

(Decision No. 75840)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
LEESER & STAUFFER TRUCK SERVICE, )  
INC., TAYLOR, MISSOURI. )

PUC NO. 2880-I

-----  
September 15, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a certificate of name change as filed with the Secretary of State of Missouri, wherein the above-named certificate-holder has changed its corporate name from Leeser & Stauffer Truck Service, Inc., to Stauffer Truck Service, Inc., and requests approval from this Commission to change its corporate name in the conduct of operations under PUC No. 2880-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.

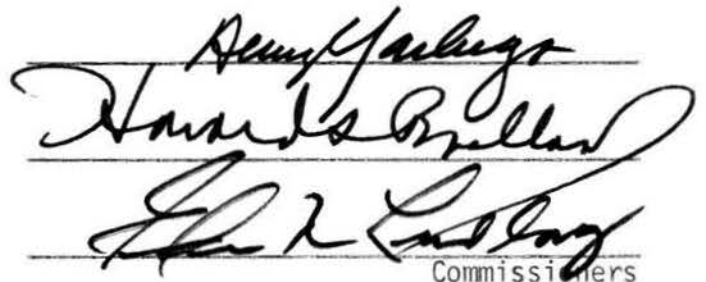
O R D E R

THE COMMISSION ORDERS:

That Leeser & Stauffer Truck Service, Inc., be, and hereby is, authorized to change its corporate name to Stauffer Truck Service, Inc., in the conduct of operations under PUC No. 2880-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  
15th day of September, 1970.  
vjr

(Decision No. 75841)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM HAMANN, DOING BUSINESS AS )  
"WILLIAM HAMANN TRUCKING," DICKINSON, )  
NORTH DAKOTA, FOR AUTHORITY TO TRANS- )  
FER INTERSTATE OPERATING RIGHTS TO )  
HAMANN TRUCKING, INC., DICKINSON, )  
NORTH DAKOTA. )

PUC NO. 7564-I - Transfer

-----  
September 15, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, William Hamann, doing business as "William Hamann Trucking," Dickinson, North Dakota, was granted a certificate of public convenience and necessity, being PUC No. 7564-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. 7564-I to Hamann Trucking, Inc., Dickinson, North Dakota.

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:

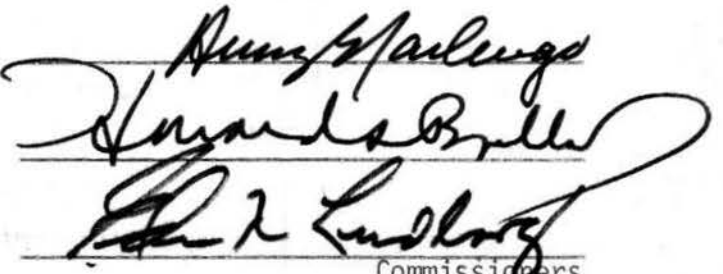
That William Hamann, doing business as "William Hamann Trucking," Dickinson, North Dakota, be, and hereby is, authorized to transfer all



right, title and interest in and to PUC No. 7564-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Hamann Trucking, Inc., Dickinson, North Dakota, 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  
15th day of September, 1970.  
vjr

(Decision No. 75842)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HOME LIGHT AND POWER COMPANY, 810 )  
NINTH STREET, GREELEY, COLORADO, )  
FOR AN ORDER AUTHORIZING IT TO ISSUE )  
A MAXIMUM OF 9,102 SHARES OF ITS )  
COMMON STOCK TO BE PAID AS A 10% )  
STOCK DIVIDEND. )

APPLICATION NO. 24502 - Securities

-----  
September 11, 1970  
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Appearances: Barnard Houtchens, Esq.,  
Greeley, Colorado,  
for Applicant;  
Girts Krumins, Esq.,  
Denver, Colorado, for the  
Staff of the Commission;  
James A. VanderWal,  
Denver, Colorado, of the  
Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Applicant herein, Home Light and Power Company, a Colorado corporation, pursuant to Section 115-1-4, Colorado Revised Statutes, 1963, filed with the Commission on August 18, 1970, its application for an order of this Commission authorizing Applicant to issue a maximum of 9,102 new shares of its Common Stock to be paid as a stock dividend of 10% on its presently issued and outstanding Common Stock.

Said application was set for hearing, with notice to all in interested parties, in compliance with the statutes of Colorado and the rules and regulations of this Commission. On Tuesday, September 8, 1970, a public hearing was held at 9 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at said time and place was heard by Commissioner Howard S. Bjelland, to whom the matter was assigned pursuant to law.

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

At the conclusion of the hearing, the matter was taken under advisement.

Mr. W. A. Terry, President of Home Light and Power Company, testified to the following matters, summarily set forth below:

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged in the purchase, distribution and sale of electric energy in Weld County, Colorado.

A certified copy of Applicant's Restated Articles of Incorporation has heretofore been filed with this Commission. A certified copy of Applicant's current By-Laws, as amended on June 15, 1970, was admitted into evidence as Exhibit A in this proceeding.

Applicant supplies electric service at retail for residential, commercial, power and other uses in 11 cities and towns and in 7 other communities in addition to outlying rural territories in its service area in Weld County, Colorado. The incorporated cities and towns in which Applicant supplies electric service are Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Kersey, LaSalle, Nunn, Pierce and Rosedale. The unincorporated towns and communities in which Applicant supplies electric service are Barnesville, Briggsdale, Farmers Spur, Galeton, Gill, Lucerne and Peckham. Applicant's operations are wholly within the State of Colorado.

In the Company's application in this matter, filed on August 18, 1970, authority was requested to issue a maximum of 9,102 shares of its common stock in payment of a 10% stock dividend. Since filing the application, the Company has acquired an additional 62 shares of its common stock

on the open market which increased shares in the treasury from 178 to 240 shares. This in turn reduces to 90,965 the number of outstanding shares entitled to receive the dividend and reduces the maximum shares to be issued from 9,102 to 9,096. Since fractional shares, of which there are 234.5, will be paid in cash and 67 shares of treasury stock are to be re-issued, the maximum number of new common shares to be issued will be further reduced to 8,795.

Under Applicant's Certificate of Incorporation, as amended, hereinabove referred to, the authorized capital stock of Applicant consists of \$3,100,000 par value, divided into 6,000 shares of Cumulative Preferred Stock of the par value of \$100 each, and 100,000 shares of Common Stock of the par value of \$25 each, with the rights and privileges applicable thereto, respectively, as appears in said Certificate of Incorporation as amended. The Cumulative Preferred Stock is authorized to be issuable in one or more series, and there has been authorized an initial series of 3,000 shares of 4-1/2% Cumulative Preferred Stock. Of such authorized capital stock there were issued and outstanding on September 4, 1970, 90,965 shares of Common Stock in the hands of the public and 240 shares of Common Stock held by the Company as treasury stock, and 3,000 shares of 4-1/2% Cumulative Preferred Stock.

Pursuant to that certain Indenture of Mortgage and Deed of Trust dated as of January 1, 1951, between Applicant and The United Bank of Denver, formerly The Denver United States National Bank, as Trustee, as supplemented, Applicant has heretofore issued and there was outstanding at June 30, 1970, \$1,163,000 principal amount of First Mortgage Bonds 3% Series, due January 1, 1976; \$403,000 principal amount of First Mortgage Bonds 3-3/4% Series, due August 1, 1982; \$483,000 principal amount of First Mortgage Bonds 4% Series, due February 1, 1986; \$433,000 principal amount of First Mortgage Bonds 5-1/2% Series, due September 1, 1989; and \$873,000 principal amount of First Mortgage Bonds 6% Series, due April 1,

1997. Other than current liabilities and the long-term debt referred to above, Applicant has no outstanding indebtedness as of June 30, 1970.

As evidence of the Company's current year's earnings and financial position at June 30, 1970, Applicant introduced into evidence its Balance Sheet, Exhibit B, its Pro Forma Balance Sheet, Exhibit C, and its Statement of Income for the twelve months ended June 30, 1970, Exhibit D. The Balance Sheet indicates that the book value per share of the Common Stock, excluding restricted Surplus for deferred federal income taxes was \$64.36. Net income for this twelve-month period was \$561,045. Net income, before interest deductions, was equal approximately to 5 times bond interest charges. At June 30, 1970, Applicant had Earned Surplus or undivided earnings in the aggregate amount of \$2,355,730, of which \$548,338 was restricted for deferred federal income taxes under accounting procedure authorized by Decision No. 47650 of this Commission.

The capitalization of Home Light and Power Company at June 30, 1970, computed from Exhibit B, was 63.7% common equity, 3.0% preferred stock and 33.3% long-term debt.

Applicant proposes to use a maximum of \$727,720 of unrestricted earned surplus as a 10% stock dividend to holders of common stock by issuing its common stock, the maximum not to exceed 8,862 shares. Such stock dividend shall be payable on or about October 5, 1970, to its common stockholders of record at the close of business on September 4, 1970. No stock dividend will be paid on the 240 shares of Common Stock held by the Company as treasury stock. In payment of said stock dividend, the Company proposes to issue Common Stock certificates representing such number of whole shares of fully paid and non-assessable Common Stock of the Company as said shareholders shall severally be entitled to thereby. In any and all cases in which the amount of stock dividend to which a stockholder is entitled shall include less than one share, fractional shares will not be issued, but payment of an amount equivalent to such fractional shares based on the value

of one share being \$80 as established by the Board of Directors of Applicant, will be made in cash to the stockholder entitled to receive the same.

Applicant's witness further testified that cash dividends in the amount of \$18,760 will be paid to holders of fractions in lieu of 234.5 dividend shares. Only 8,795 shares of authorized but unissued Common Stock will be issued, which will raise the number of outstanding shares to 100,000 including the 240 shares held by the Company as treasury stock. To complete the 10% stock dividend, totaling 8,862 full shares, 67 shares of treasury stock will be reissued.

The pro forma adjustment entries to the Balance Sheet of Applicant as of June 30, 1970, giving effect to the issuance of the 10% stock dividend are as follows:

	<u>Debit</u>	<u>Credit</u>
Earned Surplus	\$703,600	
Common Stock		\$219,875
Premium on Capital Stock		\$483,725

To record the issuance of 8,795 shares of common capital stock, par value \$25 per share, as a stock dividend to common stockholders of record at close of business on September 4, 1970. For the purpose of this stock dividend declaration, a value of \$80 per share has been determined by the Board of Directors of the Company. This entry charges Earned Surplus with the total value of 8,795 shares at \$80 per share and credits the Common Stock account with the total par value of such shares amounting to \$219,875. The excess of the declared value over the par value amounts to \$55 per share, or a total of \$483,725 on 8,795 shares. This amount is credited to Premium on Capital Stock.

Earned Surplus	\$ 5,360	
Reacquired Common Capital Stock		\$ 5,025
Premium on Capital Stock		335

To record the reissuance of 67 shares of treasury stock required to complete the 10% stock dividend. These shares are charged to Earned Surplus at the declared value of \$80 per share. The book cost, \$75 per share, is credited to Reacquired Common Capital Stock and the excess of the declared value over cost, amounting to \$5 per share, is credited to Premium on Capital Stock.

Earned Surplus	\$ 18,760	
Cash		\$ 18,760



To record the payment in cash for stock dividend fractions of less than one share in amounts equivalent to such fraction based on the value of one share being \$80. The total amount required for cash payment of fractions totaling 234.5 common shares is \$18,760.

The witness further testified that the proposed 10% stock dividend does not alter the preexisting proportionate interest of any stockholder or increase the intrinsic value of his holdings or the aggregate holdings of the other stockholders.

### F I N D I N G S

#### THE COMMISSION FINDS THAT:

1. Applicant, Home Light and Power Company, is a public utility, as defined by Section 115-1-3, Colorado Revised Statutes, 1963.
2. This Commission has jurisdiction of said Applicant and the subject matter of the instant application.
3. This Commission is fully advised in the premises.
4. The above and foregoing Statement is incorporated in these Findings by reference.
5. The proposed issuance of a maximum of 8,795 shares of Common Stock of Applicant to be paid as a stock dividend of 10% on Applicant's presently issued and outstanding Common Stock as hereinabove set forth is not inconsistent with the public interest; that the purpose or purposes therefor are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1963.
6. Since Chapter 115-1-4, Colorado Revised Statutes, 1963, requires that security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner be omitted and that this Decision should be the initial Decision of the Commission.

It is the conclusion of the Commission that the Order sought should be granted and the following Order should be entered.



O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant, Home Light and Power Company, be, and it hereby is, authorized to issue a maximum of 8,795 shares of its Common Stock to be paid as a stock dividend of 10% on its presently issued and outstanding Common Stock.

2. Home Light and Power Company be, and it hereby is, authorized to take such steps, actions and proceedings as may, in conformity with applicable laws and regulations, be necessary, incidental or appropriate to the full accomplishment of the transaction herein authorized.

3. The securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification; and that within sixty (60) days from the issuance and delivery of the securities authorized to be issued herein, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are initially issued.

4. Home Light and Power Company be, and it hereby is, directed, in reflecting in its accounts the consummation of the payment of the stock dividend authorized herein, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric Utilities prescribed by this Commission.

5. Nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said issue of the aforementioned securities on the part of the State of Colorado.

6. Within sixty (60) days from the date of the delivery of the new securities authorized to be issued hereunder, Applicant will make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue of said new securities, the fees, commissions and expenses, if any, incident to such issue, accompanying such report with a new balance sheet reflecting the issuance of said securities and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such issuance.

7. The Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

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

9. The within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), Colorado Revised Statutes 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
11th day of September, 1970.  
vjr

(Decision No. 75843)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
Permit of Authority, PUC No. B-4976 )

BY: LESTER A. WILLISON )  
676 29½ ROAD )  
GRAND JUNCTION, COLORADO 81501 )  
Respondent. )

CASE NO. 130-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

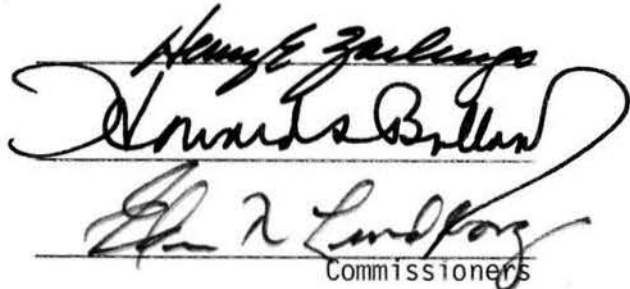
The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 September 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
PERMIT OF AUTHORITY, PUC NO. B-5213 )  
BY: JOHNNIE CAMPANELLA )  
33 NO. CASCADE )  
MONTROSE, COLORADO 81401 )  
Respondent.)

CASE NO. 132-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

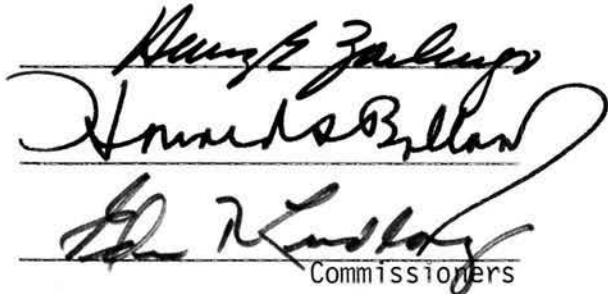
The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 September 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
Permit of Authority, PUC No. B-6879 )  
BY: OSCAR E. KING )  
1008 N. STAR DRIVE )  
COLORADO SPRINGS, COLO. 80900 )  
Respondent. )

CASE NO. 133-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

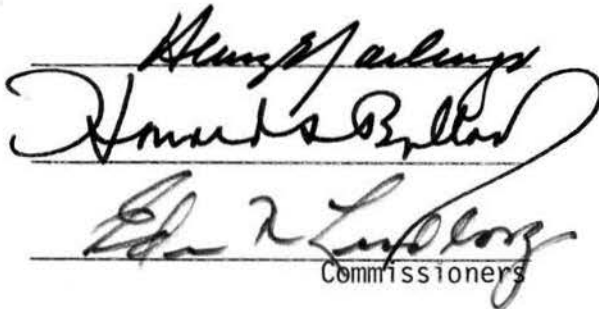
The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 September 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
PERMIT OF AUTHORITY, PUC NO.B-7192 )  
BY: McSTAIN CORPORATION )  
1300 CANYON BOULEVARD )  
BOULDER, COLORADO 80302 )  
Respondent.)

CASE NO. 134-AR  
SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

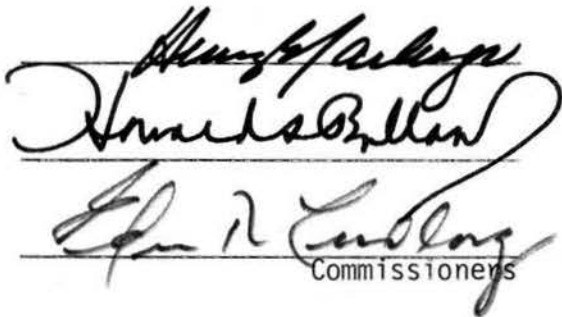
The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 September 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
PERMIT OF AUTHORITY, PUC NO. B-6638 )

BY: KELLY FIORENTINI )  
WESTON, COLORADO 81091 )

Respondent.)

CASE NO. 136-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

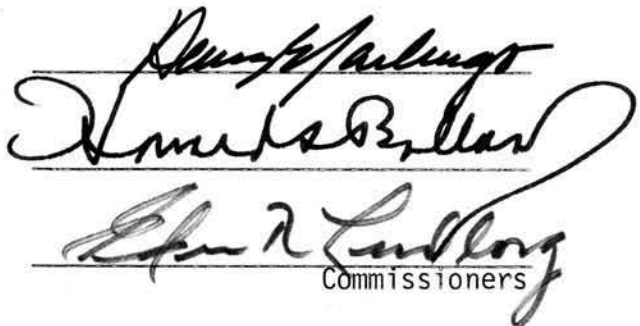
The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 September 1970. av



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
PERMIT OF AUTHORITY, PUC No.B-3623 )

BY: RYBURN F. SAGO )  
1694 XANTHIA STREET )  
DENVER, COLORADO 80220 )

Respondent.)

CASE NO. 129-AR

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, NOTICE OF HEARING AND ORDER TO SHOW CAUSE was issued in the above-entitled case to the above-named Respondent for failure to file with the Commission an Annual Report as required by law and the Rules and Regulations of the Commission.

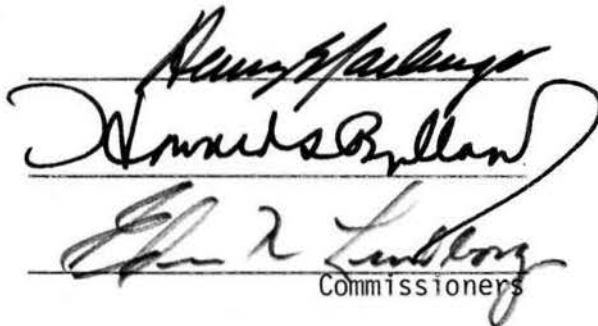
The Commission finds that the Respondent herein has now complied as required by law and the Rules and Regulations of the Commission by filing said Annual Report, and that said Case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled and numbered case be, and the same hereby is, dismissed 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 September 1970. av

*[Signature]*

\* \* \*

t)

CASE NO. 131-AR

RECOMMENDED DECISION OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER

Respondent)

September 11, 1970

September 11, 1970

## PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115, CRS 1963, as amended) and the Rules and Regulations of this Commission: Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2 concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by July 22, 1970.

The Commission, by Decision No. 75432, dated July 22, 1970, ordered Respondent to appear before the Commission on September 4, 1970, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Permit No. B-5098.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner transmits herewith his recommended decision.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Permit No. B-5098;
2. Respondent, Vernon Dilley, Dilley's Sand & Gravel Contractor, is a contract carrier by motor vehicle, and a public utility in the meaning of the Public Utilities Law of the State of Colorado;
3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;
4. Annual Report Forms were mailed to Respondent on January 5, 1970;
5. On May 22, 1970, Respondent was notified and required to file an Annual Report for the calendar year 1969 within twenty-one (21) days from the date of said notice;
6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;
7. The Commission, by Decision No. 75432, dated July 22, 1970, Case No. 131-AR, issued an Order to show cause and Notice of Hearing to Respondent;
8. Hearing was held on September 4, 1970;
9. Respondent failed to appear before the Commission as directed by Decision No. 75432, dated July 22, 1970.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, being Permit No. B-5098, be revoked and cancelled as of October 11, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty Dollars (\$50.00) to the Treasurer of the State of Colorado, and in addition file its 1969 Annual Report with this Commission, on or before October 11, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, being Permit No. B-5098, be, and the same hereby is, revoked and cancelled as of October 11, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent:

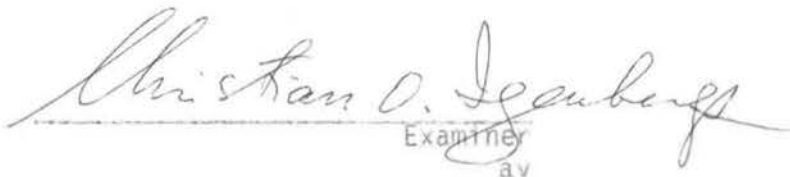
a. File its 1969 Annual Report with this Commission on or before October 11, 1970;

b. In addition pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before October 11, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Law.

2. In which event, if said full payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Christian O. Igenberg  
Examiner  
av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER PERMIT NO. B-7203	)	
	)	
BY: VIRGINIA A. I. REMINGTON	)	CASE NO. 135-AR
2638 WALDEAN	)	
COLORADO SPRINGS, COLORADO 80909	)	RECOMMENDED DECISION OF
	)	CHRISTIAN O. IGENBERGS,
Respondent	)	EXAMINER
-----	)	

-----  
September 11, 1970  
-----

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115, CRS 1963, as amended) and the Rules and Regulations of this Commission, Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2 concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by July 22, 1970.

The Commission, by Decision No. 75436, dated July 22, 1970, ordered Respondent to appear before the Commission on September 4, 1970 in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Permit No. B-7203.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the Conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner transmits herewith his recommended decision.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including but not limited to, an Order cancelling the Respondent's Permit No. B-7203.
2. Respondent, V.A.I. Remington, is a contract carrier and a public utility in the meaning of the Public Utilities Law of the State of Colorado;
3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;
4. Annual Report Forms were mailed to Respondent on January 5, 1970;
5. On May 22, 1970, Respondent was notified and required to file an Annual Report for the calendar year 1969 within twenty-one (21) days from the date of said notice;
6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;
7. The Commission, by Decision No. 75436, dated July 22, 1970, Case No. 135-AR, issued an Order to Show Cause and Notice of Hearing to Respondent;
8. Hearing was held on September 4, 1970;
9. Respondent failed to appear before the Commission as directed by Decision No. 75436, dated July 22, 1970.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, V.A.I. Remington, being Permit No. B-7203, be revoked and cancelled as of October 12, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, and, in addition, file its 1969 Annual Report with this Commission on or before October 12, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, V.A.I. Remington, being Permit No. B-7203, be, and the same hereby is, revoked and cancelled as of October 12, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent:

a. File its 1969 Annual Report with this Commission on or before October 12, 1970;

b. In addition, pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before October 12, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Act.

2. In which event, if said payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner  
av



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER  
PERMIT NO. B-6951

BY: GLENN E. DANIELS  
P.O. BOX 223  
CRAWFORD, COLORADO 81415

Respondent

CASE NO. 137-AR

RECOMMENDED DECISION OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER

-----  
September 11, 1970  
-----

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

PROCEDURE AND RECORD

As required by the Statutes of the State of Colorado (Chapter 115, CRS 1963, as amended) and the Rules and Regulations of this Commission: Rule 26 of Rules and Regulations Governing Common Carriers by Motor Vehicle, and Administrative Ruling No. 2 concerning Annual Reports of Motor Vehicle Contract Carriers, Annual Reports are to be filed with this Commission, not later than three months after the close of the calendar year.

The Respondent did not file an Annual Report with this Commission for the calendar year 1969 by July 22, 1970.

The Commission, by Decision No. 75438, dated July 22, 1970, ordered Respondent to appear before the Commission on September 4, 1970 in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Permit No. B-6951.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing in the above-entitled matter.

The Hearing was held at the aforesaid time and place.

Harold L. Lootens testified for and on behalf of the Staff of the Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner transmits herewith his recommended decision.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is a proceeding by the Commission against Respondent to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling the Respondent's Permit No. B-6951.
2. Respondent, Glenn E. Daniels, is a contract carrier and a public utility in the meaning of the Public Utilities Law of the State of Colorado;
3. This Commission has jurisdiction over said respondent and the subject matter of these proceedings;
4. Annual Report Forms were mailed to Respondent on January 5, 1970;
5. On May 28, 1970, Respondent was notified and required to file an Annual Report for the calendar year 1969 within twenty-one (21) days from the date of said notice;
6. The files and records of the Commission disclose that Respondent has violated the law and the rules and regulations of the Commission by failing to file the required 1969 Annual Report within the time specified by this Commission;
7. The Commission, by Decision No. 75438, dated July 22, 1970, Case No. 137-AR, issued an Order to Show Cause and Notice of Hearing to Respondent;
8. Hearing was held on September 4, 1970;
9. Respondent failed to appear before the Commission as directed by Decision No. 75438, dated July 22, 1970.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority of Respondent, Glenn E. Daniels, being Permit No. B-6951, be revoked and cancelled as of October 12, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, and, in addition, file its 1969 Annual Report with this Commission on or before October 12, 1970, as an alternative penalty assessed for the violation of the Public Utilities Law of the State of Colorado and the rules and regulations of this Commission.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enter the following --

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That the authority of Respondent, being Permit No. B-6951, be, and the same hereby is, revoked and cancelled as of October 12, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent:

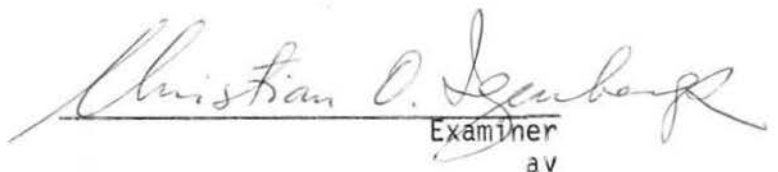
a. File its 1969 Annual Report with this Commission on or before October 12, 1970;

b. In addition pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before October 12, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the provisions of the Public Utilities Act.

2. In which event, if said full payment be made, and the 1969 Annual Report filed as Ordered, the said revocation and cancellation of said authority shall be null and void and of no effect, and said authority shall be fully operative.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner  
av

(Decision No. 75852)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND )  
REGULATIONS OF K. C. ELECTRIC )  
ASSOCIATION, P. O. BOX 8, HUGO, )  
COLORADO 80821; SAN MIGUEL POWER )  
ASSOCIATION, INC., P. O. BOX 128, )  
NUCLA, COLORADO 81424; CITY OF )  
FORT MORGAN, P. O. BOX 100, FORT )  
MORGAN, COLORADO 80701; TOWN OF )  
FOUNTAIN, P. O. BOX 158, FOUNTAIN, )  
COLORADO 80817. )  
-----

CASE NO. 5437

ORDER TO SHOW CAUSE

AND

NOTICE OF HEARING

-----  
September 14, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 22, 1970, the Commission by Decision No. 74764 in Case No. 5320 adopted certain changes in the rules regulating the service of electric utilities. The modified rules required all electric utilities to file their deposit policies on or before July 1, 1970 as follows:

"Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned."

The Commission finds that the tariffs currently on file by each of the above-named respondents do not contain the statements required by the above rule. Accordingly, each of the above-named respondents may be in violation of the Commission's rules regulating the service of electric utilities. The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what order or penalty, if any, shall be made or imposed by the Commission.

O R D E R

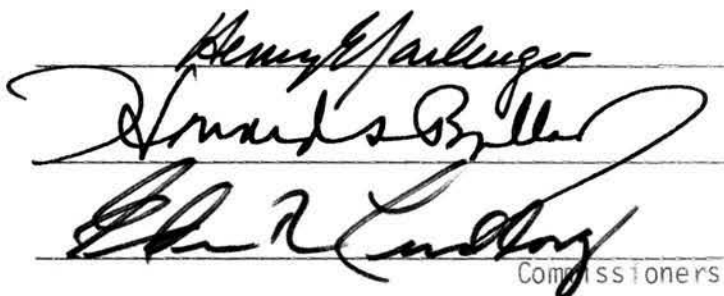
THE COMMISSION ORDERS:

That this Case be, and the same hereby is, set for hearing before the Commission in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 a.m. on the 3rd day of December, 1970, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issues may be presented.

That each of the respondents herein, to-wit: K. C. Electric Association, San Miguel Power Association, Inc., City of Fort Morgan, and Town of Fountain, be, and hereby are, directed to appear before the Commission at said time and place as specifically set forth above to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
14th day of September, 1970.

js

(Decision No. 75853)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND REGULATIONS )  
OF ANSWERPHONE, INC., 3500 EAST 17TH AVENUE, )  
DENVER, COLORADO 80206; MOBILE RADIO )  
COMMUNICATIONS SERVICE, 630 - 4TH AVENUE, )  
DURANGO, COLORADO 81301; RI-AN ENTERPRISES, )  
INC., 815 NORTH NEVADA AVENUE, COLORADO )  
SPRINGS, COLORADO 80902; AND UTE COMMUNI- )  
CATIONS, CORTEZ, COLORADO 81321. )

CASE NO. 5438

ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING

September 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 22, 1970, the Commission by Decision No. 74767 in Case No. 5323 adopted certain changes in the rules regulating the service of telephone utilities. The modified rules required all telephone utilities to file their deposit policies on or before July 1, 1970, as follows:

"Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned."

The Commission finds that the tariffs currently on file by each of the above-named respondents do not contain the statements required by the above rule. Accordingly, each of the above-named respondents may be in violation of the Commission's rules regulating the service of telephone utilities. The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what order or penalty, if any, shall be made or imposed by the Commission.

O R D E R

THE COMMISSION ORDERS:

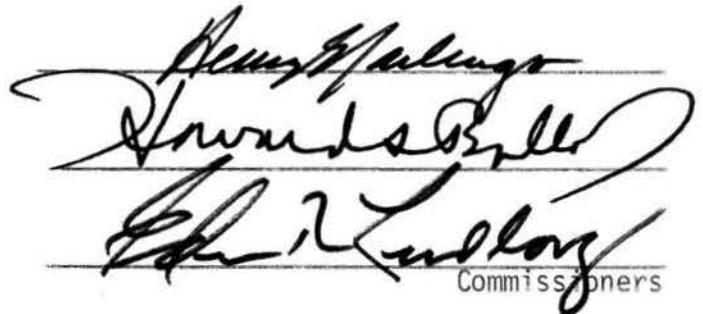
That this Case be, and the same hereby is, set for hearing before the Commission in the Hearing Room of the Commission, 507 Columbine Building,

1845 Sherman Street, Denver, Colorado, at 10 a.m. on the 3rd day of December, 1970, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issues may be presented.

That each of the respondents herein, to-wit: Answerphone, Inc., Mobile Radio Communications Service, RI-AN Enterprises, Inc., and Ute Communications be, and hereby are, directed to appear before the Commission at said time and place as specifically set forth above to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this  
14th day of September, 1970.  
vjr



(Decision No. 75854)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND )  
REGULATIONS OF DEER TRAIL TELEPHONE )  
COMPANY, DEER TRAIL, COLORADO 80105; )  
RYE TELEPHONE COMPANY, P. O. BOX 36, )  
RYE, COLORADO 81069; SUNFLOWER )  
TELEPHONE COMPANY, INC., P. O. BOX )  
199, DODGE CITY, KANSAS 67801, )  
-----

CASE NO. 5439

ORDER TO SHOW CAUSE

AND

NOTICE OF HEARING

-----  
September 14, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 22, 1970, the Commission by Decision No. 74767 in Case No. 5323 adopted certain changes in the rules regulating the service of telephone utilities. The modified rules required all telephone utilities to file their deposit policies on or before July 1, 1970 as follows:

"Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned."

The Commission finds that the tariffs currently on file by each of the above-named respondents do not contain the statements required by the above rule. Accordingly, each of the above-named respondents may be in violation of the Commission's rules regulating the service of telephone utilities. The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what order or penalty, if any, shall be made or imposed by the Commission.

O R D E R

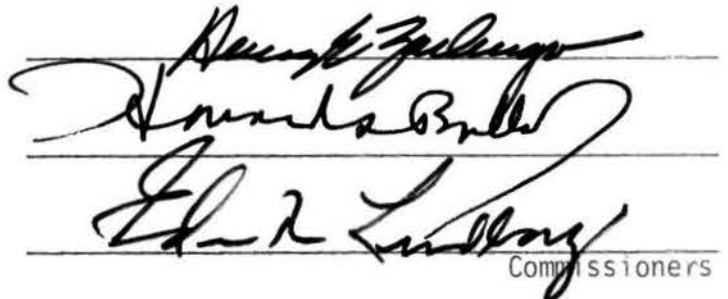
THE COMMISSION ORDERS:

That this Case be, and the same hereby is, set for hearing before the Commission in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 a.m. on the 3rd day of December, 1970, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issues may be presented.

That each of the respondents herein, to-wit: Deer Trail Telephone Company, Rye Telephone Company, Sunflower Telephone Company, Inc., be, and hereby are, directed to appear before the Commission at said time and place as specifically set forth above to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
14th day of September, 1970.

js

(Decision No. 75855)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND )  
REGULATIONS OF CITIZENS UTILITIES )  
COMPANY, P. O. BOX 531, LA JUNTA, )  
COLORADO 81050; AND PLATEAU )  
NATURAL GAS COMPANY, P. O. BOX )  
1357, 20 BOULDER CRESCENT, COLO- )  
RADO SPRINGS, COLORADO 80901. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 654

SUPPLEMENTAL ORDER

September 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission by Decision No. 75297 suspended the effective date of certain tariff sheets filed by the respondent gas utilities enumerated in caption hereinabove. The specific tariff sheets are more particularly identified in Decision No. 75297.

The Commission finds that subsequent to the said Decision No. 75297 all the respondent gas utilities have withdrawn the tariff sheets suspended and refiled same in accordance with the rules regulating the service of gas utilities and therefore that this proceeding should be terminated forthwith.


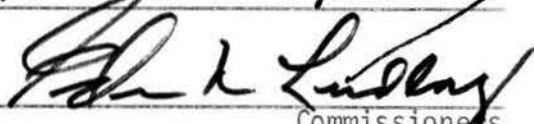
O R D E R

THE COMMISSION ORDERS THAT:

1. The suspension of the tariff sheets listed in Decision No. 75297 be, and hereby is, terminated forthwith and the tariff sheets, as revised, shall be permitted to become effective.
2. Investigation and Suspension Docket No. 654 be, and hereby is, closed.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
14th day of September, 1970.  
vjr

(Decision No. 75856)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND REGULATIONS )  
OF S & T TELEPHONE COOPERATIVE ASSOCIATION, )  
BREWSTER, KANSAS 67732; EAGLE VALLEY TELE- )  
PHONE COMPANY, P.O. BOX 1, EAGLE, COLORADO )  
81631; EL PASO COUNTY MUTUAL TELEPHONE CO., )  
R.R. 2, COLORADO SPRINGS, COLORADO; PINE )  
DRIVE TELEPHONE COMPANY, ROUTE 1, BOX 75, )  
BEULAH, COLORADO 81023; EASTERN SLOPE )  
RURAL TELEPHONE ASSOCIATION, INC., P.O. )  
BOX 397, HUGO, COLORADO 80821; THE PIONEER )  
TELEPHONE ASSOCIATION, INC., P.O. BOX 707, )  
ULYSSES, KANSAS 67880; AND UNIVERSAL TELE- )  
PHONE COMPANY OF COLORADO, BOX 397, PAGOSA )  
SPRINGS, COLORADO 81147. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 655

SUPPLEMENTAL ORDER

-----  
September 14, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission by Decision No. 75298 suspended the effective date of certain tariff sheets filed by the respondent telephone utilities enumerated in caption hereinabove. The specific tariff sheets are more particularly identified in Decision No. 75298.

The Commission finds that subsequent to the said Decision No. 75298 all the respondent telephone utilities have withdrawn the tariff sheets suspended and refiled same in accordance with the rules regulating the service of telephone utilities and therefore this proceeding should be terminated forthwith.

O R D E R

THE COMMISSION ORDERS THAT:

1. The suspension of the tariff sheets listed in Decision No. 75298 be, and hereby is, terminated forthwith and the tariff sheets, as revised, shall be permitted to become effective.

2. Investigation and Suspension Docket No. 655 be, and hereby is, closed.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
14th day of September, 1970.  
vjr

(Decision No. 75857)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )  
TARIFF SHEETS ACCOMPANYING ADVICE )  
LETTER NO. 606 FILED BY MOUNTAIN )  
STATES TELEPHONE AND TELEGRAPH )  
COMPANY FOR REVISION OF TARIFF )  
COLORADO PUC NO. 5, MOBILE TELEPHONE )  
SERVICE. )

INVESTIGATION AND SUSPENSION

DOCKET NO. 660

- - - - -

- - - - -  
September 14, 1970  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 1, 1970, under Advice Letter No. 606, Mountain States Telephone and Telegraph Company filed certain tariff revisions to become effective on October 1, 1970, unless suspended by the Commission. The new tariff filing has to do with the Mobile Telephone Service furnished by the Company, and by this filing Applicant proposes to increase the rates for mobile telephone service and also change from a flat monthly rate to one that will combine a flat monthly rate with a measured usage rate. Certain new revised rules are also included in the filing.

At the present time Mountain States is serving 423 mobile customers, and each customer has been advised by letter of the proposed changes in the tariff.

In compliance with the Commission's rule, said customers were also advised that if they objected to the proposed changes to so notify the Commission. The Commission has received complaints from several of the Mobile Telephone Service customers, and in view of these complaints, it has decided to suspend the effective date of the tariff and to hold a hearing in regard to the proposed increase in rates.



O R D E R

THE COMMISSION ORDERS THAT:

1. The effective date of the tariff revisions filed under Advice Letter No. 606 be, and hereby is, suspended until January 28, 1971. The tariff sheets involved in the suspension are as follows:

COLO. P.U.C. NO. 5 TELEPHONE

Colo. P.U.C. Sheet Revision		Title of Sheet	Cancels Colo. P.U.C. Sheet Revision	
No.	No.		No.	No.
		Mobile Telephone Service Tariff - Colorado		
1	10th	Section 1 - Index	1	9th
2	3rd		2	2nd
1	4th	Section 1 - Regulations and Schedules of Charges	1	3rd
2	4th		2	3rd
3	3rd		3	2nd
4	5th		4	4th
			4A	Original
5	5th		5	4th
6	9th		6	8th
7	7th		7	6th
8	4th		8	3rd
9	7th		9	6th
10	7th		10	6th
11	5th		11	4th
12	4th		12	3rd
13	3rd		13	2nd
14	4th		14	3rd
15	Original			
16	Original			

2. The matter of the proposed increase in the Mobile Telephone Service be, and hereby is, set for hearing:

DATE: December 21, 1970

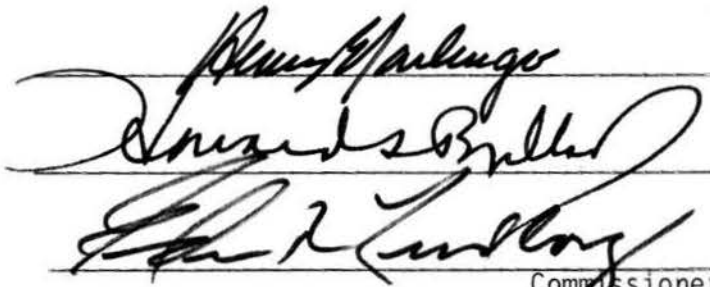
TIME: 10:00 A.M.

PLACE: Room 507, Columbine Building  
1845 Sherman Street  
Denver, Colorado 80203

3. A copy of this Order be sent to Mountain States Telephone and Telegraph Company and to each Mobile Telephone Service customer who has filed a complaint with this Commission.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
14th day of September, 1970.

js

(Decision No. 75858)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND REGULATIONS )	
OF LA PLATA ELECTRIC ASSOCIATION, INC., )	
P. O. BOX 180, DURANGO, COLORADO 81302; )	INVESTIGATION AND SUSPENSION
AND RURAL ELECTRIC COMPANY, P. O. BOX 518, )	<u>DOCKET NO. 661</u>
PINE BLUFFS, WYOMING 82082. )	
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-----  
September 14, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 22, 1970, the Commission by Decision No. 74764 in Case No. 5320 adopted certain changes in the rules regulating the service of electric utilities. The modified rules required all electric utilities to file their deposit policies on or before July 1, 1970, as follows:

"Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned."

Listed below are some of the electric utilities who have filed tariff revisions pursuant to the above requirement and identification of the tariff sheet involved.

La Plata Electric Association, Inc. - First Revised  
Sheet No. 15  
Rural Electric Company - Second Revised Sheet No. 21

The Commission finds that further investigation of the above filings is necessary and that the effective date thereof should be suspended on its own motion until Thursday, December 31, 1970.

O R D E R

THE COMMISSION ORDERS:

That the effective dates of the tariff sheets listed hereinabove be, and hereby are, suspended until December 31, 1970, for further investigation.

That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
14th day of September, 1970.  
vjr

(Decision No. 75859)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PEOPLES NATURAL GAS DIVISION OF )  
NORTHERN NATURAL GAS COMPANY'S )  
ORIGINAL SHEET NO. 32 AND ORIGINAL )  
SHEET NO. 29, COLO. PUC NO. 1 - )  
GAS TARIFF. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 662

-----  
September 11, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 17, 1970, by Decision No. 75409, the Commission authorized Peoples Natural Gas Division of the Northern Natural Gas Company (Northern) to file tariff revisions which would result in an increase of revenues derived from Northern's gas utility operations in the State of Colorado in the amount of \$382,827 annually. Pursuant to said Decision, Northern on August 14, 1970, did file such tariff revisions and gave notice thereof in accordance with requirements of Decision No. 75409. On September 4, 1970, National Alfalfa Dehydrating & Milling Company; Arkansas Valley Milling Company; Rehyer Enterprises, Inc.; X-Y Ranch & Dehydrating Co.; Colorado Feed, Inc.; and Amity Milling Co., Protestants, filed their Protest and Petition for Suspension of Original Sheet No. 32 and Original Sheet No. 29 of the said tariff revisions. Unless suspended by the Commission, the effective date of these revisions is September 14, 1970.

After careful consideration of the said Protest and Petition for Suspension, the Commission finds that:

1. Northern, by Decision No. 75409, is authorized an overall increase in its gas rates of slightly less than nine percent (9%), and that the said tariff revisions filed by Northern are in

accordance with the said Decision, and the rates resulting therefrom are, therefore, in the aggregate, just and reasonable.

2. Protestants have made no allegation that the particular rates affecting them are unjustly discriminatory.

3. No other protests to the said tariff revisions have been received by the Commission.

4. The protests of the Protestants herein are, in the opinion of the Commission, not sufficient in either number or importance to require suspension of the effective date of the tariff sheets involved.

5. The Commission has not suspended, and does not now suspend, the effective date of the said tariff revisions on its own motion.

6. Protestants should not be precluded from filing a complaint as far as the rates affecting them are concerned.

The Commission concludes that the said tariff revisions should be permitted to become effective on September 14, 1970, and that the following Order should be entered.

#### O R D E R

##### THE COMMISSION ORDERS THAT:


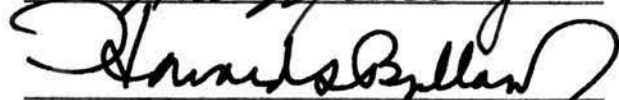
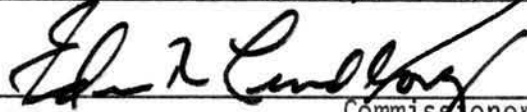
1. The Protest and Petition for Suspension filed by the Protestants herein be, and hereby is, denied.

2. The tariff revisions filed by Northern on August 14, 1970, particularly including Original Sheet No. 32 and Original Sheet No. 29, Colo. PUC No. 1 - Gas Tariff be, and hereby are, permitted to become effective on September 14, 1970.

3. The Protestants be, and hereby are, permitted to file complaint regarding such tariff revisions within thirty (30) days of the effective date of this Order, and the Commission will entertain such complaint on its own motion as provided for by CRS 1963, 115-6-8(b), as amended.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
11th day of September, 1970.  
vjr



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS	)	
BY RESPONDENT, H. W. BILLINGS, 601	)	
WEST SIXTH AVENUE, SPRINGFIELD, COLORADO	)	CASE NO. 47-AR
UNDER CERTIFICATE PUC NO. 1229 and 1229-I	)	
-----	)	

SUPPLEMENTAL ORDER

-----  
September 14, 1970  
-----

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 10, 1970, the Commission entered Decision No. 75573 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, H. W. Billings, being Certificate of Public Convenience and Necessity PUC No. 1229 and 1229-I, be, and the same hereby is, revoked and cancelled as of September 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 10, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 10, 1970.

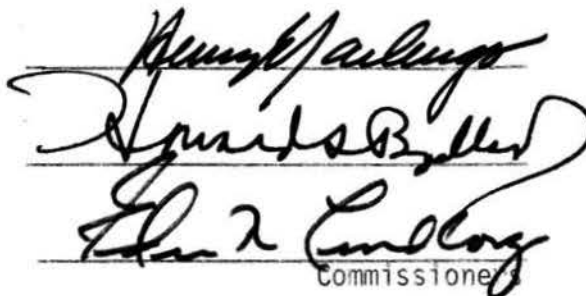
Inasmuch as the Respondent, H. W. Billings, has filed his Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 10, as provided in Decision No. 75573, the Commission states and finds that Certificate of Public Convenience and Necessity, PUC No. 1229 and 1229-I should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75573, dated August 10, 1970, providing for the revocation and cancellation of PUC No. 1229 and 1229-I, be, and the same hereby is, vacated, set aside and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner

Dated at Denver, Colorado, this  
14th day of September, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, LYNN C. GEORGE, P. O. )  
BOX 548, PAGOSA SPRINGS, COLORADO )  
UNDER CERTIFICATE PUC NO. 3735 AND )  
3735-I )  
----- )

CASE NO. 55-AR

SUPPLEMENTAL ORDER

September 14, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 11, 1970, the Commission entered Decision No. 75583 in the above-entitled case which provided, as follows, to wit:

That the motor vehicle operating authority of Respondent, Lynn C. George, being Certificate of Public Convenience and Necessity PUC No. 3735 and 3735-I, be, and the same hereby is, revoked and cancelled as of September 11, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 11, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 11, 1970.

