to its intersection with U.S. Highway 36 at Cope, thence east along U.S. Highway 36 to Colorado Highway 51, thence south along said Highway 51 to the Yuma-Kit Carson County line, thence east along said County line to the Colorado-Kansas State line, thence south along said State line to U.S. Highway 40, thence west along said Highway 40 to its intersection with Colorado Highway 59 at Kit Carson, thence north along said Highway 59 to the point of beginning at Seibert; and

(2) Between points in said area on the one hand and on the other hand, points in the State of Colorado.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Private 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Joe Shean, Stratton, Colorado, be, and hereby is, authorized

to transfer all right, title and interest in and to Private Carrier Permit No. B-1317 and Permit No. B-1317-I to Lukow Trucking Co., Inc., Arriba, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-1317 and Permit No. B-1317-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

- (1) Livestock, farm products, farm supplies, farm equipment and feeds

Between points in the following described area:

Beginning at the intersection of U.S. Highway 24 and Colorado Highway 59 thence north along Colorado Highway 59 to its intersection with U.S. Highway 36 at Cope, thence east along U.S. Highway 36 to Colorado Highway 51, thence south along said Highway 51 to the Yuma-Kit Carson County line, thence east along said County line to the Colorado-Kansas State line, thence south along said State line to U.S. Highway 40, thence west along said Highway 40 to its intersection with Colorado Highway 59 at Kit Carson, thence north along said Highway 59 to the point of beginning at Seibert; and

Between points in said area on the one hand and on the other hand, points in the State of Colorado.

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

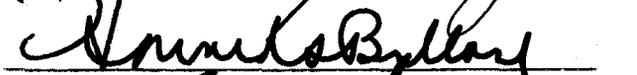
extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GLENN J. HAWK, DOING BUSINESS AS)	
"AAA ASH & TRASH HAULING," 2832)	
SOUTH DEPEW STREET, DENVER, COLORADO,)	<u>APPLICATION NO. 23645-Transfer</u>
FOR AUTHORITY TO TRANSFER PUC NO.)	
3380 TO GARY CHVATAL, 3003 KENDALL)	
STREET, EDGEWATER, COLORADO.)	

May 1, 1969

Appearances: John M. Healey, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 17, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3380.

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

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

1. Transferor herein is the present owner and operator of PUC No. 3380, 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 the 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. 3380 to Gary Chvatal, and that henceforth the full and complete authority under said PUC No. 3380 shall read as follows, to-wit:

"Transportation of

- (1) Ashes, trash and other refuse

From all points within the City and County of Denver, State of Colorado, to designated and approved dumps and disposal sites located within the Counties of Denver, Adams, Arapahoe, and Jefferson, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Glen J. Hawk, doing business as "AAA Ash & Trash Hauling," Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3380 to Gary Chvatal, Edgewater, Colorado, subject to encumbrances, if any, against authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3380 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other refuse

From all points within the City and County of Denver, State of Colorado, to designated and approved dumps and disposal sites located in the following Counties of 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 transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

ls

(Decision No. 72949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

EPHRAIM FREIGHTWAYS, INC.)
1385 Umatilla Street,)
Denver, Colorado,)

Complainant,)

vs.)

CASE NO. 5369 - Amended

RIO GRANDE MOTOR WAY, INC.)
Box 5168, Terminal Annex,)
Denver, Colorado)

Respondent.)

May 1, 1969

Apperances: John H. Lewis, Esq., Denver, Colorado,
and
William S. Schenkein, Esq., Denver, Colorado,
for Ephraim Freightways, Inc. (stricken)
Warren D. Braucher, Esq., Denver, Colorado,
and
Ernest Porter, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Lloyd C. Espinosa, Denver, Colorado,
of the Staff of The Public Utilities
Commission.

S T A T E M E N T

On June 24, 1968, a formal complaint was filed with the Commission by the Complainant, Ephraim Freightways, Inc. against the Respondent, Rio Grande Motor Way, Inc., alleging violations by Respondent of its authority. Pursuant to such complaint, on June 26, 1968, an Order to Satisfy or Answer directed to the Respondent was issued by the Commission. On December 23, 1968, the Respondent filed a "Motion to Strike Complaint" and on December 30, 1968, the Complainant filed a "Motion to Amend" together with an "Affidavit". On January 16, 1969, the Complainant filed with the Commission a "Motion to Authorize Filing of Amended Complaint", together with "Amended Complaint". On January 31, 1969, an Order was issued by the Commission

which (1) denied "Motion to Strike Complaint" of Respondent and "Motion to Amend" of Complainant; (2) granted "Motion to Authorize Filing of Amended Complaint" filed by the Complainant; and (3) granted Respondent 30 days to satisfy or answer the amended complaint. On February 27, 1969, Respondent's Answer was filed with the Commission.

After due and proper notice to all interested parties, the complaint was called for hearing by Commissioners Howard S. Bjelland and Edwin R. Lundborg at 10:00 A.M. on Wednesday, April 23, 1969, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

As a preliminary matter, counsel for Respondent orally moved to strike the appearances of John H. Lewis and William F. Schenkein on behalf of Ephraim Freightways, Complainant, and to strike a Subpoena to Testify served on one R. E. Turano and issued by the Secretary of the Commission at the request of Complainant for the reason and on the basic ground that said Complainant was not "directly affected by the proceeding," and did not have a "substantial interest in the subject matter of the proceeding or a part thereof" as required by the Commission's Rules of Practice and Procedure.

The Commission heard Counsel for Complainant and Respondent in oral argument after which it sustained the motions to strike said appearances and subpoena. The Commission then inquired of Lloyd C. Espinosa who had appeared on behalf of the Staff of the Commission, whether the Staff desired to prosecute the Complaint. There was a negative response to this inquiry. The Commission then orally dismissed the Complaint, and directed Counsel for Respondents to submit to the Commission for its consideration a draft of a proposed written Order.

O R D E R

THE COMMISSION ORDERS:

1. The motion to strike the appearances of John H. Lewis and William F. Schenkein on behalf of Ephraim Freightways, Inc., Complainant

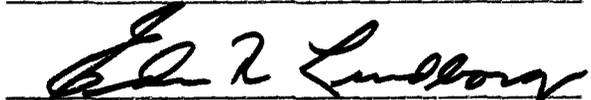
be, and the same hereby is, sustained.

2. The motion to strike the Subpoena To Testify served on R. E. Turano and issued by the Secretary of the Commission be, and hereby is, sustained.

3. The Complaint herein be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





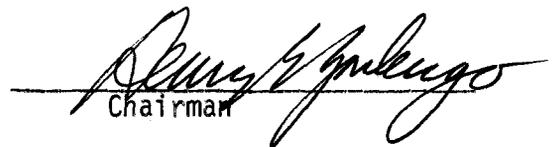
Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

Ephraim Freightways, Inc., as a Complainant in this Case, is a party in this proceeding and has the right to have its Complaint heard according to law. In my judgment, the motions should be denied and the Complaint be permitted to be prosecuted according to law.



Chairman

Dated at Denver, Colorado,
this 1st day of May, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Elmer T. Linn)
5017 Adams)
Denver, Colorado 80216)

AUTHORITY NO. 3605
CASE NO. 1465-H-Ins.

May 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969 , 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.

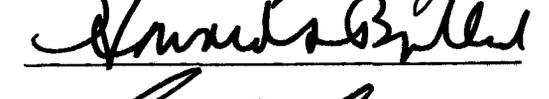
O R D E R

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 May, 1969 .

(Decision No. 72951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-LOVELAND TRANSPORTATION, INC.,)
A COLORADO CORPORATION, 255 SOUTH)
CLEVELAND, LOVELAND, COLORADO, TO)
ACQUIRE CONTROL OF DENVER-LARAMIE-)
WALDEN TRUCK LINES, INC., 48 EAST 56TH)
AVENUE, DENVER, COLORADO, RECORD OWNER)
OF PUC NO. 51 AND PUC NO. 51-I, THROUGH)
PURCHASE OF STOCK FROM RALPH KERZIC AND)
SALLY KERZIC, MAJORITY STOCKHOLDERS.)

APPLICATION NO. 23642-Stock Transfer

May 1, 1969

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 7, 1969, the above-entitled application was filed requesting authority to transfer all of the outstanding capital stock of Denver-Laramie-Walden Truck Line, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 51 and PUC No. 51-I to Denver-Loveland Transportation, Inc.

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.

It should be noted by the file that Acme Delivery Service, by and through its attorney, Joseph F. Nigro, filed a Protest to the above application. However, the Protest was withdrawn prior to the hearing."

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

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

1. Ralph Kerzic and Sally Kerzic, husband and wife, are the present owners of all of the outstanding and issued capital stock of Denver-Laramie-Walden Truck Line, Inc.
2. By this application, the said Ralph Kerzic and Sally Kerzic seek to transfer said stock to Denver-Loveland Transportation, Inc., a Colorado corporation.
3. Denver-Laramie-Walden Truck Line, Inc., a Colorado corporation, is the owner of Certificate of Authority PUC No. 51 and PUC No. 51-I.
4. Transferee, Denver-Loveland Transportation, Inc., is presently the owner and operator of Certificate of Authority PUC No. 205 and PUC No. 205-I.
5. If this transfer is approved, it is the intent of Transferee to operate Denver-Laramie-Walden Truck Line, Inc. as a separate entity and to possibly merge the two corporations (Denver-Laramie-Walden Truck Line, Inc. and Denver-Loveland Transportation, Inc.) at some time in the future.
6. Certificate of Authority PUC No. 51 and PUC No. 51-I should be redrafted as hereinafter set forth and no action should be taken at this time, at least, with respect to Certificate of Authority PUC No. 205 and PUC No. 205-I.
7. The parties have entered into an Agreement for the transfer of all of the outstanding and issued capital stock of Denver-Laramie-Walden Truck Line, Inc., and the consideration to be paid is fair and reasonable.
8. The Certificate is free and clear of any debts, encumbrances or obligations. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents.
9. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

10. The chief corporate officers as well as the employees of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
11. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
12. 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 Transferors to transfer all of the outstanding capital stock of Denver-Laramie-Walden Truck Line, Inc., a Colorado corporation, to Denver-Loveland Transportation, Inc., a Colorado corporation, and that henceforth the full and complete authority under Certificate of Authority PUC No. 51 and PUC No. 51-I shall read as follows, to-wit:

"Transportation -- on schedule -- of

(1) General commodities

Between Denver and points within five (5) miles thereof and the Colorado-Wyoming state line, via U.S. Highway 287, serving Fort Collins, and points within one (1) mile thereof, without restriction; serving all intermediate points between Fort Collins and Denver, restricted to traffic originating at Fort Collins;

(2) General commodities

From Denver, Colorado, to points located on U.S. Highway 287 between Fort Collins and the Colorado-Wyoming state line;

RESTRICTIONS:

Item No. 2 is restricted as follows:

- (a) Against serving the community known as "The Forks";
- (b) Against transporting shipments weighing less than 5,000 pounds.
- (3) 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."

AND, FURTHER,

That the Commission make and enter its Order approving the encumbrance to be placed upon the authority upon the filing of the proper documents.

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

ORDER

THE COMMISSION ORDERS:

That Denver-Loveland Transportation, Inc., a Colorado corporation, Loveland, Colorado, be, and hereby is, authorized to acquire control of Denver-Laramie-Walden Truck Lines, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 51 and PUC No. 51-I from Ralph Kerzic and Sally Kerzic, majority stockholders, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 51 and PUC No. 51-I shall read and be as follows, to-wit:

Transportation -- on schedule -- of
General Commodities

1. Between Denver, Colorado, and a five (5) mile radius thereof, and Fort Collins, Colorado, and a one (1) mile radius thereof via U.S. Highway No. 287.
2. From Fort Collins, Colorado, to all intermediate points located on U. S. Highway No. 287 between Fort Collins, Colorado, and Denver, Colorado.
3. From Denver, Colorado, to points located on U.S. Highway No. 287, between Fort Collins, Colorado, and the Colorado-Wyoming State Line.

RESTRICTION:

Item 3 of this Certificate is restricted as follows:

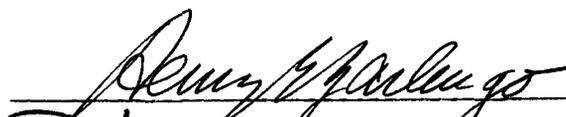
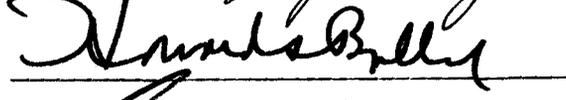
- a. Against serving the community known as "The Forks."
 - b. Against the transportation of shipments weighing less than 5,000 pounds.
4. Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines 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 of Public Convenience and Necessity PUC No. 51 and PUC No. 51-I according to the terms and conditions of the agreement as made and entered into by and between the Transferors and Transferee herein.

That said transfer of stock shall become effective only if and when, but not before, said transferors 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 stock 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 the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CADWELL TRUCKING CO., INC., A COLORADO)
CORPORATION, 2119 HIGHWAY 50 EAST,)
PUEBLO, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 351 TO BRADLEY S. HUFF)
AND RUTH E. HUFF, AS JOINT TENANTS,)
DOING BUSINESS AS "BRADLEY/HUFF TRUCK-)
ING CO.," U.S. 85-87 NORTH OF WALSENBURG,)
WALSENBURG, COLORADO.)

APPLICATION NO. 23603
Transfer

May 1, 1969

Appearances: John R. Naylor, II, Esq., Pueblo,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 17, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 351.