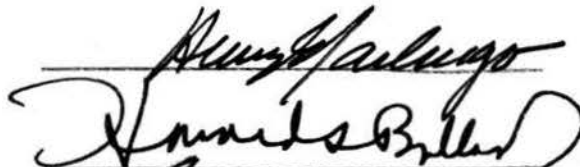

Inasmuch as the Respondent, Lynn C. George, has filed his Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 11, as provided in Decision No. 75583, the Commission states and finds that Certificate of Public Convenience and Necessity, PUC No. 3735 and 3735-I should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75583, dated August 11, 1970, providing for the revocation and cancellation of PUC No. 3735 and 3735-I, be, and the same hereby is, vacated, set aside and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioner

Dated at Denver, Colorado, this  
14th day of September, 1970. av

(Decision No. 75862)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DENVER-CLIMAX TRUCK LINE, INC., )  
4250 ONEIDA STREET, DENVER, )  
COLORADO, FOR TEMPORARY AUTHORITY )  
TO EXTEND OPERATIONS UNDER PERMIT )  
NO. B-6530 )  
-----

APPLICATION NO. 24494-PP-Extension-TA  
ORDER DENYING TEMPORARY AUTHORITY

-----  
September 16, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That the Applicant has not shown that there is  
an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority  
be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
16th day of September, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JACK W. SHULL, STAR ROUTE 1107, )  
WOODLAND PARK, COLORADO, FOR TEM- )  
PORARY AUTHORITY TO OPERATE AS A )  
CLASS "B" CONTRACT CARRIER BY )  
MOTOR VEHICLE. )  
----- )

APPLICATION NO. 24515-PP-TA  
ORDER GRANTING TEMPORARY  
AUTHORITY

-----  
September 16, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That there is an immediate and urgent need for  
the motor carrier service described in the appendix attached hereto, and  
that there is no carrier service available capable of meeting such need.

It is ordered, That Applicant be, and is hereby, granted  
temporary authority, conditioned upon full compliance with all  
applicable statutory and Commission requirements, rules and regulations,  
to engage in the business of transportation by motor vehicle to the  
extent and in the manner set forth in the appendix attached hereto.

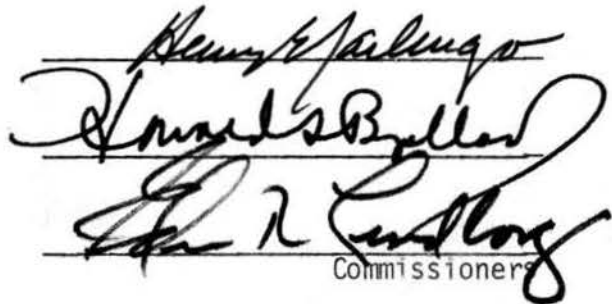
It is further ordered, That the service provided for in this  
order shall not be commenced until all requirements have been met and  
Applicant has received notice in writing from the Commission that  
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted  
becoming effective, failure of the Applicant to maintain compliance with  
statutory and Commission requirements shall constitute sufficient grounds  
for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
16th day of September, 1970.  
js



(Decision No. 75863)

September 16, 1970

APPENDIX

Application No. 24515-PP-TA

Jack W. Shull  
Star Route 1107  
Woodland Park, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until

such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This temporary authority is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

(Decision No. 75864)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SIGURD W. LINDSTROM, 3128 WEST )  
JEFFERSON AVENUE, ENGLEWOOD, )  
COLORADO, FOR TEMPORARY AUTHORITY )  
TO OPERATE AS A CLASS "B" CONTRACT )  
CARRIER BY MOTOR VEHICLE. )  
-----

APPLICATION NO. 24531-PP-TA  
ORDER GRANTING TEMPORARY AUTHORITY

-----  
September 17, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That there is an immediate and urgent need for the  
motor carrier service described in the appendix attached hereto, and that  
there is no carrier service available capable of meeting such need.

It is ordered, That Applicant be, and is hereby, granted tem-  
porary authority, conditioned upon full compliance with all applicable  
statutory and Commission requirements, rules and regulations, to engage  
in the business of transportation by motor vehicle to the extent and in  
the manner set forth in the appendix attached hereto.


It is further ordered, That the service provided for in this  
order shall not be commenced until all requirements have been met and  
Applicant has received notice in writing from the Commission that  
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted  
becoming effective, failure of the Applicant to maintain compliance  
with statutory and Commission requirements shall constitute sufficient  
grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970. jk

(Decision No. 75864)  
September 17, 1970

APPENDIX

Application No. 24531-PP-TA

Sigurd W. Lindstrom  
3128 West Jefferson Avenue  
Englewood, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This temporary authority is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serve not more than ten (10) customers at any one time.

(Decision No. 75865)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES Y. PHILLIPS, 2510 SOUTH )  
DELAWARE, DENVER, COLORADO, FOR )  
TEMPORARY AUTHORITY TO OPERATE AS )  
A CLASS "B" CONTRACT CARRIER BY )  
MOTOR VEHICLE. )  
-----

APPLICATION NO. 24521-PP-TA  
ORDER GRANTING TEMPORARY AUTHORITY

-----  
September 17, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That there is an immediate and urgent need for the  
motor carrier service described in the appendix attached hereto, and that  
there is no carrier service available capable of meeting such need.

It is ordered, That Applicant be, and is hereby, granted tem-  
porary authority, conditioned upon full compliance with all applicable  
statutory and Commission requirements, rules and regulations, to engage  
in the business of transportation by motor vehicle to the extent and  
in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this  
order shall not be commenced until all requirements have been met and  
Applicant has received notice in writing from the Commission that compli-  
ance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted  
becoming effective, failure of the Applicant to maintain compliance  
with statutory and Commission requirements shall constitute sufficient  
grounds for suspension, change or revocation of the said authority.



It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970. jk

(Decision No. 75865)  
September 17, 1970

APPENDIX

Application No. 24521-PP-TA

Charles Y. Phillips  
2510 South Delaware  
Denver, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This temporary authority is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

(Decision No. 75866)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF JACK N. MURPHY AND DARLENE  
MURPHY, 686 WESTCLIFF, GRAND  
JUNCTION, COLORADO, FOR TEMPORARY  
AUTHORITY TO EXTEND OPERATIONS  
UNDER PERMIT NO. B-6370 & I.

APPLICATION NO. 24529-PP-Extension-TA  
ORDER DENYING TEMPORARY AUTHORITY

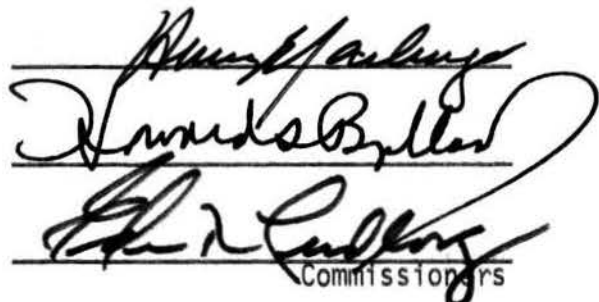
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September 17, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That the Applicants have not shown that there  
is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority  
be, and is hereby, denied

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970.

js

(Decision No. 75867)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CARFIELD HOUSE MOVERS, INC., 1320 )  
TAFT, LOVELAND, COLORADO, FOR )  
TEMPORARY AUTHORITY TO REINSTATE )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY PUC NO. 3241. )

APPLICATION NO. 24533-Reinstatement-TA  
ORDER DENYING TEMPORARY AUTHORITY

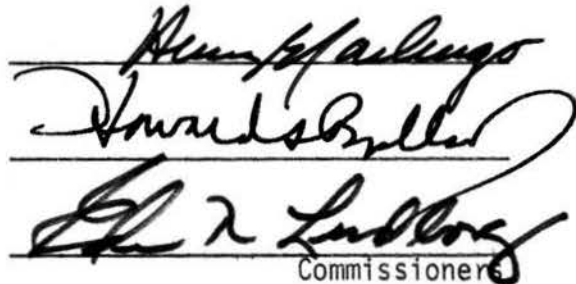
-----  
September 17, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That the Applicant has not shown that there is  
an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority  
be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970.  
js

(Decision No. 75868)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF CARFIELD HOUSEMOVERS, INC., 1320  
TAFT, LOVELAND, COLORADO FOR  
TEMPORARY AUTHORITY TO REINSTATE  
PERMIT NO. B-4611.

APPLICATION NO. 24534-PP-Reinstatement-TA  
ORDER DENYING TEMPORARY AUTHORITY

-----  
September 16, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That the Applicant has not shown that there is  
an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority  
be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
16th day of September, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ERVIN HENRY, DOING BUSINESS AS )	
"WINDSOR MILK LINES," BOX 384, )	APPLICATION NO. 24518-PP-Transfer-TA
JOHNSTOWN, COLORADO, FOR TEMPORARY )	
APPROVAL TO TRANSFER PERMIT NO. )	ORDER GRANTING TEMPORARY APPROVAL
B-4617 TO RICHARD MC VAUGH, BOX )	
375, JOHNSTOWN, COLORADO. )	
-----	

-----  
September 17, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (2),  
being under consideration, and

It appearing, That appropriate application has been made to this  
Commission for permanent authority to transfer Permit No. B-4617 to the  
above-named Transferee.

It further appearing, That failure to grant temporary approval  
may result in destruction of, or injury to, the Applicant or interfere  
substantially with their future usefulness in the performance of adequate  
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted  
temporary approval, conditioned upon full compliance with all applicable  
statutory and Commission requirements, rules and regulations, to engage  
in the business of transportation by motor vehicle to the extent and in  
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in the  
Order shall not be commenced until all requirements have been met and  
Transferee has received notice in writing from the Commission that  
compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted  
becoming effective, failure of the Transferee to maintain compliance

with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970. jk



(Decision No. 75869)  
September 17, 1970

APPENDIX

Application No. 24518-PP-Transfer-TA

Richard McVaugh  
Box 375  
Johnstown, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary approval to operate under Permit No. B-4617 with authority as follows:

"Transportation of

Milk and cream

From all points within the following described area:

Bounded on the east by U.S. Highway No. 85, on the south by State Highway No. 16, on the west by a line drawn north and south one and one-half miles west of Timnath, Colorado, and on the north by the Colorado-Wyoming State Line;

To the Carnation Company at Johnstown, Colorado.

RESTRICTION: Restricted to serving one customer only, viz: The Carnation Company, Johnstown, Colorado."

(Decision No. 75870)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
M & H TRUCKING, INC., P. O. BOX )  
419, 5001 E. MAIN, FARMINGTON, )  
NEW MEXICO, FOR TEMPORARY APPROVAL )  
TO TRANSFER CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY PUC NO. )  
2359 & I TO BEASLEY'S HOT SHOT )  
SERVICE, INC., P. O. BOX 161, )  
5001 E. MAIN, FARMINGTON, NEW )  
MEXICO. )  
-----

APPLICATION NO. 24516-Transfer-TA  
ORDER GRANTING TEMPORARY APPROVAL

-----  
September 18, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (2),  
being under consideration, and

It appearing, That appropriate application has been made to this  
Commission for permanent authority to transfer Certificate of Public Con-  
venience and Necessity PUC No. 2359 & I to the above-named Transferee.

It further appearing, That failure to grant temporary approval  
may result in destruction of, or injury to, the Applicants or interfere  
substantially with their future usefulness in the performance of adequate  
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted  
temporary approval, conditioned upon full compliance with all applicable  
statutory and Commission requirements, rules and regulations, to engage  
in the business of transportation by motor vehicle to the extent and in  
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in the  
Order shall not be commenced until all requirements have been met and  
Transferee has received notice in writing from the Commission that  
compliance has been effected and service may be instituted.


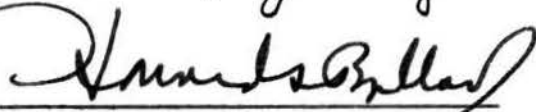

It is further ordered, That upon the approval herein granted  
becoming effective, failure of the Transferee to maintain compliance with

statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
18 th day of September, 1970. jk

(Decision No. 75870)  
September 18, 1970

APPENDIX

Application No. 24516-Transfer-TA

Beasley's Hot Shot Service, Inc.  
P. O. Box 161  
5001 E. Main  
Farmington, New Mexico

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 2359 & I with authority as follows:

"Transportation -- on call and demand -- of

- (1) Machinery, equipment, materials and supplies used in or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products.

Between all points within the State of Colorado;

- (2) Machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe lines.

Between all points within the State of Colorado;

- (3) Commodities, which because of size or weight requires special equipment or special handling, and contractors equipment, materials and supplies, in a general transfer and cartage service.

Between points within the city limits of Sterling, Colorado;

- (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."

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PAUL HENDRYX AND DORMA HENDRYX, )  
P. O. BOX A, MONUMENT, COLORADO, )  
FOR TEMPORARY AUTHORITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR )  
VEHICLE. )  
-----

APPLICATION NO. 24508-TA  
ORDER GRANTING TEMPORARY AUTHORITY

-----  
September 17, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideraion, and

It appearing, That there is an immediate and urgent need for  
the motor carrier service described in the appendix attached hereto, and  
that there is no carrier service available capable of meeting such need.

It is ordered, That Applicants be, and are hereby, granted  
temporary authority, conditioned upon full compliance with all applicable  
statutory and Commission requirements, rules and regulations, to  
engage in the business of transportation by motor vehicle to the extent  
and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this  
order shall not be commenced until all requirements have been met and  
Applicants have received notice in writing from the Commission that  
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted  
becoming effective, failure of the Applicants to maintain compliance  
with statutory and Commission requirements shall constitute sufficient  
grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicants fail to comply with  
all applicable statutory and Commission requirements, rules and regulations,

within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970. jk

(Decision No. 75871)  
September 17, 1970

APPENDIX

Application No. 24508-TA

Paul Hendryx and Dorma Hendryx  
P. O. Box A  
Monument, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicants, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, are authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission of the corresponding permanent application of the Applicants becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

Ash, trash, and other refuse

From all points within Monument, Colorado, and a ten (10) mile radius thereof to designated and approved dumps and disposal sites located within El Paso County, State of Colorado."



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, FT. LYON BUS & TAXI )  
SERVICE, 207 MOORE, LAS ANIMAS, )  
COLORADO, CERTIFICATE OF AUTHORITY )  
PUC NO. 305 )  
----- )

CASE NO. 54-AR

SUPPLEMENTAL ORDER

-----  
September 14, 1970  
-----

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 10, 1970, the Commission entered Decision No. 75571 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Ft. Lyon Bus & Taxi Service, being Certificate of Public Convenience and Necessity, PUC No. 305, be, and the same hereby is, revoked and cancelled as of September 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 10, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 10, 1970.

Inasmuch as the Respondent, Ft. Lyon Bus & Taxi Service, has filed his Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 10, as provided in Decision No. 75571, the Commission states and finds that Certificate of Public Convenience and Necessity, PUC No. 305, should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75571, dated August 10, 1970, providing for the revocation and cancellation of PUC No. 305, 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  
14th day of September, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, LAKE CITY TRUCK LINE, )  
309 NORTH IOWA, GUNNISON, COLORADO, )  
UNDER CERTIFICATE PUC NO. 1293 )

CASE NO. 60-AR

SUPPLEMENTAL ORDER

September 14, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 11, 1970, the Commission entered Decision No. 75586 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Lake City Truck Line, being Certificate of Public Convenience and Necessity PUC No. 1293, be, and the same hereby is, revoked and cancelled as of September 11, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 11, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 11, 1970.

Inasmuch as the Respondent, Lake City Truck Line, has filed his Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 11, as provided in Decision No. 75586, the Commission states and finds that Certificate of Public Convenience and Necessity should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75586, dated August 11, 1970, providing for the revocation and cancellation of PUC No. 1293, 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  
14th day of September, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, YELLOW BARREL DISPOSAL, )  
1001 AKIN STREET, FORT COLLINS, )  
COLORADO 80521, UNDER CERTIFICATE OF )  
AUTHORITY, PUC NO. 3740 )

CASE NO. 79-AR

SUPPLEMENTAL ORDER

September 14, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 19, 1970, the Commission entered Decision No. 75674 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Yellow Barrel Disposal, being Certificate of Public Convenience and Necessity, PUC No. 3740, be, and the same hereby is, revoked and cancelled as of September 19, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 10, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 19, 1970.

Inasmuch as the Respondent, Yellow Barrel Disposal, has filed his Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 19, as provided in Decision No. 75674, the Commission states and finds that Certificate of Public Convenience and Necessity, PUC No. 3740, should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75674, dated August 19, 1970, providing for the revocation and cancellation of PUC No. 3740, 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 September, 1970. av

(Decision No. 75875)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RESPONDENT, COLORADO TRANSFER AND )  
STORAGE, INC., A COLORADO CORPORA- )  
TION, 2401 SOUTH DOWNING STREET, )  
DENVER, COLORADO, UNDER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 416 AND PUC NO. 416-I. )  
-----

CASE NO. 5440  
ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING

-----  
September 18, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted Certificate of Public Convenience and Necessity PUC No. 416 and PUC No. 416-I to conduct certain operations as a Common Carrier by motor vehicle for hire for the following, to wit:

"The conduct of a transfer, moving, and general cartage business in the Counties of El Paso and Teller, and for occasional service from one point to another within the State of Colorado, subject to the following terms and conditions:

For the transportation of commodities other than household goods, between points served singly or in combination by scheduled carriers, Applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

Applicant shall not operate on schedule between any points.

Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business.

Transportation of

Freight

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

The Staff of the Public Utilities Commission of the State of Colorado has conducted an investigation relating to the motor vehicle operations of Respondent, Colorado Transfer and Storage, Inc., Denver, Colorado, under Certificate of Public Convenience and Necessity PUC No. 416 and PUC No. 416-I. Said investigation disclosed that the Respondent has engaged in transportation practices in violation of the Public Utility Law and the Rules and Regulations of the Commission in the following respect, to-wit:

"By performing repeated instances of transportation that were beyond the scope of authority granted in Certificate of Public Convenience and Necessity PUC No. 416 and PUC No. 416-I contrary to Rule No. 6 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire."

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what Order or penalty, if any, shall be made or imposed by the Commission.

#### O R D E R

##### THE COMMISSION ORDERS:

That this Case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 a. m. on December 17, 1970, and that December 18, 1970, be reserved on the calendar of the Commission in the event an additional hearing day is required, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

That Respondent, Colorado Transfer and Storage, Inc., be, and hereby is, directed to appear before the Commission on December 17, 1970, as specifically set forth above, to show cause why the Commission should



not take such action and enter such order or penalty as may be appropriate, including, but not limited to, a cease and desist order, or if warranted, an order cancelling and revoking Certificate of Public Convenience and Necessity PUC No. 416 and PUC No. 416-I of the Respondent.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
18th day of September, 1970.

JS

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHRIS L. BUNTING, W. E. FRANKS, )  
JOSEPH F. KUTCHER, WALTER B. NOLIN )  
AND JOHN E. MARTINEZ ON BEHALF OF )  
THEMSELVES AND OTHERS SIMILARLY )  
SITUATED FOR AN ORDER AUTHORIZING )  
HOME LIGHT AND POWER COMPANY, 810 )  
NINTH STREET, GREELEY, COLORADO, )  
TO RENDER STREET LIGHTING SERVICE )  
IN AN UNINCORPORATED AREA IN WELD )  
COUNTY. )  
-----

APPLICATION NO. 24405

RECOMMENDED DECISION OF  
ROBERT L. PYLE, EXAMINER.

-----  
September 15, 1970  
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Appearances: Barnard Houtchens, Esq.,  
Greeley, Colorado, for Applicant.  
Richard S. Brown, Greeley,  
Colorado, of Home Light and  
Power Company.

PROCEDURE AND RECORD

Under date of June 18, 1970, Applicants filed the above-entitled application seeking an order of the Commission authorizing the Home Light and Power Company to render street lighting service in an unincorporated area in Weld County as specifically designated in the application.

The Commission assigned No. 24405 to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons or corporations, set the herein matter for a hearing to be held in the 4th Floor Hearing Room of the District Court, in Greeley, Colorado, on August 31, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

One of the Applicants, Chris L. Bunting, testified in support of the application. Richard S. Brown, of Home Light and Power Company,

testified for and on behalf of the Home Light and Power Company and in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Applicants' Exhibits A and B were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Home Light and Power Company is a public utility providing service in the area covered by the application herein.
2. Home Light and Power Company operates as an electric utility under the jurisdiction of this Commission and the subject matter of this application is also within the jurisdiction of this Commission.
3. The area covered by the application herein is an unincorporated area in the County of Weld, State of Colorado, known as the Town of Gill.
4. Applicants are all residents of this area for which electric street lighting is sought by this application.
5. Of the seventy-five customers served in the Town of Gill, only seven failed to sign a petition circulated by Applicants and only one of those seven actually refused to so sign the petition.
6. There are numerous children in the area who play and otherwise occupy the streets at night along with other pedestrians and street

lighting service in the Town of Gill is essential to deter crime, reduce vandalism, and provide for the public safety.

7. Home Light and Power Company proposes to install a sufficient number (11) of 7000 lumen dusk-to-dawn electric street lights and is ready, willing, and able to provide street lighting service in the area under their Tariff No. 10, Original Sheets No. 51 and 52, at a cost of sixty-five cents (65¢) per customer per month.

8. Public convenience and necessity requires, and will require, that Application No. 24405 be granted and that the Home Light and Power Company be authorized to provide street lighting service in the Town of Gill, County of Weld, State of Colorado.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24405 should be granted and the Home Light and Power Company authorized to provide street lighting service as sought therein.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

#### O R D E R

#### THE COMMISSION ORDERS:

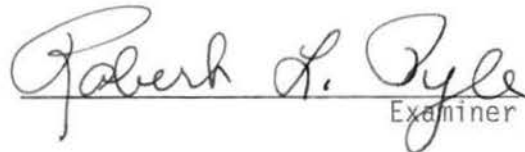
1. That Home Light and Power Company be, and hereby is, authorized to provide street lighting service in the unincorporated area known as the Town of Gill, County of Weld, State of Colorado.

2. That such street lighting service shall be provided in accordance with Tariff No. 10, Original Sheets No. 51 and 52, as the same are presently filed with the Commission, or as they may be changed or modified pursuant to law and the rules of the Commission.

3. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/js

(Decision No. 75877)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
STANLEY G. ANDERSON, DOING BUSINESS )  
AS "STAN ANDERSON GENERAL CONTRAC- )  
TOR," P.O. BOX 856, VAIL, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A CONTRACT CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 24360-PP

RECOMMENDED DECISION OF  
ROBERT L. PYLE, EXAMINER.

-----  
September 15, 1970  
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Appearances: Stewart H. Brown, Esq.,  
Vail, Colorado, for  
Applicant.

PROCEDURE AND RECORD

Under date of May 21, 1970, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24360-PP to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Breckenridge, Colorado, on August 27, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Stanley G. Anderson testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Applicant's Exhibit No. 1 was tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is an individual doing business as "Stan Anderson General Contractor."

2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of these proceedings.

3. Applicant does not hold previously granted authority from this Commission.

4. In addition to the standard application for sand and gravel, Applicant further requested authority to operate as a contract carrier to transport "snow accumulated in and designated for removal from the streets within an area which includes the Town of Vail, Colorado, and an area within a radius of six miles from the said Town of Vail, Colorado, to disposal sites within the County of Eagle, State of Colorado." From the testimony, it was quite evident that Applicant, in fact, intends to transport snow over the public highways for hire as a common carrier. Therefore, this part of the application (the snow removal) is outside the purview of contract carriage and should not be granted.

5. Applicant proposes to and will use equipment suitable and sufficient for the sand and gravel authority applied for, to-wit: Two (2) dump trucks and one (1) flat bed truck.

6. Applicant has sufficient experience and net worth, both of which are ample and suitable for the operation of the authority applied for herein.

7. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.

8. Applicant is amply insured.

9. There is a present and special need for the service of Applicant.

10. Applicant presently has a contract or contracts with his customers.

11. 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.

12. The authority sought by Applicant will be in the public interest.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The snow removal portion of the authority applied for herein should be, and hereby is, denied.

2. The sand and gravel portion of the authority applied for herein should be granted, and such grant should be restricted as herein-after set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

#### O R D E R

#### THE COMMISSION ORDERS:

1. That Stanley G. Anderson, doing business as "Stan Anderson General Contractor," P.O. Box 856, Vail, Colorado, be, and hereby is,



authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTIONS:

This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials;
- (b) To serving not more than ten (10) customers at any one time";

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

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

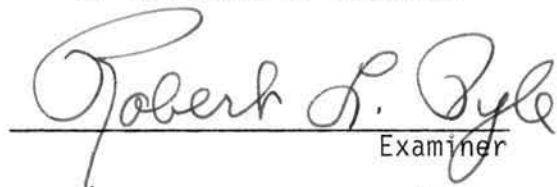
3. That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEONARD L. HANEY, 3879 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. 24085  
RECOMMENDED DECISION OF  
ROBERT L. PYLE, EXAMINER.

-----  
September 15, 1970  
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Appearances: Edward C. Hastings, Esq.,  
Denver, Colorado, for  
Applicant.  
Leslie R. Kehl, Esq.,  
Denver, Colorado, for  
Westway Motor Freight, Inc.;  
Goldstein Transportation &  
Storage, Inc.; and R. E.  
Robinson and H. W. Robinson,  
doing business as "Bowers & Son",  
Protestants.  
Joseph F. Nigro, Esq.,  
Denver, Colorado, for Colorado  
Cartage Co., Inc.; Murph's Express,  
Inc.; and Weicker Transfer & Storage  
Co., Protestants.

PROCEDURE AND RECORD

Under date of November 24, 1969, Applicant filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24085 to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on August 24, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

At the hearing, the following restrictions were entered into, to-wit: Restricted against the transportation of ash and trash as set forth in Exhibit No. 8; restricted against the transportation of bulk commodities as set forth in Exhibit No. 10; and restricted in that minimum charges for any shipments shall be based on a 100 pound shipment as set forth in Exhibit No. 9.

The following Protests were dismissed for the reason that the Protestants failed to appear at the hearing or give any other notice or reason for their lack of appearance, to-wit: Don Ward, Inc.; Fleet Distributing Service, Inc.; and Speedy Messenger and Delivery Service.

Exhibits numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 were tendered and admitted into evidence.

Leonard L. Haney, Applicant, John Sloan, Bruce Mix, Jack Lublin, Donald Weis, Henry Boyer, and James W. Donahoe testified in support of the application. Bill D. Trammil, Garold F. Marx, and Fred Cyr testified in protest to the granting of the application.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. By this application, Applicant, Leonard L. Haney, seeks a certificate of public convenience and necessity so as to transport general commodities between points in the City and County of Denver, Colorado, and between points therein, on the one hand, and, points within a 5-mile radius

of the City and County of Denver, Colorado, on the other hand; restricted during the course of the hearing against the transportation of ash and trash, bulk commodities, and to a minimum charge for any shipment based on a 100 pound shipment.

2. The application was protested by Westway Motor Freight, Inc.; Goldstein Transportation & Storage, Inc.; and R. E. Robinson and H. W. Robinson, doing business as "Bowers & Son," all of whom hold authority that would conflict with that sought by the Applicant. Other Protestants were dismissed or stipulated out.

3. Applicant presented no credible testimony whatsoever that the existing service is or has been inadequate. On the other hand, Applicant's own witnesses tended to support the fact that existing service is entirely adequate.

4. Applicant presented no credible testimony whatsoever that the public convenience and necessity does or will require the service applied for.

5. To place a competing carrier of general commodities (even with the restrictions proposed by Applicant) would serve no special purpose to the public but would, in fact, be a deterrent to other established carriers and further to grant this application would dilute business to such an extent as to create a financial burden on existing and already competing carriers.

6. The testimony of the Applicant, Leonard L. Haney, was inconsistent, contradictory, and cannot be accorded any weight whatsoever. Applicant's past actions in the operation of motor vehicles for hire are such that to grant him authority from this Commission would not be in the public interest and, in fact, would be detrimental to the motor carrier industry.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24085 should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

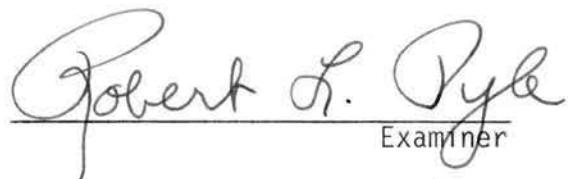
THE COMMISSION ORDERS:

1. That Application No. 24085, being an application of Leonard L. Haney, 3879 Blake Street, Denver, Colorado, for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, denied.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARVEY D. SHUPE, HOWARD S. YOST AND )  
CHARLES B. MYLANDER, DOING BUSINESS )  
AS "SHUPE & YOST," P.O. BOX 1123, )  
GREELEY, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-6739 TO SHUPE )  
& YOST, INC., P.O. BOX 1123, )  
GREELEY, COLORADO. )  
-----

APPLICATION NO. 24329-PP-Transfer

RECOMMENDED DECISION OF  
ROBERT L. PYLE, EXAMINER.

-----  
September 15, 1970

Appearances: Charles B. Mylander, Greeley,  
Colorado, pro se.

PROCEDURE AND RECORD

Under date of May 6, 1970, Applicants filed the above-entitled application for authority to transfer Permit No. B-6739, to operate as a contract carrier by motor vehicle, from Harvey D. Shupe, Howard S. Yost and Charles B. Mylander, doing business as "Shupe & Yost," to Shupe & Yost, Inc.

The Commission assigned No. 24329-PP-Transfer to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Greeley, Colorado, on August 31, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Charles B. Mylander testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.



Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Transferors herein are the present owners and operators of Permit No. B-6739, 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 proceeding is to place the authority under corporate status. The ownership and control is still under the same persons who owned and controlled as partners.
4. Transferee herein is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
5. Transferee herein does hold previously granted authority from this Commission, to-wit: Permit No. M-15992 and PUC No. 4210-I, which have no bearing on the herein application.
6. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
7. The Permit is free and clear of any debts, encumbrances, or obligations.
8. Transferee corporation owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.
9. The chief corporate officers as well as the employees of Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is



granted, promise to 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 corporation 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.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The transfer sought by Applicants should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9, CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

#### O R D E R

##### THE COMMISSION ORDERS:

1. That Harvey D. Shupe, Howard S. Yost, and Charles B. Mylander, doing business as "Shupe & Yost," P.O. Box 1123, Greeley, Colorado, be, and hereby are, authorized to transfer all right, title, and interest in and to Permit No. B-6739 to Shupe & Yost, Inc., a Colorado corporation, P.O. Box 1123, Greeley, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Permit No. B-6739 shall read and be as follows, to-wit:

"Transportation of

(1) Grain, feed, feed ingredients, and farm produce

Between all points within an area comprised of the following-named Counties: Boulder, Weld, Morgan, and Larimer, State of Colorado, and to and from said points from and to points in the State of Colorado.

##### RESTRICTION:

Item (1) is restricted as follows:

- (a) Restricted against rendering transportation service in the Counties of Otero, Conejos, Saguache, Costilla, Alamosa, Rio Grande, La Plata, Delta, Mesa, Montrose, and Garfield, State of Colorado.

(2) Manufactured and processed feed

From points in the Counties of Boulder, Weld, Morgan, and Larimer, State of Colorado, to points located within the Counties of Conejos, Saguache, Costilla, Alamosa, Rio Grande, La Plata, Delta, Mesa, Montrose, and Garfield, State of Colorado.

RESTRICTION:

Item (2) is restricted as follows:

- (a) Restricted to performing transportation service for one customer only, viz: Wilgro, Inc.

RESTRICTION:

Items (1) and (2) are restricted as follows:

- (a) Restricted against the transportation of liquid commodities in bulk."

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

4. That the tariff of rates, rules, and regulations of Transferors shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

5. The right of Transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of an annual report

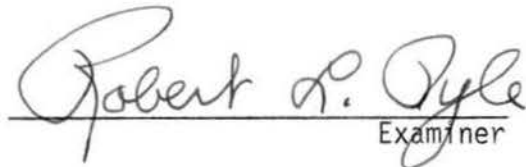
by Transferors herein covering the operations under the Permit up to the time of the transfer of said Permit.

6. That this Order is made a part of the Permit authorized to be transferred.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/js

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 TRUCKING	)	APPLICATION NO. 24315-
COMPANY," A COLORADO CORPORATION, 816	)	<u>Transfer-Portion</u>
WATER STREET, CANON CITY, COLORADO,	)	
FOR AUTHORITY TO TRANSFER A PORTION OF	)	RECOMMENDED DECISION OF
PUC NO. 1554 AND PUC NO. 1554-I, EXCEPT	)	<u>CHRISTIAN O. IGENBERGS,</u>
THAT PORTION THEREOF AUTHORIZING THE	)	<u>EXAMINER.</u>
TRANSPORTATION OF HOUSEHOLD GOODS, TO	)	
DON CAMPER, INC., A COLORADO CORPORATION,	)	
WESTCLIFFE, COLORADO.	)	
-----		

-----  
September 15, 1970  
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Appearances: Max G. Chelf, Canon City,  
Colorado, President of  
Transferor corporation,  
pro se.  
David E. Driggers, Esq.,  
Denver, Colorado, for  
Transferee corporation.

PROCEDURE AND RECORD

Under date of April 29, 1970, Applicants filed the above-captioned application with this Commission for authority to transfer a portion of Certificates of Public Convenience and Necessity PUC No. 1554 and PUC No. 1554-I as specifically set forth in said application.

The Commission assigned No. 24315-Transfer-Portion to the application.

On May 14, 1970, a Protest and Petition to Intervene was received following the filing of the application on behalf of Golden Transfer Company and Sorenson Trucking Service.

The Commission, by Decision No. 74970, dated May 26, 1970, granted the Petition to Intervene of Golden Transfer Company and Sorenson Trucking Service.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on the application and,

after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the District Court, County Courthouse, Canon City, Colorado, on August 4, 1970, at 10:30 a.m. The hearing was held at the aforesaid time and place.

Protestants failed to appear at the hearing and the Protests of the aforesaid Protestants were dismissed by the Examiner for lack of prosecution. Max G. Chelf, President of Transferor corporation, and Don Camper, President of Transferee corporation, testified in support of the application.

Applicants' Exhibits marked for identification A, B, C, and D were received and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Transferor and Transferee are both common carriers by motor vehicle and Colorado corporations duly organized and existing under the laws of the State of Colorado.
2. This Commission has jurisdiction over Transferor, Transferee, and the subject matter of these proceedings.
3. Transferor herein, Salida-Canon Trucking, Inc., doing business as "Central Colorado Trucking Company," is the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 1554 and PUC No. 1554-I, which read in substance as follows:

(1) Transportation, on call and demand,

for the movement of farm products, specifically including livestock and hay,

between points within a radius of 35 miles of Canon City, Colorado, from and to points in said radius, to and from points in the State of Colorado.

(2) Transportation of

farm products, including vegetables and livestock, fish, household goods, mining and milling machinery, farm supplies, stone and timber

from point to point within a radius of thirty-five (35) miles Salida, Colorado, (excluding from this territory that portion lying west of the Continental Divide), and to and from points in said area, from and to points outside thereof;

however, no service to be rendered between points now (September 24, 1938) served by regularly scheduled certificated common carriers.

(3) Transportation of

ore and concentrates from mines

within a radius of five miles of Bonanza, Colorado, to railroad loading points at Villa Grove and Salida, Colorado, and to the smelter at Malta, Colorado.

(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.

4. This authority has been continually operated in the past and is presently in good standing with the Commission.

5. By the application here under consideration, authority is sought to transfer to Don Camper, Inc., Transferee, Certificates of Public Convenience and Necessity PUC No. 1554 and PUC No. 1554-I, except that portion thereof authorizing the transportation of household goods.

6. The parties have entered into an agreement to transfer the aforesaid Certificates of Public Convenience and Necessity less the portion authorizing the transportation of household goods and the consideration to be paid is fair and reasonable.

7. The Certificate is free and clear of any debts, encumbrances or obligations.

8. Transferee corporation owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

9. The chief corporate officers as well as the employees of Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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. The sole witnesses at the hearing were Max G. Chelf and Don Camper, who testified in support of the application. The record contains no testimony of shipper witnesses in support of the contention that the transfer, if approved, would, in fact, result in improved service to the public. Such testimony of Transferor and Transferee standing by itself cannot be considered as evidence of sufficient weight and competency.

11. Application No. 24315-Transfer-Portion, although designated as a transfer proceeding, is, in fact, an attempt to split the authority by separating or spinning-off the household goods portion so that one carrier, the Transferor, can operate said portion leaving Transferee with a separate authority.

12. The splitting or spinning-off of a portion of a certificate of public convenience and necessity is subject to Rule 5, Subsection (b) of the Rules and Regulations of this Commission Governing Common Carriers by Motor Vehicle, which reads as follows:

"Unless the commission finds after a hearing that the public interest otherwise requires, said application will not be entertained unless all the rights granted under said certificate are sought to be sold, assigned, leased, encumbered or transferred, or the rights so included are not voluntarily surrendered."



The evidence of record establishes that Transferor indeed intends to transfer the remaining portion of the authority to transport household goods, but such transfer is not contemplated to be made to Don Camper, Inc., but to a third party, Southwestern Transfer and Storage Co.

13. The testimony given by Max G. Chelf, President of Transferor corporation, is contradictory. Witness Chelf, on direct examination, testifies that application for authority to split Certificates of Public Convenience and Necessity PUC No. 1554 and PUC No. 1554-I is being made because Transferor intends to specialize in the transportation of household goods, thus enabling it to better serve the needs of the shipping public of said goods. On examination by the Hearing Examiner, the same witness admits that the Transferor corporation has plans, and, in fact, has reached a "gentlemen's agreement", to transfer the remainder of the authority to the aforesaid Southwestern Transfer and Storage Co. The testimony of Witness Chelf discloses the true intent of Transferor which is not the retention and improved service in the transportation of households goods by Transferor but, if the split of the authority is approved by the Commission, to transfer the remainder of the authority to Southwestern Transfer and Storage Co. The testimony of Witness Chelf further establishes that the application for the split of the authority has been filed for the convenience of Transferor and Transferee rather than from the point of view of establishing better service to the shipping public.

14. The granting of Application No. 24315-Transfer-Portion is contrary to established Commission policy and would violate the provisions of Rule 5, Subsection (b) of the Rules and Regulations of this Commission Governing Common Carriers by Motor Vehicle. [Wright Motor Lines, Inc., Transfer of a Portion of Certificate PUC No. 960 to John W. Law, Decision No. 65061 (1965); Application of Gottula Trucking & Transportation, Inc., for Authority to Divide PUC No. 222 and PUC No. 222-I in Separate Authorities, Decision No. 70653 (1968); Bates & Sons, Inc., for Authority to Transfer a



Portion of the Operating Rights under PUC No. 449, Decision No. 74011 (1969); Gottula Trucking & Transportation, Inc., for Authority to Transfer a Portion of PUC No. 222 and PUC No. 222-I to Tri-State Motor Transit, Inc., Decision No. 74751 (1970); and R. E. Robinson, doing business as "Bowers & Son," for Authority to Assign the Bulk Commodities Portion (except Bulk Cement, Gravel and Cement) of PUC No. 1013 to Bulk Transporters, Inc., Decision No. 74062, (1970)].

15. Granting of the authority as applied for in Application No. 24315-Transfer-Portion is not in the public interest.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24315-Transfer-Portion should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

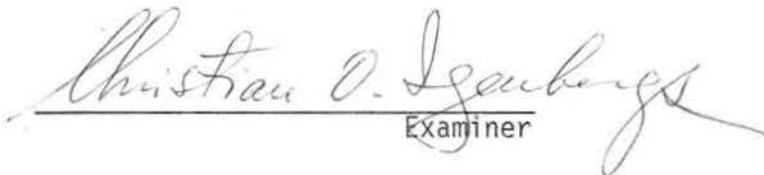
#### O R D E R

##### THE COMMISSION ORDERS:

1. That Application No. 24315-Transfer-Portion, being an application of Salida-Canon Trucking, Inc., doing business as "Central Colorado Trucking Company," a Colorado corporation, 816 Water Street, Canon City, Colorado, to transfer Certificates of Public Convenience and Necessity PUC No. 1554 and PUC No. 1554-I, except that portion thereof authorizing the transportation of household goods, to Don Camper, Inc., a Colorado corporation, Westcliffe, Colorado, be, and hereby is, denied.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to

be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

DECKER TRASH DISPOSAL CORP. NO. 2, )  
BRITE'N BEST RUBBISH SERVICE, INC., )  
BESTWAY DISPOSAL, WHEAT RIDGE )  
DISPOSAL SERVICE, AND FREDDIES )  
RUBBISH REMOVAL, )  
Complainants, )  
vs. )  
D. R. HART RUBBISH REMOVAL, )  
6041 TICHY BOULEVARD, )  
COMMERCE CITY, COLORADO, )  
Respondent. )  
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CASE NO. 5424

RECOMMENDED DECISION OF  
ROBERT L. PYLE, EXAMINER

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September 15, 1970  
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Appearances: Leslie R. Kehl, Esq.,  
Denver, Colorado,  
for Complainants.  
Bailey Belfor, Esq.,  
Denver, Colorado,  
for Respondent.  
Dalton O. Ford, Denver,  
Colorado, of the Staff  
of the Commission.

PROCEDURE AND RECORD

Under date of February 25, 1970, Decker Trash Disposal Corp. No. 2; Brite'n Best Rubbish Service, Inc.; Bestway Disposal; Wheat Ridge Disposal Service; and Freddie's Rubbish Removal (hereinafter referred to as "Complainants"), by and through their attorney, Leslie R. Kehl, filed their Complaint against D. R. Hart Rubbish Removal (hereinafter referred to as "Respondent") alleging inter alia that Respondent is engaging in the general transportation of trash and refuse without confining that transportation to the removal of such trash and refuse in conjunction with the cleaning of ash pits and incinerators, that such general transportation of trash and refuse conflicts with Complainants' authority as contained in Certificate of Public Convenience and Necessity PUC No. 3995 and any other

authority that Respondent may have, and is in violation of the terms of said Certificate of Public Convenience and Necessity PUC No. 3995, and further, that such actions therefore are in violation of 115-9-4 and 115-9-8, CRS 1963, as amended, and Rule 6 of the Rules and Regulations of the Public Utilities Commission Governing Common Carriers. Complainants prayed that the Commission enter an Order directing the Respondent to cease and desist from the unlawful transportation and upon any failure to comply with said cease and desist Order that Certificate of Public Convenience and Necessity PUC No. 3995 be revoked in its entirety and for further Order reforming and clarifying Certificate of Public Convenience and Necessity PUC No. 3995 to specifically provide that Respondent can only transport trash and refuse when such trash and refuse results from the cleaning of ash pits and incinerators by the Respondent and for such other, further or different relief as the Commission may deem fit.

The Commission assigned Case No. 5424 to the Complaint. On February 26, 1970, the Secretary of the Commission served an Order to Satisfy or Answer on the Respondent, which said Order states that unless the Complaint is satisfied, Respondent is ordered to answer the Complaint in writing within twenty (20) days from date of service. The Answer was timely filed by Respondent on March 18, 1970.

Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing in Case No. 5424 and, after due and proper notice to Complainants and Respondent, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on May 14, 1970, at 10 a.m. The hearing was heard at the aforesaid time and place.

All testimony in the case was presented via Stipulation which is identified as Exhibit No. 1 and contains not only an agreed statement of fact but also certain exhibits and documents upon which the parties stipulated and agreed that the matter would be determined.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with a recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Respondent holds two Certificates of Public Convenience and Necessity, namely, PUC No. 3995 and PUC No. 3605. The applicable Certificate in this matter is confined to Certificate of Public Convenience and Necessity PUC No. 3995 only and PUC No. 3605 is not involved.

2. Certificate of Public Convenience and Necessity PUC No. 3995, pursuant to Commission Decision No. 73920, dated December 3, 1969, presently provides as follows:

"Transportation of refuse arising from the cleaning of ash pits and incinerators, and the transportation of trash and refuse in conjunction therewith, from points within a radius of one hundred and fifty miles of Fort Lupton, Colorado, excluding therefrom the City and County of Denver, Colorado, and further excluding therefrom the City of Aurora, State of Colorado, as its legal boundaries are defined in the records of the Clerk of the City of Aurora, County of Arapahoe, State of Colorado, at 12:00 o'clock noon, on November 18, 1965, to points within said one hundred and fifty mile radius."

3. The pertinent portion of this authority that gave rise to the Complaint in this Case and which has been the subject of interpretation is as follows:

"Transportation of refuse arising from the cleaning of ash pits and incinerators, and the transportation of trash and refuse in conjunction therewith . . . ." (emphasis supplied)

4. Respondent has in the past and is now continuing to perform service under Certificate of Public Convenience and Necessity PUC No. 3995 as though it were a general ash, trash and refuse authority and, regardless of whether such trash and refuse is obtained from ash pits and incinerators and further without the cleaning of ash pits and incinerators in conjunction with the transportation of such trash and refuse therefrom.

5. Complainants are all transporters of ash, trash, and other refuse holding authority from this Commission which is competitive in the area of PUC No. 3995 within which Respondent operates said authority.

6. Respondent has taken the position that it can engage in the general transportation of ash, trash, and other refuse within the specified area (which is noted as being within a radius of 150 miles of Fort Lupton, Colorado, with certain exclusions) without limiting that service to the transportation of ash and trash in conjunction with the cleaning of ash pits and incinerators contrary to the specified wording of the authority.

7. The Certificate was originally issued pursuant to Application No. 15801, filed May 7, 1957, by one Joe Saunders wherein it is stated:

"Applicant desires to engage in the business of cleaning septic tanks, grease traps, ash pits and incinerators and of transporting and hauling the refuse and trash therefrom upon the highways and roads of the State of Colorado to proper places for disposal thereof."