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

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

1. Transferor herein is the present owner and operator of PUC No. 351, 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. Transferees herein hold 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. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
7. Transferees 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 and have or will make adequate provision for insurance.
8. If this transfer is approved, Transferees intend 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 its right, title and interest in and to PUC No. 351 to Bradley S. Huff and Ruth E. Huff, as joint tenants, doing business as "Bradley/Huff Trucking Co.", and that henceforth the full and complete authority under said PUC No. 351 shall read as follows, to-wit:

"Transportation -- on call and demand -- of

- (1) General Commodities

In the Counties of Huerfano and Las Animas, State of Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION:

This certificate is restricted as follows:

- (a) Transportation of commodities other than household goods between points served singly or in combination by scheduled carriers shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by scheduled carriers.
- (b) No office or branch shall be established in any other town or city than Walsenburg, Colorado, and further, no agent or other person shall be employed for the purpose of developing or conducting business in any other town or city than Walsenburg, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Cadwell Trucking Co., Inc., a Colorado corporation, Pueblo, Colorado, be, and hereby is authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 351 to Bradley S. Huff and Ruth E. Huff, as joint tenants, doing business as "Bradley/Huff Trucking Co.," Walsenburg, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 351 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

General commodities

In the Counties of Huerfano and Las Animas, State of Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION:

This Certificate is restricted as follows:

- (a) The holder or operator herein, when transporting commodities other than household goods between points served singly or in combination by scheduled carriers, shall charge and collect rates and charges which shall not be less than 20% greater than the rates charged by such scheduled carriers.
- (b) The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other city or town than Walsenburg, Colorado; and further is prohibited, without further order from this Commission, from having an Agent employed in any other city or town than Walsenburg, Colorado, for the purpose of developing or conducting business.

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.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALVIN GARTON AND LENA GARTON, 412)
PIKE, CANON CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3603)
TO KENNETH J. NAYLOR AND LILLIAN O.)
NAYLOR, DOING BUSINESS AS "NAYLOR)
SANITATION SERVICE," 925 NORTH)
ORCHARD, CANON CITY, COLORADO.)

APPLICATION NO. 23604-Transfer

May 1, 1969

Appearances: Alvin Garton, Canon City,
Colorado, a Transferor, pro se;
Kenneth J. Naylor, Canon City,
Colorado, a Transferee, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 14, 1969, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3603.

After due 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

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

1. Transferors herein are a partnership and are the present owners and operators of PUC No. 3603, 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. Transferees herein hold 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. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
7. Transferees 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 and have or will make adequate provision for insurance.
8. If this transfer is approved, Transferees intend 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 Transferors to transfer all of their right, title and interest in and to PUC No. 3603 to Kenneth J. Naylor and Lillian O. Naylor, doing business as "Naylor Sanitation Service", and that henceforth the full and complete authority under said PUC No. 3603 shall read as follows, to-wit:

"Transportation of

- (1) Ashes, trash and other refuse

From all points within the City of Canon City, Colorado, and a five (5) mile radius thereof to designated and approved dump and disposal sites within Fremont County, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Alvin Garton and Lena Garton, Canon City, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3603 to Kenneth J. Naylor and Lillian O. Naylor, doing business as "Naylor Sanitation Service," Canon City, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3603 shall read and be as follows, to-wit:

Transportation of

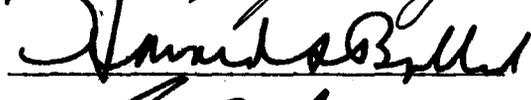
Ashes, trash and other refuse

From all points within Canon City, Colorado, and a five (5) mile radius thereof to designated and approved dump and disposal sites within Fremont County, State of Colorado.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DENVER-CLIMAX TRUCK LINE, INC.)
4250 ONEIDA STREET)
DENVER, COLORADO,)

Complainant,)

vs)

CASE NO. 5384

SOUTH PARK MOTOR LINES)
2921 WALNUT STREET)
DENVER, COLORADO, AND)
FAIRPLAY MOTOR CO.)
FAIRPLAY, COLORADO,)

Respondents.)

May 1, 1969

Appearances: Raymond B. Danks, Esq., Denver,
Colorado, for Complainant;
Leslie R. Kehl, Esq., Denver,
Colorado, for Respondents.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 15, 1968, Denver-Climax Truck Line, Inc., the Complainant herein, filed a Complaint against South Park Motor Lines and Fairplay Motor Co., Respondents.

After due and proper notice to all interested persons, firms or corporations, the matter 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.

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

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

1. Complainant, Denver-Climax Truck Line, Inc., a Colorado corporation, is a common carrier by motor vehicle and, as pertains to this proceeding, operates under Certificate of Authority PUC No. 1195 which generally authorizes the transportation of freight between Denver and Climax, Colorado, with certain off-route service and subject to certain restrictions.
2. Respondent, South Park Motor Lines, is a trade name used by the partnership of Richard H. Eshe and Lois Mae Eshe, who, by way of Lease authorized in Commission Decision No. 71802, operates Certificate of Authority PUC No. 1179.
3. Respondent, Fairplay Motor Co., a Colorado corporation, presently owns said Certificate of Authority PUC No. 1179 which, as indicated above, is now leased to and operated by Respondent, South Park Motor Lines.
4. The authority involved in this proceeding is the aforementioned Certificate of Authority PUC No. 1179 which provides for

"Transportation of

ore and concentrates, mining and milling supplies and equipment, coal, sand and gravel, farm produce (including livestock), farm supplies, used household goods and furnishings, office furniture and fixtures, into, out of and between points within a radius of twenty miles of Alma, Colorado,

except that said applicant under this certificate shall not transport said commodities, or any of them, from, to or between Denver and Kokomo or points intermediate thereto, on U.S. Highway No. 285 Denver to Fairplay, and State Highway No. 9 Fairplay to Dillon and State Highway No. 91 Dillon to Kokomo,

and shall not transport freight of any description under this certificate between Leadville and other points except between Leadville and points within a radius of 20 miles of Alma,"

"Applicant shall not be required to charge 120% of the prescribed rate, that is, the 20% differential ordinarily required to be charged by call and demand and Class B carriers, for the transportation of commodities from and to mining camps in the Fairplay-Alma district, except where said mines are located in the town of Alma or Fairplay or upon said Highways U.S. 285 and Colorado 9 between Denver and Breckenridge, via Fairplay."

5. By its Complaint, Complainant alleges that Respondent has been holding itself out to the public as being authorized to conduct a general freight service between Climax and Denver and, in fact, has transported freight at rates less

than 120% of Complainant's rates and in direct competition with Complainant's scheduled service between Climax and Denver and other points served by interline or exchange and that said service by Respondent is unlawful and in violation of the rules and regulations of this Commission for the following reasons:

- (a) If such authority is authorized by Certificate of Authority PUC No. 1179, it was lost through abandonment or non-user prior to the lease of said Certificate to Respondent, South Park Motor Lines, and
 - (b) Even if such service was authorized and the authority has not been lost through abandonment or non-user, the Respondent must charge rates of not less than 120% of Complainant's rates when performing such service.
6. Respondents, by way of Answer, generally denied the allegations of the Complaint and further alleged that with respect to abandonment or none-user, that issue was decided by Commission Decision No. 71802 to the effect that the owner of the Certificate prior to the Lease had not abandoned the authority or any portion thereof and, further, Respondents deny that they are required to charge rates not less than 120% of Complainant's rates to perform the service which they have been performing under Certificate of Authority PUC No. 1179.
7. The issues in this proceeding are, therefore:
- (a) Was the authority contained in Certificate of Authority PUC No. 1179 lost through abandonment or non-user prior to the lease of said Certificate from Respondent, Fairplay Motor Co., to Respondent, South Park Motor Lines?
 - (b) Is Certificate of Authority PUC No. 1179 subject to the 120% penalty provisions of Case No. 1585?
 - (c) If Certificate of Authority PUC No. 1179 is subject to the 120% penalty provisions of Case No. 1585, has Respondent, in fact, violated said provisions?
8. With respect to the issue of abandonment or non-user of Certificate of Authority PUC No. 1179 prior to the lease of said Certificate from Fairplay Motor Co. to South Park Motor Lines, testimony was heard and that issue was determined as set forth in Commission Decision No. 71802, dated August 29, 1968. At that time, it was found as a matter of fact that said Certificate had not been abandoned and was in good standing with the Commission. Complainant presented no competent evidence in the instant proceeding to cause a reversal of the previous Finding and it is, therefore, a Finding in this proceeding again that Certificate of Authority PUC No. 1179 was not so abandoned and is presently in good standing with the Commission.
9. With respect to the application of Case No. 1585 to the Certificate, the penalty provisions of Case No. 1585 takes precedence regardless of the wording of the Certificate and, therefore, Certificate of Authority PUC No. 1179 is subject to the penalty provisions of said Case No. 1585.

10. With respect to the issue of violation by the Respondents of the penalty provisions in Case No. 1585, the only evidence presented by Complainant with respect thereto was contained in Exhibits No. 5 and 7. Exhibit No. 5 was an advertising card used by Respondent and Exhibit No. 7 was copies of three freight bills describing the transportation of (1) rough steel castings from Amsco Division of Abex Corp. to Climax Molybdenum Co., Climax, Colorado, on October 3, 1968; (2) bags of activated charcoal from Mine and Smelter, Denver, Colorado, to Climax Molybdenum Co., Climax, Colorado, on October 15, 1968; and (3) fabricated steel forms from C F and R Steel Fabricating Co., Arvada, Colorado, to Climax Molybdenum Co., Climax, Colorado, on October 7, 1968, for which a 20% rate penalty was admittedly not charged.
11. Said evidence presented by Complainant does not substantiate the Complaint and, in fact, the transportation referred to in Exhibit No. 7 is not subject to the 120% penalty provisions of Case No. 1585.
12. Complainant failed to prove the material allegations of its Complaint and the Complaint must, therefore, be dismissed.

CONCLUSIONS

That the Commission make and enter its Order dismissing the Complaint.

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

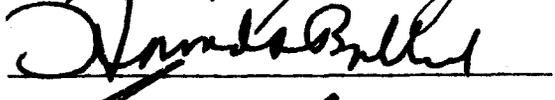
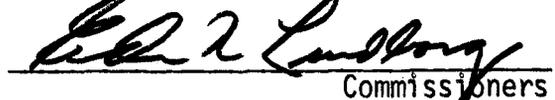
O R D E R

THE COMMISSION ORDERS:

That Case No. 5384, be, and the same hereby is, dismissed.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

sl

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Clarence E. Lindsey, dba)
Lindsey Motor Lines)
Box 1717)
Salt Lake City, Utah 84110)

AUTHORITY NO. 7127-I
CASE NO. 1449-H-Ins.

- May 5, 1969 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1969, 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

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

Dated at Denver, Colorado, this
5th day of May, 1969 .

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 CON-)
VENIENCE AND NECESSITY AUTHORIZING THE PUR-)
CHASE OF THE GAS DISTRIBUTION SYSTEM AND)
RELATED FACILITIES OF GAS FACILITIES, INC.,)
IN THE TOWN OF VAIL AND IN THE COMMUNITIES)
OF WEST VAIL AND BIG HORN, ALL IN EAGLE)
COUNTY, COLORADO; AUTHORIZING THE ASSIGN-)
MENT OF THE CERTIFICATES OF CONVENIENCE AND)
NECESSITY OF SAID GAS FACILITIES, INC., WITH)
RESPECT TO SERVICE IN SAID TOWN AND COMMUNI-)
TIES, AND IN THE AREAS DELINEATED IN SAID)
CERTIFICATES; AND AUTHORIZING THE EXERCISE)
OF FRANCHISE RIGHTS FOR THE PURCHASE, STORAGE,)
TRANSMISSION AND DISTRIBUTION OF GASEOUS)
FUELS UNDER A FRANCHISE TO BE OBTAINED IN)
SAID TOWN OF VAIL.)

APPLICATION NO. 23540

IN THE MATTER OF THE APPLICATION OF GAS)
FACILITIES, INC., 1130 FIRST NATIONAL BANK)
BUILDING, DENVER, COLORADO, TO TRANSFER ITS)
EXISTING CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY FOR THE DISTRIBUTION OF NATURAL)
GAS IN THE TOWN OF VAIL AND ADJACENT AREAS)
IN EAGLE COUNTY, COLORADO, TO PUBLIC SERVICE)
COMPANY OF COLORADO, 550 15TH STREET, DENVER,)
COLORADO.)

APPLICATION NO. 23548

SUPPLEMENTAL ORDER

May 2, 1969

Appearances: Donald D. Cawelti, Esq., and
E. A. Stansfield, Esq., of
Lee, Bryans, Kelly & Stansfield,
Denver, Colorado, for Applicant,
Public Service Company of Colorado;
Keith L. Brown, Esq., Arnold Raether and
Harley G. Higbie, Denver, Colorado, for
Applicant, Gas Facilities, Inc.;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 27, 1969, by Decision No. 72585, the Commission
authorized and approved, among other things, the purchase by Public Service

Company of Colorado (Public Service) from Gas Facilities, Inc., of the latter's gas distribution system and related facilities, all as more particularly referred to in the aforesaid Decision. Paragraph 4 of the Order in that Decision required Public Service to file with the Commission a Completion Report of the Acquisition within thirty days of the acquisition.

On April 24, 1969, Public Service filed a request for an extension of time within which to file such report. The Commission finds that good cause exists for an extension of time as requested, and that such extension should be authorized.

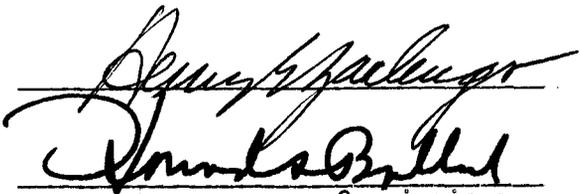
O R D E R

THE COMMISSION ORDERS THAT:

The time within which to file the Acquisition Completion Report by Public Service, as required by the provisions of paragraph 4 of the Order of the Commission in Decision No. 72585, be, and hereby is, extended to September 1, 1969.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 2nd day of May, 1969.

ls

(Decision No. 72957)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN D. HICKEY AND JOE F. ENRIGHTS,)
FOR AUTHORITY TO TRANSFER ALL OF)
THEIR CAPITAL STOCK IN AND TO FITCH)
VAN & STORAGE, INC., DOING BUSINESS)
AS "BOULDER MOVING & STORAGE, INC.,")
RECORD OWNER OF PUC NO. 352 AND PUC)
NO. 352-I, TO THOMAS J. HILL AND)
VIRGIL H. PUGH.)