The Certificate was then granted with the following wording:

"Transportation of refuse arising from the cleaning of septic tanks, sewers, grease traps, ash pits and incinerators and the transportation of trash and refuse in conjunction therewith from points within a 150-mile radius of Fort Lupton, excluded therefrom the City and County of Denver, and subject to such licenses as may be required from towns, cities, and disposal districts in said 150-mile radius."

In 1959, the commodity limitation of the Certificate was changed to its present form as a result of a ruling of the Colorado Attorney General that the Commission had no jurisdiction over the transportation of refuse, offal, and other waste materials produced in the cleaning of septic tanks, cesspools, grease and sand traps.

8. From the Decisions of the Commission and the accompanying applications giving rise thereto, it is abundantly clear that the primary purpose of the applicant at the time of the initial grant of the authority as well as at the time of the present wording of the authority was the cleaning of ash pits and incinerators and, as follows therefrom, the transportation of trash and refuse in conjunction therewith.

9. There is nothing in the Decisions or applications that would reflect an intent on the Commission to grant an authority to allow Certificate of Public Convenience and Necessity PUC No. 3995 to be operated as a "general transportation of ash, trash, and other refuse" and, in fact, no need for such authority was ever shown by supporting witnesses in the area encompassed by a 150-mile radius of Fort Lupton, Colorado.

10. The authority must be read altogether without separating one phrase from another and in doing so must be interpreted as granting authority to transport refuse arising from the cleaning of ash pits and incinerators and transporting the trash and refuse in connection therewith within the area encompassed by the authority.

11. Respondent, by its own admission, has developed a business far exceeding the scope of its Certificate and is presently operating unlawfully.

12. Respondent has deliberately and willfully exceeded the bounds of its authority under Certificate of Public Convenience and Necessity PUC No. 3995 and is found to be in violation of the express provisions of 115-9-4, CRS 1963, as amended, and said violations have been extensive.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Certificate of Public Convenience and Necessity PUC No. 3995 should be cancelled.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

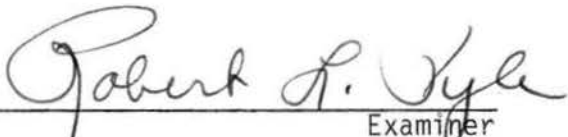


O R D E R

THE COMMISSION ORDERS:

1. That Certificate of Public Convenience and Necessity PUC No. 3995 should be, and hereby is, cancelled.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of ~~this~~ Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/js



(Decision No. 75882 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
SEQUOYAH TRANSPORTATION COMPANY, INC. )  
616 South Western )  
Oklahoma City, Oklahoma 73125 )  
 )  
 )  
 )  
 )  
 )

AUTHORITY NO. M 4959

CASE NO. 5879-M-Ins.

-----  
September 15, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 10, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

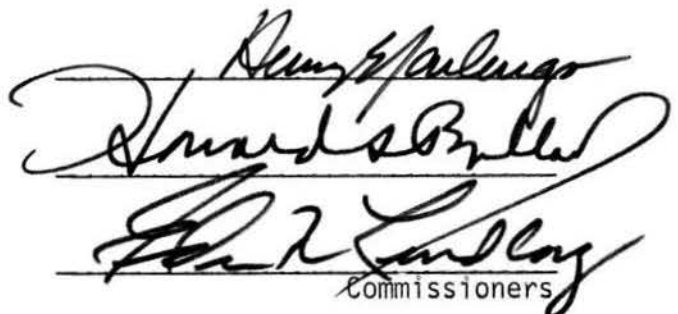
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

ORDER

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 15th day of September, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF MIDWINTER )  
CORPORATION, A COLORADO CORPORATION, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECES- )  
SITY AUTHORIZING OPERATION AS A COMMON CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANS- )  
PORTATION OF: (A) PASSENGERS IN OFF-HIGHWAY )  
VEHICLES, EACH HAVING NOT MORE THAN SIX (6) )  
PASSENGER CAPACITY, FROM AND TO TELLURIDE, )  
COLORADO, TO AND FROM ALL POINTS WITHIN A )  
TERRITORY BOUNDED AS FOLLOWS: BEGINNING AT )  
RIDGWAY, COLORADO, ALONG HIGHWAY #550 TO )  
DURANGO, COLORADO; THENCE WEST ON HIGHWAY )  
#160 TO CORTEZ; THENCE NORTH ON HIGHWAY )  
#145 TO DOLORES RIVER; THENCE NORTHWEST )  
DOWN THE DOLORES RIVER TO THE SAN MIGUEL )  
RIVER; THENCE EAST UP THE SAN MIGUEL RIVER )  
TO HORSEFLY CREEK; THENCE UP HORSEFLY CREEK )  
TO HORSEFLY PEAK; AND THENCE TO RIDGWAY, )  
COLORADO, THE POINT OF BEGINNING; (B) )  
PASSENGERS IN TAXI AND LIMOUSINE SERVICE )  
TO AND FROM THE SAN MIGUEL COUNTY AIRPORT )  
PRESENTLY UNDER CONSTRUCTION, LOCATED AP- )  
PROXIMATELY THREE (3) MILES SOUTHEAST OF )  
NORWOOD, COLORADO, FROM AND TO THE TOWN )  
OF TELLURIDE, COLORADO, AND TO THE TOWN )  
OF TELLURIDE, COLORADO, AND POINTS WITHIN )  
A FIVE (5) MILE RADIUS OF TELLURIDE, COLO- )  
RADO; (C) ASH AND TRASH FROM TELLURIDE, )  
COLORADO, AND POINTS WITHIN A FIVE (5) )  
MILE RADIUS THEREOF TO AND FROM AN APPROVED )  
DUMP SITE WITHIN SAN MIGUEL COUNTY, COLORADO. )  
-----

APPLICATION NO. 24393

RECOMMENDED DECISION OF  
HARRY A. GALLIGAN, JR.,  
EXAMINER.

-----  
September 17, 1970  
-----

Appearances: William D. Mitchell, Esq.,  
Denver, Colorado,  
for Applicant;  
Roger B. Sollenbarger, Esq.,  
Denver, Colorado,  
for Protestant,  
Telluride Transfer Company.

PROCEDURE AND RECORD

By application filed June 9, 1970, Midwinter Corporation of  
238 North Pine Street, Telluride, Colorado, seeks authority as stated  
in the hereinabove caption.

The Commission assigned No. 24393 to the application. Pursuant to law, the Commission designated Harry A. Galligan, Jr., as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing. The hearing was held in the County Courtroom, San Miguel County Courthouse, Telluride, Colorado, at 10 a.m., August 25, 1970.

As a preliminary matter, a motion was made to allow James McCulloch to intervene in the within matter, which motion was denied as not being timely made.

By interlineation, Part (A) of the application was amended to state that authority to use vehicles have a passenger capacity of six (6) rather than seven (7) as stated in the application was being made.

The following witnesses testified in support of the application, to-wit: Mr. Roy L. Anderson, Mr. Jerome R. Vass, Dr. Shanna McGee, Miss Mildred Lewis, Mr. Fred Stancliff, Jr., Mrs. Mary Ellen Inama, Mr. Dallas H. Fullerton, Mr. Donald A. O'Rourke, Mr. Jack E. Montgomery, Mr. August Penasa and Mr. Stanley L. Schooley.

The following witnesses testified in opposition to the application, to-wit: Mr. Robert F. Schuler and Mr. Francis Kuboske.

Applicant's Exhibits numbered 1 and 2 were tendered and admitted into evidence. It was stipulated by the parties that Exhibits numbered 3 and 4 were the same as those attached to the application and would, therefore, be withdrawn.

Protestant's Exhibits numbered 5, 6, 7, 8, and 9 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Harry A. Galligan, Jr., now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### DISCUSSION AND COMMENTS BY EXAMINER

Midwinter Corporation is hereinafter referred to by full corporate name, as Applicant, or as "Midwinter".

Midwinter seeks authority from the Commission in three distinct areas of operation in this application. While the testimony adduced at the hearing went to all three areas, each will be discussed separately here.

The first authority sought by Applicant is for the operation of off-highway vehicles to be used for sight-seeing purposes, such vehicles to have a capacity of not more than six (6) passengers. Applicant testified that the purpose would be to provide sight-seeing jeep tours during the summer season and snowmobile tours during the winter or snow months. Discussion will first be directed to the snowmobile operation proposed by Applicant. Testimony established that Applicant intends to conduct tours by snowmobile by instructing customers in the use of the snowmobile machine and then taking such vehicles in a group with Midwinter providing a tour "director" riding a company machine. There was no testimony to establish that passengers would be driven by an employee of the Applicant. In effect, then, Applicant proposes a supervised rental arrangement over which this Commission does not or has not assumed jurisdiction. Such an assumption at this time over an operation of this nature would also require an assumption of jurisdiction over all kinds of rental vehicles. The statutes do not intend to confer this jurisdiction to the Commission.

Concerning the jeep tour business contemplated by the Applicant, the testimony showed that there are presently two operating companies offering the public the type of tour contemplated by Midwinter. Testimony further showed that those companies, one of them Protestant herein, have more than adequate equipment to meet the demands for such service. Although several witnesses testified as to their desire for such additional service, none of these witnesses stated that they had availed themselves of the present service. Applicant made no showing that there are presently or will be within the foreseeable future an influx of sightseers to the Telluride area such that additional service as that contemplated by Applicant will be needed.

Turning now to Part (B) of the application, Midwinter testified that an airport will "probably" be constructed approximately three miles south of Norwood, Colorado, and that limousine and taxi service will be needed to take passengers between Telluride and such an airport. Testimony further was presented that this airport may not be completed for a period of three years and that, at present, the date is not known. While the appropriate statute clearly states that an Applicant must show a present or future need for the Commission to grant a certificate of public convenience and necessity, the future need contemplated is one of some certainty. In the instant application the future need is so uncertain as not to be clearly definable. This Examiner believes from all the testimony concerning Part (B) of the application that such application is too premature for Midwinter to make a proper showing of future need.

With respect to Part (C) of the application, a clear showing was made by the testimony that ash and trash service from Telluride and from points within a five (5) mile radius of Telluride to an approved dump site on a regular route basis is needed for the public

convenience and necessity. Protestant Telluride Transfer Company testified that the trash service now offered by it is on a call and demand basis but offered no testimony concerning its intention to offer scheduled pick-up service. Applicant's testimony further adduced that the present dump site within the town would soon be closed and that dumping would necessarily be moved to a most distant area, which move would create an additional need for scheduled service.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Midwinter Corporation is a corporation duly organized and existing under the laws of the State of Colorado.
2. Midwinter, by the instant application, seeks a certificate of public convenience and necessity authorizing operation as a common carrier by motor vehicle for hire for the transportation of:  
(A) Passengers in off-highway vehicles, each having not more than six (6) passenger capacity from Telluride, Colorado, within a certain described area surrounding Telluride; (B) passengers in taxi and limousine service to and from an airport approximately three (3) miles southeast of Norwood, Colorado, and the Town of Telluride, Colorado; and (C) ash and trash service on a scheduled basis within the Town of Telluride, Colorado, and from within a five (5) mile radius thereof to an approved dump site within San Miguel County.
3. Midwinter now has in its possession or has access to the necessary equipment to perform the services sought in this application.
4. Under Part (A) of the application herein, public convenience and necessity does not require granting the authority sought. There exists in the area two authorities which provide adequate service for sight-seeing purposes by jeep and the service proposed to be offered by a rental arrangement by snow vehicles is such as not to require a certificate from this Commission.



5. Under Part (B) of the application herein, the present or the foreseeable future needs of the public do not require the issuance of a certificate granting authority for taxi or limousine service to and from an airport which, testimony indicated, would not be completed for several years. It is found that such an application is premature at this time.

6. Public convenience and necessity require that Applicant be granted the authority requested under Part (C) of the application for ash and trash service from Telluride, Colorado, as follows:

"Transportation of

Ashes, trash, and other refuse

From all points within Telluride, Colorado, and a five (5) mile radius thereof, to designated and approved dumps and disposal sites located within San Miguel County, State of Colorado."

7. Telluride Transfer Company, Protestant herein, operates a call and demand ash and trash service and the speculative possibility that it may incur some unknown economic detriment by the granting of scheduled authority by this Commission to the Applicant herein is not a sufficient reason to deprive the public of a needed service which Midwinter is willing to render.

8. The chief corporate officers of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

9. The authority as hereinafter set forth will be in the public interest.

10. Where applicable, those matters set forth in the DISCUSSION AND COMMENTS BY EXAMINER, as set forth above, are made a part of and included in the FINDINGS OF FACT.

### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The Protests of Telluride Transfer Company should be granted with respect to Parts (A) and (B) and dismissed with respect to Part (C) of the application.

2. The authority with respect to ash and trash service as hereinabove described should be granted.

3. The authority sought by Applicant with respect to off-highway transportation of passengers and taxi and limousine service should be denied.

4. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

### O R D E R

#### THE COMMISSION ORDERS THAT:

1. Midwinter Corporation, Telluride, Colorado, be, and hereby is, authorized to provide ash and trash service as follows, to-wit:

"Transportation of

Ashes, trash, and other refuse

From all points within Telluride, Colorado, and a five (5) mile radius thereof, to designated and approved dumps and disposal sites located within San Miguel County, State of Colorado."

2. The application of Midwinter Corporation to provide off-highway transportation of passengers be, and hereby is, denied.

3. The application of Midwinter Corporation to provide taxi and limousine service between a proposed airport located approximately three (3) miles southeast of Norwood, Colorado, and Telluride, Colorado, be, and hereby is, denied.



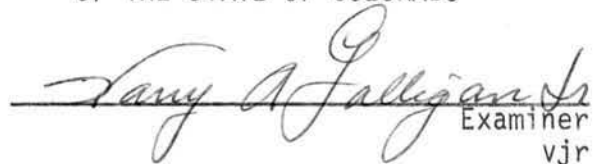
4. Applicant shall operate its carrier system in accordance with this Order, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner  
vjr

(Decision No. 75884)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MILE-HI EXPRESS, INC., 1335-40TH )  
STREET, DENVER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 24179

INTERIM ORDER OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER.

-----  
September 15, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

Hearing on the above-entitled application was conducted pursuant to notice and concluded on August 7, 1970, in Denver, Colorado. At the conclusion of the hearings in the within matter, Examiner Christian O. Igenbergs directed counsel for Applicant to file a proposed recommended decision on or before September 15, 1970.

On September 15, 1970, Applicant, by and through its attorney, John J. Conway, filed a Motion for Extension of Time to File Proposed Decision, requesting an extension of time of sixteen (16) days after the present due date to file the aforesaid proposed recommended decision.

The Examiner states and finds that good cause appearing therefor, said Motion should be granted.

O R D E R

THE EXAMINER ORDERS:

That Petitioner, Mile-Hi Express, Inc., be, and hereby is, granted an extension of time until October 1, 1970, within which to file a proposed recommended decision in the within matter.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Christian O. Seubert  
Examiner

rm/js

(Decision No. 75885)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SAN ISABEL ELECTRIC ASSOCIATION, INC., )  
PUEBLO, COLORADO, FOR AUTHORITY TO )  
ISSUE SECURITIES IN THE PRINCIPAL )  
AMOUNT OF \$365,000 AND THE APPLICA- )  
TION OF THE PROCEEDS THEREFROM FOR )  
CERTAIN SPECIFIED PURPOSES. )

APPLICATION NO. 24522 - Securities

-----  
September 16, 1970  
-----

Appearances: David C. Parlapiano, Esq.,  
Pueblo, Colorado,  
for Applicant;  
Girts Krumins, Esq.,  
Denver, Colorado, for the  
Staff of the Commission; and  
James D. Grundy,  
Denver, Colorado, of the  
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 31, 1970, San Isabel Electric Association, Inc. (Applicant), filed with the Commission the above-entitled application for (1) authority to issue a Mortgage Note for \$365,000 payable to the United States of America, bearing interest at the rate of two per-cent (2%) per annum, payable within thirty-five (35) years after the date thereof, and (2) to approve an Amendment, dated August 17, 1970, between San Isabel Electric Association, Inc., and the United States of America, dated April 25, 1957, as amended, and setting a maximum which may be borrowed by the Applicant at \$8,160,741.

Said application was set for hearing, with notice to all interested parties, in compliance with the statutes of Colorado and the Rules and Regulations of this Commission. On Wednesday, September 16, 1970, a public hearing was held at 9 a.m. in the Hearing Room of the

Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at said time and place was heard by Examiner Christian O. Igenbergs, to whom the matter was assigned pursuant to law.

At the conclusion of the hearing, the matter was taken under advisement.

Chapter 115-1-4, Colorado Revised Statutes 1963, requires that security applications be disposed of within thirty (30) days. The Commission, because of its general work-load and the deliberation required in this matter, will not be able to dispose of this application within thirty (30) days of August 31, 1970, the date of filing.

The Commission states and finds that since said matter cannot be disposed of within thirty (30) days, a continuance of an additional fifteen (15) days should be provided for disposal of the subject application.

#### O R D E R

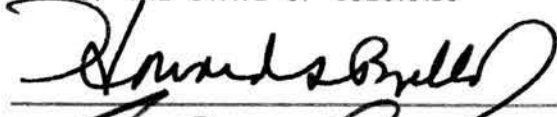
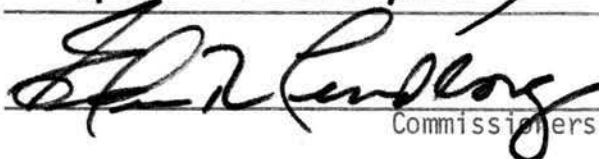
#### THE COMMISSION ORDERS THAT:

The period in which this application is to be disposed of as provided in Chapter 115-1-4, Colorado Revised Statutes 1963, is hereby increased from thirty (30) to forty-five (45) days.

The Commission retains jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

This Order shall be 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  
16th day of September, 1970.

vjr

(Decision No. 75886)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE NEW SEVEN FALLS COMPANY, 2900 )  
FIRST NATIONAL BANK BUILDING, DALLAS, )  
TEXAS, FOR AUTHORITY TO TRANSFER )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY PUC NO. 166 TO THE )  
COTTAGE CORPORATION, 2900 FIRST )  
NATIONAL BANK BUILDING, DALLAS, )  
TEXAS. )  
-----

APPLICATION NO. 24486-Transfer

ORDER OF THE COMMISSION

-----  
September 17, 1970  
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Appearances: Karl R. Ross, Esq., Colorado Springs,  
Colorado, for Applicants

It appearing, That by Order of the Commission dated August 5, 1970,  
notice of the filing of the above-entitled application was given to all  
interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to  
intervene or otherwise participate in the proceeding has been filed by any  
person within the time prescribed by the Commission in said Order, and that  
the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the  
herein matter is one which may properly be determined without the necessity  
of a formal oral hearing and that the taking of evidence in this proceeding  
should be by reference to the verified application as filed with the  
Commission together with such additional information or data as may have  
been required of Applicants in connection with said filing, and the files  
and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That The New Seven Falls Company, 2900 First National Bank Building, Dallas, Texas, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 166 to The Cottage Corporation, 2900 First National Bank Building, Dallas, Texas, 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. 166 shall read and be as follows, to wit:

"Transportation -- in sightseeing service -- of

(1) Passengers

From points within Seven Falls, and Stratton Park, Colorado, on the one hand to points in the Pikes Peak Sightseeing Region, on the other hand.

(2) Passengers

Within the City of Colorado Springs, Colorado.

RESTRICTIONS: This Certificate is restricted as follows:

- (a) All transportation service rendered shall be limited to round-trip operations.

(b) Restricted to the use of three (3) automobiles in the conduct of operations."

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 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.

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

That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970.

js



(Decision No. 75887)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE COTTAGE CORPORATION, 2900 FIRST )  
NATIONAL BANK BUILDING, DALLAS, )  
TEXAS, FOR AUTHORITY TO LEASE CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY PUC NO. 166 TO MAYNARD T. )  
BINKERD AND ARVONNE J. BINKERD, )  
DOING BUSINESS AS "R & P SCENIC TOURS," )  
746 EAST PLATTE AVENUE, COLORADO )  
SPRINGS, COLORADO. )  
-----

APPLICATION NO. 24487-Lease

ORDER OF THE COMMISSION

-----  
September 17, 1970  
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Appearances: Karl R. Ross, Esq., Colorado Springs,  
Colorado, for Applicants.

It appearing, That by Order of the Commission dated August 5, 1970,  
notice of the filing of the above-entitled application was given to all  
interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to  
intervene or otherwise participate in the proceeding has been filed by any  
person within the time prescribed by the Commission in said Order, and that  
the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5),  
the herein matter is one which may properly be determined without the  
necessity of a formal oral hearing and that the taking of evidence in this  
proceeding should be by reference to the verified application as filed with  
the Commission together with such additional information or data as may have  
been required of Applicants in connection with said filing, and the files  
and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the lease as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Lessees has been satisfactorily established and that the lease is compatible with the public interest;

And we further find, That Lessees are fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be leased and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That the Cottage Corporation, 2900 First National Bank Building, Dallas, Texas, be, and is hereby, authorized to lease all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 166 to Maynard T. Binkerd and Arvonne J. Binkerd, doing business as "R & P Scenic Tours," 746 East Platte Avenue, Colorado Springs, Colorado, in accordance with the terms and conditions of the Agreement of Lease dated February 2, 1970, and by reference made a part hereof.

That the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 166, as herein authorized to be leased, shall be as follows, to wit:

"Transportation -- in sightseeing service -- of

(1) Passengers

From points within Seven Falls and Stratton Park, Colorado, on the one hand to points in the Pikes Peak Sightseeing Region, on the other hand.

(2) Passengers

Within the City of Colorado Springs, Colorado.

RESTRICTIONS: This Certificate is restricted as follows:

- (a) All transportation service rendered shall be limited to round-trip operations.
- (b) Restricted to the use of three (3) automobiles in the conduct of operations."

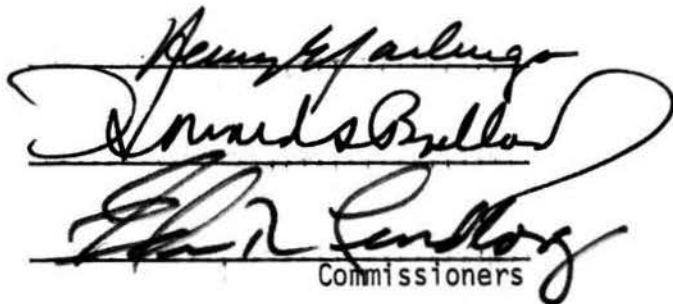
That said lease shall become effective for an indefinite period of time from the effective date of the Order.

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

That the right of Lessees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Lessor of delinquent reports, if any, covering operations under said Certificate up to the time of lease of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
17th day of September, 1970.  
js

(Decision No. 75888)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF GLEN R. PRATT AND LOIS J. )	
PRATT, DOING BUSINESS AS "PARK )	APPLICATION NO. 24445-Transfer
ASH AND TRASH," BOX 66, GRANT, )	
COLORADO, FOR AUTHORITY TO )	ORDER OF THE COMMISSION
TRANSFER CERTIFICATE OF PUBLIC )	
CONVENIENCE AND NECESSITY PUC NO. )	
7375 TO JAMES J. FISH, DOING )	
BUSINESS AS "PARK ASH & TRASH," )	
BOX 167, SHAWNEE, COLORADO. )	

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-----  
September 21, 1970  
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Appearances: Glen R. Pratt, Grant,  
Colorado, pro se;  
James J. Fish, Shawnee,  
Colorado pro se.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Glen R. Pratt and Lois J. Pratt, doing business as "Park Ash and Trash," Box 66, Grant Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7375 to James J. Fish, doing business as "Park Ash & Trash," Box 167, Shawnee, 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. 7375 shall read and be as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From all points within the County of Park, State of Colorado, to regularly designated and approved dumps and disposal sites located within the County of Park, State of Colorado."

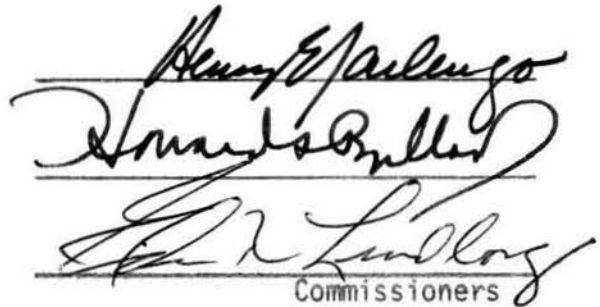
That said transfer shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

of the terms of this Order within thirty 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.

That the right of Transferee to operate under this Order shall be dependent upon 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 Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 21st day of September, 1970.

vjr

(Decision No. 75889)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DONALD E. SANDLIAN, 7751 )  
WOODLAND ROAD, LONGMONT, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE. )  
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APPLICATION NO. 24476  
ORDER OF THE COMMISSION

-----  
September 18, 1970  
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Appearances: Charles D. Saxton, Esq.,  
Longmont, Colorado,  
for Applicant.

It appearing, That by Order of the Commission dated August 5, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereafter ordered;

Wherefore, and good cause appearing therefor:



We find, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter ordered;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Donald E. Sandlian, 7751 Woodland Road, Longmont, Colorado, be, and is hereby, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

"Transportation of

Hay, grain in sacks, and ensilage

Between all points within the following described area: Commencing at the junction of Colorado Highway Nos. 93 and 128; thence east on Colorado Highway No. 128 to the junction of U.S. Highway No. 36; thence southeast on U.S. Highway No. 36 to Interstate Highway No. 25; thence south on Interstate Highway No. 25 to U.S. Highway No. 85; thence northeast on U. S. Highway No. 85 to Colorado Highway No. 14; thence west on Colorado Highway No. 14 to its junction with U.S. Highway No. 287; thence south on U.S. Highway No. 287 to U.S. Highway No. 34; thence west on U.S. Highway No. 34 to U.S. Highway No. 36; thence south on U.S. Highway No. 36 to its junction with Colorado Highway No. 93; thence south on Colorado Highway No. 93 to the point of beginning."

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

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 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, the 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

*Henry E. Parker Jr.*  
*Donald S. Byler*  
*John R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 18th day of September, 1970.

js

(Decision No. 75890)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CHARLES R. EATCHEL AND HOWARD )  
K. COLLINS, DOING BUSINESS AS )  
"LEE SAND & GRAVEL CO.," 4020 )  
YOUNGFIELD, WHEATRIDGE, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT )  
NO. B-7060 TO LEE SAND & GRAVEL )  
CO., A COLORADO CORPORATION, )  
P. O. BOX 178, 4020 YOUNGFIELD, )  
WHEATRIDGE, COLORADO. )  
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APPLICATION NO. 24428-PP-Transfer

ORDER OF THE COMMISSION

-----  
September 21, 1970  
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Appearances: Howard K. Collins,  
Wheatridge, Colorado,  
for Transferors;  
Charles R. Eatchel, Lakewood,  
Colorado, for Transferee.

It appearing, That by Order of the Commission dated July 9, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Charles R. Eatchel and Howard K. Collins, doing business as "Lee Sand & Gravel Co.," 4020 Youngfield, Wheatridge, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7060 to Lee Sand & Gravel Co., a Colorado corporation, P. O. Box 178, 4020 Youngfield, Wheatridge, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-7060 shall read and be as follows, to-wit:

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (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 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: Item Nos. 1, 2, 3, and 4 of this Permit are restricted as follows:

- a. Against the use of tank vehicles when transporting road-surfacing materials.
- b. To serving not more than ten (10) customers at any one time.

(5) Cement

From all points in the State of Colorado to mixing plants and construction sites in the State of Colorado.

RESTRICTION: Item No. 5 of this Permit is restricted to serving one customer only, viz: Jefferson Transit Mix Company."

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

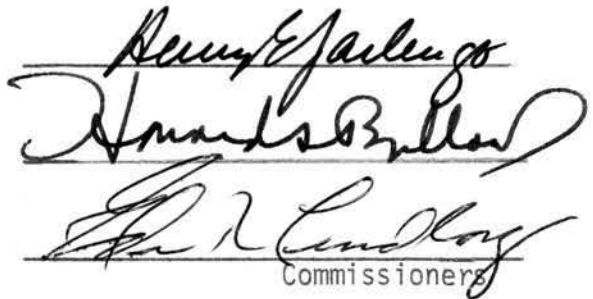
That the tariff of rates, rules, and regulations of the Transferors shall, upon proper adoption notice, become and remain those of the Transferee until changed according to law and the rules and regulations of this Commission.

That the right of Transferee to operate under this Order shall be dependent upon compliance with all present or 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 21st day of September, 1970.

vjr

(Decision No. 75891)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF BIG SKY CORPORATION, DOING )  
BUSINESS AS "SUMMIT STAGE LINE, )  
LTD.," P. O. BOX 218, DILLON, )  
COLORADO, FOR AUTHORITY TO )  
TRANSFER CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY PUC )  
NO. 5894 TO TIGER RUN, INC., )  
P. O. BOX 155, BRECKENRIDGE, )  
COLORADO. )  
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APPLICATION NO. 24367-Transfer

ORDER OF THE COMMISSION

-----  
September 21, 1970  
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Appearances: Peter J. Crouse, Esq.,  
Denver, Colorado,  
for Applicants.

It appearing, That by Order of the Commission dated May 27, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements of the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Big Sky Corporation, doing business as "Summit Stage Line, Ltd.," P. O. Box 218, Dillon, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 5894 to Tiger Run, Inc., P. O. Box 155, Breckenridge, 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. 5894 shall read and be as follows, to-wit:

"Transportation -- in taxi service -- of

(1) Passengers

Between Tiger Run Campground, on the one hand, and points within the following described area, on the other hand: Commencing at Kremmling, Colorado; thence east along a line to Parshall, Colorado; thence southeast along a line to the Summit of Loveland Pass; thence south along a line to Como, Colorado; thence southwest along a line to Fairplay, Colorado; thence west along a line to Malta, Colorado, thence north along a line to Dowd, Colorado; thence north along a line to Kremmling, Colorado, to the point of beginning.

Transportation -- on call and demand -- of

(2) Passengers

Between recreational, sightseeing, and tourist areas within the following described area:

Commencing at Kremmling, Colorado; thence east along a line to Parshall, Colorado; thence southeast along a line to the Summit of Loveland Pass; thence south along a line to Como, Colorado; thence southwest along a line to Fairplay, Colorado; thence west along a line to Malta, Colorado; thence north along a line to Dowd, Colorado; thence north along a line to Kremmling, Colorado, the point of beginning.

RESTRICTION: Item No. 2 of this Certificate is restricted to the use of four-wheel drive vehicles."

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 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.

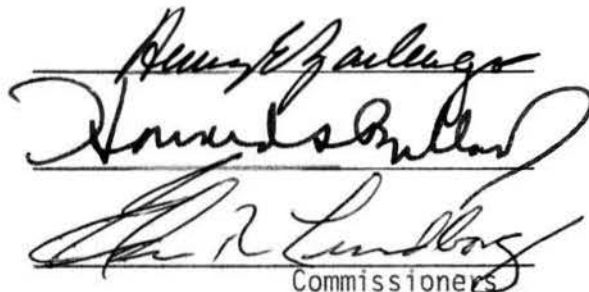
That the tariff of rates, rules and regulations of the Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.



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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 21st day of September, 1970.

vjr

(Decision No. 75892)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) EUGENE R. BRANTNER, DOING BUSINESS ) AS "WESTERN TRASH SERVICE," ROUTE 3, ) BOX 446½, GREELEY, COLORADO, TO ) EXTEND OPERATIONS UNDER PERMIT NO. ) B-7066. )	<u>APPLICATION NO.</u>  <u>24220-PP-Extension</u>
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September 18, 1970  
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Appearances: Melvin Dinner, Esq.,  
Greeley, Colorado, for Applicant.  
Arthur R. Hauver, Esq.,  
Denver, Colorado, for Bestway  
Disposal Co., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 4, 1970, Recommended Decision No. 75536 was entered in the above-captioned proceeding by Robert L. Pyle, Examiner. On August 18, 1970, the Applicant filed Exceptions to the said Recommended Decision.

After careful reconsideration of the matter, the Commission finds that the Exceptions should be granted and the following Order entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Exceptions to Decision No. 75536, it being the Recommended Decision of Robert L. Pyle, Examiner, filed by Applicant on August 18, 1970, be, and hereby are, granted.

2. Paragraph 2 of the ordering portion of said Decision 75536 be, and hereby is, amended to read as follows, to wit:

"2. That henceforth the full and complete authority under Permit No. B-7066 shall be and read as follows, to wit:

'Transportation of

(1) Ashes, trash and other refuse

From all points within the towns of Johnstown, Milliken, Gilcrest, Platteville and LaSalle, Colorado, and a three (3) mile radius of each to designated and approved dumps and disposal sites located within the County of Weld, State of Colorado.

(2) Ashes, trash and other refuse

From all points within the town of Evans, Colorado, and a one and one-half (1½) mile radius thereof, to designated and approved dumps and disposal sites located within the County of Weld, State of Colorado.

RESTRICTION:

Item (2) of this Permit is restricted as follows:

- (a) Restricted against rendering transportation services within the city limits of Greeley, Colorado, as such limits existed on October 23, 1968.
- (b) Restricted against rendering transportation service north of U. S. Highway No. 34 By-Pass.


(3) Ashes, trash and other refuse

From and between points in the towns of Pierce and Nunn, Colorado, and a three (3) mile radius of each of said towns, to designated and approved dumps and disposal sites in the County of Weld, State of Colorado."

3. The Recommended Decision and Order No. 75536 of Examiner Robert L. Pyle be, and hereby is, adopted as the Order of the Commission with the corrections and modifications as above set forth.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
18th day of September, 1970.

js

(Decision No. 75893)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE ISSUANCE OF TEMPORARY )  
CERTIFICATES OF PUBLIC CONVENIENCE )  
AND NECESSITY UNDER CHAPTER 115-9-4 )  
(2), CRS 1963, FOR THE TEMPORARY OR )  
SEASONAL MOVEMENT OF SUGAR BEETS )  
AND SUGAR BEET PULP. )  
-----

APPLICATION NO. 24552

EMERGENCY DISTRICT 14-70

-----  
September 18, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section, of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the Counties as set forth above.

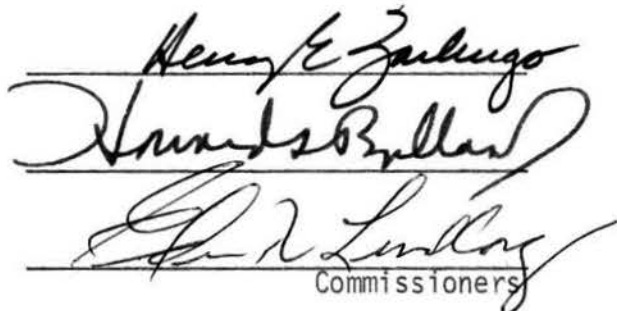
The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma, Colorado, and that the present or future public convenience and necessity requires or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following:

O R D E R

THE COMMISSION ORDERS:

That temporary certificates, be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the Counties of Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma, State of Colorado; provided however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing September 28, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
18th day of September, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE ISSUANCE OF TEMPORARY )  
CERTIFICATES OF PUBLIC CONVENIENCE )  
AND NECESSITY UNDER CHAPTER 115-9-4 )  
(2), CRS 1963, FOR THE TEMPORARY OR )  
SEASONAL MOVEMENT OF PEAS, EARLY )  
LETTUCE, CABBAGE, CAULIFLOWER, )  
CARROTS, SPINACH, RADISHES, SNAP )  
BEANS, SWEET CORN, TOMATOES, RED )  
BEETS, PICKLES, EARLY POTATOES, )  
EARLY ONIONS, VINE CROPS, HAY AND )  
SMALL GRAINS, AND ICE. )  
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APPLICATION NO. 24545  
EMERGENCY DISTRICT 13-70

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September 18, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section, of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of peas, early lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, early potatoes, early onions, vine crops, hay and small grains, and ice in the Counties of Adams, Alamosa, Baca, Bent, Conejos, Costilla, Crowley, Delta, Kit Carson, Larimer, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, Weld, and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting peas, early lettuce, cabbage, cauliflower, carrots,

spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, early potatoes, early onions, vine crops, hay and small grains, and ice in the Counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of peas, early lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, early potatoes, early onions, vine crops, hay and small grains, and ice in the Counties of Adams, Alamosa, Baca, Bent, Conejos, Costilla, Crowley, Delta, Kit Carson, Larimer, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, Weld and Yuma, Colorado, and that the present or future public convenience and necessity requires or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting peas, early lettuce, cabbage, cauliflower, carrots, spinach, radishes, snap beans, sweet corn, tomatoes, red beets, pickles, early potatoes, early onions, vine crops, hay and small grains, and ice in the Counties of Adams, Alamosa, Baca, Bent, Conejos, Costilla, Crowley, Delta, Kit Carson, Larimer, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande,

Saguache, Washington, Weld, and Yuma, State of Colorado; provided, however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing September 22, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 18th day of September, 1970.

js



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE ISSUANCE OF TEMPORARY )  
CERTIFICATES OF PUBLIC CONVENIENCE )  
AND NECESSITY UNDER CHAPTER 115-9-4 )  
(2), CRS 1963, FOR THE TEMPORARY OR )  
SEASONAL MOVEMENT OF SUGAR BEETS )  
AND SUGAR BEET PULP. )  
-----

APPLICATION NO. 24553  
EMERGENCY DISTRICT 15-70

-----  
September 18, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section, of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Crowley, Delta, Kiowa, Larimer, Mesa, Montrose, Otero, Ouray, Prowers, and Pueblo, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the Counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Crowley, Delta, Kiowa, Larimer, Mesa, Montrose, Otero, Ouray, Prowers, and Pueblo, Colorado, and that the present or future public convenience and necessity require or will require the issuance of temporary certificates for the temporary or seasonal operation of

motor vehicles for the purpose of transporting said commodities, as provided in Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Crowley, Delta, Kiowa, Larimer, Mesa, Montrose, Otero, Ouray, Prowers, and Pueblo, State of Colorado; provided, however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing October 5, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 18th day of September, 1970.

js

(Decision No. 75896)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOHN W. BRACH AND VICTOR J. )  
THOMPSON, DOING BUSINESS AS "J & V )  
LIVESTOCK HAULING," BOX 238, MACK, )  
COLORADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER CONTRACT CARRIER )  
PERMIT NO. B-2677. )  
-----

APPLICATION NO.  
24482-PP-Extension  
ORDER OF THE COMMISSION

-----  
September 18, 1970  
-----

Appearances: John P. Thompson, Esq.  
Denver, Colorado,  
for Applicant.

It appearing, That by Order of the Commission dated August 5, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms or corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter extended and ordered.

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicants' transportation services as hereinafter extended and ordered;

We further find, That it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicants are fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That John W. Brach and Victor J. Thompson, doing business as "J & V Livestock Hauling," Box 238, Mack, Colorado, be, and are hereby, authorized to extend operations under Contract Carrier Permit No. B-2677 to include the following:

"Transportation of  
Livestock

Between points within Pitkin County and that portion of Gunnison County lying within the drainage area of the Crystal River, and to and from said points, from and to all points within the State of Colorado.

RESTRICTION: Restricted to serving two customers only, viz: David Christensen, Grand Junction, Colorado, and A. Perry Christensen, Grand Junction, Colorado."

That henceforth the full and complete authority under Contract Carrier Permit No. B-2677, as extended, shall read and be as follows, to-wit:

"Transportation of  
(1) Livestock

Between points within a twenty-five (25) mile radius of Grand Junction, Colorado, and to and from said points, from and to all points within the State of Colorado.

RESTRICTION: Item No. 1 of this Permit is restricted to serving not more than ten (10) customers at any one time.

(2) Livestock

Between points within Pitkin County and that portion of Gunnison County lying within the drainage area of the Crystal River, and to and from said points, from and to all points within the State of Colorado.

RESTRICTION: Item No. 2 of this Permit is restricted to serving two customers only, viz: David Christensen, Grand Junction, Colorado, and A. Perry Christensen, Grand Junction, Colorado."

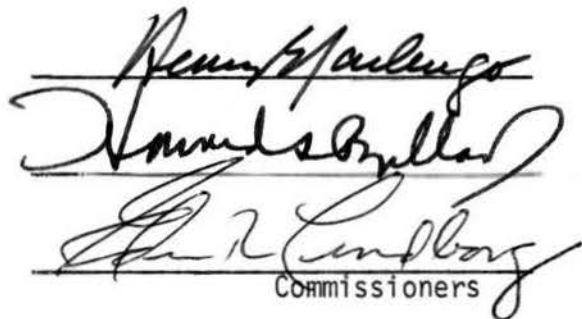
That all operations hereunder shall be strictly contract operations the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

That the right of Applicants to operate hereunder shall depend upon 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 18th day of September, 1970.

js

(Decision No. 75897)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF EPHRAIM FREIGHTWAYS, INC., )	
1385 UMATILLA STREET, DENVER, )	<u>APPLICATION NO. 22670-Amended</u>
COLORADO, FOR A CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY. )	<u>SUPPLEMENTAL ORDER</u>
-----	

-----  
September 18, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 17, 1970, Protestant, Rio Grande Motor Way, Inc., filed its Motion For Extension Of Time To File Petition For Reconsideration in the above-entitled and captioned matter, and alleged, as reason therefor, that the extensiveness and complexity of the record requires additional time for the preparation of said petition.

The Commission states and finds that all parties of record hereto should be granted an extension of time within which to file a petition for rehearing, reargument or reconsideration of Decision No. 75775, in the manner as set forth in the Order following.

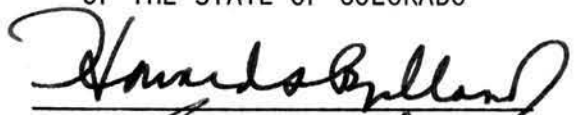
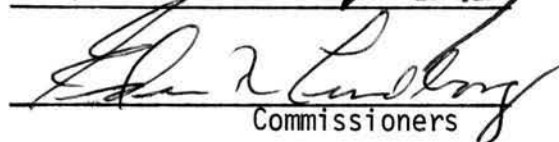
O R D E R

THE COMMISSION ORDERS:

That the period of time for the filing of a petition for rehearing, reargument, or reconsideration of Decision No. 75775 be, and hereby is, extended to and including October 5, 1970.

That this Order shall be 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 18th day of September, 1970.

js

(Decision No. 75898)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SIGURD W. LINDSTROM, 3128 WEST )  
JEFFERSON AVENUE, ENGLEWOOD, )  
COLORADO, FOR AUTHORITY TO OPERATE )  
AS A CLASS "B" CONTRACT CARRIER BY )  
MOTOR VEHICLE. )  
-----

APPLICATION NO. 24531-PP

ORDER OF THE COMMISSION

-----  
September 22, 1970  
-----

Appearances: Sigurd W. Lindstrom, Englewood,  
Colorado, pro se.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;



Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Sigurd W. Lindstrom, 3128 West Jefferson Avenue, Englewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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 as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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  
22nd day of September, 1970.

js

(Decision No. 75899)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MRS. GEORGE PEIRCE, MRS. LARRY )  
FAULKNER AND MRS. ALBERT E. SUMMERS )  
ON BEHALF OF THEMSELVES AND OTHERS )  
SIMILARLY SITUATED FOR AN ORDER )  
AUTHORIZING PUBLIC SERVICE COMPANY )  
OF COLORADO, 550 - 15TH STREET, )  
DENVER, COLORADO, TO RENDER STREET )  
LIGHTING SERVICE IN AN UNINCORPORATED )  
AREA IN JEFFERSON COUNTY. )  
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APPLICATION NO. 24475

RECOMMENDED DECISION OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER.

-----  
September 21, 1970  
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Appearances: Mrs. George C. Peirce, Golden, Colorado, Applicant,  
pro se;  
Donald D. Cawelti, Esq., Denver, Colorado,  
for Public Service Company of Colorado,  
C. J. Miller, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of July 31, 1970, Applicants filed the above-entitled application seeking an order of the Commission authorizing and directing the Public Service Company of Colorado, 550 - 15th Street, Denver, Colorado, to furnish street lighting service in an unincorporated area in Jefferson County, Colorado, as specifically designated in the application.

The Commission, pursuant to law, designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 11, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Applicant Peirce, entered appearance on behalf of Applicants and testified in support of the application. Mrs. Larry R. Faulkner, Mrs. Albert E. Summers and Mr. Albert E. Summers, all residents of the subject area, testified in support of the application as did Mr. Donald E. Lichtenwalter of the Public Service Company. No person appeared to intervene or to protest the granting of the application.

Applicants' Exhibits A, B, and B-1 were offered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the records and exhibits of this proceeding together with a written recommended decision which contains his finding of fact and conclusions thereon, together with a recommended order or requirement.

#### FINDINGS OF FACT

Based on all of the evidence of record, the following is found as fact:

1. Applicants are residents of the area for which electric street lighting service is sought herein.
2. The area covered by the application herein is an unincorporated area in the County of Jefferson, State of Colorado, platted, known and described as Apple Valley Subdivision.
3. The Public Service Company of Colorado is a public utility under the jurisdiction of this Commission, and the subject matter of the application is within the jurisdiction of the Commission.
4. The Public Service Company of Colorado furnishes electric service in the area covered by the application herein, and is ready, willing and able to install adequate electric street lighting facilities and to

furnish electric street lighting service in accordance with its Tariff, Colorado PUC No. 4-Electric, Substitute Ninth Revised Sheet No. 262, Substitute Fourth Revised Sheet No. 262A, and Substitute First Revised Sheet No. 262B.

5. Residents of the area, both petitioners and non-petitioners, will be assessed a monthly charge of forty-five cents (\$0.45) per month each to defray the cost of installing, maintaining and operating the electric street lighting system.

6. The preservation of public peace and safety requires the installation of an adequate street lighting system in the area described in Exhibit A.

7. Of the 52 electric customers and residents of the area presently served by Public Service Company, 50 or 96.2% of the total number signed the Petitions for Street Lighting Service (Exhibits and B-1).

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid Findings of Fact, it is concluded, that:

1. Application No. 24475 should be granted and Public Service Company of Colorado should be authorized and directed to provide street lighting service as sought in the Application.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

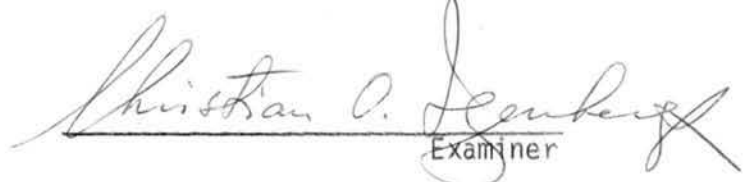
1. That Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street lighting system consisting of approximately 8 street lights in number in the area known and designated as Apple Valley No. 1 in the County of Jefferson, State of Colorado.