APPLICATION NO. 23648-Stock Transfer

May 1, 1969

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 17, 1969, the above-entitled application was filed requesting authority to transfer all of the outstanding capital stock of Fitch Van & Storage, Inc., doing business as "Boulder Moving & Storage, Inc.," record owner of Certificate of Public Convenience and Necessity PUC No. 352 and PUC No. 352-I to Thomas J. Hill and Virgil H. Pugh.

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 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.

Following the hearing, it was determined that Boulder Moving & Storage, Inc. was not only the holder of Certificate of Authority PUC No. 352 and PUC No. 352-I but also held authority from this Commission designated as Certificate of Authority PUC No. 6832. There was no Notice concerning Certificate of Authority PUC No. 6832 and, therefore, this application was continued and Applicant shall file an Amended Application so that both Certificates can be properly Noticed and hearing will be held on the Amended Application as indicated below."

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

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

EXAMINER CONCLUSIONS

That the Commission make and enter its Order continuing the hearing on this application so as to give Applicant an opportunity to amend its application and Notice the fact of both Certificate of Authority PUC No. 352 and PUC No. 352-I together with Certificate of Authority PUC No. 6832 and further hearing be held on the application on May 8, 1969, at 10:00 o'clock A.M., in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado.

The Commission, with regard to the above, notes and finds from the records of the Commission that, on April 22, 1969, an application (No. 23701-Stock Transfer) requesting authority to transfer all of the outstanding capital stock of Fitch Van & Storage, Inc., doing business as "Boulder Moving & Storage, Inc.," record owner of Certificate of Public Convenience and Necessity PUC No. 6832 to Thomas J. Hill and Virgil H. Pugh, has been filed; and that said application, pursuant to proper notice, dated April 24, 1969, to all interested persons, firms or corporations, has been set for hearing by the Commission on May 8, 1969, at 10:00 A.M. in the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Accordingly, therefore, in view of the above and foregoing, no ordering provision will be entered by the Commission regarding Certificate of Public Convenience and Necessity PUC No. 6832 sought to be transferred by Application No. 23701-Stock Transfer.

The Commission has given careful consideration to the record and exhibits 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 hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

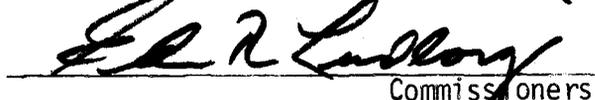
O R D E R

THE COMMISSION ORDERS:

That Application No. 23648-Stock Transfer, be, and is hereby, continued and reset for hearing on May 8, 1969, at 10:00 o'clock A.M., in the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN TWIDALE AND JULIA B. TWIDALE,)
2549 G $\frac{1}{2}$ ROAD, GRAND JUNCTION,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-4773 TO VALLEY REFUSE)
REMOVAL, INC., P. O. BOX 298, 200)
NORTH SIXTH STREET, GRAND JUNCTION,)
COLORADO.)

APPLICATION NO. 23649-PP-Transfer

May 1, 1969

Appearances: Kenneth K, Summers, Esq., Grand
Junction, Colorado, for Applicants;
Curtis Lashbrook, doing business as
"Lashbrook Sanitation Services,"
Grand Junction, Colorado, Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 13, 1969, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-4773.

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 Curtis Lashbrook, doing business as "Lashbrook Sanitation Services," Grand Junction, Colorado.

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.

Your Examiner allowed Protestant to participate in the hearing as its interests might appear even though it did not file a written Protest. After Applicant had completed its case and rested, Curtis Lashbrook, doing business as "Lashbrook Sanitation Service," Protestant, withdrew its Protest."

The record further discloses, in view of the above and foregoing, that the Protestant of record, as above indicated, withdrew its 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

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

1. Transferors are a partnership.
2. Transferors herein are the present owners and operators of Permit No. B-4773, 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 the safety requirements of the Commission and has 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

That the Commission make and enter its Order authorizing Transferors to transfer all of their right, title and interest in and to Permit No. B-4773 to Valley Refuse Removal, Inc., a Colorado corporation, and that henceforth the full and complete authority under said Permit No. B-4773 shall read as follows, to-wit:

"Transportation of

(1) Ashes, trash and other refuse

From all points within Grand Junction, Colorado, and a ten (10) mile radius thereof to designated and approved dumps and disposal sites within said radius.

(2) Ashes, trash and other refuse

From all points within the town of Palisade, Colorado, to designated and approved dumps and disposal sites within a ten (10) mile radius of Grand Junction, Colorado.

RESTRICTION:

(a) This Permit is restricted against serving the following named customers:

1. United Fruit Growers Co-op.
2. Pacific Growers Co.
3. Colorado Flavo Canning Co."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That John Twidale and Julia B. Twidale, Grand Junction, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-4773 to Valley Refuse Removal, Inc., Grand Junction, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-4773 shall read and be as follows, to-wit:

Transportation of

(1) Ashes, trash and other refuse

From all points within Grand Junction, Colorado, and a ten (10) mile radius thereof to designated and approved dumps and disposal sites within said radius.

(2) Ashes, trash and other refuse

From all points within the Town of Palisade, Colorado, to designated and approved dumps and disposal sites within a ten (10) mile radius of Grand Junction, Colorado.

RESTRICTION:

This permit is restricted against the rendering of any transportation service in the area outside the city limits of Grand Junction, Colorado for the following designated firms:

1. United Fruit Growers Co-op.
2. Pacific Growers Co.
3. Colorado Flavo Canning Co.

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

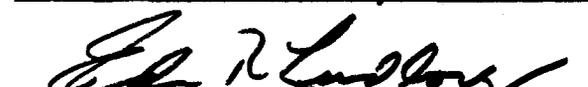
The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

(Decision No. 72959)

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," 6545 BURGESS)
ROAD, COLORADO SPRINGS, COLORADO.)

PERMIT NO. B-5462

May 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled permit-holder requesting authority to do business under the name of Joe F. Hartley in lieu of Joe Frank Hartley, Jr., doing business as "Aden's Coal and Wood Yard," in the conduct of operations under Permit No. B-5462.

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.

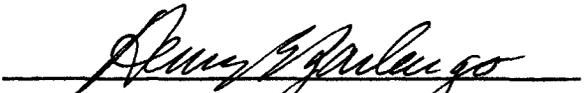
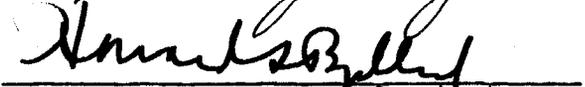
O R D E R

THE COMMISSION ORDERS:

That Joe Frank Hartley, Jr., doing business as "Aden's Coal and Wood Yard," be, and hereby is, authorized to conduct operations under the name and style of Joe F. Hartley in the conduct of operations under Permit No. B-5462, and that the Secretary of 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 2nd day of May, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: AIR CARRIER OPERATIONS OF)
BETTY J. CLARK AND PATRICIA J.)
SULLIVAN, DOING BUSINESS AS)
"MILE HI AVIATION CO.," BOX 43,)
RIFLE, COLORADO.)

PUC NO. AC-27

May 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate holders requesting authority to do business under the trade name and style of Betty J. Clark and Patricia J. Sullivan, doing business as "Mile Hi Aviation," in lieu of Betty J. Clark and Patricia J. Sullivan, doing business as "Mile Hi Aviation Co.," in the conduct of operations under PUC No. AC-27.

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 Betty J. Clark and Patricia J. Sullivan, doing business as "Mile Hi Aviation Co.," be, and hereby are, authorized to conduct operations under the trade name and style Betty J. Clark and Patricia J. Sullivan, doing business as "Mile Hi Aviation," in the conduct of operations under PUC No. AC-27, 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 2nd day of May, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GERALD C. BERTSCH AND RUTH ANN BERTSCH,)
DOING BUSINESS AS "QUEEN CITY ASH AND) PUC NO. 3499
RUBBISH REMOVAL," 855 KENDALL STREET,)
LAKEWOOD, COLORADO.)

May 2, 1969

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 Gerald C. Bertsch and Ruth Ann Bertsch, doing business as "Rod's Rubbish Removal," in lieu of Gerald C. Bertsch and Ruth Ann Bertsch, doing business as "Queen City Ash and Rubbish Removal," in the conduct of operations under PUC No. 3499.

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.

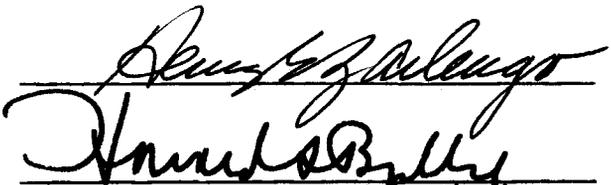
O R D E R

THE COMMISSION ORDERS:

That Gerald C. Bertsch and Ruth Ann Bertsch, doing business as "Queen City Ash and Rubbish Removal," be, and hereby are, authorized to conduct operations under the trade name and style Gerald C. Bertsch and Ruth Ann Bertsch, doing business as "Rod's Rubbish Removal," in the conduct of operations under PUC No. 3499, 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 2nd day of May, 1969.
gf

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Philip T. Otero)
Box 309, Star Route #2)
Los Lunas, New Mexico 87031)

AUTHORITY NO. 7370-I
CASE NO. 1510 H--Ins.

- May 5, 1969 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 29, 1969 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

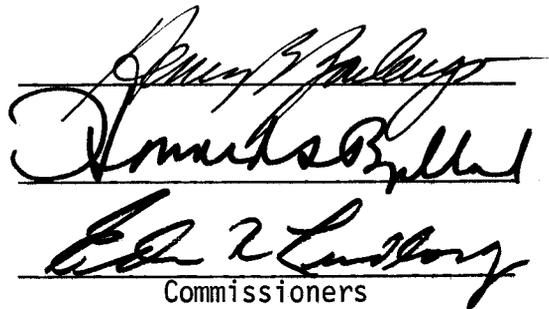
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
5th day of May, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. E. WILSON & COMPANY, INC., P.O.)
BOX 7, EL PASO, TEXAS, FOR AUTHORITY)
TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO C. H. B. GRAIN COMPANY, INC.,)
116 RUHLIN COURT, P. O. BOX 7, EL PASO,)
TEXAS.)

PUC NO. 6676-I - Transfer

May 2, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, H. E. Wilson & Company, Inc., El Paso, Texas, was granted a certificate of public convenience and necessity, being PUC No. 6676-I, authorizing operation as a common carrier by motor vehicle for hire:

"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."

Said certificate-holder now seeks authority to transfer said PUC No. 6676-I to C. H. B. Grain Company, Inc., El Paso, 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 H. E. Wilson & Company, Inc., El Paso, Texas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 6676-I -- with authority as set forth in the Statement preceding

which is made a part hereof by reference -- to C. H. B. Grain Company, Inc., El Paso, 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 2nd day of May, 1969.
1s

(Decision No. 72965)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDSTEIN TRANSPORTATION AND STORAGE,)
INC., 1420 38TH STREET, DENVER,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 3537 TO EARL F. BUCKINGHAM AND)
DOROTHY M. BUCKINGHAM, DOING BUSINESS)
AS "COLORADO-DENVER WAREHOUSE AND)
DELIVERY CO.," 950 SOUTH HARRISON)
STREET, DENVER, COLORADO.)

APPLICATION NO. 22631-Transfer-Amended

SUPPLEMENTAL ORDER

May 2, 1969

Appearances: Leslie R. Kehl, Esq., Denver, Colorado,
for Goldstein Transportation and Storage,
Inc., Earl F. Buckingham and Dorothy M.
Buckingham;
John P. Thompson, Esq., Denver, Colorado,
for Denver-Climax Truck Line, Denver-
Laramie-Walden Truck Line, Inc., Denver-
Loveland Transportation Company, Edson
Express, and Overland Motor Express;
Julius I. Ginsberg, Esq., Denver,
Colorado, for Bennie Goldstein and
Nathan Goldstein.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 13, 1967, the Commission entered Decision No. 70231 authorizing the transfer as above captioned.

The Commission is in receipt of a communication from Leslie R. Kehl, Attorney for the Applicants, requesting that Earl F. Buckingham and Dorothy M. Buckingham, doing business as "Colorado-Denver Warehouse and Delivery Co.," be authorized to change the business name to Earl F. Buckingham and Dorothy M. Buckingham, doing business as "Action Pickup and Delivery Co.," in the conduct of operations under PUC No. 3537, authorized by said Decision No. 70231.

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.

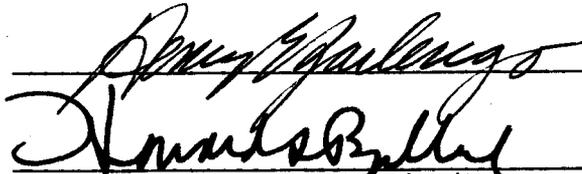
O R D E R

THE COMMISSION ORDERS:

That Earl F. Buckingham and Dorothy M. Buckingham, doing business as "Colorado-Denver Warehouse and Delivery Co.," be, and hereby are, authorized to change the business name to Earl F. Buckingham and Dorothy M. Buckingham, doing business as "Action Pickup and Delivery Co.," in the conduct of operations under PUC No. 3537, authorized by Decision No. 70231, dated October 13, 1967, 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 2nd day of May, 1969.

ls

(Decision No. 72966)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN SLOPE GAS COMPANY FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT, OPERATE)
AND MAINTAIN A GAS TRANSMISSION)
PIPELINE FROM THE TERMINUS OF ITS)
PRESENT PIPELINE NEAR LOUISVILLE,)
BOULDER COUNTY, COLORADO, TO A)
POINT OF CONNECTION WITH ITS)
EXISTING PIPELINE NEAR THE TOWN OF)
DILLON, SUMMIT COUNTY, COLORADO,)
TOGETHER WITH LATERALS THEREFROM:)
AND TO PROVIDE GAS PIPELINE TRANS-)
MISSION SERVICE FROM SUCH FACILITIES.)