2. That such street lighting service shall be provided in accordance with its tariff, Colorado PUC No. 4 - Electric Substitute Ninth Revised Sheet No. 262, Substitute Fourth Revised Sheet No. 262A and Substitute First Revised Sheet No. 262B, as the same are presently filed with the Commission, or as they may be amended pursuant to law and the rules of the Commission.

3. That this Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date herein above set out.

4. That as provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

JS

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PAUL E. FERGUSON AND ALICE M.	)	<u>APPLICATION NO. 24368</u>
FERGUSON, 7177 DUDLEY DRIVE, ARVADA,	)	
COLORADO, FOR A CERTIFICATE OF PUBLIC	)	<u>RECOMMENDED DECISION OF</u>
CONVENIENCE AND NECESSITY TO OPERATE	)	<u>ROBERT L. PYLE, EXAMINER</u>
AS A COMMON CARRIER BY MOTOR VEHICLE	)	
FOR HIRE.	)	
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-----  
September 21, 1970  
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Appearances: Charles T. Flett, Esq.,  
Arvada, Colorado, for  
Applicants.  
Walter M. Simon, Esq.,  
Denver, Colorado, for  
Burt Green, doing business  
as "The Mountain Men," Protestant.

PROCEDURE AND RECORD

Under date of May 22, 1970, Applicants filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24368 to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 2, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

One of the Applicants, namely, Paul E. Ferguson, was the only person who testified in support of the application.



Applicants' Exhibit No. 1, which is the financial statement of Applicants, was the only Exhibit admitted into evidence. Two other Exhibits were tendered but were rejected as being hearsay.

Protestants, Greyhound, West; Lind & Hill Scenic Colorado Tours, Inc.; Denver-Colorado Springs-Pueblo Motorway, Inc.; Denver-Salt Lake-Pacific Stages, Inc.; American Bus Lines, Inc.; Continental Bus System, Inc. (Rocky Mountain Lines Div.); Continental Bus System, Inc.; Continental Central Lines, Inc.; and Yellow Cab were all dismissed for failure to appear or to present any executed stipulation indicating their willingness to withdraw from the hearing. Protestant, Burt Green, doing business as "The Mountain Men," appeared in person and through his attorney, Mr. Walter M. Simon.

Upon the conclusion of the Applicants' case, Protestant, Burt Green, doing business as "The Mountain Men," through his attorney, Walter M. Simon, Esq., moved that the application be dismissed on the grounds that Applicants failed to make a prima facie case, which Motion was granted on the basis of the FINDINGS OF FACT and CONCLUSIONS as hereinafter stated.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicants in this case seek a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of persons and their individual luggage and equipment from points within the Denver metropolitan area bounded on the east by Havana Street, on the south by Hampden Avenue, on the north by 104th Avenue,



and on the west by Colorado Highway No. 93, and more specifically, Stapleton International Airport, train depots, bus depots, hotels, and motels in that area to certain points west of Interstate Highway No. 25 within the State of Colorado, for the purpose of transporting them upon scenic tours, hunting trips, camping trips, and backcountry tours upon the minor roads and trails of western Colorado and, where necessary, upon regularly established roads and highways.

2. Applicants presented no evidence whatsoever from supporting witnesses as to public convenience and necessity or that there was any present or special need for the proposed service.

3. Applicants presented no evidence whatsoever concerning the availability or inavailability of existing service or that the existing service, if any, was inadequate to meet the particular transportation requirements sought herein.

4. Applicants failed to show that they had any experience in this type of business or that they had, in fact, any knowledge whatsoever of the rules and regulations of the Commission.

5. Applicants failed to show that the present or future public convenience and necessity requires or will require the transportation service applied for.

6. Applicants failed to show that there was presently no such transportation services available or that the existing service was inadequate to meet the particular transportation requirements sought herein.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24368 should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

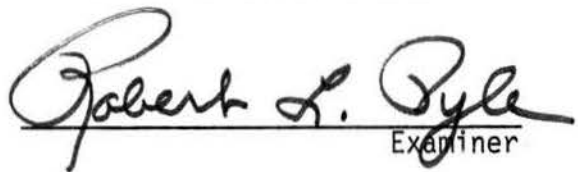
THE COMMISSION ORDERS:

1. That Application No. 24368, being an application of Paul E. Ferguson and Alice M. Ferguson, 7177 Dudley Drive, Arvada, Colorado, for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, denied.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/js

(Decision No. 75901 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF

NEBRASKA PROPANE COMPANY - SIDNEY  
DBA WILSON GAS COMPANY  
Post Office Box 282  
Sidney, Nebraska 69162

AUTHORITY NO. M 14048

CASE NO. 5855-M-Ins.

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September 18, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 24, 1970 , 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.

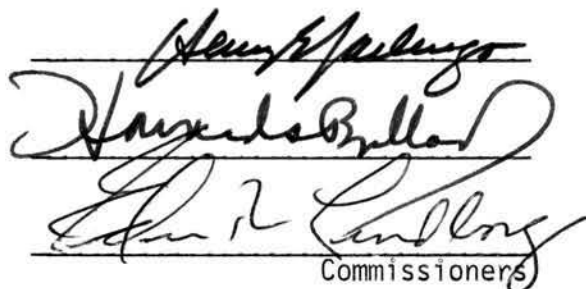
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 18th day of September, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF EUGENE R. BRANTNER, ROUTE 3, )  
BOX 446½, GREELEY, COLORADO, AND )  
DONALD L. BRANTNER, 137 SOUTH 5TH )  
STREET, LA SALLE, COLORADO, DOING )  
BUSINESS AS "WESTERN TRASH )  
SERVICE," FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 24271

SUPPLEMENTAL ORDER

-----  
September 18, 1970  
-----

Appearances: Melvin Dinner, Esq., Greeley,  
Colorado, for Applicants;  
Arthur R. Hauver, Esq., Denver,  
Colorado, for Londell A. Bunting,  
doing business as "Bunting Trash  
Service," John Kline, doing  
business as "Kline's Rubbish  
Removal," Bestway Disposal  
Company, Clarence Frei, Martin  
Frei, and Louise Frei, doing  
business as "The Way Rubbish  
Removal," Protestants;  
Dalton O. Ford and George L. Baker,  
Denver, Colorado, of the Staff  
of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 4, 1970, Recommended Decision No. 75538 of Robert L. Pyle, Examiner, was issued, granting Eugene R. Brantner and Donald L. Brantner, doing business as "Western Trash Service," 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 Melvin Dinner, Attorney for Applicants, stating that the Brantners now desire to use the trade name of "Brantner Trash Service," instead of "Western Trash Service," and request Commission approval therefor.

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.

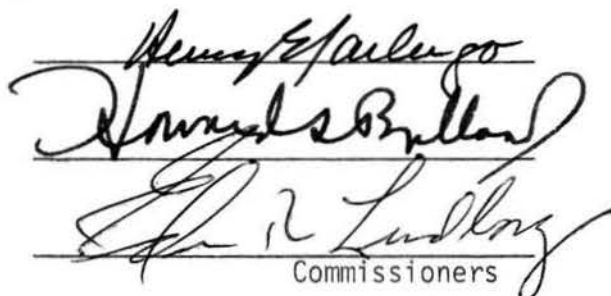
O R D E R

THE COMMISSION ORDERS:

That Eugene R. Brantner and Donald L. Brantner, doing business as "Western Trash Service," be, and hereby are, authorized to conduct operations under the trade name and style of Eugene R. Brantner and Donald L. Brantner, doing business as "Brantner Trash Service," in the conduct of operations granted by Recommended Decision No. 75538, dated August 4, 1970, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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 18th day of September, 1970.

js

(Decision No. 75903

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
HUNTINGBURG FURNITURE COMPANY )  
DIV. OF DOLLY MADISON FOODS, INC. )  
Huntington, Indiana 46750 )  
 )  
 )  
 )  
 )

AUTHORITY NO. M 7021

CASE NO. 5964-M-Ins.

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-----  
September 18, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970, 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zarlengo*  
*Donald S. Bullen*  
*Ed R. Lindberg*  
Commissioners

Dated at Denver, Colorado,  
this 18th day of September, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES Y. PHILLIPS, 2510 SOUTH )  
DELAWARE, DENVER, COLORADO, FOR )  
AUTHORITY TO OPERATE AS A CLASS )  
"B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )  
-----

APPLICATION NO. 24521-PP

ORDER OF THE COMMISSION

-----  
September 21, 1970  
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Appearances: Charles Y. Phillips,  
Denver, Colorado,  
pro se.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission, together with such additional information or data as may have been required of Applicant in connection

with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Charles Y. Phillips, 2510 South Delaware, Denver, Colorado, be and is hereby, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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



(4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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

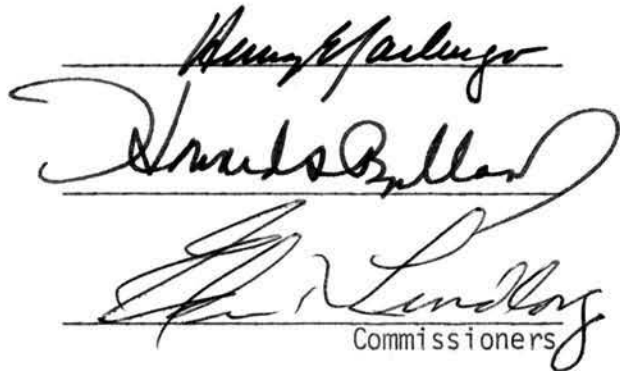
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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  
21st day of September, 1970. jk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., A COLORADO CORPORATION, 1600 )  
SHERMAN STREET, DENVER, COLORADO 80203, )  
FOR A DETERMINATION FOR RATE MAKING )  
PURPOSES OF THE REASONABLE VALUE OF )  
ITS GAS PROPERTIES DEVOTED TO PUBLIC )  
USE IN THE STATE OF COLORADO, THE FAIR )  
RATE OF RETURN THEREON, AND THE GROSS )  
REVENUES TO WHICH APPLICANT MAY BE )  
ENTITLED FROM ITS OPERATION OF SUCH )  
PROPERTIES. )  
-----

APPLICATION NO. 24282

SUPPLEMENTAL ORDER

-----  
September 18, 1970  
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Appearances: Wynn M. Bennett, Jr., Esq., Denver,  
Colorado, and  
Grant E. McGee, Esq., Denver,  
Colorado, for Applicant;  
T. L. Brooks, Esq., Montrose,  
Colorado, and  
J. D. Lincoln, Esq., Montrose,  
Colorado, for the City of Montrose;  
Walter W. Sapp, Esq., Colorado Springs,  
Colorado, for Colorado Interstate  
Gas Company and Trans-Colorado  
Pipeline Company;  
E. A. Stansfield, Esq., Denver, Colorado,  
for Western Slope Gas Company; and  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission.

PROCEDURE AND RECORD

On August 14, 1970, the Commission entered Decision No. 75639 authorizing the Applicant to file tariff revisions providing for increased rates for gas service. In addition, by virtue of the same decision, the Commission ordered Applicant to provide further evidence with respect to its gas supply and ordered that Colorado Interstate Gas Company, Trans-Colorado Pipeline Company and Western Slope Gas Company be made parties to the proceeding for the sole purpose of obtaining information as to any gas supply that such parties may have that could be made available to Rocky Mountain. The instant matter was duly set for hearing commencing

at 10 o'clock a.m., September 10, 1970, in the hearing room of the Commission, 1845 Sherman Street, Denver, Colorado. At the aforesaid time and place the matter was heard by Commissioners Edwin R. Lundborg and Howard S. Bjelland. Finally, the aforesaid decision also provided that the tariff revisions authorized to be filed should not become effective until the decision of the Commission is issued pursuant to the scheduled hearing as above set forth.

#### FINDINGS OF FACT

From the record herein the Commission finds as fact that:

1. The agreement for exchange gas at Divide Creek involving Cascade Natural Gas Company, Mountain Fuel Supply Company and Colorado Interstate Gas Company has been consummated and Rocky Mountain now has an adequate gas supply for the 1970-1971 heating season.

2. Colorado Interstate Gas Company has no supply of gas that can be made available to Rocky Mountain except short-term sale of up to 10,000 Mcf per day for the 1970-71 heating season -- referred to as exchange gas in Finding No. 1 above.

3. Except for short-term sale of up to 1,000 Mcf per day for the coming heating season, Western Slope Gas Company has no supply of gas that can be made available to Rocky Mountain, and, in fact, has no gas available for sale except to its present customers.

4. Trans-Colorado Pipeline Company has secured a 60% interest in the Southeast Lisbon Field in San Miguel County, Colorado, which is located approximately 20 miles west of the Andy's Mesa Field. Rocky Mountain is now supplied by pipeline from Andy's Mesa Field, which has adequate capacity to transport additional quantities of gas from the Southeast Lisbon Field. Trans-Colorado is currently negotiating for the remaining 40% interest in the field, and upon acquisition of all, or substantially all of this 40% interest, is willing to enter into an agreement to provide this gas to Rocky Mountain. Potential gas supply from this field may amount to 13,200 Mcf per day.

5. Cascade Land Leasing Company is currently negotiating to acquire a natural gas supply system in the Lower Horse Draw in Rio Blanco

County, Colorado. At the present time 4 existing wells have an aggregate deliverability of 4,500 Mcf per day in this area. An additional 10 wells on infield locations may be drilled shortly, and Cascade Land Leasing Company is willing to negotiate for the sale of part or all of this gas to Rocky Mountain.

6. Gasco, Inc., a subsidiary of Applicant, has commenced drilling a well in the Shire Gulch area in Mesa County, Colorado, and, if this well is successful, has plans to drill additional wells on acreage controlled by it. Any gas supply realized from such drilling program will be available to Rocky Mountain. The possibility exists that an additional gas supply may be realized from this program.

7. Because of the relative low load factor of Rocky Mountain, the principal need is for peak day deliverability rather than annual availability of gas. Accordingly, a gas storage system or a propane-air peak shaving plant may, to a large degree, aid in solving Applicant's gas supply problem.

The Commission concludes that prospects for obtaining a dependable long-range supply reasonably exist at this time and that the following Order should be entered.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. Applicant shall diligently pursue negotiations for acquisition of a reasonable long-term gas supply, including, but not necessarily limited to, negotiations with Trans-Colorado Pipeline Company, Cascade Land Leasing Company, and its own subsidiary, Gasco, Inc. as to the drilling program of such subsidiary.

2. Applicant shall proceed to investigate and conduct feasibility studies of both natural gas storage and propane-air peak shaving.

3. Applicant shall report to the Commission in writing of its progress in acquiring a long-term gas supply as stated herein. Such reports shall be filed with the Commission bi-monthly, commencing on November 1, 1970,

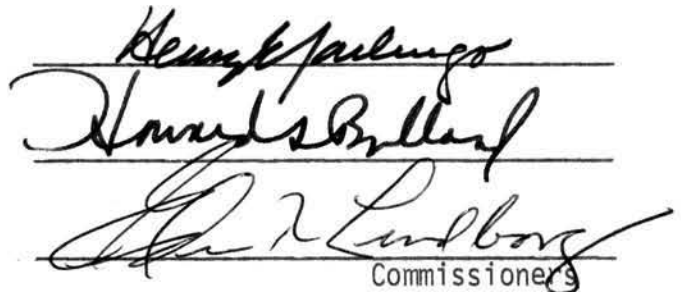
and every two months thereafter, to the end that an assured gas supply be secured not later than May 1, 1971.

4. Applicant shall file with the Commission, on or before February 1, 1971, feasibility studies of providing peak day gas by natural gas storage and by propane-air peak shaving plants.

5. The tariff revisions authorized by Decision No. 75639 be, and hereby are, permitted to become effective unless suspended by the Commission for further investigation.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 18th day of September, 1970.  
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ROGER ALLEN DBA )  
ALLEN CONSTRUCTION COMPANY )  
Post Office Box 1551 )  
Grand Junction, Colorado 81501 )

AUTHORITY NO. M 11518  
CASE NO. 5990-M-Ins.

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September 18, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970 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.

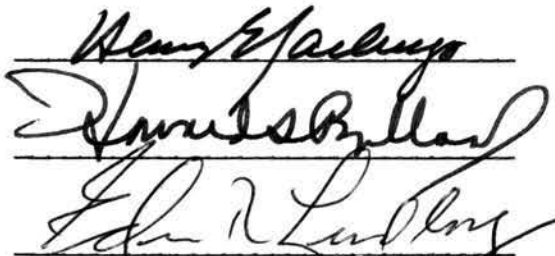
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 18th day of September, 1970.

(Decision No. 75907)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM J. MONTOYA, DOING BUSINESS )  
AS "VALLEY TAXI SERVICE," 717 NORTH )  
7TH, ROCKY FORD, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 1989 TO PAUL L. RANDALL, )  
DOING BUSINESS AS "VALLEY TAXI )  
SERVICE," 1500 ELM AVENUE, ROCKY )  
FORD, COLORADO. )  
-----

APPLICATION NO. 24430-Transfer

ORDER OF THE COMMISSION

-----  
September 21, 1970  
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Appearances: Lewis T. Babcock, Esq., Rocky Ford,  
Colorado, for Applicants.

It appearing, That by Order of the Commission dated July 9,  
1970, notice of the filing of the above-entitled application was given  
to all interested persons, firms and corporations pursuant to CRS 1963,  
115-6-8 (2);

It further appearing, That no protest, objection or petition  
to intervene or otherwise participate in the proceeding has been filed  
by any person within the time prescribed by the Commission in said  
Order, and that the herein proceeding is therefore noncontested and  
unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5)  
the herein matter is one which may properly be determined without the  
necessity of a formal oral hearing and that the taking of evidence in  
this proceeding should be by reference to the verified application as  
filed with the Commission, together with such additional information or  
data as may have been required of Applicants in connection with said  
filing, and the files and records of the Commission;



And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that and appropriate Order should be entered; and

IT IS ORDERED, That William J. Montoya, doing business as "Valley Taxi Service," 717 North 7th, Rocky Ford, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1989 to Paul L. Randall, doing business as "Valley Taxi Service," 1500 Elm Avenue, Rocky Ford, 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. 1989 shall read and be as follows, to wit:

"Transportation -- in taxicab service -- of

(1) Passengers

Between all points within Rocky Ford, Colorado, and a ten (10) mile radius thereof, and from and to said points, to and from points within a seventy-five (75) mile radius of Rocky Ford, Colorado.

RESTRICTION: Item No. 1 is restricted against rendering transportation service within Pueblo, Colorado, and



La Junta, Colorado.

(2) Packages

Between all points within Rocky Ford, Colorado, and a five (5) mile radius thereof.

RESTRICTION: Item No. 2 is restricted as follows:

- (a) Each shipment transported shall not exceed one hundred (100) pounds, regardless of the number of packages involved.
- (b) Restricted to the use of taxicab equipment."

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 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.

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

That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations

under said Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
21st day of September, 1970. jk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CITIZENS UTILITIES COMPANY FOR )  
AN ORDER AUTHORIZING THE ISSUE AND )  
SALE OF BONDS IN THE PRINCIPAL )  
AMOUNT OF \$23,000,000 UNDER ITS )  
INDENTURE OF MORTGAGE AND DEED OF )  
TRUST AS SUPPLEMENTED AND AMENDED. )  
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APPLICATION NO. 24511  
Securities

-----  
September 21, 1970  
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Appearances: Lee, Bryans, Kelly & Stansfield  
Esqs., Denver, Colorado, by  
Donald D. Cawelti, Esq. for  
Applicant;  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission; and  
James A. VanderWal, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

By the above-captioned application filed on August 24, 1970, Citizens Utilities Company, a corporation herein called "Applicant," authorized and doing business in Colorado, seeks an Order from the Commission, pursuant to Section 115-1-4, CRS 1963, authorizing it to issue and sell up to \$23,000,000 in aggregate principal amount of bonds in one or more additional series of bonds to be issued under Applicant's Indenture of Mortgage and Deed of Trust dated as of March 1, 1947. The bonds are to be sold at a price and at an interest rate to be determined by competitive bids to be submitted by the proposed bond purchasers.

Due and proper notice of a public hearing on said Application at 9 o'clock A.M. on September 18, 1970, was given to all interested persons, firms or corporations on August 25, 1970. On said date, in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, the matter was duly heard by Commissioner Howard S. Bjelland to whom the matter was assigned. At the conclusion of the hearing, the matter was taken under advisement.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the application. Upon verbal motion of Applicant's attorney made at the commencement of said hearing, Paragraph 9 of the original Application as filed with the Commission was amended by deleting therefrom the reference contained therein to Exhibit 8 "Estimated Expenses Payable by Applicant" and to Exhibit 10 "Registration Statement and Preliminary Prospectus". Exhibit 9 in the Application "Draft of Fourteenth Supplemental Indenture to be Dated as of November 1, 1970," was changed to Exhibit 8.

The Applicant is incorporated under the laws of the State of Delaware, with its principal place of business in Stamford, Connecticut, and is properly qualified to do business in the State of Colorado.

The Applicant engages primarily in the generation, purchase, transmission, distribution and sale at wholesale and retail of electric energy in the States of Arizona, Hawaii, Idaho and Vermont; the purchase, distribution and sale of natural gas in the States of Arizona and Colorado; the operation of water and wastewater systems in the State of Arizona and the operation of water systems in the State of Idaho; and the operation of a telephone system in the State of Arizona. The subsidiaries of the Applicant engage in the rendering of the following services: in the State of Arizona, telephone, water and wastewater; in the State of California, telephone and water; in the State of Illinois, water and wastewater; in the State of Indiana, water; in the State of Ohio, water; and in the State of Pennsylvania, telephone and water. In Colorado, pursuant to certificates of public convenience and necessity issued by this Commission, Applicant distributes natural gas at retail in the town of Bayfield in La Plata County; Cheraw, Fowler, La Junta, Manzanola, Rocky Ford and Swink in Otero County; Crowley, Olney Springs, Ordway, Sugar City in Crowley County; Las Animas in Bent County and Pagosa Springs in Archuleta County. Applicant's principal office in the State of Colorado is located in La Junta.

Applicant's evidence showed that the proposed new bonds will constitute one or more additional series of bonds to be issued under Applicant's Indenture of Mortgage and Deed of Trust dated as of March 1, 1947, as supplemented by thirteen existing indentures supplemental thereto, and a proposed Fourteenth Supplemental Indenture, to be dated as of November 1, 1970. The final maturity date (or dates, if bonds maturing on different dates are to be issued) and the principal amount of any bonds to mature on each maturity date will be determined by the Applicant prior to the receipt of bids on the bonds. The interest rate, or rates, will be determined by the successful bidder, or bidders, and the bidding date will be November 18, 1970, or such other date as may be determined by Applicant in accordance with its public invitation for proposals to purchase the bonds. Applicant will accept the bid for each series of bonds which will provide the lowest cost of money to the Applicant unless all bids are rejected or certain bids are excluded for reasons specified in the public invitation for proposals.

The maturity date or dates of the bonds will be not less than five years nor more than thirty years from the date of the bonds.

The bonds will be secured by a first lien on physical property of the Applicant and by the pledge of securities of subsidiaries of the Applicant owning physical property used in the business of such subsidiaries.

The net proceeds from the sale of the bonds will be used first to discharge short-term bank loans already incurred by Applicant and to be incurred up to the date of the sale of the bonds. The proceeds of such short-term loans were used, together with other funds of the Applicant, for the construction, extension and improvement of Applicant's public utility facilities. On July 15, 1970, the amount of such loans outstanding was \$17,700,000. The estimated outstanding amount of such loans on December 1, 1970, is \$22,000,000. The balance of the net proceeds (if any) from the sale of the bonds will be added to the general funds of Applicant and will

be used to provide a portion of the funds required for the construction, extension and improvement of Applicant's public utility facilities.

There were introduced and admitted in evidence in these proceedings Exhibits which include (1) a Consolidated Balance Sheet of Applicant and its Subsidiaries as of June 30, 1970, together with (1-A) an unconsolidated Balance Sheet of Applicant as of the same date; (2) a Consolidated Income Statement of Applicant and its Subsidiaries for the twelve months' period ended June 30, 1970, together with (2-A) an unconsolidated Income Statement of Applicant Itself for the same period; (3) a Statement of the Funded Debt of Applicant and its Subsidiaries as of June 30, 1970, together with (3-A) a Statement of the Funded Debt of Applicant alone as of the same date; (4) a Statement of the Short-Term Debt of Applicant consisting of 90 day Notes Payable to Marine Midland Grace Trust Company of New York outstanding as of June 30, 1970; (4-A) an unconsolidated Pro-Forma Balance Sheet as of June 30, 1970, giving effect to issuance of \$23,000,000 First Mortgage and Collateral Trust Bonds; (5) a Statement of Dividends paid on Common Stock of Applicant for the years 1965 through 1969, and for the six months ended June 30, 1970; (6) a Statement showing the Capitalization Ratios of Applicant and its Subsidiaries as of June 30, 1970; (7) a Statement of the same Capitalization Ratios giving effect to issuance of \$23,000,000 long-term debt and repayment of bank borrowings; and (8) a draft of the proposed Fourteenth Supplemental Indenture to be dated as of November 1, 1970. The above named Exhibits which are respectively 1 through 8 in these proceedings, together with 1A, 2A, 3A and 4A are hereby made a part of this Statement, by reference.

From the evidence, it further appears that after giving effect to the issuance of the proposed \$23,000,000 in bonds, as herein applied for, the aggregate principal amount of funded indebtedness of the Company (and including its subsidiaries) which will be outstanding after the



issuance of said Debentures will be 48.32% of the total capital structure of the Company; and that earnings available for interest on this debt obligation of the Company and its subsidiaries will be adequate.

Applicant estimates that the expenses which it will incur in connection with the issuance and sale of the proposed bonds will not exceed \$175,000.

#### FINDINGS OF FACT

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

1. Applicant, Citizens Utilities Company, a Delaware corporation, is a public utility as defined in Section 115-1-3, CRS 1963.

2. The Commission has jurisdiction of said Applicant and the subject matter of the application herein.

3. The Commission is fully advised in the premises.

4. The facts contained in the foregoing Statement of the Procedure and Record shall be made a part of these Findings, by reference.

5. The proposed issue and sale by Applicant of up to \$23,000,000 principal amount of bonds, as hereinabove set forth, for the purpose of providing funds for refunding outstanding short-term obligations of Applicant incurred to carry out its corporate powers for the construction, extension and improvement of the public utility facilities is consistent with, and permitted by, the provisions of Chapter 115, Colorado Revised Statutes, 1963, as amended, and not inconsistent with the public interest and the purpose or purposes thereof.

6. The issuance and sale by Applicant of the proposed bonds, as hereinabove set forth, is reasonably required and necessary for its corporate financing and for the repayment of its short-term indebtedness, as aforesaid.

The Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner be omitted and that the

Comission make the initial decision in this case, even though it has not presided at the taking of evidence.

#### CONCLUSION

It is the conclusion of the Commission that the authorization sought in the aforesaid application should be granted, and the following Order should be entered.

#### O R D E R

##### THE COMMISSION ORDERS:

That Citizens Utilities Company be, and it hereby is, authorized to issue up to \$23,000,000 principal amount of bonds as authorized by its Indenture dated March 1, 1947, and the Supplements thereto hereinabove described, and to sell such bonds at the best price obtainable through the competitive bidding procedures proposed by Applicant and described herein.

That the securities authorized to be issued and sold hereunder shall bear on the face thereof, a serial number for proper and easy identification; and within ninety (90) days after the issuance and sale of said securities, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are initially issued.

That Applicant be, and it hereby is, authorized to use and apply the net proceeds derived from the issuance and sale of such bonds for the lawful refunding of Applicant's outstanding short-term obligations.

That Applicant shall review the bids received by it from the proposed purchasers of said bonds and upon the acceptance of the bid most favorable to Applicant, shall within ninety (90) days thereafter, file a Statement with the Commission showing the stated interest rate, the price to Applicant, and the actual cost of money to Applicant.



That the Applicant shall make a certified report to the Commission not later than ninety (90) days after completion of the sale of the securities herein authorized stating the moneys received therefrom and the detailed expenses incident to such sale, accompanying the same with copies of the entries recorded on the books of the Applicant as a result of the consummation of the financing as before provided, together with a conformed copy of the Fourteenth Supplemental Indenture proposed to be dated as of November 1, 1970, and Applicant's Registration Statement and Prospectus as filed with the Securities Exchange Commission and effective on the date of the issuance and sale of said bonds pertaining to such securities.

That Applicant be, and it hereby is, authorized in reflecting in its accounts the consummation of the financing outlined above, to make and record the proper accounting entries in accordance with the Uniform System of Accounts for Gas Utilities prescribed by the National Association of Regulatory Utility Commissioners, and adopted by this Commission.

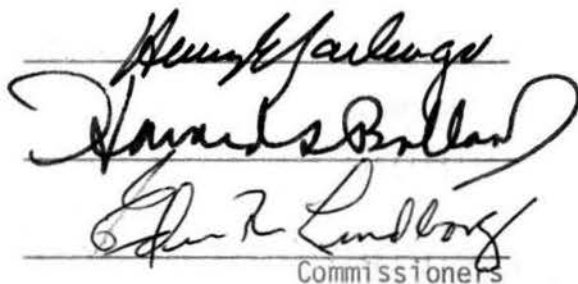
That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to said bonds to be issued and sold as herein authorized on the part of the State of Colorado.

That the Commission retains jurisdiction of this proceeding to the end that it may make such further order in the premises as to it may seem to be proper and desirable.

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

That the within Decision and Order shall be the initial Decision  
and Order of the Commission as provided for in Chapter 115-6-9 (6), CRS  
1963, as amended

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
21st day of September, 1970.  
js

(Decision No. 75909)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF SOUTHEAST COLORADO POWER ASSO- )  
CIATION, 901 WEST THIRD STREET, )  
LA JUNTA, COLORADO, FOR PERMISSION )  
TO BORROW MONEY AND FOR AN ORDER )  
AUTHORIZING ISSUE OF SECURITIES. )

APPLICATION NO. 24527 - Securities

September 22, 1970

Appearances: Carl M. Shinn, Esq.,  
Lamar, Colorado,  
for Applicant;  
Girts Krumins, Esq.,  
Denver, Colorado, for the  
Staff of the Commission; and  
James A. VanderWal,  
Denver, Colorado, of the  
Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On September 1, 1970, Southeast Colorado Power Association (hereinafter referred to as Southeast or Applicant) filed with the Commission the above-entitled captioned application requesting authority (1) to issue a Mortgage Note, in the principal amount of \$1,089,000, to The United States of America bearing interest at the rate of two percent (2%) per annum and payable within thirty-five (35) years after the date thereof, and (2) to approve an Amendment, dated August 17, 1970, to the Amending Loan Contract between Southeast and The United States of America, dated March 2, 1967, as amended, setting a maximum which may be borrowed by the Applicant at \$13,966,810.

The herein matter -- after due and proper notice -- was set for hearing on September 14, 1970, at 9 a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver,

Colorado, and, at the aforesaid time and place, was heard by Commissioner Edwin R. Lundborg to whom the matter was assigned pursuant to law.

No written protests hereto were filed and no one appeared at the hearing in opposition to the granting of the authority sought herein.

At the conclusion of the hearing, the matter was taken under advisement.

Applicant is engaged in the business of operating as an electric public utility and, as such, is engaged in the business of transmitting and distributing electrical energy to its members and non-members in the following counties in the State of Colorado: Baca, Bent, Cheyenne, Crowley, El Paso, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo.

M. J. Hilton, Manager of Southeast, appeared and testified on its behalf.

The herein involved loan has been approved by both the Rural Electrification Administration and the Board of Directors of Southeast. The loan funds, sought to be approved herein, will be used by Southeast for improvements to its system; for the construction, completion, expansion and improvement of its properties; for the improvement and maintenance of its service; and for other lawful purposes.

Witness Hilton sponsored Exhibit A being the form of Amendment to the Amending Loan Contract dated August 17, 1970; Exhibit B being the form of the proposed Mortgage Note between Southeast and The United States of America; Exhibit C being a copy of the Amending Loan Contract dated March 2, 1967; and Exhibit D being a copy of Commission Decision No. 69863 dated July 27, 1967, wherein the Commission authorized and approved the Amending Loan Contract dated March 2, 1967.

Exhibit H being the Cost Estimate and Loan Budget itemizes in the manner as set forth below the cost for which the proposed loan will be used:

## DSTIRBUTION

7.0 miles conversion and line changes	\$ 19,600
Increase capacity -	
Las Animas substation 2000 KVA to 3750 KVA	40,500
Increase capacity -	
La Junta substation 3750 KVA to 5000 KVA	48,000
Increase capacity -	
Walsh substation 1500 KVA to 3750 KVA	44,000
300 transformers and 300 meters to increase capacity of existing consumers	78,000
Service wires to increase capacity of existing consumer services	60,000
Sectionalizing equipment	37,143
Regulators	95,000
Engineering fees	<u>6,712</u>
TOTAL DISTRIBUTION	\$ 428,955

## TRANSMISSION

New substation at La Junta 115/69 KV	\$266,900
New substation at Lamar 115/69 KV	346,350
Substation sites procurement	10,000
Engineering fees	<u>36,795</u>
TOTAL TRANSMISSION	<u>660,045</u>
TOTAL DISTRIBUTION AND TRANSMISSION	\$1,089,000

The Cost Estimate and Loan Budget was prepared in cooperation with C. H. Guernsey & Company, consulting engineers and REA personnel. Southeast had originally submitted a loan request for \$1,706,110 but, due to a shortage of loan funds, the Rural Electrification Administration reduced the request to \$1,089,000. The proposed loan will satisfy Southeast's construction requirements for approximately two years.

Witness Hilton also sponsored Exhibit E being the Operating Statement for the twelve months ending July 31, 1970; Exhibit F being the Balance Sheet as of July 31, 1970; Exhibit G being the Financial Forecast for the years 1970 through 1979; Exhibit I being the Power Requirements Study dated July 15, 1969; and Exhibit J being the Statement of Revenue and Expense -- as of Decemeber 31 -- for the years 1965 through 1969.

The Operating Statement, Exhibit E, disclosed total margins for the twelve months ending July 31, 1970, at \$86,234. For the same

period, depreciation and amortization expenses, non-cash items, were \$317,734. The addition of the two figures indicates that Southeast's approximate cash generation for the fiscal year ending July 31, 1970, was \$403,968.

Exhibit F, Balance Sheet as of July 31, 1970, disclosed that long-term debt amounted to \$6,985,721. The debt-equity ratio, as of the same date, was 88.8% debt and 11.2% equity.

Southeast presently has advance payments to the Rural Electrification Administration in the amount of approximately \$300,000. This amounts to about seven months advance payments under present debt requirements which are approximately \$488,000 annually. Southeast is current in its debt service payments to the Rural Electrification Administration.

The Financial Forecast, Exhibit G, was prepared by Southeast in cooperation with REA personnel and C. H. Guernsey & Company, consulting engineers. The basis for the Financial Forecast was a Power Requirements Study, Exhibit I. The Forecast projects operating revenues of \$1,623,813 in the year 1970; \$1,975,760 in the year 1974; and \$2,380,566 in the year 1979. Total margins have been forecasted to be \$93,056 in the year 1970; \$134,951 in the year 1974; and \$215,706 in the year 1979.

The record as made indicates that Southeast is serving approximately 6,800 customers at the present time and that no rate increase would be necessary if the proposed loan as sought is approved by the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

1. That the Applicant, Southeast Colorado Power Association, is a public utility, as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.
2. That the Commission has jurisdiction over the Applicant and the subject matter of this application.

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

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

5. That this Commission is fully advised in the premises.

6. That the Amendment, dated August 17, 1970, to the Amending Loan Contract between Southeast Colorado Power Association and The United States of America, dated March 2, 1967, as amended, Exhibit A herein, should be authorized and approved.

7. That the Mortgage Note, payable to The United States of America, designated Colorado 17-AC Prowers, in the amount of \$1,089,000, Exhibit B in this proceeding, is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963, and therefore, should be authorized and approved.

8. That since Chapter 115-1-4, Colorado Revised Statutes, 1963, requires security applications be disposed of within thirty (30) days, the due and timely execution of the functions of the Commission imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner in this matter be omitted and that this Decision should be the initial Decision of the Commission.

An appropriate Order will be entered.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That the Amendment, dated August 17, 1970, to the Amending Loan Contract between Southeast Colorado Power Association and The United States of America, dated March 2, 1967, as amended, Exhibit A herein, be, and the same hereby is, authorized and approved.

2. That the issuance of the Mortgage Note, payable to The United States of America, designated Colorado 17-AC Prowers, in the



amount of \$1,089,000, Exhibit B herein, be, and the same hereby is, authorized and approved.

3. That within one hundred twenty (120) days of the execution of the Mortgage Note for \$1,089,000 authorized herein, Southeast Colorado Power Association shall file with this Commission one (1) conformed copy of such executed Note and one (1) conformed copy of each other document made and entered into in connection herewith.

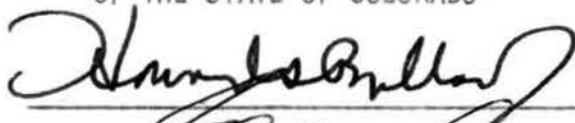
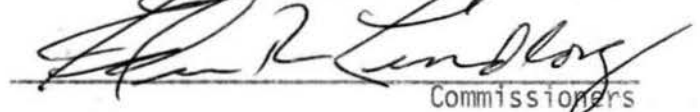
4. That nothing herein shall be construed to imply any recommendation or guaranty of or any obligation with regard to said securities on the part of the State of Colorado.

5. That the Commission retains jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

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

7. That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9(6), Colorado Revised Statutes, 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY  
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this  
22nd day of September, 1970.  
vjr



(Decision No. 75910 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

DAVID L. BEAGLE  
Route 1, Box 729  
Golden, Colorado 80402 )

AUTHORITY NO. M 12297

CASE NO. 5938-M-Ins.

-----  
September 21, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970, 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.

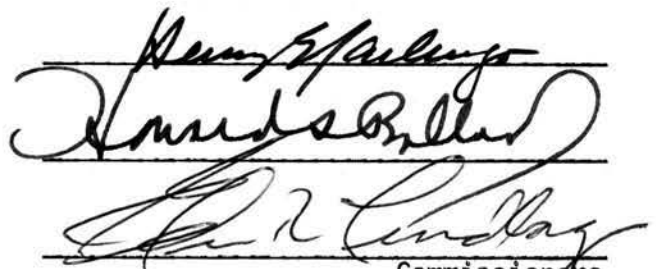
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 21st day of September, 1970

(Decision No. 75911)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, ABEYTA TRUCKING, )  
P. O. BOX 212, SAGUACHE, COLORADO )  
81149, UNDER PERMIT NO. B-7020 )  
----- )

CASE NO. 124-AR

SUPPLEMENTAL ORDER

September 21, 1970

Appearances: Mr. Irven T. Burke, Denver, Colorado  
of the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

On September 10, 1970, the Commission entered Decision No. 75829 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Abeyta Trucking, being Permit No. B-7020, be, and the same hereby is, revoked and cancelled as of October 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before October 10, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before October 10, 1970.

Inasmuch as the Respondent, Abeyta Trucking, has filed its Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before October 10, as provided in Decision No. 75829, the Commission states and finds that Permit No. B-7020 should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75829, dated September 10, 1970, providing for the revocation and cancellation of Permit No. B-7020, 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  
21st day of September, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TRANSPORTATION ENTERPRISES, INC., )  
16TH STREET AT SABINE, AUSTIN, TEXAS, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 24263

RECOMMENDED DECISION OF  
ROBERT L. PYLE, EXAMINER

-----  
September 22, 1970  
-----

Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, and  
Daniel Felts, Esq.,  
Austin, Texas, for  
Applicant.  
David Butler, Esq.,  
Denver, Colorado, for  
Denver-Boulder Bus Company;  
Colorado Motorway, Inc.; and  
National Tours, Inc., Pro-  
testants.  
Walter M. Simon, Esq., Denver,  
Colorado, for Rocky Mountain  
Motor Company, Inc., Protestant.  
John H. Lewis, Esq., Denver,  
Colorado, for Greyhound Lines,  
Inc., Protestant.  
R. B. Danks, Esq., Denver,  
Colorado, for Denver Tramway  
Charter Co., Protestant.  
John R. Barry, Esq., Denver,  
Colorado, for Denver-Colorado  
Springs-Pueblo Motorway, Inc.;  
Denver-Salt Lake-Pacific Stages,  
Inc.; American Bus Lines, Inc.;  
Continental Bus System, Inc.  
(Rocky Mountain Lines Division);  
Continental Bus System, Inc.; and  
Continental Central Lines, Inc.,  
Protestants.  
Dalton O. Ford, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of March 24, 1970, Applicant filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

In due course, Protests were received from the following: Denver-Colorado Springs-Pueblo Motorway, Inc.; Denver-Salt Lake-Pacific Stages, Inc.; American Bus Lines, Inc.; Continental Bus System, Inc. (Rocky Mountain Lines Division); Continental Bus System, Inc.; Continental Central Lines, Inc.; Denver Tramway Charter Co.; Greyhound Lines-West; Denver-Boulder Bus Company; Colorado Motorway, Inc.; San Juan Tours, Inc., doing business as "Glenwood-Aspen Stages"; The Pikes Peak Automobile Company; Rocky Mountain Motor Company, Inc.; and National Tours, Inc.

The Commission assigned No. 24263 to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on June 3, 1970, at 10 a.m. The hearing was commenced at the aforesaid time and place and continued for hearing on June 4 and 5, 1970, and was further continued for hearing on July 13, 14, and 15, 1970, at which time the said matter was concluded.

The following witnesses testified in support of the application:

Conwell Smith, Khristine Eroshevich, Barbara Hinton, Joanne Meras, Loretta McCarthy, Dorothy Berry, Mary Desmond, Donna Odom, Mary Ann Chapman, Ernest T. Garner II, Frances T. Conn, Phillip C. Brown, Lee Patrick Kaspari, Harry Maxwell, Gilbert Dahlberg, Elizabeth Hayden, Joe J. Keen, Louis E. Bowlds, Gary Krueger, Mark Brauckman, June H. Meyer, Monika Bonds, Margaret L. S. Johnson, Cornelia Vertenstein, Larry H. Trinco, Christine Demaree, Joseph A. Tasset, Robert L. Polzin, and Glenda B. Thurman.

The following witnesses testified in protest of the application:

Thurston D. Cox, M. G. Gragg, C. Walters, Donald James, and Jerry C. Wilson.

Exhibits numbered 1 through 41, inclusive, were tendered and admitted into evidence.

At the hearing, the Examiner dismissed the Petition for Leave to Intervene filed by San Juan Tours, Inc., doing business as "Glenwood-Aspen Stages," and The Pikes Peak Automobile Company for their failure to appear at the hearing.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### DISCUSSION AND COMMENTS BY EXAMINER

Because of the various ramifications of this case, it is felt that a brief Discussion would be in order. The matters covered herein are as follows:

1. The wording of the application for commuter service.
2. The existing common carrier service.
3. Public convenience and necessity.

#### THE WORDING OF THE APPLICATION FOR COMMUTER SERVICE

The application requests a certificate of public convenience and necessity authorizing the Applicant to perform a commuter service

"to transport passengers for hire, limited to students, faculty, and staff of the University of Colorado in Boulder, together with baggage that might accompany them, e.g., books, brief cases and other personal items, between Aurora, Colorado, through Denver, Colorado, to Boulder, Colorado, and return, restricted (1) to the use of equipment of school bus-type and (2) to the sale of tickets in books of not less than 10 one-way or 5 round-trip."

In addition to the regular-route commuter service as set forth above, Applicant further requested authority

"to render a charter service operating from Denver, Boulder, Colorado Springs, and the Air Force Academy,

Colorado, to all points in Colorado, limited to vehicles having a seating capacity of greater than 30 passengers, of the school bus variety of equipment."

With respect to the regular-route commuter service pursuant to the testimony of Mr. Conwell Smith, Vice-President and a member of the Board of Directors of the Applicant corporation, the Applicant proposes to sell not less than 10 one-way or 5 round-trip tickets to students, faculty, and staff of the University of Colorado in Boulder, Colorado; for transportation to and from Boulder and the Denver metropolitan area over two (2) separate routes with several intermediate stops. The first of these routes would begin on East Colfax Avenue at or near its intersection with Interstate Highway No. 225 in the City of Aurora; thence west on Colfax Avenue to Colorado Boulevard; thence north on Colorado Boulevard to Interstate Highway No. 70; thence west on Interstate Highway No. 70 to Wadsworth Boulevard (Colorado Highway No. 121); thence north on Wadsworth Boulevard to Broomfield; thence to Boulder on U. S. Highway No. 36. The second route proposed is a route beginning in the City and County of Denver at South Colorado Boulevard and East Hampden Avenue; thence north on Colorado Boulevard to East 8th Avenue; thence west on East 8th Avenue to Speer Boulevard; thence northwesterly on Speer Boulevard to Federal Boulevard; thence north on Federal Boulevard to West 38th Avenue; thence west on West 38th Avenue to Wadsworth Boulevard (Colorado Highway No. 121); thence north on Wadsworth Boulevard to Broomfield; thence to Boulder on U.S. Highway No. 36. Applicant further proposes to make numerous stops along these routes as the demand warrants, particularly at or near shopping centers where passengers would park their cars and board the bus to the University of Colorado campus in Boulder, disembarking at such desirable terminals as would be warranted. In fact, Applicant proposes specific terminal stops in Boulder. Returns from the Boulder campus would be along the same routes set forth above.



The application for commuter service requests transportation of persons between Aurora, Colorado, through Denver to Boulder, Colorado, and return. Nothing whatsoever is said about intermediate stops. This must, therefore, be interpreted as meaning that all service shall originate or terminate in either Aurora or Boulder. To grant anything else would be to expand the application, which this Commission cannot do for the reason that notice was not so given and, if the service were granted with the above limitation, its operation would not be economically feasible. It therefore follows that the service contemplated by Applicant, as outlined above, is not within this limited purview of its application and, in fact, goes far beyond the wording of the application. To grant the application as applied for would only lead to confusion and misinterpretation as time went by and would not be in the public interest.

With respect to the purported charter service, Applicant proposes to furnish a charter service operating out of Denver, Boulder, Colorado Springs, and the Air Force Academy to all points in the State of Colorado. Here, Applicant proposes to use school bus-type equipment that carry no less than 30 passengers. Not only did Applicant fail to show that the public convenience and necessity requires or will require such service but Applicant further failed to show that there is any present or special need for the service or that the existing service is inadequate. In fact, there is ample charter bus service from these areas, and to place an additional charter service into these areas would greatly deter existing carriers. It should further be noted that large school bus-type equipment, as Applicant proposes to use, is not feasible for use in the mountainous areas where most of the charter service is performed and it should further be noted that such type equipment does not have restroom facilities, air conditioning, or the comfortable type of seats that a regular over-the-road bus contains and would not be well suited for the proposed charter service.

#### EXISTING COMMON CARRIER SERVICE

As indicated above, it is found without question that there is ample and adequate existing service in the charter field that fully meets



the particular charter transportation requirements sought herein and, although there is only one regular-route bus service operating between Boulder and Denver, Colorado, namely, Denver-Boulder Bus Company, under its Certificates of Public Convenience and Necessity PUC No. 43 and PUC No. 43-I, it, too, is furnishing an adequate service so as to meet the particular regular-route transportation requirements sought by this application. It must be pointed out in this respect that the "transportation of persons for hire" is still regulated in the State of Colorado under the doctrine of "regulated monopoly" as distinguished from the doctrine of "regulated competition" as set forth in 115-9-5 (2), CRS 1963, as amended, commonly referred to as Senate Bill 208. Although there were numerous witnesses who testified in support of this application, their testimony left a lot to be desired with respect to any present and special need for additional service as will be commented upon later. Mr. Donald James, owner and operator of Protestant Denver-Boulder Bus Company, testified that they would make every effort to expand their present service if necessary so as to satisfy the needs and demands of those few students who might possibly require bus service between Denver and Boulder. Denver-Boulder Bus Company therefore sustained any burden of proof that might have been required of them so as to satisfy the requirements of "adequacy of existing service" under the doctrine of "regulated monopoly".

#### PUBLIC CONVENIENCE AND NECESSITY

There were approximately 20 to 25 public witnesses who testified in support of the regular-route service requested by this application. With rare exception, these witnesses are living in Denver and the metropolitan area because of personal choice as distinguished from necessity and have ample means to live where they desire and attend the university they might desire. Again with rare exception, these supporting witnesses merely want an additional service so as to make it more convenient to use a bus occasionally and still allow them to live where their personal desires might dictate. At least one witness testified that he drove a reasonably new

automobile from Denver to Boulder so as to attend the University of Colorado and complained that because of financial reasons, he was unable to live on campus. Other witnesses testified that they lived in the far southwest or southeast corners of the metropolitan area for various and sundry personal reasons and some testified that they lived "off campus" so as to avoid having to abide by dormitory rules and regulations on the University of Colorado campus. These persons are actually placing their personal desires above that of getting an education and should not look to this Commission for assistance in satisfying those special interests.

Joe J. Keen, Vice-President for the University Centers in Denver and Colorado Springs and former Associate Dean of Arts and Sciences on the Boulder campus, called as a witness for Applicant, testified that there were, in all, approximately 35,000 students, of which approximately 20,000 are on the main campus in Boulder, approximately 6,500 at the Denver Center, approximately 2,000 at the University Medical Center, approximately 2,000 at the Colorado Springs Center and the balance scattered around the state. He further testified and these matters are found as fact that although parking is a difficult matter on any university campus, the campus in Boulder is in a better situation than in the more congested areas and parking is at least available in outlying areas for those who commute to the Boulder campus. He further testified and it is found as a matter of fact that the University of Colorado operates a shuttle bus service between the Boulder campus, the Denver Center and the Medical Center in Denver which provides sufficient service to those students and faculty who, by reason of necessity, are required to be present in those locations. Dean Keen stated and it is found as a fact that of the 20,000 students on the Boulder campus, approximately 2,000 are commuting. This 2,000 figure includes all students who "live off the Boulder campus". This means that a student might even live in Boulder within walking distance of the campus and still be included in that figure. It would also include those students who might perhaps live in Longmont, Greeley, Fort Collins, or other towns in the state and commute to the Boulder campus.

### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Texas corporation which is not presently qualified to do business in the State of Colorado as a foreign corporation but, if granted authority from this Commission, Applicant would so qualify itself to do business in the State of Colorado as a foreign corporation.

2. By this application, Applicant seeks a certificate of public convenience and necessity to transport passengers together with baggage that might accompany them, e.g., books, brief cases, and other personal items between Aurora, Colorado, through Denver, Colorado, to Boulder, Colorado, and return, restricted, however, to the transportation of students, faculty, and staff of the University of Colorado in Boulder and further restricted to the use of equipment of school bus-type and the sale of tickets in books of not less than 10 one-way or 5 round-trip. Further, in addition to requesting the regular-route operation, Applicant requests authority to render a charter service operating from Denver, Boulder, Colorado Springs, and the Air Force Academy to all points in the State of Colorado, restricted to the use of school bus-type equipment having a seating capacity of more than 30 passengers per bus.

3. The application was protested by Denver-Boulder Bus Company which holds Certificates of Public Convenience and Necessity PUC No. 43 and PUC No. 43-I and which furnishes a regular-route bus operation for the transportation of passengers between Denver and Boulder together with a charter service. The application was further protested by Denver-Colorado Springs-Pueblo Motorway, Inc.; Denver-Salt Lake-Pacific Stages, Inc.; American Bus Lines, Inc.; Continental Bus System, Inc. (Rocky Mountain Lines Division); Continental Bus System, Inc.; and Continental Central Lines, Inc.; by Greyhound Lines, West; by Rocky Mountain Motor Company, Inc.; by Denver Tramway Charter Co.; and by National Tours, Inc., all of whom hold authority for and furnish charter service in the area encompassed in the application.

4. The evidence presented by the Applicant at hearing pertained entirely to two tentative routes; and all prospective users of the Applicant's service proposed to board such service on one or the other of such routes. One of these routes begins in Aurora, Colorado, and passes through Denver along Colfax Avenue. The other route begins at Hampden Avenue and South Colorado Boulevard and does not pass through any portion of Aurora, Colorado. This latter route includes stops at South Colorado Boulevard and Hampden Avenue, University Hills Shopping Center, and the White Spot restaurant located at the intersection of South Colorado Boulevard and Arkansas Avenue.

5. The stops described above on Colorado Boulevard are not located on or near any commuter route proposed by the Applicant between Aurora, Colorado, and Boulder, Colorado. Said points are not located on or near any commuter route which could reasonably be operated to provide service between Aurora, Colorado, and Boulder, Colorado.

6. The Notice of Application given in this case does not give notice of requested authority for transportation along the route beginning at the intersection of South Colorado Boulevard and Hampden Avenue nor does it give notice for intermediate stops along the route from Aurora to Boulder. Further, the application does not request anything other than origination or termination in either Aurora or Boulder.

7. Applicant failed to show that there was any present and special need for additional service as applied for.

8. Applicant failed to show that the present or future public convenience and necessity requires or will require such service.

9. Applicant failed to show that the existing service was inadequate to meet the particular transportation requirements sought.

10. Protestants showed that they are furnishing a complete and adequate service to meet the demands of the public and that they are ready, willing, and able to expand so as to meet any future needs that might arise.

11. Applicant's evidence failed to support a grant of a certificate of public convenience and necessity as a common carrier by motor vehicle for hire.

12. Where applicable, those matters set forth in the DISCUSSION AND COMMENTS BY EXAMINER, as hereinabove stated, are made a part of and included in these FINDINGS OF FACT.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 24263 should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Application No. 24263, being an application of Transportation Enterprises, Inc., a Texas corporation, 16th Street at Sabine, Austin, Texas, for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, denied.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Robert L. Byle  
Examiner

rm/js



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS )  
BY RESPONDENT, FELLIN BROTHERS, )  
OURAY, COLORADO 81427, UNDER )  
CERTIFICATE PUC NO. 871 )  
----- )

CASE NO. 53-AR

SUPPLEMENTAL ORDER

-----  
September 22, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 18, 1970, the Commission entered Decision No. 75663, in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Fellin Brothers, being Certificate of Public Convenience and Necessity PUC No. 871, be, and the same hereby is, revoked and cancelled as of September 18, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 18, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 18, 1970.

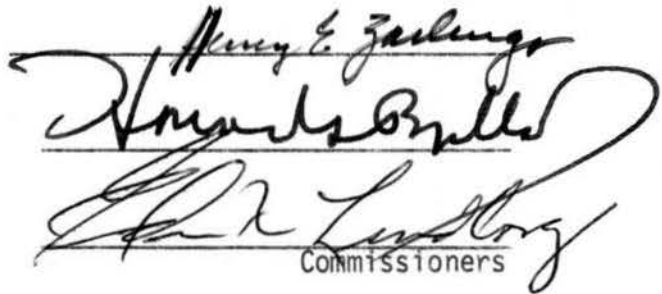
Inasmuch as the Respondent, Fellin Brothers, has filed its Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 18, 1970, as provided in Decision No. 75663, the Commission states and finds that Certificate of Public Convenience and Necessity, PUC No. 871, should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75663, dated August 18, 1970, providing for the revocation and cancellation of PUC No. 871, 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  
22nd day of September, 1970. av



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS  
BY RESPONDENT, LEE BROS. ASH & TRASH  
DISPOSAL, 2829 HARRISON STREET, DENVER,  
COLORADO 80205, UNDER CERTIFICATE PUC  
NO. 5362

CASE NO. 90--AR

SUPPLEMENTAL ORDER

September 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 21, 1970, the Commission entered Decision No. 75722 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Lee Bros. Ash & Trash Disposal, being Certificate of Public Convenience and Necessity PUC No. 5362, be, and the same hereby is, revoked and cancelled as of September 21, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 21, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 21, 1970.

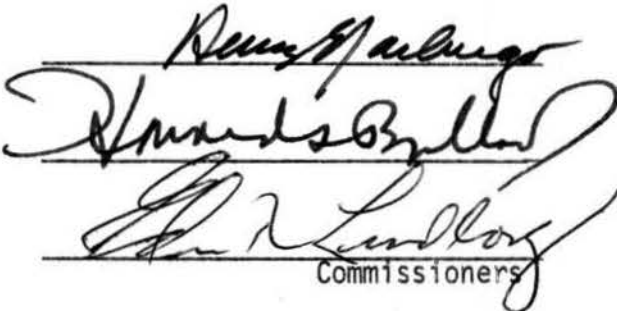
Inasmuch as the Respondent, Lee Bros. Ash & Trash Disposal, has filed its Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 21, 1970, as provided in Decision No. 75722, the Commission states and finds that Certificate of Public Convenience and Necessity, PUC No. 5362 should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75722, dated August 21, 1970, providing for the revocation and cancellation of PUC No. 5362, 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  
22nd day of September, 1970. av

(Decision No. 75915)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BILL CLARK TRUCK LINE, INC., 311 )  
SIXTH STREET, ALAMOSA, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO OPERATE AS )  
A COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 22937-Amended

INTERIM ORDER OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER

-----  
September 22, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

Hearing on the above-entitled application was conducted pursuant to notice and concluded on August 28, 1970, in Denver, Colorado. At the conclusion of the hearings in the within matter, Counsel for Applicant moved to be allowed to also appear as Amicus Curiae solely with respect to submitting a Brief on behalf of the Contract Carriers' Conference, a Colorado corporation. The Motion was denied by the Hearing Examiner. On September 14, 1970, Kenuff D. Wolford, Esq., submitted to the Examiner a PETITION OF CONTRACT CARRIERS' CONFERENCE FOR RECONSIDERATION OF DECISION DENYING IT LEAVE TO APPEAR AS AN AMICUS CURIAE, stating as grounds for the Petition that the regular attorney for the Conference, John J. Conway, has withdrawn from this proceeding as counsel for the Conference, that Kenuff D. Wolford, Esq., has been retained to appear on behalf of the aforesaid Conference, that the issues involved in this case are of extreme importance to the Petitioner and that the Conference and its members may be affected by the determination of the issues of the within application and the construction of Senate Bill 208 which may be made in connection therewith. Petitioner prays that the Examiner reconsider his denial to the Conference to appear as Amicus Curiae and grant leave to Kenuff D. Wolford, Esq., Counsel for Petitioner, to file a Brief on or before November 1, 1970, solely with respect to the meaning of Senate Bill 208 as applicable to this proceeding.

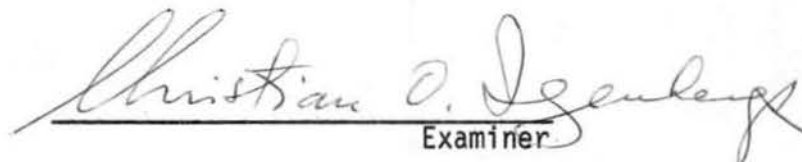
After careful consideration of the record in the herein matter and the Petition for Reconsideration, the Examiner states and finds that good cause appearing therefor, said Petition should be granted.

O R D E R

THE EXAMINER ORDERS:

That Petitioner, Contract Carriers' Conference, a Colorado corporation, be, and hereby is, granted leave to appear in the within proceedings as Amicus Curiae for the sole purpose of filing, by and through its attorney, Kenuff D. Wolford, Esq., a Brief on or before November 1, 1970, with respect to the meaning of Senate Bill 208 as applicable to this proceeding.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/hj

(Decision No. 75916)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LENN G. KASDORF AND KENNETH ESPY, )  
DOING BUSINESS AS "OLYMPIC WING & )  
ROTOR," P.O. BOX 388, STEAMBOAT )  
SPRINGS, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY HELICOPTER. )

APPLICATION NO. 24094

RECOMMENDED DECISION OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER.

-----  
September 22, 1970  
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Appearances: James C. Perrill, Esq.,  
Denver, Colorado,  
for Applicant.

PROCEDURE AND RECORD

Under date of December 1, 1969, Applicants filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24094 to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the County Court, Courthouse, Aspen, Colorado, on February 25, 1970, at 10 a.m. Upon request of counsel for Applicants, the aforesaid hearing was vacated and reset to be heard at the same place on August 12, 1970, at 10 a.m.

No protests were filed in opposition to the granting of the authority as applied for. After the application was called for hearing at the aforesaid time and place, the Examiner, as a preliminary matter, called to the attention of counsel for Applicants that formal notice had

not been served on Applicants setting the hearing on August 12, 1970. Counsel for Applicants with the concurrence of the Applicants thereupon waived service of notice and stated that Applicants were ready to proceed with the hearing.

Counsel for Applicants requested leave to amend the application to show that the Applicant is, in fact, Olympic Wing & Rotor, Inc., a Colorado corporation, and that, in the event the authority applied for is granted, the same be issued in the name of said corporation, who is the real party in interest. As grounds for the amendment, Counsel stated that the application was originally filed on December 1, 1969, at which time Lenn G. Kasdorf and Kenneth Espy were a partnership doing business as "Olympic Wing & Rotor," that since that time Lenn G. Kasdorf and Kenneth Espy together with certain other persons have formed a corporation named Olympic Wing & Rotor, Inc., a Colorado corporation, and on March 12, 1970, said corporation was issued a Certificate of Incorporation by the Secretary of State, State of Colorado. The amendment was granted by the Examiner. Counsel for Applicant further requested leave to file a written Motion to Amend Application No. 24094 as stated above, a copy of the Articles of Incorporation, and a Financial Statement of the corporation as late-filed Exhibits. The Examiner granted Applicant leave to file the aforesaid late-filed Exhibits which were received by this Commission on August 14, and September 3, 1970, respectively.

Kenneth Espy, William R. Haight, and Charles Barmettler testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his

findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. The owners and holders of common stock in the corporation are:

Lenn G. Kasdorf - 20,000 shares

Kenneth Espy - 20,000 shares

William R. Haight - 20,000 shares

Betsy Truax - 20,000 shares

3. Applicant in this matter proposes to operate as a public utility, as defined in Chapter 115, CRS 1963, as amended.

4. Applicant corporation does not hold previously granted authority from this Commission. However, Applicant corporation has made application to this Commission to transfer Certificate of Public Convenience and Necessity PUC No. AC-53 to it from the former partnership of Lenn G. Kasdorf and Kenneth Espy, doing business as "Olympic Wing & Rotor." There is no conflict or duplication between the subject matter in the herein case and Certificate of Public Convenience and Necessity PUC No. AC-53.

5. Applicant corporation owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.

6. The chief corporate officers as well as the employees of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.



7. There is a present and special need for the service as proposed by Applicant.

8. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

9. The authority as applied for will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority sought by Applicant should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Olympic Wing & Rotor, Inc., a Colorado corporation, P.O. Box 388, Steamboat Springs, Colorado, be, and hereby is, authorized to operate as a common carrier by helicopter for hire for the following:

"Transportation -- on call and demand by rotary wing aircraft -- of

Persons and property

Between all points within the State of Colorado.

RESTRICTION:

This Certificate is restricted to a base of operations and an office for the purpose of solicitation and development of business at Steamboat Springs, Colorado, or airports within a ten (10) mile radius thereof";

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

2. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.



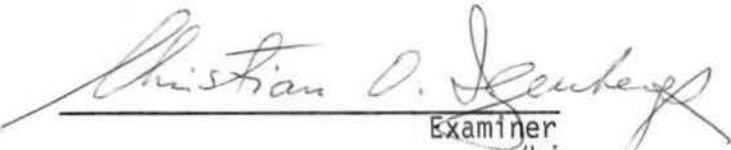
3. That Applicant shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy or extreme conditions.

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

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner  
rm/hj

(Decision No. 75917)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF R. L. FARMER, ALVIN FARMER, AND  
TOM FARMER, DOING BUSINESS AS  
"R. L. FARMER & SONS," BOX 58,  
PLACERVILLE, COLORADO, FOR AU-  
THORITY TO OPERATE AS A CLASS "B"  
CONTRACT CARRIER BY MOTOR VEHICLE. )

APPLICATION NO. 24513-PP

ORDER OF THE COMMISSION

-----  
September 23, 1970  
-----

Appearances: R. L. Farmer, Placerville,  
Colorado, pro se.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted  
amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for  
Applicants' transportation services as hereinafter ordered;

We further find, That it does not appear that the grant  
of authority as hereinafter ordered will impair the efficient public  
service of any authorized common carrier adequately serving the same  
territory over the same general route or routes;

And we further find, That Applicants are fit, willing and  
able properly to perform the service as hereinafter granted and to  
conform to the applicable statutory requirements and the Commission's  
rules and regulations thereunder, and that an appropriate Order should  
be entered; and

IT IS ORDERED, That R. L. Farmer, Alvin Farmer, and Tom  
Farmer, doing business as "R. L. Farmer & Sons," Box 58, Placerville,  
Colorado, be, and are hereby, authorized to operate as a class "B"  
contract carrier by motor vehicle for hire for the following:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and  
loading points within a radius of one hundred  
(100) miles of said forests;

- (2) Rough lumber

From sawmills within a one hundred (100) mile  
radius of forests to markets in the State of  
Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service.
- (b) To serving not more than ten (10) customers  
at any one time."

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

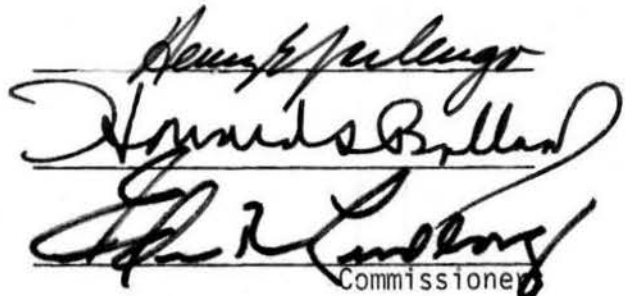
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

That the right of Applicants to operate hereunder shall depend upon 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

  
Commissioner

Dated at Denver, Colorado, this  
23rd day of September, 1970.

js

(Decision No. 75918)

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

IN THE MATTER OF THE APPLICATION OF )  
LEE TRESNER AND ROBERT DANIEL, DOING )  
BUSINESS AS "HIGH PLAINS MILK TRANS- )  
PORT," 819 LINDA, FORT MORGAN, COLO- )  
RADO, FOR AUTHORITY TO OPERATE AS A )  
CLASS "B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )  
-----

APPLICATION NO. 24452-PP

ORDER OF THE COMMISSION

-----  
September 23, 1970  
-----

Appearances: Robert Daniel, Fort Morgan,  
Colorado, pro se.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicants' transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicants are fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Lee Tresner and Robert Daniel, doing business as "High Plains Milk Transport," 819 Linda, Fort Morgan, Colorado, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

Bulk milk (Grade B)

From all points within that portion of Adams County lying north of U. S. Highway 36 and Interstate Highway 70 and west of Colorado Highway 79, and that portion of Weld County bounded on the east by a line drawn north and south through Roggen, Colorado, and on the west by Interstate Highway 25.

RESTRICTION: This Permit is restricted as follows:

- (a) To the use of tank vehicles.
- (b) All transportation service rendered shall be for one customer only, viz: Carnation Company, Johnstown, Colorado."

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

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

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

That the right of Applicants to operate hereunder shall depend upon 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

*Henry J. Adams*  
*Donald B. Ballan*  
*Edw. J. Lundberg*  
Commissioner

Dated at Denver, Colorado, this  
23rd day of September, 1970.  
js

(Decision No. 75919)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JACK W. SHULL, STAR ROUTE 1107, )  
WOODLAND PARK, COLORADO, FOR AU- )  
THORITY TO OPERATE AS A CLASS "B" )  
CONTRACT CARRIER BY MOTOR VEHICLE. )  
-----

APPLICATION NO. 24515-PP

ORDER OF THE COMMISSION

-----  
September 23, 1970  
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Appearances: Jack W. Shull, Woodland Park,  
Colorado, pro se.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;



And it further appearing, That the evidence thus submitted  
amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's  
transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of  
authority as hereinafter ordered will impair the efficient public service  
of any authorized common carrier adequately serving the same territory  
over the same general route or routes;

And we further find, That Applicant is fit, willing and able  
properly to perform the service as hereinafter granted and to conform  
to the applicable statutory requirements and the Commission's rules  
and regulations thereunder, and that an appropriate Order should be  
entered; and

IT IS ORDERED, That Jack W. Shull, Star Route 1107, Woodland  
Park, Colorado, be, and is hereby, authorized to operate as a class "B"  
contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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 as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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  
23rd day of September, 1970.

js

(Decision No. 75920)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN F. DONOVAN, JAMES A. FITZSIMMONS, )  
AND JAMES E. KEMP, DOING BUSINESS AS )  
"HOE & GROW EXCAVATING & LANDSCAPING," )  
BOX 601, VAIL, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A CONTRACT )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 24292-PP

RECOMMENDED DECISION OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER.

-----  
September 23, 1970  
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Appearances: Stewart H. Brown, Esq.,  
Vail, Colorado, for Applicants.

PROCEDURE AND RECORD

Under date of April 7, 1970, Applicants filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24292-PP to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Breckenridge, Colorado, on June 25, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

John F. Donovan, James A. Fitzsimmons, and James E. Kemp testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Exhibits numbered 1, 2, 3, and 4 were tendered and admitted into evidence.

Official notice was taken of the following documents filed with the application, to-wit: Financial Statements of John F. Donovan, James A. Fitzsimmons, and James E. Kemp, and Hoe and Grow Excavating Company, and the Equipment List.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicants are a partnership doing business as "Hoe & Grow Excavating & Landscaping." The partners are John F. Donovan, James A. Fitzsimmons, and James E. Kemp.

2. Applicants in this matter propose to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicants and the subject matter of these proceedings.

3. Applicants do hold previously granted authority from this Commission, to-wit: Permit No. M-4155, which has no bearing on the herein matter.

4. In addition to the standard application for sand and gravel, Applicants further requested authority to operate as a contract carrier to transport "snow accumulated in and designated for removal from the streets within an area which includes the Town of Vail, Colorado, and an area within a radius of six miles from the said Town of Vail, Colorado, to disposal sites within the County of Eagle, State of Colorado."

5. Applicants propose to and will use equipment suitable and sufficient for the sand and gravel authority applied for, to-wit: One (1) dump truck.

6. Applicants have sufficient experience and net worth, both of which are ample and suitable for the operation of the authority applied for herein.

7. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.

8. Applicants are amply insured.

9. There is a present and special need for the service of Applicants.

10. Applicants presently have a contract or contracts with their customers.

11. 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.

12. The authority sought by Applicants except that portion of the application which provides for the transportation of snow will be in the public interest.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact and after due and careful consideration of the Public Utilities Law of this State, the rules and regulations of this Commission, and Commission policy, it is concluded by the Examiner that:

1. This Commission has no jurisdiction of the snow removal activities of Applicants and, therefore, the aforesaid snow removal portion of the authority applied for herein should be, and hereby is, denied.

2. Applicants have established, as a matter of fact, that they intend to and will perform services as a contract carrier by motor vehicle for hire.

3. The sand and gravel portion of the authority applied for herein should be granted, and such grant should be restricted as herein after set forth.

4. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

#### O R D E R

##### THE COMMISSION ORDERS:

1. That John F. Donovan, James A. Fitzsimmons, and James E. Kemp, doing business as "Hoe & Grow Excavating & Landscaping," Box 601, Vail, Colorado, be, and hereby are, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

##### "Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

##### RESTRICTIONS:

This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials;
- (b) To serving not more than ten (10) customers at any one time";

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

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

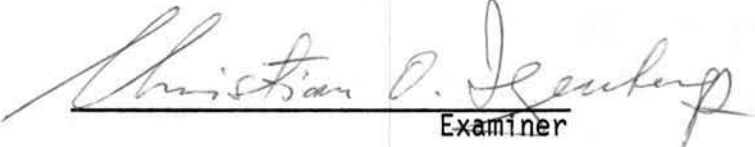
3. That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/hj



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE DIVISION OF HIGHWAYS - STATE )  
OF COLORADO FOR AUTHORITY TO RECON- )  
STRUCT AN EXISTING COUNTY ROAD/ )  
RAILROAD GRADE CROSSING AND TO )  
INSTALL GRADE CROSSING PROTECTION )  
DEVICES CONSISTING OF FLASHING )  
LIGHT SIGNALS AND SHORT-ARM GATES )  
AT MILEPOST 468.88 ON THE DENVER )  
AND RIO GRANDE WESTERN RAILROAD )  
COMPANY TRACKS, GRAND JUNCTION, )  
COLORADO, TO SALT LAKE CITY, UTAH, )  
AT MACK, IN MESA COUNTY, COLORADO. )  
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APPLICATION NO. 24474

-----  
September 23, 1970  
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S T A T E M E N T

BY THE COMMISSION:

On July 30, 1970, the Division of Highways of the State of Colorado (Division), filed its application in accordance with the rules of this Commission, seeking approval for crossing improvement and installation of automatic flashing light signals with short-arm gates at the highway-railroad grade crossing as noted above.

Explanatory material as submitted with the instant application includes:

- Exhibit A: White print copy of Project Plan Sheet No. 4 to show plan view of crossing site, property ownerships and connection to State Highway No. 6.
- Exhibit B: White print copy of Project Plan Sheet No. 9 to show wiring diagram for proposed automatic flasher signals and short-arm gates.

With reference to the instant application and other investigation data of the Commission, it appears that Mack is a small community area in



western Mesa County located on the present U.S. 6 & 50 Highway, approximately 12 miles east from the Colorado-Utah state line. The cross-country highway U.S. No. 6 and main line of The Denver and Rio Grande Western Railroad generally parallel the Colorado River westward toward the Utah line from the Glenwood Springs area through New Castle, Rifle, Palisade, Grand Junction, Fruita and Loma. At Mack, the railroad main line and a passing track are some 370 feet southwesterly from U.S. 6 (Colorado No. 6) and are crossed at grade by a local area road of Mesa County. The road serves some four or five families and terminates about one-fourth mile westerly from the crossing.

Proposed construction of Interstate 70 as a part of the National System of Defense Highways is planned to generally parallel the existing highway routing westward from the Glenwood Springs area into the State of Utah. Westward construction of the new facility has been completed in a series of separate projects extending from Palisade through Grand Junction to Fruita, where through traffic is being diverted back to the present U.S. 6 Highway for additional Interstate road building.

Current four-lane construction now involves a segment extending westerly for some 10 miles from Fruita toward the Mack area. At approximately one-half mile south from Mack a traffic interchange will be constructed on Interstate 70 to provide access to the small community and also secure a connection with the present U.S. Highway No. 6 by means of reconstruction and realignment of the existing Mesa County road and grade crossing over Rio Grande trackage at Mack.

As a part of the continuing westward construction program for the main interstate route, it is planned that the new connection road to U.S. No. 6 will temporarily serve all vehicular traffic for use of the completed portion of Interstate 70 eastward from Mack. At the present

time it is estimated that the temporary traffic diversion over the new connection road and related grade crossings will amount to some 1750 vehicles per day. After a more westerly connection is established between Interstate 70 and U.S. 6, it is estimated the volume of diverted traffic will decrease and leave only the movement of local traffic and limited use by interstate traffic requiring local services. Currently, rail traffic over the instant crossing area amounts to 18 trains per day including one passenger train. Maximum speed is 70 miles per hour.

The existing main line and passing track crossings at 16 feet wide will be removed and replaced as a part of the new roadway, which will handle two lanes of traffic and include new crossings at 38 feet wide for each track. With railroad use of the passing track at this location, it is possible that the grade crossing may be occupied or be in use by more than one train at the same time. Under these conditions installation of standard automatic flashing light signals and gates is proposed.

According to an Agreement dated July 16, 1970, between Division of Highways and The Denver and Rio Grande Western Railroad Company, it is provided that the Railroad will be reimbursed for ninety percent (90%) of all expenses it incurs incidental to installation of the protection devices and to be paid in accordance with the current federal and state rules and regulations applicable thereto. The Denver and Rio Grande Western Railroad Company is participating to the extent of ten percent (10%) of the initial cost. Maintenance, repair and operation of the protection devices at the Mack grade crossings shall be and remain the responsibility of the Railroad. Said Agreement is now being signed by the interested parties and a copy thereof will be submitted to the Commission by Division of Highways as a late-filed exhibit. The estimated costs and proposed distribution are as follows,

it being understood by the parties that payment is to be made on the basis of actual cost as determined by the final audit of the Railroad Company accounts:

a. Install Flashing Lights and Gates

	<u>D.O.H.[90%]</u>	<u>D&amp;RG[10%]</u>	<u>Total</u>
New Material	\$ 7,065	\$ 785	\$ 7,850
Labor	4,500	500	5,000
Surcharges and Contingencies	4,290	326	4,616
Reused Material	No Charge	0	No Charge
Less Salvage Retained by D & RG	<u>685[cr.]</u>	<u>0</u>	<u>685[cr.]</u>
NET COST	\$ 15,170	\$ 1,611	\$ 16,781

b. Renew Grade Crossing and Incidental Track Work

	<u>D.O.H.[100%]</u>
Material	\$ 4,830
Labor	1,750
Surcharges	1,530
Less Salvage Allowance	<u>230 [cr.]</u>
NET COST	\$ 7,880

Total Net Cost -  
D.O.H. \$ 23,050

Total Net Cost -  
D.&R.G.W. 1,611

TOTAL ESTIMATED  
COST \$ 24,661

It is to be noted that the proposed protection devices became surplus upon completion of an overpass structure at Fruita and elimination of a main line and passing track grade crossing on Colorado No. 340. The signal equipment was carefully removed by railroad forces for complete

overhaul and renewal of all components and operating parts as required for the proposed installation.

In further review of the proposal, the Commission forwarded a copy of the application, together with a Notice, to interested parties, to the owners of adjacent property and to the Board of Mesa County Commissioners, to ascertain if any other action was desired within the period of thirty (30) 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 effectiveness of automatic signal protection is accepted by the utility and the public agencies affected herein. It is apparent that the crossing reconstruction and installation of flashing lights and short-arm gates as sought herein will be in the public interest and protect traffic on both the highway and the railroad.

It is therefore the belief of the Commission that the proposed crossing work and protection installation 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 installation and approval of standard flashing type automatic crossing signals and short-arm gates at the grade crossing of the Mack Interstate 70 connection, over and across a passing track and the main line track of The Denver and Rio Grande Western Railroad Company at Milepost 468.88, Community of Mack, Mesa County, Colorado.

That the authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Division of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted authority and approval for the installation, operation and maintenance of standard automatic flashing-light grade crossing signals with short-arm gates at a reconstructed grade crossing for the Mack Interstate 70 connection, over a passing track and the main track of The Denver and Rio Grande Western Railroad Company at Milepost 468.88, Community of Mack, Mesa County, Colorado.

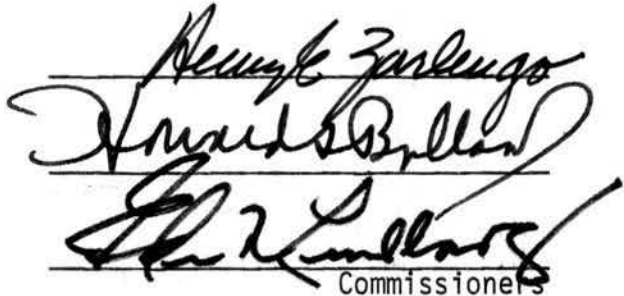
That the work to be done, costs, installation and maintenance of the protection devices shall be as indicated in the preceding Statement. Said Statement, the late-filed Agreement herein, and Exhibits "A" and "B" are all by reference made a part hereof.

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

That standard reflectorized Advance Warning signs shall be placed and maintained by Division of Highways at each approach to the reconstructed grade crossing.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
23rd day of September, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, JOHN M. KING D/B/A )  
MOUNTAIN KING CONSTRUCTION CO., )  
P.O. BOX 497, GRANBY, COLORADO UNDER )  
PERMIT NO. B-7262 )  
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CASE NO. 127-AR

SUPPLEMENTAL ORDER

-----  
September 23, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 10, 1970, the Commission entered Decision No. 75830 in the above-entitled case, which provided as follows, to wit: --

That the motor vehicle operating authority of Respondent, John M. King, d/b/a Mountain King Construction Co., being Permit No. B-7262, be, and the same hereby is, revoked and cancelled as of October 10, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado on or before October 10, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before October 10, 1970.

On September 21, 1970, the Commission received a letter from the Respondent, signed by Norman Steenhof, stating the reasons why they are not in violation of law and the rules and regulations of the Commission.

The letter states that after receipt of the Show Cause Order, Decision No. 75359, Mr. Steenhof talked to a representative of the Commission who informed him that if the 1969 Annual Report were received prior to the date of the Hearing, August 31, 1970, that it would not



be necessary for the Respondent to appear and the Show Cause Order would be dismissed.

The file of the Rate Department shows that two copies of the required Annual Report were mailed to: King Resources, 201 South Cherokee Street, Denver, Colorado on August 10, 1970. This was the address given to us by Mr. Steenhof.

Enclosed with Respondent's letter of September 21, 1970, is a Xeroxed copy of Respondent's Annual Report for 1969, dated August 19, 1970, which is well in advance of the Show Cause Hearing Date of August 31, 1970.

While the 1969 Annual Report was not received by the Commission, it appears that from a review of the facts available, that the Annual Report was not received through no fault of the Respondent, but rather due to a condition beyond his control.

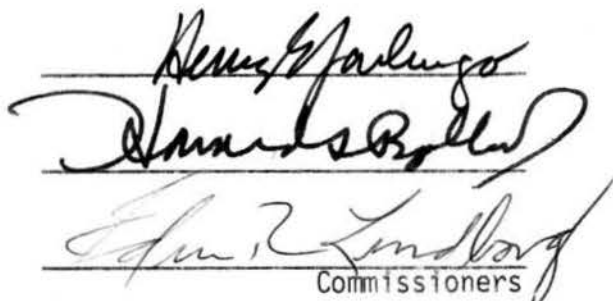
Inasmuch as the Respondent, John M. King, d/b/a Mountain King Construction Co., appears to have in fact complied with the Order requiring the filing of the said Annual Report on or before August 31, 1970, as provided for in Decision No. 75359, dated July 8, 1970, the Commission states and finds that Permit No. B-7262 should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75830, dated September 10, 1970, providing for the revocation and cancellation of Permit No. B-7262, 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  
23rd day of September, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
Herndon Harris dba )  
Herndon Harris Produce )  
P. O. Box 362 )  
Johnson, Arkansas 72741 )  
 )

AUTHORITY NO. 7315-I  
CASE NO. 2282 H-Ins.

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September 22, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 25, 1970 , 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.

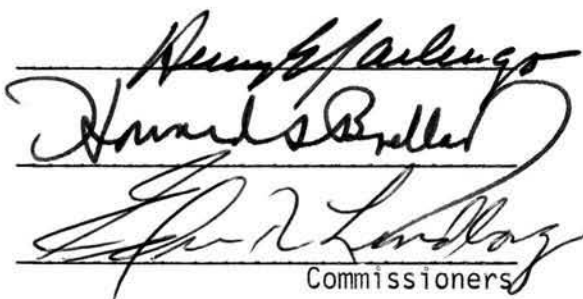
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of September, 1970



(Decision No. 75924 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

Kathryn & Richard D. Shepard dba )  
K & S Delivery Service )  
3229 Gladiola Drive )  
Colorado Springs, Colorado 80907 )

AUTHORITY NO. 1970

CASE NO. 2241 H-Ins. Cargo

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September 22, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 10, 1970 , 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.

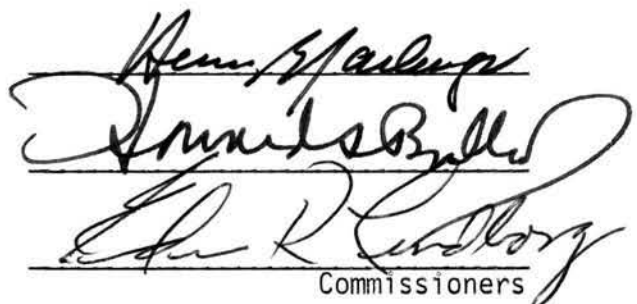
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of September, 1970.

(Decision No. 75925)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
SAN ISABEL ELECTRIC ASSOCIATION, INC.,  
DBA SAN ISABEL ELECTRIC SERVICES, INC.,  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO SUPPLY THE PUBLIC  
ELECTRIC SERVICE FOR LIGHT, HEAT, POWER  
AND OTHER PURPOSES IN THE TERRITORY  
DESCRIBED IN THIS APPLICATION LOCATED  
IN PUEBLO COUNTY, COLORADO.

APPLICATION NO. 23873

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CENTRAL TELEPHONE & UTILITIES CORPORATION,

Complainant,

vs.

SAN ISABEL ELECTRIC ASSOCIATION, INC.,  
d/b/a SAN ISABEL ELECTRIC SERVICES,  
INC., a Corporation,

Respondent.  
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CASE NO. 5403

ORDER VACATING HEARING

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September 22, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Hearing with regard to the above-captioned matters has been recessed and is now scheduled for hearing at 10 A.M. on September 23, 1970, in the Hearing Room of the Commission, Denver, Colorado. The Commission has been requested by attorneys for Applicant and Protestant that the herein hearing be vacated to be reset at a later date.

The Commission states and finds that this request is in the public interest and the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The hearing with regard to the above-entitled matters presently set at 10 A.M., September 23, 1970, in the Hearing Room of the Commission, Denver, Colorado, be, and hereby is, vacated to be reset for hearing at a later date with notice to all the parties.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HOWARD S. BJELLAND  
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of September, 1970.  
hj

(Decision No. 75926 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
Hayden Rabon & Jack Burkholder dba )  
B & R Cattle Company )  
1138 Basse Road )  
San Antonio, Texas 76200 )

AUTHORITY NO. 7557-I

CASE NO. 2309 H-Ins.

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September 23, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 25, 1970 , 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.

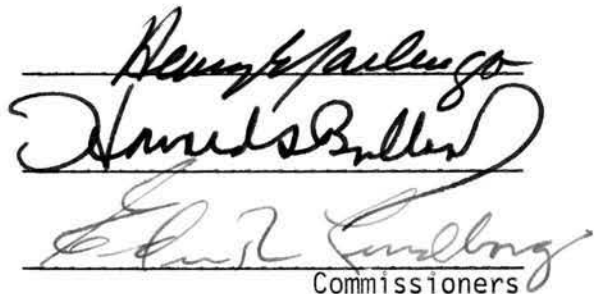
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of September, 1970.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BETTER MAINTENANCE SERVICE, INC., )	APPLICATION NO. 24266
P.O. BOX 925, BOULDER, COLORADO, FOR )	
A CERTIFICATE OF PUBLIC CONVENIENCE )	RECOMMENDED DECISION OF
AND NECESSITY TO OPERATE AS A COMMON )	CHRISTIAN O. IGENBERGS,
CARRIER BY MOTOR VEHICLE FOR HIRE. )	EXAMINER
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September 24, 1970  
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Appearances: William A. Wilson, Esq.,  
Denver, Colorado, for  
Applicant.  
David E. Driggers, Esq.,  
Denver, Colorado, for  
Raymond L. Pherson and  
Patricia M. Pherson,  
Protestants.  
Walter M. Simon, Esq.,  
Denver, Colorado, for  
Boulder-Yellow Cab, Inc.,  
Protestant.  
John P. Thompson, Esq.,  
Denver, Colorado, for  
Boulder Moving & Storage,  
Inc.; City Storage & Trans-  
fer, Inc.; and Continental  
Moving & Storage Co., Protestants.

PROCEDURE AND RECORD

Under date of March 24, 1970, Applicant filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24266 to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 11, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

At the hearing, Applicant, by and through its attorney, requested leave to amend the application by striking from said application the request for the grant of a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for the transportation of general commodities from point to point in the City of Boulder, Colorado, and a 5-mile radius thereof and substituting therefor a request for the grant of a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of scrap iron, ashes, trash, and all other waste materials of any kind whatsoever from points in the City of Boulder, Colorado, and a 5-mile radius thereof to duly approved dump sites within the County of Boulder, State of Colorado. The amendment contained a restriction against the rendering of transportation services in the County of Jefferson, State of Colorado, and in the City of Broomfield, Colorado. The amendment, being restrictive in nature, was granted by the Examiner, whereupon all Protestants requested leave to withdraw from the proceedings and were granted such leave to withdraw.

Gordon McKeeta, Isidore M. Archuleta, Hugh Best, Manfred Neugebauer, Sherman Peale, and Marianne McElheney testified in support of the application.

Exhibits numbered 1, 2, 3, 4, 5, 6, 7, and 8 were tendered and admitted into evidence.

Official notice was taken of the following documents on file with the Commission, to-wit: Equipment List, Financial Statement, and Articles of Incorporation.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant in this matter proposes to operate as a public utility, as defined in Chapter 115, CRS 1963, as amended.
3. This Commission has jurisdiction over said Applicant and the subject matter of these proceedings.
4. Applicant does not hold previously granted authority from this Commission.
5. The application is not protested by any other common carriers.
6. The City of Broomfield, Colorado, is outside the area for which authority to render transportation services is sought and it therefore should not be included as a part of the proposed restriction against the authority.
7. The evidence of record discloses that scrap iron is not sought to be transported as a commodity but rather as trash or refuse which would be collected within the area of the authority, together with other trash and refuse, and transported to dumps or disposal sites. There is therefore no need to authorize specifically the transportation of scrap iron.
8. Applicant corporation owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
9. The chief corporate officers as well as the employees of the Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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 and special need for the service as proposed by Applicant.

11. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

12. The authority as applied for will be in the public interest.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority sought by Applicant should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

#### O R D E R

##### THE COMMISSION ORDERS:

1. That Better Maintenance Service, Inc., a Colorado corporation, P.O. Box 925, Boulder, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

"Transportation of

Ashes, trash, and other refuse

From all points within the City of Boulder and a five (5) mile radius thereof, to designated and approved dumps and disposal sites located within the County of Boulder, State of Colorado.

##### RESTRICTION:

This Certificate is restricted against the rendering of any transportation service within that portion of said radius lying within the County of Jefferson, State of Colorado";

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

2. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.



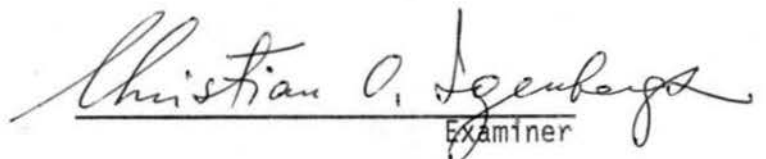
3. That Applicant shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/hj

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF GENE GeBAUER, P. O. BOX 87,	)	
RANGELY, COLORADO, FOR AUTHORITY	)	<u>APPLICATION NO. 24539-PP</u>
TO OPERATE AS A CLASS "B" CONTRACT	)	<u>ORDER OF THE COMMISSION</u>
CARRIER BY MOTOR VEHICLE.	)	
-----		

-----  
September 24, 1970  
-----

Appearances: Gene GeBauer, Rangely,  
Colorado, pro se.

It appearing, That by Order of the Commission dated September 16, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted  
amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's  
transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of  
authority as hereinafter ordered will impair the efficient public service  
of any authorized common carrier adequately serving the same territory  
over the same general route or routes;

And we further find, That Applicant is fit, willing and able  
properly to perform the service as hereinafter granted and to conform  
to the applicable statutory requirements and the Commission's rules and  
regulations thereunder, and that an appropriate Order should be entered;  
and

IT IS ORDERED, That Gene GeBauer, P. O. Box 87, Rangely,  
Colorado, be, and is hereby, authorized to operate as a class "B"  
contract 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 twenty-five (25)  
miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of  
Colorado to railroad loading points and to homes  
and small construction jobs within a radius of  
twenty-five (25) miles of said pits and supply  
points;

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

From and to building construction jobs, to and  
from points within a radius of twenty-five (25)  
miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of twenty-five (25) miles of said pits and supply points;

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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 as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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  
24th day of September, 1970.

js

(Decision No. 75929)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MERLIN CRAPO, RAINBOW TRAILER COURT )  
#4, CRAIG, COLORADO, FOR AUTHORITY )  
TO OPERATE AS A CLASS "B" CONTRACT )  
CARRIER BY MOTOR VEHICLE. )  
-----

APPLICATION NO. 24540-PP  
ORDER OF THE COMMISSION

-----  
September 24, 1970  
-----

Appearances: Merlin Crapo, Craig,  
Colorado, pro se.