APPLICATION NO. 23545

May 1, 1969

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, by
Donald D. Cawelti, Esq., Denver, Colorado,
for Western Slope Gas Company, Applicant;
Grant E. McGee, Esq., Denver, Colorado,
and
Wynn M. Bennett, Jr., Esq., Denver, Colorado,
for Rocky Mountain Natural Gas Company,
Intervenor;
James Wade, Esq., Denver, Colorado,
for Colorado Mountain Club;
D. O. Johnson, Kremmling, Colorado,
County Commissioner, Grand County;
John Nix, Frisco, Colorado,
County Commissioner, Summit County;
Girls Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

The above entitled application was filed with the Commission by Western Slope Gas Company (Applicant or Western Slope) on December 30, 1968. On January 10, 1969, Rocky Mountain Natural Gas Company (Rocky Mountain) filed a protest and petition to intervene. The petition was granted by the Commission.

After due and proper notice, the matter was set for hearing by the Commission on January 24, 1969. On January 15, 1969, Rocky Mountain filed with the Commission and served upon the Applicant certain

interrogatories and a motion for production of documents and continuance of hearing. On January 21, 1969, the Commission ordered oral argument on said motion. The matter was set for oral argument, only, on January 24, 1969, and evidentiary hearing previously set for January 24, 1969 was vacated to be reset. After oral argument and on January 24, 1969, the Commission ordered certain information to be furnished by Applicant and the instant matter was set for hearing commencing February 10, 1969. On that date the matter was duly heard by the Commission at the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado. At the conclusion thereof, on February 14, 1969, the matter was taken under advisement.

At the conclusion of the Applicant's case, Rocky Mountain moved for dismissal of the application. This motion was also taken under advisement.

Applicant tendered Exhibits A through V which were received in evidence except Exhibit H. Rocky Mountain tendered Exhibits 1 through 7 which were admitted in evidence. At the conclusion of the hearing, the Commission ordered briefs to be filed and pursuant thereto a brief and reply brief by Applicant and an answer brief by Rocky Mountain were timely filed.

A number of public witnesses appeared and testified in support of the instant application.

DISCUSSION

By the instant application Western Slope seeks a certificate of public convenience and necessity to construct, operate and maintain a gas transmission pipeline interconnecting its present facilities near Louisville, Colorado, to its existing pipeline near the town of Dillon, Colorado, together with certain laterals therefrom to provide gas pipeline transmission service as follows:

A. To augment the gas supply to its Southern Division which includes gas transmission facilities in an area that might generally be

described as the San Luis Valley, the Upper Arkansas River Valley and portions of Eagle and Blue River Valleys in Colorado.

B. To make gas transmission pipeline service available to towns and communities in the Middle Park Area, including Kremmling, Hot Sulphur Springs, Granby, Fraser, Parshall, Tabernash, Hideaway Park and Winter Park (Middle Park Towns). The parent company of Applicant, Public Service Company of Colorado, has obtained franchises for gas distribution in the aforesaid towns and has requested that the Applicant provide wholesale service to it.

The grounds on which the Applicant requests a certificate of public convenience and necessity may be briefly summarized as follows:

1. Additional long term source of gas must be procured to continue adequate service to its Southern Division.
2. The pipeline proposed in this application will provide such additional source of gas at a reasonable construction cost and, in addition, will enable the Applicant to provide gas transmission service to the Middle Park Towns which, at the present time, are not receiving natural gas service. That the public convenience and necessity require said service.
3. The proposed pipeline will constitute a necessary second pipeline source to insure continuity of service of the Applicant's Southern Division.
4. The construction of the proposed pipeline and the investment associated therewith, in view of the additional revenues to be realized, will not place an undue burden on existing customers of Applicant.

The contention of Rocky Mountain may be summarized as follows, to-wit, that:

1. The proposed project is not economically feasible.
2. There is no immediate need for the proposed project; therefore, the expenditure is not warranted at this time.

3. With regard to the showing of public convenience and necessity, the Applicant failed to sustain its burden of proof.
4. The proposed project is a ruse to certificate a project which is not economically feasible.

The question to be resolved by the Commission herein is whether the present or future public convenience and necessity require or will require the construction of the pipeline facilities as proposed by Applicant. Rocky Mountain has placed great emphasis on the lack of economic feasibility for the proposed project. This Commission realizes, and has repeatedly so held, that a new project must be economically feasible, if the public interest is to be protected, for an economically sound utility is essential to provide good and adequate utility service at reasonable rates. On the other hand, it must be emphasized that the test of economic feasibility cannot be so narrow so as to preclude any investment which does not immediately produce revenues sufficient to cover the cost of service, all expenses and -- in addition -- provide an adequate return. It is also important to consider whether the project is the most feasible, if others are available, on a comparative basis, to-wit: That another alternative method of achieving the same end has not been overlooked which would provide the same level of service at a lesser cost.

From the record it appears conclusive that peak day deliverability from the present source of supply in Applicant's Southern Division, the Ignacio Field, has become problematical in view of future gas requirements to supply present and prospective customers of Applicant on its existing system. It appears to the Commission that sometime in the near future the present source of supply will be inadequate to meet fully the peak day needs of Applicant's southern system. Does the project as proposed meet the test of being the best alternative to insure a long term and reliable supply of gas to the customers of Western Slope? Applicant proposes to obtain such additional long term supply from its main

supplier on the Eastern Slope, Colorado Interstate Corporation. The latter corporation has ample reserves both on a peak day and annual basis. It also has a long history of being able to procure such reserves for it has supplied the Denver Area since 1929.

Every utility company must be encouraged and commended for making plans in advance to solve its supply problems. Long range planning in providing utility service, whether it be natural gas, electric power, or any other service, is essential and in the public interest.

It has been argued that the project proposed by Western Slope should be delayed. If such delay were in fact ordered, the Commission would then be faced with certain alternatives that would not be in the public interest. First, the public in the Middle Park Towns would be deprived of a safe and economic fuel, such as natural gas, for some time. No other proposal has been advanced to provide gas service to this large and populated area. Good and adequate natural gas service is essential to continued growth and development of the area. A delay as proposed would result in serious inconvenience to the public and be contrary to the public interest. Those contemplating a heating system in an existing, or new, building would be faced with a choice of fuels from which natural gas would be eliminated. A sizable investment in a heating system could be made which would not be compatible to conversion to natural gas in the future without substantial loss. The public would be deprived of the convenience, safety and economy of natural gas as a fuel. Industrial development and growth would be impeded. Furthermore, it is common knowledge that inflationary forces within our economy continue to have an effect on the costs of any type of construction including the construction of a pipeline. This fact alone stresses the importance to the public of the timing of the commencement of any public utility project. The Commission therefore will find that the project proposed by Applicant herein is in the public interest as it assures a long term source of gas supply for Applicant's southern system; helps insure expansion and

continuity of service; and, provides advantages of natural gas fuel to a number of communities that would otherwise not receive gas service. It should be emphasized that Rocky Mountain has not advanced any other plan that would sufficiently meet the aforesaid criteria. The suggestions by Rocky Mountain, although of doubtful probative value, indicate that a pipeline could possibly be constructed on a different route at slightly less cost, but the cost advantages alone are insufficient to make it a superior alternative.