It appearing, That by Order of the Commission dated September 16, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted  
amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor;

We find, That there is a present and special need for Applicant's  
transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of  
authority as hereinafter ordered will impair the efficient public service  
of any authorized common carrier adequately serving the same territory  
over the same general route or routes;

We further find, That the grant of authority as hereinafter  
ordered should be identified and be known as "Permit No. B-6953," being  
the number of a permit formerly held by Applicant.

And we further find, That Applicant is fit, willing and able  
properly to perform the service as hereinafter granted and to conform to  
the applicable statutory requirements and the Commission's rules and  
regulations thereunder, and that an appropriate Order should be entered;  
and

IT IS ORDERED, That Merlin Crapo, Rainbow Trailer Court #4,  
Craig, Colorado, be, and is hereby, authorized to operate as a class "B"  
contract carrier by motor vehicle for hire for the following:

"Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and  
loading points within a radius of one hundred  
(100) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred (100) mile  
radius of forests to markets in the State of  
Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service.
- (b) To serving not more than ten (10) customers at any one time."

That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-6953," 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 as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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  
24th day of September, 1970.  
js



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF PUBLIC SERVICE COMPANY OF COLO- )  
RADO, 550 - 15TH STREET, DENVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
FOR THE CONSTRUCTION, OPERATION )  
AND MAINTENANCE OF A 350 MW ELEC- )  
TRIC GENERATING PLANT TO BE KNOWN )  
AS THE COMANCHE STEAM ELECTRIC )  
GENERATING STATION LOCATED IMME- )  
DIATELY SOUTH OF THE CITY OF PUEBLO, )  
COLORADO, TOGETHER WITH TWO 230 KV )  
TRANSMISSION LINES FROM SAID PLANT )  
SITE TO A POINT KNOWN AS MIDWAY, )  
COLORADO, WHERE SAID TRANSMISSION )  
LINES WILL BE INTERCONNECTED WITH )  
THE EXISTING 230 KV INTERCONNECTED )  
SYSTEM OF THE APPLICANT. )

APPLICATION NO. 24507

- - - - -  
September 24, 1970  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 11, 1970, Central Telephone & Utilities Corporation, Inc., of 115 West Second Street, Pueblo, Colorado, by its attorney, Harry S. Petersen, filed a Petition for Leave to Intervene in the above-captioned proceeding. Petitioner is presently serving at retail the City of Pueblo, the area immediately adjacent to the proposed electric generating plant site of Applicant Public Service Company of Colorado, as well as other territory in Southern Colorado, and has entered into a contract with Applicant for the purchase of wholesale power to serve a portion of its future needs. Petitioner desires to join in the application of Public Service Company for a certificate authorizing the construction of said electric generating plant.



The Commission states and finds that Petitioner for Intervention, Central Telephone & Utilities Corporation, Inc., 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 by Central Telephone & Utilities Corporation, Inc., be, and the same hereby is, granted.

That this Order shall be 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 September, 1970.

js

(Decision No. 75931)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

BOULEVARD NATIONAL BANK, A NATIONAL )  
BANKING ASSOCIATION, 730 COLORADO )  
BOULEVARD, DENVER, COLORADO, 80220 )  
and )  
ELMER FOX & COMPANY, A PARTNERSHIP, )  
275 UNIVERSITY BOULEVARD, )  
DENVER, COLORADO 80206, )  
Complainants, )  
vs. )  
THE MOUNTAIN STATES TELEPHONE AND )  
TELEGRAPH COMPANY )  
930 - 15TH STREET, DENVER, )  
COLORADO, 80202, )  
Respondent. )  
- - - - -

CASE NO. 5429

EXTENSION OF TIME FOR

FILING EXCEPTIONS

- - - - -  
September 23, 1970  
- - - - -

Appearances: Charles Frederickson, Esq., and  
Marilynn Cason, Esq., of  
Dawson, Nagel, Sherman & Howard,  
Denver, Colorado, for Complainants;  
T. M. Ledingham, Esq., Denver,  
Colorado, for Respondent.

STATEMENT AND FINDINGS OF FACT

On September 1, 1970, the Recommended Decision of Christian O. Igenbergs, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On September 16, 1970, Respondent, The Mountain States Telephone and Telegraph Company, by its attorney, T. M. Ledingham, has filed with the Commission a Request for Extension of Time in which to

File Transcript and Exceptions. Respondent also filed a Notice of Request for Transcript.

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

O R D E R

THE COMMISSION ORDERS THAT:

Respondent, Mountain States Telephone and Telegraph Company, be, and hereby is, granted an extension of time within which to file exceptions to the Recommended Decision of the Examiner, said Exceptions to be filed within 20 days after Transcript is certified.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
23rd day of September, 1970.  
js

(Decision No. 75932)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: SOUTH EIGHTH AVENUE PIPELINE CO., }  
2630 - 9TH AVENUE, GREELEY, COLORADO, }  
4TH REVISED SHEET NO. 4 OF COLORADO }  
PUC NO. 1, WATER TARIFF. }

INVESTIGATION AND SUSPENSION  
DOCKET NO. 663

-----  
September 24, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 26, 1970, Mr. Al M. Kendrick, President and owner of the South Eighth Avenue Pipeline Co., filed 4th Revised Sheet No. 4 of Colorado PUC No. 1, proposing an increase in water rates to all customers of the Company. The increase would become effective on September 25, 1970, unless suspended by the Commission.

In accordance with the Rules of Practice and Procedure of the Commission, the Company advised all of its customers of the proposed increase in water rates. On September 15, 1970, the Commission received a Petition protesting the proposed increase signed by over 30 customers of the Water Company. In view of the Protest the Commission has decided to suspend the effective date of the proposed increase and hold a hearing in the matter.

O R D E R

THE COMMISSION ORDERS THAT:

1. The effective date of 4th Revised Sheet No. 4 of Colorado PUC No. 1 of South Eighth Avenue Pipeline Co. be, and it hereby is, suspended until January 23, 1971, unless otherwise ordered by the Commission.

2. The matter of the proposed increase in water rates be, and it hereby is, set for hearing:

Date: December 1, 1970  
Time: 10 a.m.  
Place: 4th Floor Hearing Room  
District Court  
Courthouse  
Greeley, Colorado

3. A copy of this Order to be sent to Mr. Al M. Kendrick, President and owner of the South Eighth Avenue Pipeline Co. and to S. Robert Houtchens, Attorney at Law, representing the water customers signing the Petition in protest.

4. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HOWARD S. BJELLAND NECESSARILY  
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this  
24th day of September, 1970.  
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEE SAND & GRAVEL COMPANY, P. O. BOX )  
178, 4020 YOUNGFIELD, WHEAT RIDGE, ) APPLICATION NO. 24429-PP-Extension  
COLORADO 80033, TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-7060. )  
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-----  
September 25, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1970, the above-entitled application was filed with the Commission in which Applicant seeks authority to extend operations under Permit No. B-7060. On August 10, 1970, Ashton Trucking Co., by its attorneys, Jones, Meiklejohn, Kehl & Lyons, filed a Petition for Leave to Intervene. On August 21, 1970, Decision No. 75726 was entered denying said Petition. On September 10, 1970, Ashton Trucking Co., by its attorneys, Jones, Meiklejohn, Kehl & Lyons, filed a Petition for Reconsideration of Order Denying Intervention.

The Commission has carefully reconsidered the Petition for Leave to Intervene and the Petition for Reconsideration filed, and each and every allegation thereof, and is of the opinion that Petitioner as a matter of law is not a party who may be interested in or affected by any order which may be entered in this proceeding, and concludes that the said Petition for Reconsideration should be denied.

O R D E R

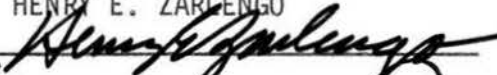
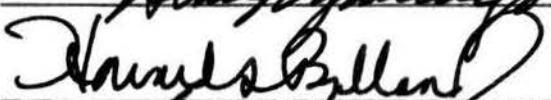
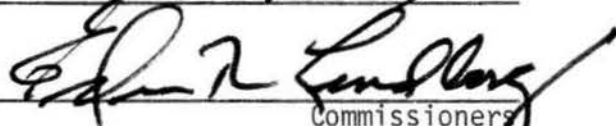
THE COMMISSION ORDERS THAT:

1. The Petition for Reconsideration of Order Denying Intervention be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

HENRY E. ZARLENGO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
25th day of September, 1970.  
vjr

(Decision No. 75934)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARKANSAS VALLEY G. & T., INC., PUEBLO, )  
COLORADO, A COLORADO CORPORATION, FOR )  
AUTHORITY TO ISSUE SECURITIES IN THE )  
PRINCIPAL AMOUNT OF \$3,124,000 AND )  
THE APPLICATION OF THE PROCEEDS THERE- )  
FROM FOR CERTAIN SPECIFIED PURPOSES. )  
-----

APPLICATION NO. 24524-Securities

-----  
September 25, 1970  
-----

Appearances: Thomas T. Farley, Esq., Pueblo, Colorado,  
for Applicant;  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission; and  
James D. Grundy, Denver, Colorado,  
of the Staff of the Commission

S T A T E M E N T

BY THE COMMISSION:

On August 31, 1970, Arkansas Valley G. & T., Inc., (hereinafter referred to as Arkansas Valley or Applicant), filed with the Commission the above-entitled application, (1) for authority to issue a Mortgage Note for \$3,124,000, payable to The United States of America, bearing interest at the rate of two percent (2%) per annum, and payable within a period of thirty-five (35) years after the date thereof; and (2) to approve an Amendment dated August 17, 1970, amending the Loan Contract between Arkansas Valley and The United States of America dated April 21, 1955, as amended, and setting a maximum which may be borrowed by the Applicant at \$6,624,000.

The matter was set for hearing after due notice to all interested parties on September 17, 1970, at 9 o'clock a.m. in the hearing room of the Commission, 507 Columbine Building, Denver, Colorado, and at such time and place was heard by Hearing Examiner Christian O. Igenbergs to whom the matter was assigned pursuant to law.



On September 25, 1970, Applicant filed with the Commission a petition to amend the prayer in the application asking that an order be granted authorizing Applicant to execute a note for \$3,124,000 instead of the \$1,974,000 originally requested. The motion is hereby granted.

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

At the conclusion of the hearing the matter was taken under advisement.

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

The Applicant's witness, Edward Gaither, Manager of Arkansas Valley G. & T., testified, in essence, as follows:

Arkansas Valley needs the loan funds sought to be approved in this application for the improvement of its electrical system, for the construction, completion and extension of its properties, for the improvement and maintenance of its service, and for other lawful purposes.

Exhibit G introduced into evidence at the hearing revealed that Arkansas Valley proposes to use the loan funds sought for the construction and installation of the following electric facilities:

TRANSMISSION

162 pole line miles of 115 KV transmission line	\$2,401,000
(a) Midway to La Junta                      73 miles	
(b) La Junta to Lamar                      54 miles	
(c) Stem Beach to Walsenburg              35 miles	
115 KV Switching at La Junta	46,000
115 KV Terminal USBR - Midway	231,000
Right-of-way procurement	324,000
Engineering	165,000
Interest during construction	32,000
Pre and post loan expense	10,184
Subtotal	\$3,209,184
Loan	3,124,000
To be Financed by Other Means	\$ 85,184

The witness identified the following exhibits which were admitted into evidence:

- Exhibit A - Loan Contract dated April 21, 1955
- Exhibit B - Amendment to the Loan Contract dated June 27, 1960
- Exhibit C - Amendment to the Loan Contract dated March 1, 1962
- Exhibit D - Amendment to the Loan Contract dated August 17, 1970
- Exhibit E - Balance Sheet at June 30, 1970 and  
Operating Statement for the twelve months ending  
June 30, 1970
- Exhibit F - Mortgage Note
- Exhibit G - REA Form 740 C, Cost Estimate and Loan Budget dated  
June, 1970
- Exhibit H - Area Transmission Map
- Exhibit I - A letter dated November 19, 1969 from Central Tele-  
phone and Utilities Corporation regarding the dis-  
continuance of wheeling power in excess of 16,500 KW
- Exhibit K - Agreement to Purchase Substation and Substation Site
- Exhibit L - Power Cost Analysis

Exhibit F, the Mortgage Note, in the amount of \$3,124,000, is \$1,150,000 greater than the amount of the Amendment, Exhibit D, which is \$1,974,000. The \$1,150,000 was approved by REA previously under an Amendment dated June 27, 1960, Exhibit B herein. These funds were never drawn down and hence their inclusion in this Mortgage Note.

Exhibit E, the Balance Sheet, shows Arkansas Valley's long-term debt at June 30, 1970 to be \$2,689,847. Cash funds available as shown by the Balance Sheet consists of \$17,710 cash on hand and investments of \$56,969 for a total of \$74,679. Arkansas Valley does not have any advance payments with REA, but is current on its debt-service payments.

Exhibit E, the Operating Statement for the twelve months ending June 30, 1970, shows operating margins of \$7,440.

Exhibit K, the Agreement to Purchase Substation and Substation Site, must be executed by San Isabel Electric Services, Inc. and Arkansas Valley as a condition precedent to the advance of any funds on this loan. Mr. Gaither stated that the transfer of this substation from Arkansas Valley to San Isabel Electric Services, Inc., is in keeping with the present policy of Arkansas Valley which is to own all transmission lines above 69 KV with the member systems owning the substations.

Mr. Gaither testified that Central Telephone and Utilities Corporation had informed Arkansas Valley by their letter of November 19, 1969,

Exhibit I, that they would not wheel future power and energy requirements in excess of 16,500 KW. Therefore, Arkansas Valley is required to construct the necessary transmission line to La Junta. He further stated that the line was routed from Midway to La Junta for reasons of economics and stability. He indicated the Bureau of Reclamation substation at Midway was the most stable delivery point in the area and that right-of-way costs would be much less using this route.

Exhibit L, the Power Cost Analysis dated June, 1970, shows the net power costs of Arkansas Valley for the years 1971 through 1980. The net cost for the ten-year period is shown as 8.43 mills per net kilowatt hour.

The Board of Directors of Arkansas Valley G. & T. and the Rural Electrification Administration have approved the loan being sought subject to the approval of this Commission.

Mr. Gaither stated that the policy of Arkansas Valley was to operate at 100% debt and zero equity. Policy is, of course, a prerogative of management, but if Arkansas Valley is to operate at 100% debt and zero equity, the equities of the three-member systems should be correspondingly increased. As of June 30, 1970, Arkansas Valley has a deficit equity position, the debt ratio being 100.26%.

The witness testified that Arkansas Valley has no certificate of public convenience and necessity for the contemplated construction.

#### FINDINGS OF FACT

From the record herein the Commission finds as fact that:

1. Applicant, Arkansas Valley G. & T., Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.
2. This Commission has jurisdiction over the Applicant and the subject matter of this application.
3. The above and foregoing Statement is made a part of these Findings by reference.
4. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

5. The Commission is fully advised in the premises.

6. The Amendment dated August 17, 1970 to the Amending Loan Contract between Arkansas Valley and The United States of America dated April 21, 1955, as amended, Applicant's Exhibit D herein, should be authorized and approved.

7. The Mortgage Note payable to The United States of America designated Colorado 50-B and C Southeast in the amount of \$3,124,000, Applicant's Exhibit F in this proceeding, is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963, and therefore should be authorized and approved.

8. Applicant, Arkansas Valley G. & T., does not have a certificate of public convenience and necessity for the contemplated construction.

9. Within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant should file with the Commission one (1) conformed, executed copy of such instruments.

10. Since Chapter 115-1-4, CRS 1963, requires that security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted and that this Decision should be the initial Decision of the Commission.

It is the conclusion of the Commission that the application should be granted and that the following Order should be entered.

#### O R D E R

##### THE COMMISSION ORDERS:

That issuance of the Mortgage Note, payable to The United States of America, designated as Colorado 50-B and C Southeast, in the amount of \$3,124,000, Exhibit F herein, be, and the same hereby is, authorized and approved.

That the Amendment dated August 17, 1970 to Amending Loan Contract between Arkansas Valley G. & T., Inc., and The United States of America, dated April 21, 1955, as amended, be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$3,124,000 authorized herein, Arkansas Valley G. & T., Inc. shall file with this Commission one (1) conformed copy of such executed note and one (1) conformed copy of each other document made and entered into in connection therewith.

That Arkansas Valley G. & T., Inc. shall not commence actual construction until a certificate of public convenience and necessity is granted by this Commission for the facilities from Midway to La Junta and from La Junta to Lamar.

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

That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

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

That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,  
this 25th day of September, 1970.  
hj

(Decision No. 75935)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DEAN H. HILL, 5250 W. 53RD AVENUE )  
#60, ARVADA, COLORADO, FOR EMERGENCY )  
TEMPORARY APPROVAL TO TRANSFER )  
PERMIT NO. B-7183 TO JAMES MADRID, )  
981 ELBERT STREET, DENVER, COLORADO. )  
-----

APPLICATION NO. 24568-PP-Transfer-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
APPROVAL

-----  
September 24, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent authority to transfer Permit No. B-7183 to the above-named Transferee.

It further appearing, That there is an immediate and urgent need for the emergency temporary approval herein sought, and,

It further appearing, That failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

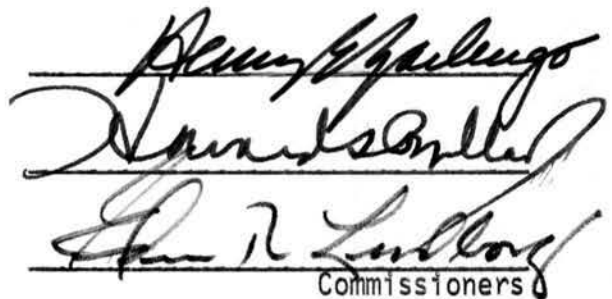
It is ordered, That James Madrid, 981 Elbert Street, Denver, Colorado, be, and is hereby, granted emergency temporary approval for a period of fifteen (15) days commencing September 24, 1970, to operate under Permit No. B-7183; conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.



It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 24th day of September, 1970.  
cj

(Decision No. 75936)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF COLORADO MOUNTAIN ENTERPRISES, )  
INC., DOING BUSINESS AS "TIMBER- )  
LINE TOURS," P.O. BOX 208, )  
CRESTED BUTTE, COLORADO, (IN THE )  
EVENT AUTHORITY SOUGHT IN APPLI- )  
CATION NO. 24073-Transfer IS )  
GRANTED), FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PUC NO. 5812. )  
-----

APPLICATION NO. 24074-  
Extension-Amended

SUPPLEMENTAL ORDER

-----  
September 25, 1970  
-----

Appearances: F. Lynn French, Esq.,  
Gunnison, Colorado,  
for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 21, 1970, the Recommended Decision, being Decision No. 75427, of Christian O. Igenbergs, Examiner, was entered in the above-entitled matter. Said Decision became the Decision of the Commission on August 13, 1970.

On August 27, 1970, Counsel for Applicant filed with the Commission a Petition to Reconsider Decision stating, inter alia, that Decision No. 75427 restricts Applicant to the use of vehicles with a capacity not to exceed twelve (12) passengers in its transportation services of passengers and their baggage between Crested Butte, Colorado, and the airport at Gunnison, Colorado. Applicant further states that there is a need for transportation service between Crested Butte and Gunnison, Colorado, which said services would employ vehicles exceeding the capacity of twelve (12)



passengers. Applicant prays the Commission to reconsider its Order and to allow Applicant to utilize vehicles of greater than 12-passenger capacity under Paragraph 2 of said Order.

After due and careful consideration of the record in the within matter and the Petition of Applicant, the Commission states and finds that the aforesaid 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:

1. That Decision No. 75427 be amended by striking all of Paragraph 2 of the Order portion of the aforesaid Decision and substituting therefor the following:

"2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 5812 shall read and be as follows, to-wit:

Transportation -- in taxicab service -- of

(1) Passengers and their baggage

Between all points located within a ten (10) mile radius of the intersection of Elk Avenue and Third Street, Crested Butte, Colorado.

Transportation -- on call and demand in bus service -- of

(2) Passengers and their baggage

Between all points located within a ten (10) mile radius of the intersection of Elk Avenue and Third Street, Crested Butte, Colorado, on the one hand, and points within a two (2) mile radius of the intersection of Tomichi and Main Streets, Gunnison, Colorado, on the other hand.

Transportation -- in sightseeing service -- of

(3) Passengers

Within a twenty-five (25) mile radius of the intersection of Elk Avenue and Third Street, Crested Butte, Colorado.

RESTRICTIONS:

Item (3) of this Certificate is restricted as follows:

- (a) Restricted to the use of over-the-snow type equipment, and four-wheel drive vehicles not to exceed six (6) passengers including driver.
- (b) All transportation service rendered must originate and terminate within a ten (10) mile radius of Crested Butte, Colorado.

Transportation -- on call and demand -- of

(4) Passengers

Within a twenty-five (25) mile radius of Crested Butte, Colorado.

RESTRICTIONS:

Item (4) of this Certificate is restricted as follows:

- (a) Restricted to the use of four-wheel drive vehicles not to exceed six (6) passengers including driver.
- (b) All transportation service rendered must originate and terminate within a ten (10) mile radius of Crested Butte, Colorado.
- (c) All transportation service rendered must be in connection with a hunting and/or fishing guide service.

Transportation -- on call and demand -- of

(5) General commodities

Between all points within a ten (10) mile radius of the intersection of Elk Avenue and Third Street, Crested Butte, Colorado, and to and from said points, from and to points within a two (2) mile radius of the intersection of Tomichi and Main Streets, Gunnison, Colorado.

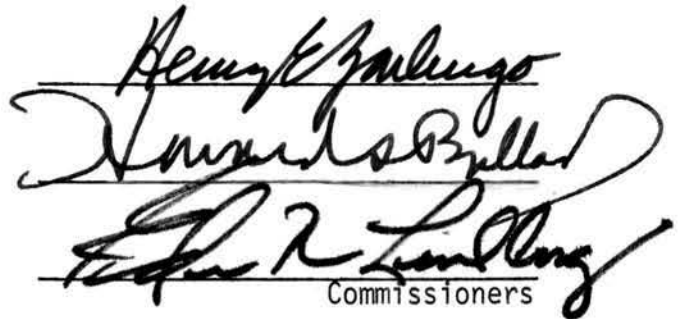
RESTRICTION:

Item (5) of this Certificate is restricted against transporting any shipment which weighs in excess of fifteen (15) pounds."

2. That except as herein amended Decision No. 75427 shall remain in full force and effect.

3. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
25th day of September, 1970.  
js

(Decision No. 75937)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF }  
WASTE DISPOSAL, INC., 3001 WALNUT }  
STREET, DENVER, COLORADO. }

PUC NO. 3430, PUC NO. 5623,  
AND PERMIT NO. B-7265

-----  
September 25, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission's records disclose that PUC No. 3430, PUC No. 5623 and Permit No. B-7265 should read Denver Clean-Up Service, Inc., doing business as "Waste Disposal, Inc.," in lieu of Waste Disposal, Inc., and that the same should be corrected as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the files and records of the Commission be corrected to show PUC No. 3430, PUC No. 5623 and Permit No. B-7265 to be owned and operated by Denver Clean-Up Service, Inc., doing business as "Waste Disposal, Inc."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HOWARD S. BJELLAND NECESSARILY  
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this  
25th day of September, 1970.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GERALD P. MININGER, ROUTE 1, BOX )	APPLICATION NO. 24506-PP
23, GREELEY, COLORADO, FOR AUTHORITY )	
TO OPERATE AS A CLASS "B" CONTRACT )	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE. )	
-----	

-----  
September 25, 1970  
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Appearances: Gerald P. Mininger, Greeley,  
Colorado, pro se.

It appearing, That by Order of the Commission dated August 19, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records

of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Gerald P. Mininger, Route 1, Box 23, Greeley, Colorado, be, and is hereby, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

Natural fertilizer

Between all points within an area comprised of Weld and Larimer Counties, State of Colorado.

RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

And this Order shall be deemed to be, and be, a PERMIT therefor.

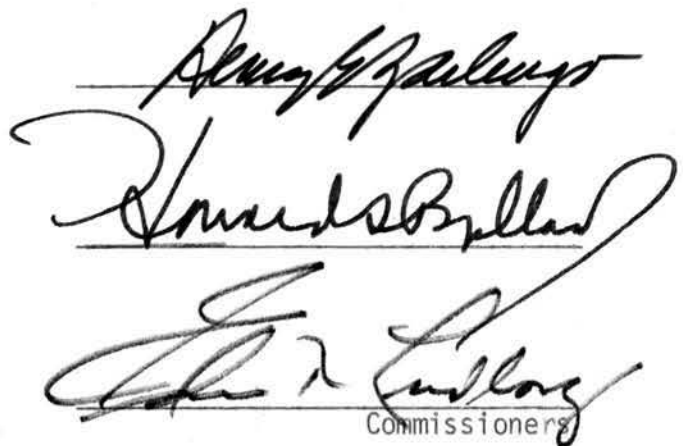
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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  
25th day of September, 1970.  
jk/vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LILLARD H. ELLIOTT AND EARL D. ELLIOTT, )	
DOING BUSINESS AS "ELLIOTT ENTERPRISES," )	APPLICATION NO. 23835
ROUTE 1, MONTE VISTA, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE AND )	SUPPLEMENTAL ORDER
NECESSITY TO OPERATE AS A COMMON CARRIER )	
BY MOTOR VEHICLE FOR HIRE. )	
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-----  
September 25, 1970  
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Appearances: Gail F. Ouren, Esq., Monte Vista,  
Colorado, for Applicants;  
George W. Woodard, Esq., Alamosa,  
Colorado, for Ivan M. Glynn, Protestant;  
Elizabeth A. Conour, Esq., Del Norte,  
Colorado, for Fred T. Gibson, doing  
business as "Gibson Truck Line," Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 4, 1970, Decision No. 74828 was issued by the Commission being the Recommended Decision of Examiner Christian O. Igenbergs.

On August 31, 1970, Ivan M. Glynn and Fred T. Gibson, by their attorneys George W. Woodard and Elizabeth A. Conour, filed pleadings entitled "Petition for Reconsideration and Rehearing" and "Exceptions to Examiner's Report."

Upon consideration of the record in the above-entitled application including the Recommended Decision and Order by Examiner Christian O. Igenbergs, the Commission finds that the Exceptions filed on August 31, 1970, do not show any material errors in the Examiner's Statement and Findings of Fact, in his evaluation of the facts, his Conclusions of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such



nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions;

WHEREFORE, and good cause appearing therefor;

We find that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Igenbergs being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own.

The Commission also states and finds that with regard to the Petition for Reconsideration and Rehearing, there is no statutory provision for such a pleading to be filed with respect to a Recommended Decision and Order of an examiner and it is therefore denied.

#### O R D E R

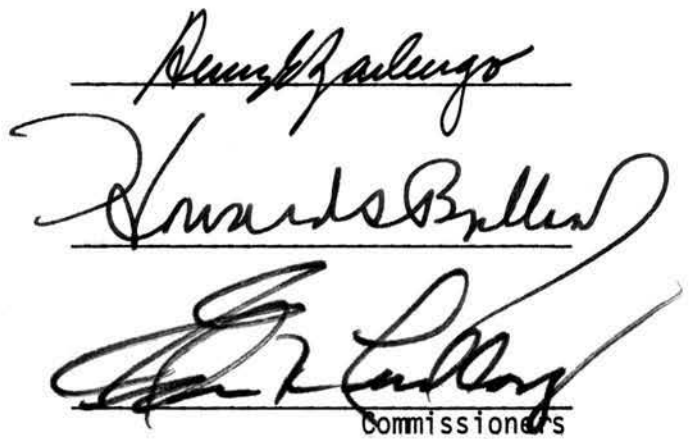
##### THE COMMISSION ORDERS:

1. That the Exceptions of Ivan M. Glynn and Fred T. Gibson be, and hereby are, overruled and denied.
2. That the Petition for Reconsideration and Rehearing of Ivan M. Glynn and Fred T. Gibson be, and hereby is, denied without prejudice.
3. That the Recommended Decision and Order by Examiner Christian O. Igenbergs, being Decision No. 74828, dated May 4, 1970, be, and hereby is, affirmed and adopted as our own.
4. That the Recommended Decision and Order of Examiner Christian O. Igenbergs be, and hereby is, adopted as the Order

of the Commission without change in any of the requirements thereof except as set forth hereinbelow.

5. 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  
25th day of September, 1970.  
jk/vjr

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LELAND MAX BERRINGER, 707½ MARTIN, )  
BURLINGTON, COLORADO, FOR EMERGENCY )  
TEMPORARY AUTHORITY TO OPERATE AS A )  
CLASS "A" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )  
-----

APPLICATION NO. 24560-PP-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

-----  
September 25, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (4),  
being under consideration, and

It appearing, That appropriate application has been made  
to this Commission for permanent operating authority.

It further appearing, That there is an immediate and urgent  
need for the transportation service herein sought.

It further appearing, That failure to immediately grant  
emergency temporary authority may result in the shipper being unable  
to acquire transportation service to distribute dated news material  
from its publishing plant to its subscribers located within the area  
described in the application.

And it further appearing, That said circumstances consti-  
tute an emergency requiring the immediate issuance of temporary  
authority.

It is ordered, That Leland Max Berringer, 707½ Martin,  
Burlington, Colorado, be, and is hereby, granted emergency temporary  
authority for a period of fifteen (15) days commencing  
1970, as a class "A" contract carrier by motor vehicle, for the

"Transportation of  
Newspapers

Between Denver, Colorado, and Burlington, Colorado, over Interstate Highway No. 70 and U.S. Highway No. 24 serving the following named intermediate points: Deertrail, Colorado; Limon, Colorado; Genoa, Colorado; Arriba, Colorado; Flagler, Colorado; Seibert, Colorado; Vona, Colorado; Stratton, Colorado; Bethune, Colorado.

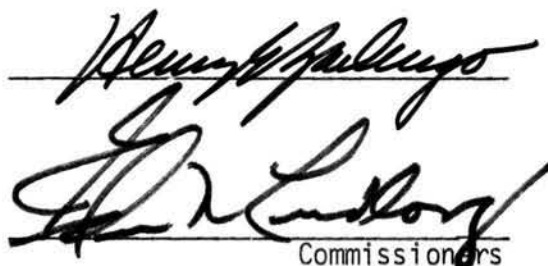
RESTRICTION: This Emergency Temporary Authority is restricted to rendering transportation service for one customer only, viz: The Rocky Mountain News."

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND  
NECESSARILY ABSENT AND NOT  
PARTICIPATING.

Dated at Denver, Colorado this  
25th day of September, 1970.  
jk/vjr

(Decision No. 75941)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PETE GALLEGOS, DOING BUSINESS AS )  
"ALAMOSA TAXI SERVICE," 432 SEVENTH )  
STREET, ALAMOSA, COLORADO, FOR )  
AUTHORITY TO LEASE PUC NO. 1921 TO )  
ROBERT E. AMES, DOING BUSINESS AS )  
"ALAMOSA TAXI SERVICE," SIXTH AND )  
STATE STREET, ALAMOSA, COLORADO. )  
-----

APPLICATION NO. 24296-Lease

SUPPLEMENTAL ORDER

-----  
September 25, 1970  
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Appearances: Robert L. McMichael, Esq.  
Pueblo, Colorado, for  
Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 4, 1970, Recommended Decision No. 75534 of Christian O. Igenbergs, Examiner, was issued, authorizing Pete Gallegos, doing business as "Alamosa Taxi Service," to lease PUC No. 1921 to Robert E. Ames, doing business as "Alamosa Taxi Service."

The Commission is in receipt of correspondence from William O. DeSouchet, Jr., Attorney for Pete Gallegos, together with a letter from Pete Gallegos to Robert E. Ames, stating that the parties no longer desire the authority granted by Recommended Decision No. 75534 and requesting the same be set aside.

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.

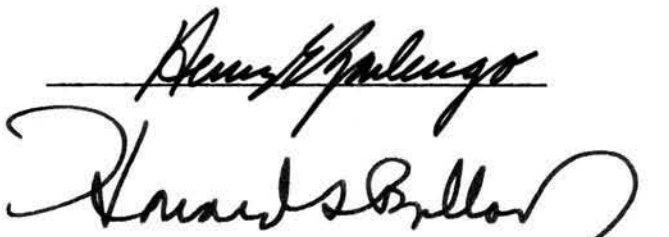
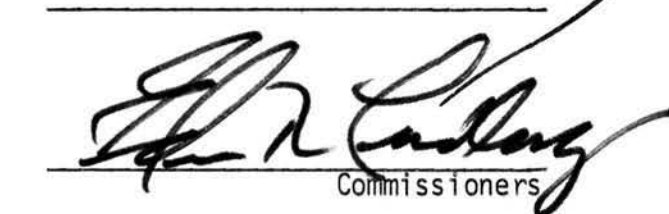
O R D E R

THE COMMISSION ORDERS:

That Recommended Decision No. 75534 of Christian O. Igenbergs, Examiner, dated August 4, 1970, be, and the same hereby is, vacated, set aside and held for naught, and that Application No. 24296-Lease, be, and the same hereby is, dismissed.

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  
25th day of September, 1970.  
jk/vjr

(Decision No. 75942)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ORVILLE JENKINS AND ORVILLE J. )  
JENKINS, DOING BUSINESS AS "ARVADA )  
TRANSFER," 7701 NORTH RALEIGH )  
STREET, WESTMINSTER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
247 AND PUC NO. 247-I TO ORVILLE )  
JENKINS AND ESTHER A. JENKINS, )  
DOING BUSINESS AS "ARVADA TRANS- )  
FER," 7701 NORTH RALEIGH STREET, )  
WESTMINSTER, COLORADO. )  
-----

APPLICATION NO.  
24434-Transfer

ORDER OF THE COMMISSION

-----  
September 25, 1970  
-----

Appearances: Stephen A. Weinstein, Esq.,  
Denver, Colorado, for  
Applicants.

It appearing, That by Order of the Commission dated July 9, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted  
amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees  
has been satisfactorily established and that the transfer is compatible  
with the public interest;

And we further find, That Transferees are fit, willing and  
able properly to engage in bona fide motor carrier operations under the  
authority to be transferred and to conform to the applicable statutory  
requirements and the Commission's rules and regulations thereunder, and  
that an appropriate Order should be entered; and

IT IS ORDERED, That Orville Jenkins and Orville J. Jenkins,  
doing business as "Arvada Transfer," 7701 North Raleigh Street, West-  
minster, Colorado, be, and are hereby, authorized to transfer all right,  
title and interest in and to Certificate of Public Convenience and  
Necessity PUC No. 247 and PUC No. 247-I to Orville Jenkins and Esther  
A. Jenkins, doing business as "Arvada Transfer," 7701 North Raleigh  
Street, Westminster, Colorado, subject to encumbrances, if any, against  
said authority approved by this Commission.

That henceforth the full and complete authority under Certifi-  
cate of Public Convenience and Necessity PUC No. 247 and PUC No. 247-I  
shall read and be as follows, to wit:

"Transportation -- on call and demand -- of

(1) General commodities

Between all points within the City of Arvada,  
Colorado, and a nine (9) mile radius thereof  
on the one hand, and all points within the City  
and County of Denver, Colorado, on the other  
hand.

RESTRICTION: This Certificate is restricted as  
follows:



- (a) Against rendering transportation service to or from the area in Jefferson County, Colorado, known as the Federal Center.
  - (b) Against rendering transportation service within that portion of said nine (9) mile radius lying east of U. S. Highway 85.
  - (c) Against rendering transportation service to or from the City of Golden, Colorado.
  - (d) Against the transportation of livestock, commodities which require special equipment because of size or weight, and shipments of household goods in excess of 2,000 lbs.
- (2) 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 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 within thirty 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.

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

That the right of Transferees to operate under this Order shall be dependent upon 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 Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
25th day of September, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

- - - - -  
September 28, 1970  
- - - - -

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 commercial carriers 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 commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:


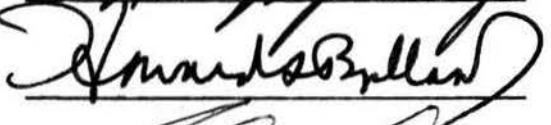

Ann Wensky dba A & B Masonry	851 W. 1st. Ave., Cheyenne, Wyoming 82001
Bill O. Frazier dba Ad Craft Signs	1240 1/2 So. First, Montrose, Colo. 81401
Robert Jenson & Gordon R. Garrison dba B & G Auto	252 Hiway U.S. 287, Lafayette, Colo. 80026
Beatrice Frozen Specialties, Beatrice Foods Co.	P.O. Box 180, Archbold, Ohio 43502
Birmingham Totem-All, Inc.	P.O. Drawer 289 Springville, Alabama 35146
Vernon Calhoun Packing Co.	P.O. Box 709, Palestine, Texas 75801
David E. Carpenter	1340 So. Forest Way, Denver, Colo. 80222
Castle Industries, Inc.	P.O. Box 5187, Lubbock, Texas 79417
Quirino Cervantes	P.O. Box 460, Capulin, Colo. 81126
Lowell Clark	Box 34, Champion, Nebraska 69023
Gorden Borden & Tex Allen dba Classic Mobile Homes	Route 4, Box 242A Ft. Smith, Arkansas 72901
Crestliner Div. North American Rockwell	609 - 13th Ave. N.E. Little Falls, Minnesota 56345
D & H Salvage	Box 7568, Amarillo, Texas 79105

Delta Steel, Inc.	P.O. Box 2289, Houston, Texas 77001
Doetch Distributing Inc.	1231 Blue Gum Anaheim, California 92806
R. M. Dressel	Sterling, Colo. 80751
EFCO Corporation	200 W. Dairy St., Monett, Missouri 65708
Douglass K. Bridges dba Electronics Service Specialists	P.O. Box 623, Glenwood Springs, Colo. 81601
Frank & Richard D. Elliott dba F & R Meat Co.	7326 No. Washington St., Denver, Colo. 80229
Lewis Franklin Fields	P.O. Box 189, Olathe, Colo. 81425
Glen L. Florian	Star Route, Ft. Morgan, Colo. 80723
Fortune Drilling Corp.	Petroleum Bldg., San Angelo, Texas 76901
Garland Call Pole Co.	1202 Taylor Ave., Idaho Falls, Idaho 83401
Robert E. & Billy L. Geske	Rt. 1, Box 46, Otis, Colo. 80743
Bryan J. Girdner	270 Dogwood, Tahliquah, Oklahoma 74464
Harold Graham	Rt. 1, Box 158-A, Pine, Colo. 80470
Robert E. Rath dba Grant Store	P.O. Box 25, Grant, Colo. 80448
Greenhorn Construction Co.	Box 74, Lake City, Colo. 81235
Robert L. Hedgeland	Rt. 1, Box 205B, Delta, Colo. 81416
Reid L. Seigworth dba High Plains Grain	Box 1036, Ft. Collins, Colo. 80520
Joe S. Hofer	Doland, South Dakota 57436
Theodore N. Joslyn dba Joslyn Transportation	Rt. 1, Box 141, Paonia, Colo. 81428
Mary L. Lambert	Yuma, Colo. 80759
Lincoln Steel Corp.	545 West - 0 - Street Lincoln, Nebraska 68510
Darwin & Si Lockhart dba Lockhart Trailer Sales	912 Lincoln Ave. Steamboat Springs, Colo. 80477
Masonite Corporation	29 No. Wacker Drive, Chicago, Illinois 60606
Mile-Hi Communications, Inc.	1132 So. Bannock St., Denver, Colo. 80223

Billy Joe & Clarence Romero & Hames & Bernard Montgomery dba Montgomery Bros. & Romero Bros.	2437 Pueblo Bonito N.W. Albuquerque, New Mexico 87105
Virgil L. Porter	Bytle Star Rt., Box 131 Colorado Springs, Colo. 80903
Paul Reed	Star Rt., Box 23-A Clovis, New Mexico 88101
Royal Tile Mfg. Co.	P.O. Box 6366, Ft. Worth, Texas 76115
Sammy's Pizza Inc.	P.O. Box 458, Myrtle, Minnesota 56070
Perry G. Sheets	P.O. Box 867, Alamosa, Colo. 81101
Dale Smith dba Smith Hardware Co.	Box 518, Haxtun, Colo. 80731
E. W. Johnson dba Southwest Mobile Homes	906 - 8th East McCook, Nebraska 69001
Southwest Wire Rope Inc.	1838 Federal Rd., Houston, Texas 77015
Robert E. Stock	Box 802, Bloomfield, New Mexico 87413
Texas Steel & Wire	6304 Hurst St., Houston, Texas 77008
Turner & Conyer Lumber Co.	R.R. 3, Marion, Kentucky 42064
Bernard N. Wadle	47 Willis Drive Colorado Springs, Colo. 80911
Weinstein International Corp.	4606 So. Chicago Ave. Minneapolis, Minnesota 55407
Dean L. Dickey dba Western Neon Co.	456 North Ave, Grand Junction, Colo. 81501
Winner Boats, Inc.	1st & Pickett Dickson, Tennessee 37055
L.W. Wyatt	208 Lincoln, Ft. Morgan, Colo. 80701

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
28th day of September, 1970.  
js

(Decision No. 75944)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE PIKES PEAK AUTOMOBILE COMPANY, )  
A COLORADO CORPORATION, P. O. BOX )  
2378, COLORADO SPRINGS, COLORADO )  
80901, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 24514

-----  
September 25, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 11, 1970, Denver-Colorado Springs-Pueblo Motorway, Inc., Denver Salt Lake Pacific Stages, Inc., American Bus Lines, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Continental Bus System, Inc. and Continental Central Lines, Inc., by their attorney, John R. Barry, filed a Motion to Intervene and Protest in the above-captioned proceeding and caused a copy of said Motion to be served by mail upon William A. Baker, attorney for Applicant.

The Commission states and finds that Applicants for intervention Denver-Colorado Springs-Pueblo Motorway, Inc., Denver Salt Lake Pacific Stages, Inc., American Bus Lines, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Continental Bus System, Inc. and Continental Central Lines, Inc., are parties who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.



O R D E R

THE COMMISSION ORDERS THAT:

The Motion to Intervene and Protest by Denver-Colorado Springs-Pueblo Motorway, Inc., Denver Salt Lake Pacific Stages, Inc., American Bus Lines, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Continental Bus System, Inc. and Continental Central Lines, Inc., be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

HOWARD S. BJELLAND NECESSARILY  
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this  
25th day of September, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RONNIE HOLSTINE, MARCUS HOLSTINE, )  
W. H. HOLSTINE, AND BYRON W. )  
HOLSTINE, DOING BUSINESS AS "W. H. )  
HOLSTINE & SONS," BOX 35, KIRK, )  
COLORADO, FOR EMERGENCY TEMPORARY )  
AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-6213. )  
-----

APPLICATION NO.  
24569-PP-Extension-ETA  
ORDER DENYING  
EMERGENCY TEMPORARY AUTHORITY

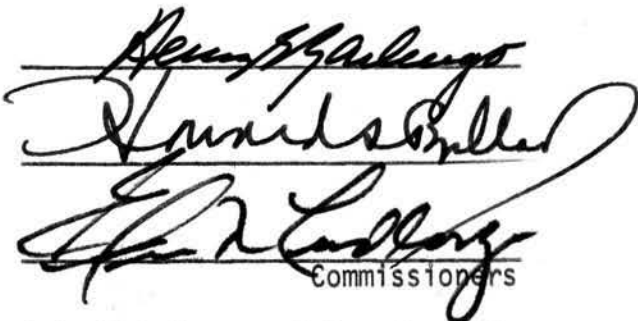
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September 25, 1970  
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The above-entitled application under CRS 1963, 115-6-20  
(4), being under consideration, and

It appearing, That the Applicants have not shown that  
there is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency  
temporary authority be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
25th day of September, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: DENVER-BOULDER BUS COMPANY )  
INCREASED COMMUTATION FARES )  
BETWEEN DENVER AND BOULDER, )  
COLORADO )  
----- )

Investigation and Suspension  
Docket No. 659

-----  
September 25, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 7, 1970, C. S. Dawson, Superintendent, Denver-Boulder Bus Company, filed 2nd Revised Page No. 1, 2nd Revised Page No. 2, 1st Revised Page No. 3, 1st Revised Page No. 4, 3rd Revised Page No. 7 and 3rd Revised Page No. 8, to its Local Passenger Tariff No. 42, Colorado PUC No. 43, scheduled to become effective September 8, 1970.

By Decision No. 75811, dated September 3, 1970, the Commission suspended the proposed increased fares and entered into an investigation concerning the lawfulness of the fares contained therein.

The Commission is in receipt of a letter from said Respondent requesting that it be allowed to withdraw the suspended matter, and that the hearing set for November 30, 1970, Investigation and Suspension Docket No. 659, be vacated.

Upon consideration of said communication, the Commission finds that it will be in the public interest to allow the Respondent to withdraw the suspended matter, and that the hearing set for November 30, 1970, be vacated and the investigation discontinued.

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 the Respondent herein be, and it is hereby, notified and required to cancel 2nd Revised Page No. 1, 2nd Revised Page No. 2, 1st Revised Page No. 3, 1st Revised Page No. 4, 3rd Revised Page No. 7 and 3rd Revised Page No. 8, to its Local Passenger Tariff No. 42, Colorado PUC No. 43, on or before October 16, 1970, 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 the hearing set for 10:00 a.m. on November 30, 1970, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and it is hereby, vacated and the matter discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this  
25th day of September, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

WESTERN COLORADO POWER COMPANY, )  
A COLORADO CORPORATION, )  
423 MAIN STREET )  
MONTROSE, COLORADO 81401 )

COMPLAINANT, )

CASE NO. 5441

VS. )

DELTA-MONTROSE RURAL POWER LINES )  
ASSOCIATION, INC., A COLORADO )  
CORPORATION, )  
P. O. BOX 59 )  
DELTA, COLORADO 81416 )

INTERIM ORDER

RESPONDENT. )

-----

-----  
September 25, 1970  
-----

S T A T E M E N T

BY THE COMMISSION:

On September 18, 1970, The Western Colorado Power Company filed a Complaint & Protest against the Delta-Montrose Rural Power Lines Association, Inc. The Commission has issued a Satisfy or Answer Order on the complaint portion of the filing, and Delta-Montrose has been granted twenty days within which to Satisfy or Answer. The complaint has to do with the serving of an electric customer by Delta-Montrose in the territory which Western Colorado Power claims as its territory.