Rocky Mountain has also advanced the argument that the proposed project is simply a ruse to obtain an area certificate which would eliminate any competition from other gas suppliers. This is a legitimate concern because Rocky Mountain may be a potential competitor in this area. It should be noted, however, that Rocky Mountain has not made any alternate proposal to provide gas service in the Middle Park Towns, either now or in the future. It should also be recognized that Applicant has not requested an area certificate. The certificate to be granted herein will apply only to the facilities proposed and will not be a grant of exclusive territory. Accordingly, therefore, any future loads could be served by other suppliers if the public convenience and necessity should so require at that time.

It should be added that one of Rocky Mountain's concerns is that since it is a customer of Applicant in its Eastern Division, and any losses that the Applicant might incur in its Southern Division might create a burden on its other customers and Rocky Mountain in particular. In this regard it must be recognized that this is not a rate case, and rates charged to Rocky Mountain by Western Slope are in no way in contention. It should be emphasized that, if any part of the facilities certificated herein later prove to be not fully used or useful in the rendering of utility service, the costs of carrying any unreasonable excess capacity may not be charged against the utility ratepayers, but may be excluded from Applicant's rate base, as the Commission intends to

protect all the customers of Applicant, including Rocky Mountain, from any unfair or unreasonable burden in any future rate case.

The Commission believes in giving considerable latitude to managerial judgment in the planning and designing of utility facilities. Such privilege does, of course, carry with it certain responsibilities, and, if such judgment should prove to be erroneous sometime in the future, the matter will be subject to close scrutiny by the Commission. It is obvious from the record that considerable capacity is to be provided in the proposed pipeline for large industrial demands, such as the Henderson Mill of American Metal Climax, Inc. Such demands may never develop, and further, the Applicant may not be competitive in its rates to supply and meet such demands. Any rate for large industrial customers must be fully compensatory and must not burden other customers of the utility.

It is, however, our finding that further development of the Ignacio Field of supply does not appear favorable on a long term basis because of the demonstrated lack of daily deliverability and the take-or-pay penalties associated therewith, and that the construction of the new pipeline source by Applicant is in the public interest. At the same time, the Commission will pursue the policy of allowing management discretion to prevail with respect to the size, design and capacity of facilities as no abuse of such discretion has been shown, and the ultimate prudence thereof may properly be made the subject of a future proceeding.

FINDINGS OF FACT

From the record herein the Commission finds as fact, that:

1. Applicant is a public utility, subject to the jurisdiction of this Commission, engaged in the intrastate purchase and transmission of natural gas through high-pressure pipelines in northern, western and southern Colorado, and the sale of such gas to distribution utilities for resale as well as some direct gas sales to industrial customers located

along its pipeline systems. The subject matter of this proceeding is within the jurisdiction of this Commission.

2. Applicant is a Colorado corporation and is a wholly-owned subsidiary of the Public Service Company of Colorado.

3. Applicant needs additional long term gas supplies for its Southern Division system located in the San Luis and upper Arkansas River Valleys and parts of the Eagle and Blue River Valleys in the State of Colorado. The present source of gas for this system is the Ignacio Field in La Plata County, Colorado. Because of the characteristics of this gas field, and the type of purchase contract that is generally available, the continued purchase of gas from further development of this field will result in insufficient peak day deliverability for Applicant's system in the future.

4. While no emergency of gas supply exists, prudent long term planning requires the construction of an additional pipeline source for the Applicant's Southern Division system that would also insure, as much as possible, continuity of service because of an alternate supply. The towns and communities of Fraser, Granby, Hot Sulphur Springs, Kremmling, Parshall, Tabernash, Hideaway Park and Winter Park (Middle Park Towns and Communities) do not now receive, or have available, natural gas service. The present and future public convenience and necessity require that such service be made available if reasonably economically feasible and the pipeline project, as proposed by the Applicant herein is reasonably economically feasible.

5. The present and future public convenience and necessity require, and will require, the construction by Applicant of approximately 94 miles of gas transmission main from a point near Louisville, Boulder County, Colorado, to interconnect with Applicant's present Southern Division transmission system near Dillon, Summit County, Colorado, together with certain laterals from such transmission line to the Middle Park Towns and Communities enumerated above, all in Grand County, Colorado,

such laterals to be constructed for the purpose of providing wholesale gas service to the distributing utility in such towns and communities.

6. Public convenience and necessity do not require the granting of an area certificate of Public Convenience and Necessity to the Applicant.

7. The motion by Rocky Mountain to dismiss the instant application should be denied.

8. Applicant is fit and has the requisite financial ability and experience to construct, operate and maintain the pipeline facilities certificated hereunder.

9. Applicant's cost estimates of the proposed pipeline are reasonable; and the Applicant has used an applicable flow formula correctly in the design of the pipeline.

O R D E R

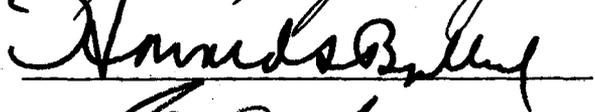
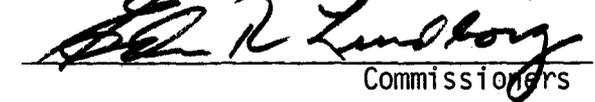
THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be, and hereby is, granted to Applicant, Western Slope Gas Company, to construct, operate and maintain a gas transmission pipeline from the terminus of its present pipeline near Louisville, Boulder County, Colorado, to a point of interconnection with its existing pipeline near the town of Dillon, Summit County, Colorado, together with the necessary laterals therefrom to supply the Middle Park Towns and Communities, to-wit: Fraser, Granby, Hot Sulphur Springs, Kremmling, Parshall, Tabernash, Hideaway Park and Winter Park, and to provide gas pipeline transmission service from such facilities; and this Order shall be deemed and held to be such certificate therefor.

2. The motion to dismiss by Rocky Mountain be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1969.

1s

(Decision No. 72967)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ELBERT BARR)
719 31ST STREET)
DENVER, COLORADO 80205)

PERMIT NO. M-6021

May 6, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

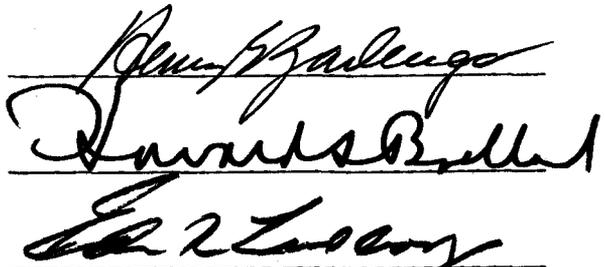
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 4, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 6th day of May, 1969.
1s

(Decision No. 72968)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
BEAR VALLEY LANDSCAPING, INC.
ROUTE 1, BOX 506
MORRISON, COLORADO 80465

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PERMIT NO. M-12743

May 6, 1969

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 28, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of May, 1969.
1s