The Protest was made by Western Colorado Power to a rate that was filed by Delta-Montrose to serve the Western Slope Carbon, Inc., located in the disputed territory. Western Colorado Power in its Protest prays that the Commission suspend the rate filed by Delta-Montrose on September 1, 1970 to become effective on October 1, 1970, accompanied by Advice Letter No. 10 and designated as Company Rate Industrial 500. Under and by virtue of Rule 10, and in particular Rule 10 (b), of the Rules of Practice and Procedure before the Commission, Western Colorado Power has no standing to protest said rate. We will not suspend the effective

date of the rate filing, but this will in no way prejudice the outcome of the complaint case as to who shall eventually serve the area.

FINDINGS OF FACT

THE COMMISSION FINDS:

That the protest of Western Colorado Power Company should be denied and that the effective date of the Industrial 500 Rate, as filed by Delta-Montrose Rural Power Lines Association Inc., should not be suspended.

O R D E R

THE COMMISSION ORDERS:

That the Protest of Western Colorado Power Company filed on September 18, 1970, be, and hereby is, denied.

That the Large Industrial Power Rate (Company Rate Industrial 500) as set forth on Delta-Montrose Rural Power Lines Association, Inc., Tariff Colorado PUC No. 1, Original Sheets Nos. 11.1 and 11.1A, be, and hereby is permitted to become effective on October 1, 1970, in accordance with the filing.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 25th day of September, 1970.  
hbp

(Decision No. 75948)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, DENVER WIDE RUBBISH )  
REMOVAL SERVICE, 3548 GILPIN STREET, )  
DENVER, COLORADO 80205, UNDER CERTIFICATE )  
OF AUTHORITY PUC No. 3595 )  
----- )

CASE NO. 76-AR

-----  
September 24, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 24, 1970, the Commission entered Decision No. 75724 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Denver Wide Rubbish Removal Service, being Certificate of Public Convenience and Necessity PUC No. 3595, be, and the same hereby is, revoked and cancelled as of September 24, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before September 24, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before September 24, 1970.


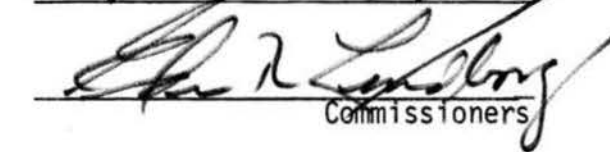
Inasmuch as the Respondent, Denver Wide Rubbish Removal Service, has filed its Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before September 24, as provided in Decision No. 75724, the Commission states and finds that Certificate of Public Convenience and Necessity, PUC No. 3595, should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75724, dated August 24, 1970, providing for the revocation and cancellation of PUC No. 3595, 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  
24th day of September, 1970. av



(Decision No. 75949)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES AND REGULATIONS )  
OF DELTA-MONTROSE RURAL POWER LINES ASSO- )  
CIATION, P. O. BOX 59, DELTA, COLORADO )  
81416; LAS ANIMAS MUNICIPAL LIGHT & POWER, )  
LAS ANIMAS, COLORADO 81054; SANGRE DE CRISTO )  
ELECTRIC ASSOCIATION, INC., P. O. DRAWER J, )  
BUENA VISTA, COLORADO 81211; SAN ISABEL )  
ELECTRIC SERVICES, INC., P. O. BOX 892, )  
PUEBLO, COLORADO 81002; SPRINGER ELECTRIC )  
COOPERATIVE, INC., P. O. BOX 698, SPRINGER, )  
NEW MEXICO 87747; UTILITIES BOARD OF THE )  
CITY OF LAMAR, COLORADO, 100 NORTH SECOND )  
STREET, LAMAR, COLORADO 81052; GRAND VALLEY )  
RURAL POWER LINES, INC., 2727 GRAND AVENUE, )  
GRAND JUNCTION, COLORADO 81501; THE HOLY )  
CROSS ELECTRIC ASSOCIATION, INC., 914 GRAND )  
AVENUE, GLENWOOD SPRINGS, COLORADO 81601; )  
GUNNISON COUNTY ELECTRIC ASSOCIATION, P.O. )  
BOX 408, CRESTED BUTTE, COLORADO 81224; AND )  
INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, )  
2100 WEST LITTLETON BOULEVARD, P. O. BOX )  
1130, LITTLETON, COLORADO 80120. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 653

SUPPLEMENTAL ORDER

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 30, 1970, the Commission by Decision No. 75296 suspended the effective date of certain tariff sheets of the Respondent electric utilities listed in the caption hereinabove. Subsequently a number of the utilities have withdrawn the tariff sheets involved and refiled them in accordance with the rules of the Commission regulating the service of electric utilities. Accordingly, the Commission finds that this proceeding should be terminated with respect to the utilities listed as follows:

Las Animas Municipal Light & Power - Original Sheet No. 19  
Sangre De Cristo Electric Association, Inc. - First Revised Sheet  
No. 22  
San Isabel Electric Services, Inc. - First Revised Sheet No. 21  
Springer Electric Cooperative, Inc. - First Revised Sheet No. 24  
Grand Valley Rural Power Lines, Inc. - Second Revised Sheets  
No. 11E and 11F  
The Holy Cross Electric Association, Inc. - First Revised Sheet No. 36  
Original Sheet No. 37  
Gunnison County Electric Association, Inc. - First Revised Sheet No. 29  
Original Sheet No. 29A  
Delta Montrose Rural Power Lines Association - Original Sheet No. 15.1  
Intermountain Rural Electric Association - First Revised Sheet No. 38  
Original Sheet No. 38.1  
First Revised Sheet No. 39  
Utilities Board, City of Lamar - Third Revised Sheet No. 10.1  
Second Revised Sheet No. 10.2  
First Revised Sheet No. 10.3

All of the above utilities having now complied with Commission requirements,  
I & S Docket No. 653 should be terminated.

O R D E R

THE COMMISSION ORDERS:

That I & S Docket No. 653 be, and it hereby is, terminated.  
That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HOWARD S. BJELLAND  
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
hj

(Decision No. 75950)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RELIABLE LINEN SERVICE, INC. )  
3004-3036 Downing St. )  
Denver, Colorado )

PERMIT NO. M-1789

-----  
September 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 9, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75951)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ANTONIO H. HELTON )  
3745 FILLMORE ST. )  
DENVER, COLORADO 80205 )

PERMIT NO. M-1892

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 11, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js

(Decision No. 75952)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ARTHUR G. GALLEGOS )  
161 S. HOOKER ST. )  
DENVER, COLORADO 80219 )

PERMIT NO. M-9860

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

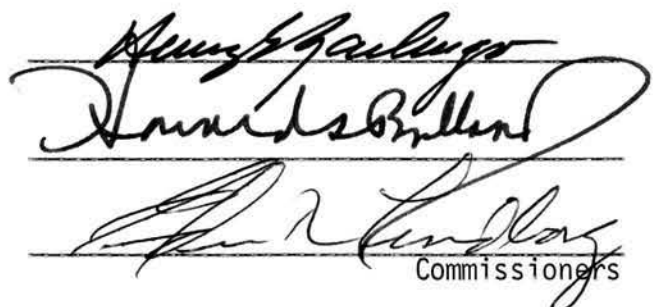
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 13, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of SEptember, 1970.  
js

(Decision No. 75953)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
WESTERN SLOPE INDUSTRIAL UNIFORM )  
AND LINEN SUPPLY CO. )  
720 GRAND AVENUE )  
GLENWOOD SPRINGS, COLORADO 81601 )

PERMIT NO. M-10063

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

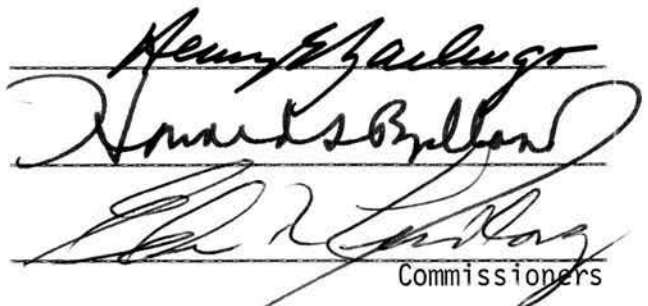
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 9, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js

(Decision No. 75954)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RELIABLE LINEN SERVICE )  
733 RIVERSIDE AVENUE )  
FORT COLLINS, COLORADO 80521 )

PERMIT NO. M-10343

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 9, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75955)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
CENTRAL UNIFORM AND LINEN SUPPLY )  
426 S. TEJON ST. )  
COLORADO SPRINGS, COLORADO 80902 )

PERMIT NO. M-11062

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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


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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 9, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js



(Decision No. 75956)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
IRON CITY INDUSTRIAL UNIFORM AND )  
LINEN SUPPLY COMPANY )  
203 SOUTH VICTORIA ST. )  
PUEBLO, COLORADO 81001 )

PERMIT NO. M-12846

-----  
September, 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

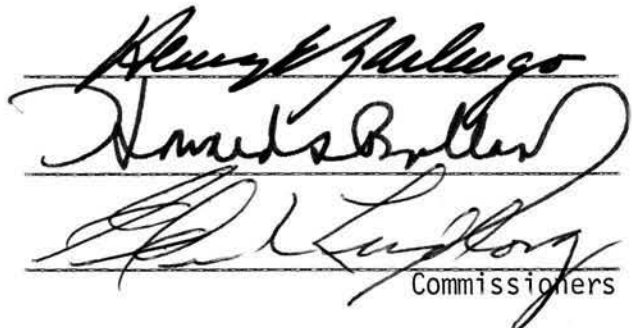
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 9, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js

(Decision No. 75957)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
MITCHELL L. DAVIS, SR. )  
BOX 481 )  
FLEMING, COLORADO )

PERMIT NO. M-14079

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

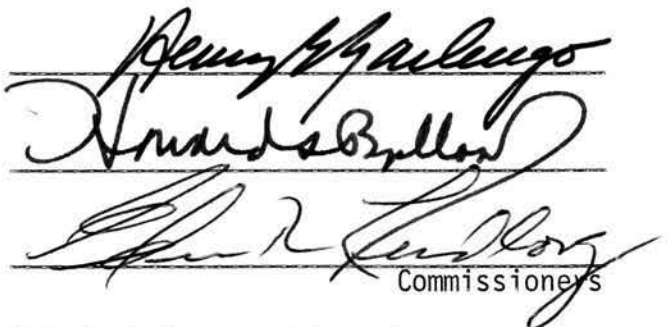
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 12, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75958)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
FRED A AND MARGARET TOWNE )  
823 EAST ST. VRAIN ST. )  
COLORADO SPRINGS, COLORADO 80903 )  
)

PERMIT NO. M-1160

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

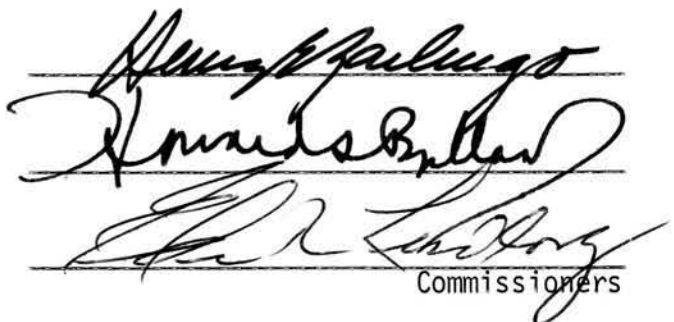
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 19, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75959)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ROY C. COLE )  
855 MILLER ST. )  
LAKEWOOD, COLORADO )

PERMIT NO. M-1895

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

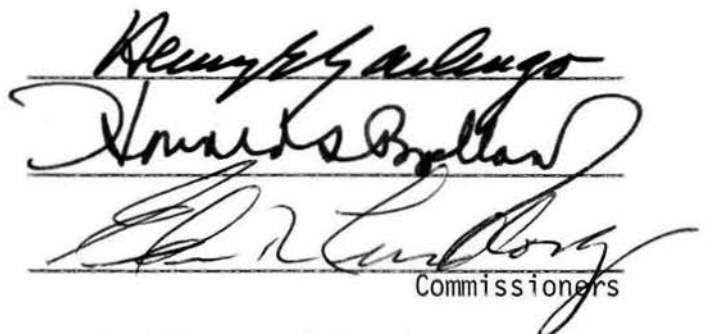
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 20, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js

(Decision No. 75960)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
MELVIN J. WALLACE )  
P O BOX 917 )  
CANON CITY, COLORADO 81212 )

PERMIT NO. M-2306

-----  
September 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

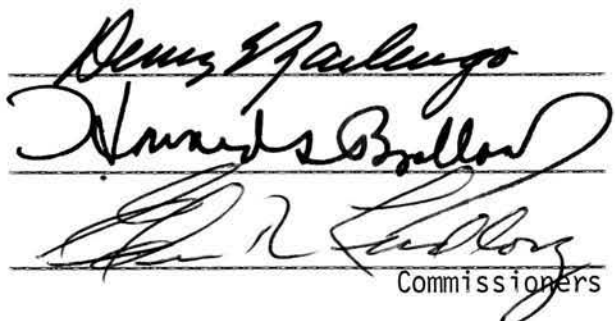
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 3, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
KELLY FIORENTINI )  
WESTON, COLORADO )  
 )  
 )  
 )

PERMIT NO. M-2794

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

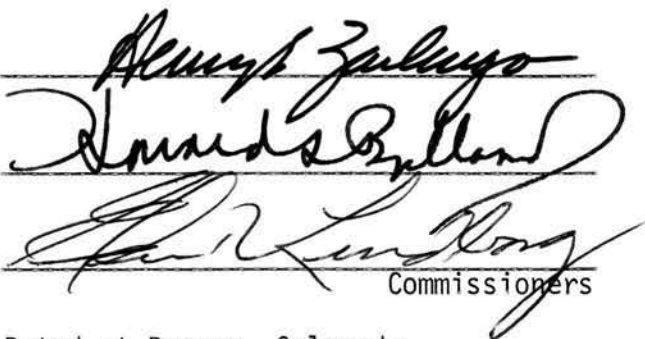
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 3, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75962)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
CALVIN E. CLARK )  
BOX 41 )  
FIRESTONE, COLORADO 80520 )

PERMIT NO. M-2954

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

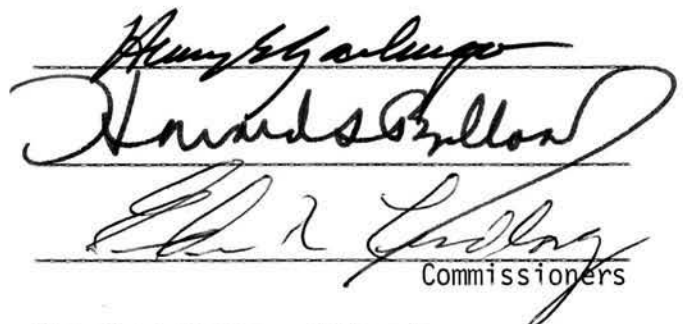
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 31, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75963)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
EDGAR P. CAMPBELL )  
2894 NORTH AVENUE )  
GRAND JUNCTION, COLORADO )

PERMIT NO. M-3049

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 1, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GILBERT ORTEGA )  
P O BOX 738 )  
TRINIDAD, COLORADO )  
----- )

PERMIT NO. M-4565

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

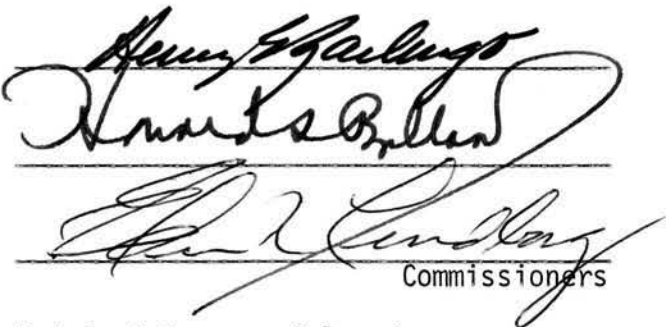
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 31, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75965)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
WESTERN WHOLESALE PRODUCE )  
BOX 14 )  
LUCERNE, COLORADO )

PERMIT NO. M-5151

-----  
SEPTEMBER 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 31, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75966)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GERALD R. RENK )  
358 KENWOOD CIRCLE )  
COLORADO SPRINGS, COLORADO 80910 )

PERMIT NO. M-7498

-----  
September 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

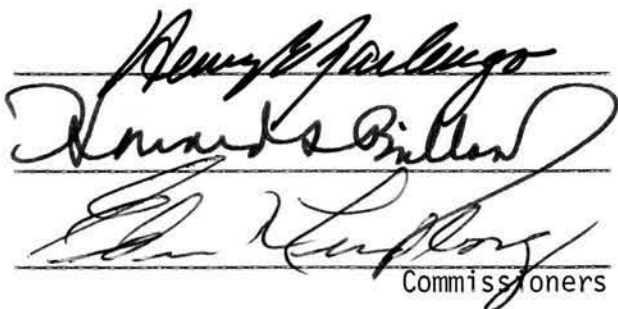
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 14, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75967)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ROBERT E. GRASMICK )  
411 58th St. )  
ROCKY FORD, COLORADO 81067 )

PERMIT NO. M-9525

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 14, 1970

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75968)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ERNEST A. CRAIG )  
4402 NORTH WEBER )  
COLORADO SPRINGS, COLORADO )

PERMIT NO. M-9902

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

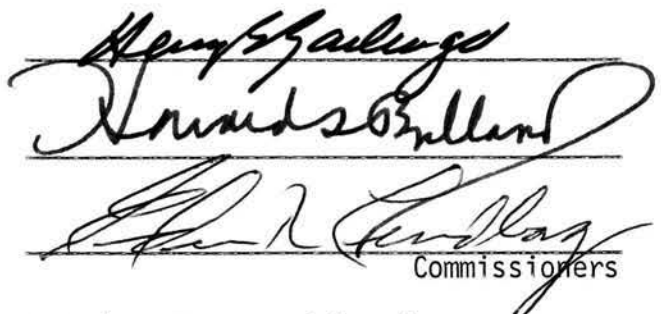
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 24, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js

(Decision No. 75969)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
IRWIN BURKEE )  
BOX 544 )  
610 NORTH STREET )  
ASPEN, COLORADO 81611 )

PERMIT NO. M-4143

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 14, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75970)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
JOSEPH E. MOONEY )  
ROUTE 1, BOX 647 )  
PUEBLO, COLORADO 81003 )

PERMIT NO. M-5292

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

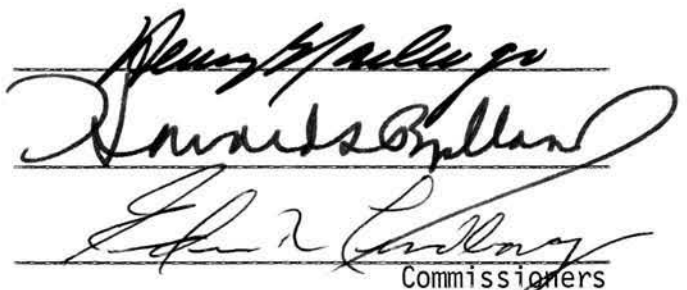
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 27, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75971)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
TOPONAS SAW MILL )  
BOX 96 )  
OAK CREEK, COLORADO 80467 )

PERMIT NO. M-6175

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

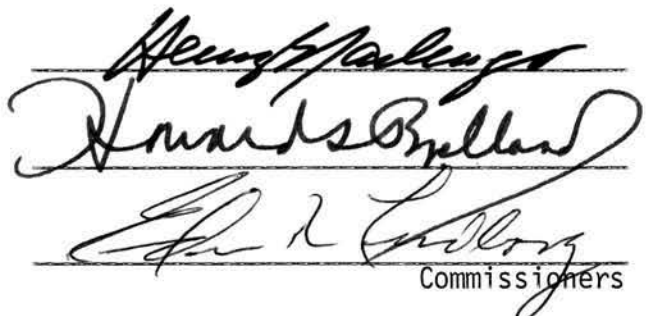
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 18, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js



(Decision No. 75972)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
BURGERMEISTER BREWING CORPORATION )  
470 TENTH ST. )  
SAN FRANCISCO, CALIFORNIA 94103 )

PERMIT NO. M-7925

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

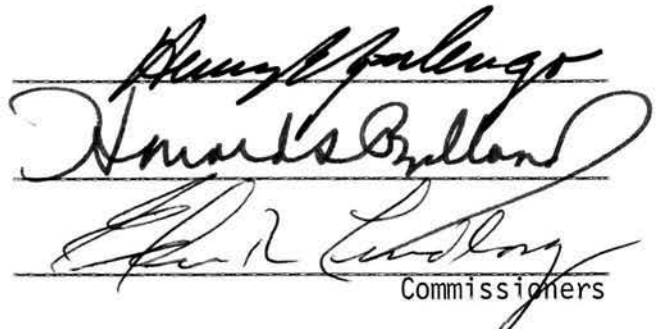
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 19, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75973)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
VERN W. MUSGRAVE )  
Box 84 )  
KIOWA, COLORADO 80117 )

PERMIT NO. M-10892

-----  
September 28, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

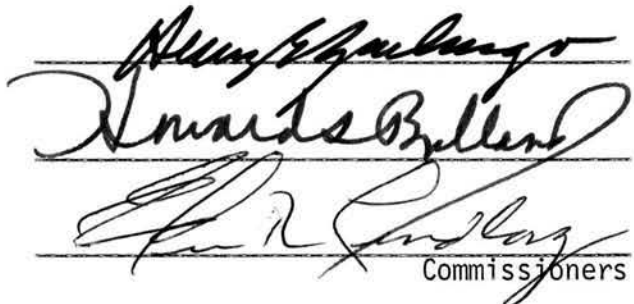
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 22, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

js

(Decision No. 75974)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
SAM GONZALES )  
ROUTE 1, BOX 381 )  
TRINIDAD, COLORADO 81082 )

PERMIT NO. M-13571

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

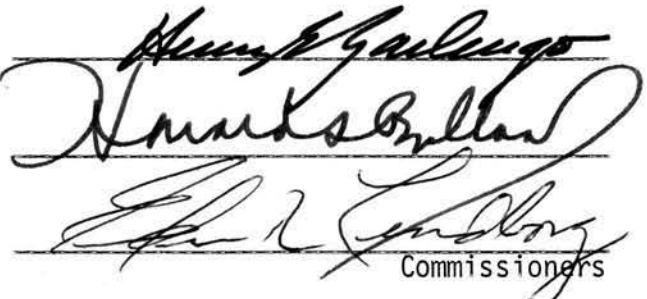
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September, 12, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75975)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ANDERSON'S LIQUID FEED COMPANY )  
RURAL ROUTE 2 )  
LA JUNTA, COLORADO 81050 )

PERMIT NO. M-14500

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

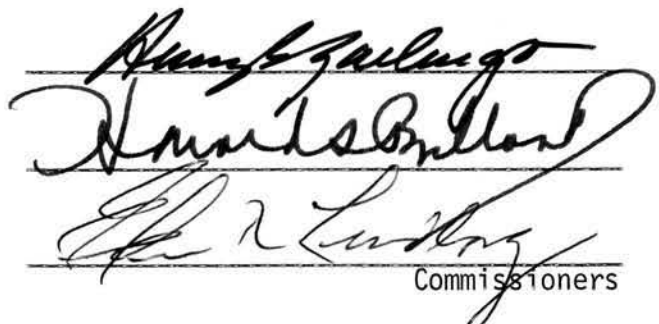
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 4, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75976)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RIBEAU'S MARKET )  
OSBORNE, KANSAS )

PERMIT NO. M-14930

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 12, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

(Decision No. 75977)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
BUSULCO MINE )  
Box 17 )  
AGUILAR, COLORADO 81020 )

PERMIT NO. M-5865

-----  
September 28, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 7, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICA- )  
TION OF THOMAS E. ORD, OWNER )  
OF ALL THE OUTSTANDING CAPI- )  
TAL STOCK IN AND TO DENVER )  
DISPOSAL COMPANY, 4210 COOK )  
STREET, DENVER, COLORADO, )  
FOR TEMPORARY APPROVAL TO )  
TRANSFER ALL THE OUTSTAND- )  
ING CAPITAL STOCK IN AND TO )  
DENVER DISPOSAL COMPANY, REC- )  
ORD OWNER OF CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECES- )  
SITY PUC NO. 3286 AND PERMIT )  
NO. B-4980, TO DENVER CLEAN- )  
UP SERVICE, INC., 803 SOUTH )  
JASON, DENVER, COLORADO. )  
-----

APPLICATION NO. 24537-Stock Transfer-TA  
APPLICATION NO. 24538-PP-Stock Transfer-TA  
ORDER GRANTING TEMPORARY APPROVAL

-----  
September 29, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (2),  
being under consideration, and

It appearing, That Applicants have caused appropriate appli-  
cations to be filed with this Commission to acquire control of said  
authorities through the purchase of the corporate stock.

It further appearing, That failure to grant such temporary  
approval may result in destruction of, or injury to, the properties  
of the Applicants herein, or interfere substantially with their  
future usefulness in the performance of adequate and continuous serv-  
ice to the public.

It is ordered, That Applicants be, and are hereby, granted  
temporary approval, conditioned upon full compliance with all appli-  
cable statutory and Commission requirements, rules and regulations,  
to engage in the business of transportation by motor vehicle to the  
extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in

this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado, this  
29th day of September, 1970.  
jk/vjr



(Decision No. 75978)  
September 29, 1970

APPENDIX

Application No. 24537-Stock Transfer-TA  
Application No. 24538-PP-Stock Transfer-TA

Denver Clean-Up Service, Inc.  
803 South Jason  
Denver, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicants, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, are authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 165 days or until

such time as the decision of the Commission on the corresponding permanent application of the Applicants becomes final, whichever occurs first.

TYPE OF CARRIER - Common and Contract

SERVICE AUTHORIZED:

Temporary approval is hereby granted to Denver Clean-Up Service, Inc., to acquire operational control of Denver Disposal Company, for a period of 165 days as hereinabove set forth and upon the terms and conditions as provided in the stock agreement dated September 4, 1970.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF WESTERN SLOPE GAS COMPANY FOR	)	
AN ORDER AUTHORIZING A GAS RATE	)	APPLICATION NO. 24233
ADJUSTMENT, SUPPLEMENTING THE	)	
ORDER OF THE COMMISSION IN DECI-	)	SUPPLEMENTAL ORDER
SION NO. 74730 DATED APRIL 15, 1970.)	)	
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September 28, 1970  
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S T A T E M E N T

BY THE COMMISSION:

On September 18, 1970 Western Slope Gas Company (Applicant) filed an application requesting an order of this Commission authorizing certain gas rate adjustments, as a supplement to the order of this Commission in Decision No. 74730 dated April 15, 1970 authorizing Applicant to place in effect on April 18, 1970 temporary riders increasing certain of its natural gas rates then on file with the Commission.

Applicant is a public utility, subject to the jurisdiction and regulation of this Commission, engaged in the intrastate purchase, transmission and sale of natural gas in various parts of the State of Colorado. A substantial portion of Applicant's natural gas requirements for its Eastern System operations, which includes all natural gas service supplied by Applicant to customers East of the Continental Divide in the State of Colorado, is purchased from Colorado Interstate Gas Company (Colorado Interstate), a division of Colorado Interstate Corporation, pursuant to Colorado Interstate's effective rates on file with the Federal Power Commission (FPC).

Pursuant to FPC order issued May 18, 1970 in FPC Docket Nos. RP70-8 and RP70-9 proceedings, Colorado Interstate was authorized to charge and collect effective April 18, 1970 for natural gas service subject to FPC jurisdiction, certain increased rates and charges which it theretofore had filed with FPC. Such FPC order also required

Colorado Interstate to refund to its customers in a manner required by FPC's final order, the portion of such increased rates and charges found by FPC not to be justified, together with interest at the rate of 8% per annum from date of payment to Colorado Interstate until refunded.

By Decision No. 74730, the Commission authorized Applicant to place in effect on April 18, 1970 temporary riders to its natural gas rates then in effect and on file with the Commission increasing Applicant's rates for natural gas service in its Eastern System to off-set the increase in Colorado Interstate's rates which became effective on April 18, 1970, and directed that such riders remain effective until further order of the Commission. The Commission also in said decision ordered that all charges collected by Applicant pursuant to such temporary riders were subject to refund in a manner to be authorized by the Commission in the event all or any part of the increase in the purchase cost of gas is refunded by Colorado Interstate to Applicant.

By FPC order issued August 14, 1970, FPC approved a stipulation signed by each of Colorado Interstate's jurisdictional customers, this Commission and the City and County of Denver, settling the issues in the FPC Docket Nos. RP70-8 and RP70-9 proceedings. This order, among other things, required Colorado Interstate within thirty days of the date said order became final to reduce its jurisdictional rates for natural gas effective April 18, 1970 to the rate levels approved in the stipulation and to refund with interest at the rate of 8% per annum for that period, the amount which it had collected in excess of the rates approved in the stipulation.

Such revised tariffs have been filed by Colorado Interstate with FPC to become effective with all billings made by Colorado Interstate on or after September 30, 1970.

It appears from Applicant's application filed in this matter that, based upon the gas purchased by Applicant from Colorado Interstate for its Eastern System for the twelve months ended December 31, 1969 the increased rates of Colorado Interstate which became effective on April 18, 1970 would have increased the cost of gas purchased by Applicant during such period by \$1,091,935. Pursuant to Colorado Interstate's revised rates which are effective retroactively to April 18, 1970 and which were filed pursuant to the aforesaid order of FPC issued August 14, 1970 the increase of cost of gas to Applicant for the same period would have been \$577,204.

Applicant in the instant application has requested authority to place in effect on less than statutory notice, effective with all billings for gas service to its Eastern System customers on and after September 30, 1970, proposed revised rate schedules contained in Applicant's Exhibit A to its application to reduce its gas rates to reflect the reduction in its purchase cost of gas from Colorado Interstate as a result of the aforesaid settlement. Applicant's proposed revised rates as set forth in Exhibit A will result in the following adjustments to Applicant's existing rates for natural gas in its Eastern System of operations:

(a) An additional \$0.06 per month per MCF of billing demand and \$0.0116 per MCF of commodity charge applicable to Applicant's G-1 rate, in lieu of the presently effective rider of \$0.10 per MCF per month of billing demand and \$0.0225 per MCF of commodity charge.

(b) An additional charge of \$0.0179 per MCF applicable to Applicant's SG-1 and DF-1-1 rate, in lieu of the presently effective rider of \$0.0329 per MCF.

(c) An additional charge of \$0.0116 per MCF applicable to Applicant's DI-1-1, I-1-1 and S-1-2 rates in lieu of the presently effective rider of \$0.0225 per MCF.

(d) An additional charge of \$0.2600 per month per MCF of billing demand, and \$0.0116 per MCF of commodity charge applicable to Applicant's S-1-1 rate in lieu of the presently effective rider of \$0.4800 per month per MCF of billing demand and \$0.0225 per MCF of commodity charge.

Applicant states that it has been advised by Colorado Interstate that the refund due it as a result of the FPC order issued August 14, 1970, will be made available to Applicant on or about October 1, 1970.

In the instant Application, Applicant also has requested the Commission to approve its proposed plan of refunding to its Eastern System customers the refund which it receives from Colorado Interstate. Applicant's proposed plan of refund was attached to its application as Exhibit C. Pursuant to such Plan, Applicant proposes, within two business days of its receipt of the Colorado Interstate refund, to issue refund checks to all of its Eastern System customers. To determine the amount of the refund to which each such customer is entitled, Applicant will recalculate the bills to each such customer for gas used from April 18, 1970 through August 31, 1970 using the proposed revised rates contained in Exhibit A, which as hereinabove stated it proposes to make effective with respect to all billings on or after September 30, 1970. The difference between the actual bills and the recalculated bills will be refunded to the respective customers. The interest component of Colorado Interstate's refund will be passed on to each customer by calculating each such customer's proportionate share of such interest using the ratio of the respective calculated difference in billings to the total of all customers calculated difference in billings.

The stipulation approved by FPC order dated August 14, 1970 also provided for and approved two additional increases in Colorado Interstate's jurisdictional rates for natural gas service to be effective on or about November 1, 1970. Such increases include a proposed increase in Colorado Interstate's PS-1 rate, which was not increased or otherwise affected by the FPC order issued May 18, 1970 hereinabove referred to, to become effective on November 1, 1970 and a proposed increase in certain other Colorado Interstate rates to become effective on November 1, 1970 or on such later date as Colorado Interstate's so-called "Powder River Project" facilities are placed in service. The proposed increases in

rates related to Colorado Interstate's Powder River Project include, among others, Colorado Interstate's P-1 rate. During the 12 months ended December 31, 1969, Applicant purchased gas from Colorado Interstate under both Colorado Interstate's P-1 and PS-1 rates. Based upon the gas purchased from Colorado Interstate by Applicant during such period, and assuming that the proposed new P-1 and PS-1 rates of Colorado Interstate had been in effect during such period, such rates would have increased Applicant's cost of gas during such period by \$53,158.

In its application Applicant also requests authority to increase its Eastern System rates to off-set the proposed increase in Colorado Interstate's FPC filed P-1 and PS-1 rates, as and when they become effective. Exhibit B attached to said application contains Applicant's proposed revised PS-1 rate schedule to become effective November 1, 1970, and Applicant's proposed revised rate schedules G-1, SG-1, I-1-1, DF-1-1, DI-1-1, S-1-1 and S-1-2 to become effective on November 1, 1970, or on such later date as Colorado Interstate's rates relating to its Powder River Project become effective.

The overall effect of Applicant's proposed decrease in its rates for its Eastern System customers and its proposed increase in its rates contained in Exhibit B will be a net reduction in all of Applicant's rates for natural gas service in its Eastern System except for gas service taken under Applicant's proposed new PS-1 rate schedule. Under Applicant's proposed new PS-1 rate to be effective November 1, 1970 the demand charge thereunder will increase from \$1.16 per MCF to \$1.29 per MCF, the capacity charge will increase from \$0.005 per MCF to \$0.009 per MCF and the commodity charge will increase from \$0.225 per MCF to \$0.2368 per MCF. At the present time, however, Applicant is not servicing any customers under its PS-1 rate.

The Commission Staff has determined that Applicant's proposed revised rates contained in the aforesaid Exhibits A and B appear at this time to be just and reasonable, that Applicant's proposed refund plan is fair and equitable and will return to the customers of Applicant's



Eastern System the entire amount of refund Applicant will receive from Colorado Interstate, and that no good purpose would be served by having a formal hearing on such matters. The Commission also has continuing jurisdiction to regulate the rates of Applicant. If at any time it should appear that such rates are unjust or unreasonable, the same can be made the subject of a formal hearing, and may be adjusted at such time if the evidence so warrants.

#### FINDINGS OF FACT

The Commission finds as fact that:

1. This Commission has jurisdiction of Applicant, Western Slope Gas Company, the subject matter of the aforesaid application, and as this Commission was signatory to the stipulation settling the issues in Colorado Interstate's rate increase proceedings approved by FPC order issued August 14, 1970 referred to in the foregoing Statement, it is fully advised in the premises.
2. The facts contained in the foregoing Statement be, and they hereby are, made a part of these Findings by reference.
3. The proposed decrease in Applicant's revised rates for natural gas service in its Eastern System contained in Exhibit A to its application, which Exhibit is made a part hereof by reference, are just and reasonable; and should be allowed to become effective as hereinafter ordered.
4. Applicant's proposed 1970 Refund Plan attached to its application as Exhibit C, and made a part hereof by reference, wherein Applicant proposes to refund promptly to its Eastern System customers the amount of the refund which Applicant will receive from its supplier, Colorado Interstate Gas Company, pursuant to FPC order issued August 14, 1970 referred to in the foregoing Statement, is fair and equitable and should be approved.
5. The proposed increase in Applicant's revised rates contained in Exhibit B attached to its application, which Exhibit is made a part hereof by reference, are just and reasonable; and should be allowed to become effective as hereinafter ordered.

6. Applicant's proposed revised rates on a pro forma basis will not provide Applicant with anticipated revenues in excess of a fair return on its 1969 average net original cost rate base.

7. Applicant's proposed revised rates contained in said Exhibits A and B, and Applicant's proposed 1970 Refund Plan have been adequately brought to the attention of its affected customers; and that no good purpose would be served by a formal hearing on the aforesaid application.

#### CONCLUSION

The Commission concludes as follows:

A. That Applicant's proposed revised rates as contained in Exhibit A to its application should be authorized to become effective with all billings for gas thereunder on and after September 30, 1970, and that such revised rates shall supersede the corresponding rates and temporary riders to such rates for natural gas service supplied to the customers of its Eastern System now on file with the Commission as Applicant's effective rates for such customers.

B. That Applicant's 1970 Refund Plan as set forth in Exhibit C to its application should be authorized and approved.

C. That Applicant's proposed revised PS-1 rate as contained in Exhibit B to its application should be authorized and approved to become effective November 1, 1970, and that it shall supersede Applicant's existing PS-1 rate now on file with the Commission.

D. That Applicant's proposed revised G-1, SG-1, I-1-1, DF-1-1, DI-1-1, S-1-1 and S-1-2 contained in Exhibit B to its application should be authorized to become effective on November 1, 1970 or on such later date as Colorado Interstate's FPC rates related to its Powder River Project in Wyoming become effective.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

The order of the Commission in Decision No. 74730 dated April 15, 1970 be supplemented as follows:

1. Applicant's proposed revised rates as contained in Exhibit A to its application hereby are determined to be just and reasonable; and upon the proper filing of such rates as required by



the Commission's Rules and Regulations, hereby are ordered and permitted to become effective with all billings for natural gas service thereunder on and after September 30, 1970.

2. Applicant's 1970 Refund Plan be, and the same hereby is, authorized and approved; and that Applicant, within thirty days after its receipt of the Colorado Interstate refund, file a certified statement with the Commission showing the amount of refund received from Colorado Interstate, the aggregate refund made to Applicant's customers served through Applicant's Eastern System, the manner in which the amount of refund was computed, and such information as may be necessary to establish that Applicant has complied fully with the terms of its 1970 Refund Plan as herein authorized and approved.

3. That Applicant's proposed revised PS-1 rate contained in Exhibit B to its application hereby is determined to be just and reasonable; and, upon the proper filing of such rate as required by the Commission's Rules and Regulations, hereby is ordered and permitted to become effective on November 1, 1970.

4. Applicant's proposed revised G-1, SG-1, I-1-1, DF-1-1, DI-1-1, S-1-1 and S-1-2 contained in said Exhibit B hereby are determined to be just and reasonable; and, upon the proper filing of such rates as required by the Commission's Rules and Regulations, hereby are ordered and permitted to become effective on November 1, 1970 or on such later date as Colorado Interstate's FPC rates related to its Powder River Project in Wyoming become effective.

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 September, 1970.  
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: PROPOSED RULES OF PRACTICE AND PROCEDURE )  
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE )  
STATE OF COLORADO. )

CASE NO. 5409

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RE: PROPOSED RULES AND REGULATIONS RELATING )  
TO ACCOUNTING AND REPORTING REQUIREMENTS FOR )  
ALL PUBLIC UTILITIES AND TRANSPORTATION COM- )  
PANIES SUBJECT TO THE PUBLIC UTILITIES LAW. )  
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CASE NO. 5410

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October 2, 1970  
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Appearances: Leonard M. Campbell, Esq., Denver, Colorado,  
and  
Kenneth G. Bueche, Esq., Boulder, Colorado,  
for the Colorado Municipal League;  
William A. Wilson, Esq., Denver, Colorado,  
for the Colorado Refuse Disposition Association  
and the City of Broomfield;  
John J. Conway, Esq., Denver, Colorado,  
for the Colorado Rural Electric Association  
and the Contract Carriers Conference;  
William F. Schenkein, Esq., Denver, Colorado,  
for Ephraim Freightways, Inc.;  
John P. Thompson, Esq., Denver, Colorado,  
for Boulder-Denver Truckline;  
T. M. Ledingham, Esq., Denver, Colorado,  
for Mountain States Telephone and Telegraph Company;  
Joseph F. Nigro, Esq., Denver, Colorado,  
for Colorado Transfer & Warehousemen and  
Central Telephone & Utilities Corp.,  
Southern Colorado Power Division and  
Home Light and Power Company;  
John R. Barry, Esq., Denver, Colorado, for  
Continental Bus Systems, Western Colorado Power  
Company and Southern Union Gas Company;  
Willard L. Peck, Esq., Denver, Colorado,  
for Colorado and Southern Railway Company;  
John H. Lewis, Esq., Denver, Colorado,  
for Greyhound Lines, Inc.,  
H. W. Hotaling, Denver, Colorado, for Rocky Mountain  
Chapter of Association of Interstate Commerce  
Commission Practitioners;  
Howard D. Hicks, Denver, Colorado,  
pro se;  
Gerald T. Boyle, Denver, Colorado,  
for Mountain States Commerce and Traffic Services, Inc.;  
Howard Bull, Denver, Colorado,  
for American Crystal Sugar Company;  
Ernest V. Robinson, Denver, Colorado,  
for Great Western Sugar Company;  
Robert S. Wham, Esq., Denver, Colorado, for  
Rocky Mountain Airways;  
Robert A. Ruyle, Esq., Greeley, Colorado,  
for Union Rural Electric Association;  
Donald D. Cawelti, Esq., Denver, Colorado,  
for Public Service Company of Colorado;  
Robert L. Pyle, Esq., Denver, Colorado, and  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission.

## PROCEDURE AND RECORD

The above-captioned rule-making proceedings were instituted on the Commission's own motion on November 14, 1969. On that date notice was given to all interested parties that the matter was set for hearing on December 15, 1969 at 10 a.m. in the Commission's Hearing Room, 1845 Sherman Street, Denver, Colorado. At the hearing, a set of proposed rules was introduced into evidence as Exhibit A; no testimony was taken but the parties were invited to submit written comments, additions or deletions to the rules by January 15, 1970; and it was announced that objections to such proposals should be filed with the Commission by February 15, 1970.

After careful consideration of the existing rules of practice and procedure and all the suggestions, comments and objections submitted, the Commission concludes that under authority of CRS 1963, 115-2-9, as amended, the Commission should adopt the Rules of Practice and Procedure Before the Public Utilities Commission of the State of Colorado, as contained in Exhibit 1 attached hereto; that the Commission has heretofore adopted substantive rules regulating the service by various classes of utilities, as hereinafter identified, which should be amended and readopted, with the rules as set forth in Exhibit 1 hereto prevailing in case of conflict; that although not required, the opinion of the Attorney General of the State of Colorado should be sought as to the constitutionality and legality of the proposed rules and a copy of the rules should be kept on permanent file in the office of the Secretary of State; and that the following Order should be entered.

## O R D E R

### THE COMMISSION ORDERS THAT:

1. The practice and procedure before the Commission shall be governed by the Rules of Practice and Procedure Before the Public Utilities Commission of the State of Colorado contained in Exhibit 1, which is incorporated herein by reference, on and after the effective date of this Order.

2. The rules governing the service of electric utilities in Case No. 5320 (Decision Nos. 68572, 73111, 74764); gas utilities in Case No. 5321 (Decision Nos. 68570, 72394, 74765); water utilities in Case No. 5322 (Decision

Nos. 68573, 74766); telephone utilities in Case No. 5323 (Decision Nos. 68571, 73110, 74767); common carriers in Case No. 5176 (Decision Nos. 54132, 56461); contract carriers in Case No. 5177 (Decision Nos. 54133, 56460); commercial carriers in Case No. 5146 (Decision Nos. 50342, 66979); railroads and express companies in Case No. 5023 (Decision Nos. 35761, 49746); and clearance on railroads in Case No. 5032 (Decision Nos. 38476, 55621), be, and hereby are, amended to conform with the rules contained in Exhibit 1 which shall prevail; but otherwise the rules as adopted by said Decisions, be, and hereby are, readopted and shall remain in full force and effect. The said Decisions are hereby incorporated herein by reference.

3. The Commission will concurrently with this Order seek the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of the rules adopted and readopted herein. Duplicate copies of the opinion of the Attorney General and a copy of the rules set forth in paragraphs 1 and 2 above will be placed on file with the Secretary of State.

4. Any person interested in or affected by the rules adopted or readopted herein may file a Petition for Reconsideration, Reargument or Rehearing within twenty (20) days of the date of entry of this Order.

5. This Order shall be effective thirty (30) days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry E. Zarlengo  
Wm. L. Belland  
Edgar R. Lindberg  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970.  
hbp

RULES OF PRACTICE AND PROCEDURE  
BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RULE 1

Scope of Rules

- A. Authority. These rules are promulgated in accordance with Colorado Revised Statutes 1963, Chapter 115-2-9, as amended. In the event of conflict, CRS 1963, Chapter 115 as amended, will control.
- B. Procedure Governed. These rules shall govern all practice and procedure before The Public Utilities Commission of the State of Colorado (hereinafter referred to as the "Commission") unless otherwise directed by the amendments as may hereafter be adopted.
- C. Other Rules Applicable. In addition to these rules, all utilities under the jurisdiction of the Commission are governed by the pertinent substantive rules and regulations pertaining to each class of utilities and any special rules or regulations relating to particular subjects.

RULE 2

Liberal Construction

These rules shall be liberally construed to secure just, speedy and inexpensive determination of all issues presented to the Commission.

RULE 3

Information -- Special Instructions

Information as to procedure under these rules, and instructions supplementing these rules in special instances, will be furnished upon application to the Secretary of the Commission.

RULE 4

Communications

- A. Address of Commission. All correspondence with the Commission shall be addressed to The Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, and not to individual members of the Commission's staff, unless otherwise specifically ordered.
- B. Required Information.
  - 1. The person communicating must state his address, the party he represents, his return address, and the docket number and short title, if known.



2. Every holder of a certificate or permit issued by the Commission will use the name, address and number shown on the certificate or permit in communicating with the Commission when necessary for identification.

C. Timeliness.

1. Pleadings, requests, or other papers or documents required or permitted to be filed must be received for filing at the Commission's offices at Denver, Colorado, within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative.

2. In all cases wherein service is obtained by mail by the Commission, the certificate of the secretary of the Commission of such mailing shall be prima facie evidence that service has been obtained, and the time fixed in any order or notice shall commence to run from the date of mailing as shown in such certificate. The mailing of any notice or other paper by any other party to a proceeding shall be evidenced by the certificate of the person mailing such notice or other paper and the time fixed in any such notice or other paper shall commence to run from the date of mailing as shown in such certificate.

3. Whenever the day for the performance of any act under these rules, the effective date of any Commission decision or order, the effective date of any Examiner's or Commissioner's recommended decision, or the day upon which any document is required to be filed with the Commission shall fall on a holiday specified in CRS 1963, 67-1-1 or 67-1-2, or on any Saturday or Sunday, or on any day when the Commission office is lawfully closed, then the same shall be continued until 5:00 p.m. on the first full business day following such Saturday, Sunday, legal holiday, or day of lawful closing.

D. Incomplete Documents. Any pleading, document, or paper tendered for filing which is incomplete may be declined by the Commission and returned unfiled by the Commission with notation thereon specifying the deficiencies. If accepted by the Commission for filing, the Commission may require the person tendering the document to correct any deficiency therein.

E. Objectionable Matter. The Commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, document, or paper filed with it.

RULE 5

Custodian of Commission Records

A. Secretary is Custodian. The Secretary of the Commission is designated as custodian of the property and files, and keeper of the records of the Commission, and will upon request furnish such forms as are prescribed by the Commission. Copies of the pleadings on file, and orders and decisions of the Commission will be furnished upon payment of the statutory fees therefor as stated in Rule 6.

B. Docket Numbers Assigned to Proceedings. The Secretary of the Commission will assign to each formal proceeding a docket number which the parties shall place on all subsequent papers filed in such proceedings.

C. Division of Docket. The formal docket of the Commission is divided into the following divisions: "Case;" "Application;" and "Investigation and Suspension." Docket numbers will be assigned in consecutive order.

## RULE 6

### Fees and Remittances

- A. Fees and Remittances. All fees or other remittances due the Commission shall be made payable by cash, check, or money order to "The Public Utilities Commission of the State of Colorado."
- B. Filing and Issuance Fees.

1. Fixed Utilities and Air Carriers. Filing or issuance fees are not required of fixed utilities and air carriers.

2. Motor Carriers.

- a. Fees for applications for a certificate of public convenience and necessity to operate as a common carrier, and permits to operate as a contract carrier and applications to assign, lease, or transfer such certificates or permits, are as follows:

Intrastate Authority:

Filing fee	\$35.00
Issuance fee	5.00

Interstate Authority:

Filing and issuance fee	\$20.00
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Application for Transfer or Lease:

Intrastate authority	\$35.00
Interstate authority	5.00

An application to extend any existing authority requires the same fee as an original application.

- b. No fee is required for the filing of an application to curtail any existing authority.
- c. Applications to sell or transfer the capital stock of any corporation owning or controlling a certificate of public convenience and necessity or a permit to operate as a contract carrier shall require the same transfer fees as set out in paragraph 6 B (2) a.
- d. Fees for applications for a permit to operate as a commercial carrier and applications to transfer such permit, are as follows:

Filing fee	\$10.00
Transfer or lease	\$10.00

C. Fees for Copies of Papers, Records or Official Documents.

1. Papers, records and official documents -- 20¢ per page.
2. Certification -- \$1.00 additional for each certificate under seal.
3. No fees will be charged for copies of papers, records of official documents furnished to federal, state or municipal agencies or officials.

RULE 7

Participation in Proceedings

- A. Generally. The two classes of parties to proceedings before the Commission are those who have entered an appearance as a matter of right and those who have been granted permission by the Commission to intervene.

1. Those persons who have a right to be a party to a proceedings before the Commission are those granted such right by statute, or those who have a legally protected interest or right in the subject matter which may be affected by the proceedings.

2. Other persons may become party to a proceedings when they have established to the satisfaction of the Commission that they have a substantial personal interest in the subject matter of the proceedings and their intervention will not unduly broaden the issues.

3. In addition, other persons may be permitted to enter an appearance as Amicus Curiae. Commission Staff may also appear at any hearing.

- B. Nomenclature. Participants in proceedings before the Commission will be styled applicants, petitioners, protestants, intervenors, complainants, respondents, staff or Amicus Curiae, according to the nature of the proceedings and the relation of the parties thereto as follows:

1. Applicants -- persons applying to the Commission for any authority.

2. Petitioners -- persons applying to the Commission for affirmative relief.

3. Protestants -- persons opposing applications or petitions submitted to the Commission.

4. Intervenors -- persons permitted to intervene in proceedings before the Commission.

5. Complainants -- persons who complain to the Commission of any act or omission committed by any person or entity subject to the jurisdiction of the Commission.

6. Respondents -- persons against whom any complaint has been filed or who are under formal investigation by the Commission.



7. Staff -- the Commission staff has the same rights as a party to the proceedings except the right to file exceptions, to apply for a rehearing, reconsideration or reargument, or to appeal. The staff may be represented by Counsel.

8. Amicus Curiae -- a person who is not a party in the proceedings, but who is permitted to be present at the proceedings to introduce argument, authority or evidence in order to assist the Commission in arriving at a just and reasonable determination.

9. Presiding Officer. The term "presiding officer" as used in these rules shall mean the Commissioner or Examiner presiding at the hearing.

## RULE 8

### Notice

- A. Personal Notice. Written notice of an application, petition, rule-making procedure, order instituting an investigation or inquiry will be given by mail to all persons who in the opinion of the Commission have a legally protected interest or right which would be affected thereby. Additionally, notice of hearing will be given to those persons who are party to such proceedings.
- B. Public Notice. Notice of hearings upon applications, petitions, orders instituting investigations or inquiries or other rule-making procedures will be given to the public by posting in a prominent public place in the Office of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, information showing the time, place, parties, and purpose of such hearing.
- C. Notice of Rate Changes. Notice of rate changes for fixed utilities and common carriers will be in accordance with Rules 18 and 19.
- D. Time of Notice. Notice of any hearing will be given at least ten (10) days before the time set for the hearing unless the Commission finds that the public interest or necessity requires that such hearing be held at an earlier date.

## RULE 9

### Representation Of Parties

- A. An individual who is a party to a proceeding before this Commission may represent his own interest in said proceeding (pro se).
- B. Any party may be represented by an attorney at law currently admitted to practice before the Supreme Court of the State of Colorado; provided, however, an attorney at law currently admitted to the practice of law before the highest tribunal of a foreign state may represent parties in the proceedings before the Commission if joined of record in said representation by an attorney currently admitted to practice law before the Supreme Court of the State of Colorado.
- C. An employee, partner, officer or other expert who is not an attorney, may appear at a proceedings for an individual, partnership, corporation, association, or other entity. Such person may complete routine forms and make a statement; however he may not examine or cross-examine witnesses, make oral argument, or otherwise participate as an attorney therein.

- D. An attorney of record may withdraw only with the permission of the Commission or the presiding officer.

## RULE 10

### Interventions

- A. When Leave to Intervene Necessary. Persons not directly affected by the proceeding shall secure an order from the Commission granting leave to intervene before being allowed to participate in any proceeding.
- B. Form and Contents of Petition. Petitions for leave to intervene must be in writing and conform to Rule 11. Additionally, a statement must be included as to the nature and quantity of evidence that will be presented by petitioner if his petition to intervene is granted.
- C. When Petitions Must Be Filed. Intervening petitions and proof of service thereof to all other parties of record, will be filed with the Commission within the time specified in the notice given. If no personal notice is given, intervening petitions and proof of service thereof must be filed with the Commission at least five (5) days prior to the date set for hearing. If an untimely filing is made the petitioner must state a substantial reason for such delay, otherwise such petition will not be considered. Intervention may be made orally at a hearing for good cause shown.
- D. When Petition May Be Granted. If an intervening petitioner shows substantial personal interest in the subject matter of the proceedings or any part thereof and his intervention would not unduly broaden the issues, the Commission, or the presiding officer may grant leave to intervene. Thereafter, the intervenor is a party to the proceedings with respect to the matters set out in his petition to intervene and is subject to such reasonable conditions as may be prescribed.

## RULE 11

### Pleadings

- A. Title. Pleadings before the Commission are styled "Applications," "Petitions," "Formal Complaints," "Cross-Complaints," "Answers," "Protests," "Motions" and "Exceptions to Recommended Decisions." No responsive pleadings are permitted to answers, motions, exceptions, and applications for rehearing, reconsideration or reargument.
- B. Content and Size of Pleadings. Pleadings must be typewritten or printed on legal size paper. They will be properly titled, filed and signed by an authorized person. Further, they will state the name and address of each party thereto, and clearly identify the proceeding by title, file and docket number, if known, and set forth a clear and concise statement of the matters relied upon as a basis for such pleading, together with an appropriate prayer, when relief is sought.
- C. Amendments to Pleadings. The Commission or the presiding officer may allow any pleadings to be amended or corrected or any omission therein to be supplied. Defects which do not affect substantial rights of the parties will be disregarded.
- D. Number of Copies. The minimum number of copies of pleadings to be filed are:
1. Applications -- The original application and 5 copies, except as provided in Rule 13B.
  2. Motions and Petitions -- The original and six copies.
  3. Protests -- The original and one copy.
  4. Formal Complaints and Answers -- as provided in Rule 12.
- The Secretary of the Commission shall be consulted as to the number of additional copies that may be required for service on other parties.
- E. Protests. There are two (2) classes of protestants:
1. Any member of the public may, at the discretion of the Commission or the presiding officer, be heard as a protestant without having given notice or filed a written protest.
  2. A formal protestant must give notice and file written pleadings as prescribed in CRS 1963, 115-6-8 (2), as amended.
- F. Service of Pleadings. If the Commission so orders in any particular case, a copy of all applications, petitions, complaints and other papers designated by the Commission, must be served by the party filing such document on all persons whom the Commission determines may be affected by the proceedings. In this event, proof of service will be made by affidavit in accordance with CRS 1963, 115-6-8 (3), as amended.

After any proceeding has been instituted, all answers, motions and subsequent papers filed by any party must be served on all parties or their attorneys of record concurrently with the filing thereof, and proof of service filed, in accordance with CRS 1963, 115-6-8 (3) as amended.

- G. Signature and Verification. Every pleading by a party represented by an attorney must be signed by an attorney of record whose address and telephone number must be stated. The signature of an attorney is a certification by him that he has read the pleading; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for purposes of delay. Applications and petitions need not be verified if a hearing is requested. Complaints and answers must be verified, unless signed by an attorney. Exceptions to a recommended decision, applications for rehearing, reconsideration or reargument and other pleadings need not be verified.
- H. Miscellaneous Petitions. When the subject matter of any desired relief is not specifically covered by these rules, a petition seeking such relief and stating the reason therefor may be filed, and will be handled in the same manner as other applications or petitions.

## RULE 12

### Complaints

- A. Filing. Formal complaints must be in writing, setting forth any act or thing done or omitted to be done by any public utility, as provided for in CRS 1963, 115-6-8 (1), as amended. A complaint may also be made by the Commission on its own motion.
- B. Rate Complaints (Against Fixed Utilities). If the complaint relates to the reasonableness of any rates or charges of any gas, electric, water or telephone public utility on file with the Commission, the Commission will not entertain the same except on its own motion unless the complaint is signed by the mayor or the president or chairman of the board of trustees or a majority of the council, or other legislative body of the county, city and county, or city, or town, or not less than 25 customers or prospective customers of such public utility, in accordance with CRS 1963, 115-6-8 (1), as amended.
- C. Formal Complaints (Against all Utilities).
1. Form and Service. Formal written complaints against any utility shall conform to Rule 11 and shall specifically set forth sufficient facts and other information to fully advise the respondent(s) and the Commission of the circumstances by which any law, rule, regulation, order, decision, direction or requirement of the Commission has been violated. The complainant must state therein that he will cooperate in the prosecution of such complaint and will appear at a hearing thereon if such complaint is set for hearing. Original and two (2) copies of a formal complaint will be filed with an additional copy for each of the parties complained against. The Commission will cause a copy of such complaint to be served upon the party complained against when it issues its Order to Satisfy or Answer the Complaint. A suggested form for a complaint is set forth in Appendix A.
  2. Answers. Whenever a complaint is filed with the Commission setting forth a violation or omission by any public utility, an order will be entered requiring the respondent public utility to satisfy or answer the complaint. Any utility against whom such a complaint is made who desires to defend or contest the same or make any representation to the Commission in connection therewith, shall file with the Commission, in duplicate, a written answer thereto within twenty (20) days after service of said complaint upon him, unless for good cause, the Commission extends the time within which answer may be made. Answers will be complete and shall specifically admit or deny in detail all material allegations of the complaint. Matters alleged by way of cross-complaint or affirmative defense shall be separately stated and numbered consecutively. A sample form is set forth in Appendix B.



Within the time allowed for filing an answer, the respondent may file a motion to dismiss the complaint in which event the time for filing the answer shall be extended to ten (10) days after the motion to dismiss is denied by the Commission. The Commission may grant or deny the motion with or without a hearing. A motion to dismiss under this section may be made on the same grounds as provided for in Rule 12 of the Colorado Rules of Civil Procedure. If the motion is granted without a hearing, the complaint shall be dismissed without prejudice.

3. Hearing on Complaints. Formal complaints will be set for hearing at the earliest possible time. The complaint will be dismissed without a hearing upon stipulation of the parties that the complaint has been satisfied.

4. Consolidation of Complaints. Two or more causes of complaint against the same utility may be included in one Complaint, but should be stated and numbered separately. Two or more complainants may join in one Complaint if their respective causes of action are against the same utility and deal with substantially the same violation of the law, or rule, regulation, or order of the Commission.

D. Informal Complaints (Against all Utilities).

1. Form and Content. Informal complaints may be made by letter or other writing. No form of informal complaint is suggested; but, in substance, the letter or other writing should contain the essential elements of a formal complaint. It may include supporting papers or documents. It need not be verified but must be signed by the complainant or his attorney and the address of the complainant and his attorney shown. Informal complaints may also be made by telephone or in person at the offices of the Commission. No anonymous complaints will be processed.

2. Handling of Informal Complaints. It is recommended that all complaints be made informally except those which clearly require formal action. The Commission staff will endeavor to bring about satisfaction of the complaint without a formal hearing. Informal complaints will be processed without prejudice to the complainant's right to file and prosecute a formal complaint if the matter cannot be properly disposed of informally.

RULE 13

Applications Generally

- A. Contents. All applications shall be in writing and conform to Rule 11. Exhibits which will be introduced at the hearing shall not be filed as part of any application but copies of exhibits should be furnished to the Commission staff and all other parties as they become available. Failure to do so may result in extensive delays and continuances. A form of application is shown in Appendix C. The type of information that should be included in the application or submitted as evidence at the hearing is contained in Appendix H. The Commission staff should be consulted if any assistance is needed in preparing an application.

B. Number of Copies.

1. Carrier Utility Applications:

Common Carrier Intrastate -- The original and five (5) copies are required to be filed. Additional copies of the application shall be furnished when requested by the Commission or Commission staff. See Rule 11 D.

Contract Carrier Intrastate -- The original and one (1) copy are required to be filed. Additional copies of the application shall be furnished to the Commission upon request. Upon request forms will be supplied by the Commission.

Common Carrier Interstate -- Only the original is required to be filed. It shall be made on forms supplied by the Commission.

Contract Carrier Interstate -- Only the original is required to be filed. It shall be made on forms supplied by the Commission.

Commercial Carrier -- Only the original is required to be filed. It shall be made on forms supplied by the Commission.

Transfer Applications -- The original and one (1) copy are required to be filed. Upon request, forms will be supplied by the Commission.

2. Temporary Authority Applications:

Common Carrier -- The original and five (5) copies are required to be filed. See Rule 11 D.

Contract Carrier -- The original and one (1) copy are required to be filed.

3. Fixed Utility Applications:

See Rule 11 D.

RULE 14

Hearings

- A. General. Hearings will be conducted by the Commission, an individual Commissioner or Examiner designated by the Commission. Whenever the hearing is conducted by the Commission, the Chairman or another commissioner will preside. Hearings will be held in the offices of the Commission at Denver, Colorado, or at such other places in the State as may be designated in the Notice of Hearing.
- B. Preliminary Procedure at Hearings. The presiding officer will call the hearing to order, take the appearances, and act upon any pending motions or petitions. The parties may then make opening statements. Witnesses will be sworn individually or collectively, in the discretion of the presiding officer.

C. Order of Proof. Evidence will ordinarily be received in the following order:

1. Upon Applications and Petitions:

- a. The applicant or petitioner.
- b. Protestants or intervenors or staff.
- c. Rebuttal by applicant or petitioner.

2. Upon Formal Complaints:

- a. Complainant or the Commission's staff.
- b. Respondent or intervenors.
- c. Rebuttal by complainant or the Commission's staff.

3. Upon Orders to Show Cause or Commanding Compliance:

- a. The Commission's staff.
- b. The respondent.
- c. Rebuttal by the Commission's staff.

4. Upon Investigation and Suspension proceedings:

- a. Respondent.
- b. Protestants' or intervenors.
- c. Commission's staff.
- d. Rebuttal by respondent.

D. Consolidation. The Commission may consolidate two or more proceedings in any one hearing where it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure. Where two or more proceedings are consolidated for hearing, the presiding officer determines the order in which all the parties introduce their evidence and which party or parties open and close.

E. Limits on Numbers of Intervenors. Where two or more intervenors have substantially like interests and positions, the presiding officer may at any time during the hearing, if he deems it advisable in order to expedite the hearing, limit the number of intervenors who will be permitted to testify, cross-examine witnesses, or to make and argue motions and objections.

F. Stipulations. With the approval of the presiding officer, the parties may stipulate as to any fact in issue, either by written stipulation introduced in evidence as an exhibit, or if permitted to do so, by oral statement shown upon the record. Any such stipulation shall be binding upon the parties so stipulating, but does not bind the Commission.

G. Documentary Evidence. A copy of each documentary exhibit must be furnished to each party of record present, and sufficient additional copies for the use of the Commission. When matter offered in evidence is a part of a lengthy written or printed statement, book, or document of any kind containing other matter not intended to be put in evidence, such statement, book or document in whole will not be received. Counsel or other party offering the same will present in convenient form an extract copy of such matter, which may be received in evidence if otherwise admissible. For good cause shown, the Commission or presiding officer may order that the number of copies to be furnished be reduced in cases where reproduction is impossible, extremely difficult or unduly burdensome.

- H. Rules of Evidence. Neither the Commission nor any presiding officer shall be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission. Rules of evidence before Courts of Record of the State of Colorado will be generally followed.
- I. Public Hearings. All hearings will be open to the public.
- J. Continuances. The Commission or the presiding officer may grant continuances for good cause shown.
- K. Briefs. The Commission or the presiding officer may order ~~written~~ <sup>written</sup> briefs to be filed. Four copies of briefs shall be filed with the Commission and a copy served on each party.
- L. Witnesses and Subpoenas. Subpoenas requiring the attendance of a witness may be issued by the Commission, any Commissioner, the Hearing Examiner or the Secretary of the Commission, upon application in writing. The party applying therefor shall pay the fees of the witness.

Application for subpoenas duces tecum for the production of books, waybills, papers, accounts, or other documents, unless directed to issue by the Commission on its own motion, will be made in writing. The application must specify, as nearly as possible, the books, waybills, papers, accounts or other documents desired. The Commission on its own motion, or on motion timely made, may (1) quash the subpoena if it is unreasonable or oppressive, or (2) require the person in whose behalf the subpoena is issued to pay, in advance, the reasonable cost of producing the books, waybills, papers, accounts, or other documents desired.

- M. Discovery Procedure. Depositions and other discovery procedures provided for by the Colorado Rules of Civil Procedure may be used in accordance therewith except that Rule 36 thereof shall not apply. Whenever any reference is made therein to the order of the Court, it shall mean the order of the Commission. No discovery procedure is permitted except by a party to the proceeding after an application, petition or formal complaint is filed.
- N. Official Notice. The Commission, the Hearing Commissioner or Examiner, may take official notice of the following matters:
1. Statutes of the State of Colorado and of the United States.
  2. Rules, regulations, official reports, decisions and orders of the Commission.
  3. Tariffs, rate schedules, annual reports and other official documents in the files of the Commission.
  4. Matters of common knowledge and undisputed technical or scientific facts.
- O. Reopening Of The Record. Any time after any matter is taken under advisement and before a decision of the Commission or a recommended decision of a Hearing Commissioner or Examiner is entered, the Commission, the Hearing Commissioner or Examiner, may on its own motion or for good cause shown, order that the record be reopened and the matter set for further hearing.



- P. Absence From Hearing. If after due and proper notice, any party to a proceeding does not appear at a hearing, or if after making an appearance at any hearing, absents himself therefrom, the matter may be heard in his absence at the discretion of the presiding officer.
- Q. Conduct During Hearings. Any person who is disruptive, abusive or disorderly at a hearing may be forthwith excluded from the hearing room by the presiding officer.
- R. Interim Orders. The Commission, the individual Commissioner or Examiner, may, during the course of the proceedings and prior to entering a decision or recommended decision, issue written interim orders which shall not be considered of the same nature as a final decision or recommended decision. Such interim order shall not be subject to exceptions or application for a rehearing, reconsideration or reargument but any party aggrieved thereby may file a written motion to set aside or modify or stay such interim order.

## RULE 15

### Exceptions; Applications For Rehearing, Reconsideration or Reargument

Exceptions to a recommended decision of an individual Commissioner or Examiner and applications for rehearing, reconsideration or reargument shall conform to Rule 11 and be governed by CRS 1963, 115-6-9 and 115-6-14, as amended. Failure to file exceptions to a recommended decision does not preclude any party from filing an application for rehearing, reconsideration or reargument after the recommended decision has become the decision of the Commission. If no exceptions to a recommended decision have been filed in the time allowed, and the recommended decision has not been stayed by written order of the Commission on its own motion, such recommended decision will without further action become the Decision of the Commission. In these cases, the Secretary of the Commission will, upon request and upon payment of the statutory fee thereof, certify that the recommended decision has on a date certain become the Decision of the Commission.

Exceptions and applications for rehearing, reconsideration or reargument must be filed within twenty (20) days as provided for by statute unless an extension of time has been granted upon a motion made within such twenty (20) day period. Extensions of time will normally be granted only in cases where the transcript has been promptly ordered.

## RULE 16

### Appeals

Any final order or decision of the Commission can be appealed in accordance with CRS 1963, Chapter 115, as amended.

## RULE 17

### Noncontested Proceedings

If an Applicant does not request a public hearing, and no protests, objections or petitions to intervene have been filed within the time specified in the notice of the application filed, such matter may be determined by the Commission without a formal oral hearing and without further notice. If the application does not include a verified statement of sufficient facts and supporting exhibits upon which the Commission may act, an additional verified statement of facts and supporting exhibits may be requested by the Commission. Failure to comply with such request will result in dismissal of the application without prejudice for want of prosecution. Any information or exhibit submitted hereunder must be subscribed under oath by the person having knowledge thereof.

Any order or decision of the Commission made pursuant to this rule shall be subject to all of the provisions of CRS 1963, Chapter 115, as amended.

## RULE 18

### Rate Changes For Fixed Utilities

This rule applies to all gas, electric, telephone, telegraph, water or pipeline utilities, and all other public utilities except common carriers as defined in CRS 1963, 115-1-2, as amended.

#### A. Procedure to Increase Rates.

1. By Formal Application to the Commission. Except as otherwise provided herein, before any public utility (fixed) shall increase any rate, fare, toll, rental or charge, or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental, or charge, the utility shall file a formal application with the Commission petitioning for such change or changes and receive the approval of the Commission therefor. Such approval may in the discretion of the Commission, be given without formal hearing and on less than thirty (30) days' notice to customers, but such action shall not bar or affect any subsequent proceeding relative to such changes. The applicant, in addition to complying with the provisions of Rule 13 hereof, shall submit the following data in the application or as exhibits:
  - a. A statement showing in full the rates, fares, tolls, rentals, charges or rules or regulations which it is desired to put in effect, or the general relief asked for.
  - b. A statement referring to the tariff sheets on file with the Commission which it is proposed to change.
  - c. A complete and accurate statement of all the circumstances and conditions relied upon in justification of the application.
  - d. A reference to prior action, if any, of the Commission in any proceeding relative to the existing and proposed rates.

- e. A statement showing that the application will be given sufficient publicity contemporaneously with the filing in order to bring it to the attention of the public affected by said application and statement of the method by which this will be accomplished. The publicity will include the advice that any customer of the utility may receive notice of hearing upon request to the Commission.

2. By Thirty-Day Notice to the Commission and Customers.

If the utility does not elect to file a formal application to increase rates as provided in Rule 18 A (1), it shall proceed as follows:

- a. Notice to Customers. A written or printed notice, setting forth the proposed changes and the effective date thereof, shall be mailed or delivered at least thirty (30) days before said effective date to each of the public utility's active consumers or users affected by the proposed changes, in the following form:

Date of Notice: \_\_\_\_\_

NOTICE OF AN INCREASE IN THE RATES OF

\_\_\_\_\_  
(Name and Address of Public Utility)

You are hereby notified that the

\_\_\_\_\_  
(Name of Public Utility)

has filed with The Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Law, certain changes in rates, rules and regulations affecting \_\_\_\_\_ consumers, to become

\_\_\_\_\_  
(State Class of Service)

effective \_\_\_\_\_ unless suspended

\_\_\_\_\_  
(Date)

in accordance with the provisions of the Public Utilities Law of Colorado.

(State fully the rates, rules or regulations which it is desired to put into effect and the present rates, rules or regulations for the same class of service; or if too lengthy, attention may be called to the effect of the changes to the consumer, and notice given that the proposed and present rates, rules or regulations are available for examination and explanation at the office of the public utility).

Anyone protesting the action proposed under this notice shall file a written protest, in duplicate, with The Public Utilities Commission of the State of Colorado, 1845 Sherman Street, Denver, Colorado 80203, at least ten (10) days before the proposed effective date.

If the proposed rates, rules or regulations are suspended, the Public Utilities Commission will hold a hearing to determine what rates, rules and regulations will be authorized, which may be the same as or different from those proposed or those currently in effect. Anyone wishing notice of such hearing shall so request the Commission in writing at least ten (10) days before the proposed effective date.

By: \_\_\_\_\_

\_\_\_\_\_  
(Name and Title of Officer)

- b. Filing. All proposed tariff changes must be filed with the Commission at least thirty (30) days prior to the effective date of such change.
- c. Advising Commission of Compliance. The public utility shall inform the Commission of its compliance with Rule 18 A (2) (a) immediately after the completion of the notification specified therein, stating the date such notification was completed and the method used, and enclosing a copy of the notice.
- d. Suspension of Rates.
  - (1) If protests are received by the Commission at least ten (10) days prior to the effective date of the proposed rates or other changes, sufficient in number and importance in the judgment of the Commission, to warrant investigation, the effective date of the proposed rates will be suspended until further order of the Commission.
  - (2) The Commission may waive the deadline on protests.
  - (3) The Commission on its own motion may order the proposed tariff changes suspended.

B. Procedure to Reduce Rates or Amend Rules or Regulations.

- 1. Procedure to Change Tariffs on Thirty Days' Notice. When any utility desires to change a rate schedule, rule or regulation, not involving or resulting in an increase in cost to any customer, and unless the Commission otherwise orders, such utility shall give thirty (30) days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection the proposed tariff changes, stating plainly the change or changes to be made and the proposed effective date.
  - 2. Request to Change Tariffs on Less than Thirty Days' Notice. Permission to change tariffs upon less than thirty (30) days' notice will be granted only upon formal application when special conditions justifying a shorter notice period are shown to the satisfaction of the Commission.
- C. Any utility customer affected by changes proposed under this Rule, may request notice of hearing thereon. If a hearing is scheduled, the Commission will mail the requested notice. Similarly, any customer filing a protest will be mailed a notice of hearing.

RULE 19

Changes In Rates, Rules, Or Time Schedules  
Of Common Carriers

The provisions of this rule shall govern changes in rates or rules in the tariffs of all common carriers, as defined by CRS 1963, 115-1-2 (5), as amended, operating in Colorado in intrastate commerce, but does not apply to curtailment or abandonment of service or facilities. (See Rule 10 of the Rules Governing Common Carriers.)



A. Changes in Tariffs on Thirty (30) Days' Notice. When any common carrier desires to change a rate, tariff or rule or regulation, unless the Commission otherwise orders under Rule 19 (C), such common carrier shall give thirty (30) days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection the new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules or regulations then in force, and the time when the change or changes will go into effect.

B. Changes in Rates Prescribed Under Case No. 1585.

Changes on Statutory (30 day) Notice. If the Commission, after investigation of the proposed change and the supporting data, and after examination of protests, if any are received, believes that the public convenience and necessity will be served by approval of the proposed tariff, the Commission will, on the day following the protest deadline, enter an order in Case No. 1585 prescribing the rates, rules, or regulations contained in such tariffs as the rates to be charged or the practices to be followed by the initiating carrier and all other motor vehicle common carriers in competition with said initiating carrier, and which prescribed rate, rule, or regulation shall also be the minimum rate, rule, or regulation to be charged by the competing contract carriers. Such order will provide that at the expiration of the 30-day notice period, or such other proposed effective date as may be requested by the carriers, said rates will be and become the prescribed rates, and all competing common and contract carriers shall on or before the effective date bring their tariffs into conformance with said prescribed rates, rules, or regulations, by proper tariff filings.

C. Requests to Amend Tariffs or Time Schedules on Less Than Thirty (30) Days' Notice. Applications for permission to change tariffs or time schedules on less than statutory notice shall be over the signature of the officer duly authorized to file tariffs or time schedules in the form set out in Appendix D hereof. An order authorizing common carriers to change tariffs and time schedules on less than thirty (30) days' notice (statutory notice) will be entered only when fully justified by special or unusual circumstances and conditions.

When a common carrier or an agent desires to amend a tariff or time schedule for two or more common carriers, such request as to joint tariffs or time schedules must be made in the same form as prescribed for use of individual carriers, except that the request must state that it is made in the name and on behalf of all common carriers that are parties to the tariff or time schedule.

D. The carrier shall file with the Commission, concurrently with the filing of the tariff, a complete and accurate statement of all the circumstances and conditions relied upon in justification of the changes being filed. If a general increase is sought, the following shall be submitted in exhibit form:

1. The amount or percentage of the increases filed.
2. A complete and accurate statement of all the circumstances and conditions relied upon in justification of the increased rates being filed.
3. A reference to prior action, if any, of this Commission or the Interstate Commerce Commission or other state commissions in any proceeding relative to or affecting both the existing and increased rates.

E. When Commission Will Suspend.

If the Commission receives timely protests, sufficient in number and importance in the judgment of the Commission to warrant further investigation, the Commission will suspend the effective date of the proposed change until further order of the Commission.

The Commission, on its own motion, may order suspension of the proposed change whether or not any protests are received.

F. Protests to Rate Changes and Petitions to Suspend Tariffs or Time Schedules.

1. Contents of Protest. The proposed tariff or time schedule sought to be suspended should be identified by making reference to the name of the publishing carrier or agent, to the publishers' tariff or time schedule number and the Colo. P.U.C. number, also the specific items or particular provisions protested. Reference should also be made to the tariff or time schedule, and the specific provisions thereof, proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or time schedule is considered to be unlawful, and state what protestant offers by way of substitution. One copy of the protest shall be served simultaneously upon the publishing carrier, or agent, and upon other persons known by the protestant to be interested.
2. Deadline for Filing Protest. Unless otherwise ordered by the Commission, a protest will not be considered unless made in writing, and filed with the Commission at least ten (10) days before the effective date of the tariff or time schedule. A telegraphic protest may be sent to the Commission and to the publishing carrier, or agent, stating the ground relied upon, but such telegraphic protest must immediately be confirmed by written protest filed and served in accordance with this rule.

G. Notice to Public.

In addition to the notice given by filing with the Commission in accordance with Rule 19 A, any common carrier shall contemporaneously with filing a tariff revision or changes in time schedules, post in a prominent public place in each terminal facility of the carrier, a written or printed notice thereof. Such notice shall advise the public of the proposed changes, the proposed effective date thereof, that protests to the proposed changes may be filed with the Commission, the deadline for protests, and the address of the Commission where protests may be filed. Such notice shall also advise the public that the effective date of the proposed changes may be suspended by the Commission; that, if suspended, a hearing may be held thereon; and that any affected party may request the Commission a notice of hearing. Passenger carriers must also post a copy of such notice in each vehicle used in the transportation of passengers affected by the proposed changes. Proof of posting of the required notice shall be made by affidavit and shall be filed by the carrier with the Commission immediately after the posting is completed.

- H. Any shipper or passenger affected by changes proposed under this Rule, may request notice of hearing thereon. If a hearing is scheduled, the Commission will mail the requested notice. Similarly, any shipper or passenger filing a protest will be mailed a notice of hearing.

RULE 20

Forms to be Followed by Carrier Utilities in Filing  
Tariffs, Rates, Rules and Regulations

- A. Form of Tariffs. All carrier utilities operating in the State of Colorado are hereby directed and required to file, and keep on file with this Commission, tariffs showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced together with all rules, regulations, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service, as provided by the statutes governing public utilities.

Unless authorized by order of the Commission, all tariffs so filed shall bear on the title page the initials Colo. P.U.C. followed by the number. Each tariff filed shall be numbered consecutively beginning with Number 1, and in any reference supplement or amendment to such tariffs, reference must be made to the number of the original tariff.

The publication of class or commodity rates which duplicate or conflict with the rates in the same or any other tariff is prohibited.

- B. Letters of Transmittal. Each tariff shall be accompanied by a letter of transmittal, in duplicate if receipt is desired, in the following form:

LETTER OF TRANSMITTAL  
(Name of Public Utility)

Advice No. \_\_\_\_\_

(Date)

To The Public Utilities Commission  
of the State of Colorado, Denver:

Accompanying tariff issued by the \_\_\_\_\_  
\_\_\_\_\_ is sent you for filing in compliance  
with requirements of the Public Utilities Law:

Colo. P.U.C. No. \_\_\_\_\_  
Supp. No. \_\_\_\_\_ to Colo. P.U.C. No. \_\_\_\_\_  
Effective \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
(Signature of filing officer with title)

If a duplicate letter is filed, the Commission will stamp and return it to the utility.

- C. Powers of Attorney and Concurrences.

1. Any carrier may appoint an attorney and agent to issue, file, amend or concur in tariffs. The original power of attorney must be filed with the Commission. See Appendix E.
2. Any carrier may concur in tariffs issued by another carrier or its agent. The original concurrence in the tariff must be filed with the Commission. See Appendix F.

RULE 21

Filing Tariffs and Revisions - Fixed Utilities

A. Advice Letters:

Advice letters, numbered serially, shall accompany each tariff filing with the Commission. The purpose of the filing and the extent to which customers will be affected thereby will be sufficiently explained. The Advice Letter shall be in the following form:

NAME OF PUBLIC UTILITY

Advice No. \_\_\_\_\_

Date \_\_\_\_\_

The Public Utilities Commission  
of the State of Colorado  
500 Columbine Building  
1845 Sherman Street  
Denver, Colorado 80203

The accompanying tariff sheet(s) issued by \_\_\_\_\_  
(Name of Utility)  
(is) (are) sent you for filing in compliance  
with the requirements of the Public Utilities Law:

Colo. P.U.C. No. \_\_\_\_\_ (Electric, Gas, Etc.)

(tabulate sheets attached as follows):

Colo. P.U.C. Sheet Number	Title of Sheet	Cancels Colo. P.U.C. Sheet Number
_____	_____	_____
_____	_____	_____

ETC.

(Here give purposes to be accomplished by the filing and direct attention generally to the changes being made; also, state the amounts, if any, by which the utility's revenues will be affected. If customers are not adversely affected, so state.)

It is desired that this filing will be effective on thirty (30) days' notice. (If permission has been obtained from the Commission pursuant to Rule 18 B (2), state when filing will be effective.)

\_\_\_\_\_  
(Name and title of issuing officer)



B. Revised Tariff Sheets:

Each tariff sheet, not an original, shall be designated 1st revised sheet No. \_\_\_\_\_ cancels original sheet No. \_\_\_\_\_ or 2nd revised sheet No. \_\_\_\_\_ cancels 1st revised sheet No. \_\_\_\_\_, etc. The utility shall direct attention to the changes contained therein by the use of suitable symbols in the right margin. These symbols may be "I" increase, "D" decrease, "C" change in text, "N" new text, etc. On a table of contents or index page the utility shall show the meaning of the symbols used by it to point out changes contained in its revised tariff filings.

If a tariff sheet is issued under a decision of the Commission, each sheet so affected shall show the decision number in the space provided at the bottom of the sheet.

C. Number of Copies to be Filed:

An original and one copy of each advice letter and tariff sheet shall be filed. The copy will be stamped as filed and returned to the utility.

Note: The utility may file as many additional copies as it wishes to be stamped and returned.

- D. Schedules of rates, forms of contracts and rules and regulations as filed with the Commission and available in the territory concerned shall also be on file in the local office of the utility and shall be open to inspection by the public during regular business hours.

RULE 22

Suspension Of Intrastate Rates in Tariffs  
Suspended By The Interstate Commerce Commission

When a tariff or supplement to a tariff containing both intrastate and interstate rates or regulations is suspended by the Interstate Commerce Commission for interstate application, that portion of such tariff or supplement, which contains rates or regulations applicable to intrastate traffic in Colorado may be suspended by the carrier at the same time and for the same period on less than thirty (30) days' notice. The Commission may without a formal hearing reinstate any rate or regulation so suspended.

Each tariff or supplement issued under authority of this rule must bear notation:

"Issued by authority of Rule 22 of the Rules of Practice and Procedure Before the Public Utilities Commission of the State of Colorado."

## RULE 23

### Adoption of Tariffs When Carrier Name or Ownership Changes

When the ownership of a carrier is transferred to another carrier, or the name is changed for any other reason, the carrier which will thereafter operate the properties shall file with the Public Utilities Commission and post in the form of a tariff numbered in its PUC series, an adoption notice containing substantially the following:

(Name of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including amendments thereto, filed with the Public Utilities Commission by, or heretofore adopted by (name and trade name, if any, of former carrier) prior to (date).

In addition to the above adopting notice the adopting carrier shall immediately file with the Public Utilities Commission and post consecutively numbered supplement to each of the effective tariffs issued or adopted by its predecessor, reading as follows:

Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of (name of the adopting carrier) as stated in its adoption notice PUC No. \_\_\_\_.

When permanent authority to take over the temporarily controlled operations is granted, the new carrier shall file a new adoption notice in the name specified in the permanent authority and otherwise comply with the provisions of this rule.

If the temporary authority to assume operating control of the old carrier is not made permanent, the old carrier must file an adoption notice reassuming control of the operations and otherwise comply with all of the provisions of this rule. The effective date to be shown in the adoption notice and adoption supplement is the date on which the temporary authority for the new carrier to operate the properties of the old carrier expires or is vacated.

## RULE 24

### Required Tariff Notice When Fixed Utility Name or Ownership Changes

In case of a change in ownership or control of a utility or when a utility or portion of utility is transferred from the operating control of one company to that of another, the company which will thereafter operate the utility, if it intends to use the tariff(s) of the former operating company, shall file with the Commission and post in accordance with the law, a signed adoption notice containing substantially the following:

The (name of new company) hereby adopts, ratifies and makes its own in every respect as if the same had been originally filed and posted by it, all tariff(s), contracts or other instruments whatsoever, filed with the Commission by the (name of old company) prior to (date) the beginning of its possession.

A similar notice must also be filed when only the name of the utility is changed so that the tariff is correctly identified.

## RULE 25

### Recovery of Carrier Overcharges and Undercharges and Rate Reparations

#### A. Rate Reparations.

Uncontested applications for rate reparations will be handled in accordance with Rule 17 and must be filed within two years from the time the cause of action accrues.

Authority for refund on account of reduced rates or changed tariff regulations shall include a clause providing that the new rate or regulation, upon the basis of which reparation is granted, shall not be exceeded for a period of at least one year, which shall run from the date of authorization provided, however, that the Commission may for good cause shown not require the maintenance of the said rate for the said period of one year.

#### B. Overcharges and Undercharges.

##### 1. Definitions.

- a. The term "undercharges" as used in this rule shall be deemed to mean charges for transportation services less than those applicable under the tariffs on file with the Commission.
- b. The term "overcharges" as used in this rule shall be deemed to mean charges for transportation services in excess of those applicable under the tariffs on file with the Commission.

##### 2. Actions for Recovery of Charges.

- a. Undercharges. All actions by carrier utilities for the recovery of their charges, or any part thereof, shall be by application filed within two years from the time the cause of action accrues, and not after.
- b. Overcharges. All actions for recovery of overcharges, shall be by Complaint filed against carrier utilities within two years from the time the cause of action accrues and not after.

RULE 26

Abandonment, Discontinuance or Curtailment of Any Rate,  
Service or Facility of a Fixed Utility

- A. Notice to Commission. When any fixed utility proposes to change, abandon, discontinue or curtail any service or to discontinue or abandon any facility without equivalent replacement, a complete explanation of all such proposed changes, curtailments, discontinuances, or abandonments of any service or facility shall be filed with the Commission at least thirty (30) days prior to the proposed effective date of such change. Notice under this Rule is also required at any time that any particular rate is cancelled or its availability curtailed even though the same or similar service is available under a different but higher rate.
- B. Notice to Public. In addition to the filing of such notice with the Commission, such public utility shall prepare a typewritten or printed notice in the form set out in Rule 26 C, setting forth the proposed discontinuance, curtailment, or abandonment of service and the proposed effective date thereof and shall mail or deliver such notice at least thirty (30) days before said effective date, to each of the public utilities, active customers, or subscribers affected by the proposed changes. In the event no active customers are being served by said facility or in the case of telegraph companies, the notice shall be posted in a conspicuous space open to the public in the area involved.
- C. Form of Notice. The notice prescribed in Rule 26 B shall be substantially in the following form:

NOTICE OF A CHANGE IN THE SERVICE OF

\_\_\_\_\_  
(Name and Address of Public Utility)

Date of Notice: \_\_\_\_\_

You are hereby notified that the

\_\_\_\_\_  
(Name of Public Utility)

by \_\_\_\_\_ its

\_\_\_\_\_  
(Name of Officer)

\_\_\_\_\_  
(Title of Officer)

has filed with the Public Utilities Commission of the State of Colorado, in compliance with the Public Utilities Law, notice of certain changes in service effective \_\_\_\_\_ unless suspended

\_\_\_\_\_  
(Effective Date)

in accordance with the provisions of the Public Utilities Law of Colorado. (State fully the proposed changes in service or facilities which it is desired to put into effect.)

Any person desiring to protest the proposed changes outlined in this notice must file a written protest, in duplicate, with the Public Utilities Commission of the State of Colorado, 1845 Sherman Street, Denver, Colorado, at least ten (10) days prior to the effective date of said change.

\_\_\_\_\_  
By:

\_\_\_\_\_  
(Name and Title of Officer)

- D. Proof of Public Notice. The public utility shall make an affidavit to the Commission of its compliance with Rule 26 B immediately after the completion of the notification specified therein, stating the date such notification was completed, the method used, and enclosing a copy of the notice.
- E. Suspension of Proposed Change.
1. If the Commission receives protests at least ten (10) days prior to the effective date of the proposed change, sufficient in number and importance in the judgment of the Commission, to warrant further investigation, the Commission will suspend the effective date of the proposed change or abandonment until further order of the Commission.
  2. The Commission on its own motion may order suspension of the proposed change whether or not any protests are received.
- F. Commission Approval.
- No proposed change or abandonment shall be effected unless and until such order has been entered by the Commission. The Commission may approve the change or abandonment without a public hearing.

#### RULE 27

##### Uniform System of Accounts, Annual Reports and Preservation of Records

- A. Electric, Gas and Water Utilities
1. Electric utilities operating in Colorado shall maintain books of account in accordance with the Uniform System of Accounts prescribed for Public Utilities and Licensees, Class A and B, and C by the Federal Power Commission, effective January 1, 1970. Rural electric cooperatives are hereby authorized to deviate from the FPC Uniform System of Accounts as herein adopted where such Uniform System of Accounts is not applicable for recording of certain financial and operating transactions of the cooperatives for which accounts are not especially provided in the FPC system of accounts. The electric cooperatives, where such accounting deviations are permitted, shall use and follow the accounting required of REA borrowers by the Rural Electrification Administration.
  2. Gas utilities operating in Colorado shall maintain books of account in accordance with the Uniform System of Accounts prescribed for Natural Gas Companies, Class A and B, and C by the Federal Power Commission, effective September 1, 1968.
  3. Water utilities operating in Colorado shall maintain books of account in accordance with the Uniform System of Accounts of the National Association of Railroad and Utilities Commissioners, identified as the year 1957 adoption by the NARUC.
  4. Annual reports shall be filed on forms supplied or otherwise required by this Commission, properly filled out for the calendar year, verified by proprietor, officer, partner or other legally authorized person and due on or before March 31 following the close of the calendar year. Utilities shall file such additional reports as may heretofore or hereafter be required by the Commission. If the utility publishes an annual report to stockholders, other security holders or members, it shall file with the Commission three copies immediately upon publication.



5. The preservation of records by electric and gas utilities shall be in accordance with the Federal Power Commission's Regulations to Govern the Preservation of Records of Public Utilities and Licensees and of Natural Gas Companies, effective December 12, 1962. Preservation of records of water utilities shall be in accordance with the National Association of Railroad and Utilities Commissioners Regulations to Govern the Preservation of Records of Water Utilities revised, 1963.
  6. Depreciation. All electric, gas and water public utilities operating in the State of Colorado shall determine depreciation for book purposes by applying the straight line method or any other method heretofore or hereafter authorized by the Commission.
- B. Railroad and Express Companies. All railroads and express companies operating in Colorado shall maintain books of account in accordance with the Uniform System of Accounts adopted by the Interstate Commerce Commission on November 8, 1961, effective January 1, 1962.
- Annual reports shall be filed on forms supplied by the Colorado Public Utilities Commission, properly filled out, verified and due on or before March 31, following the close of the calendar year. Immediately upon publication of its annual report to stockholders for the period covered by this report, each utility shall file three copies thereof with the Commission.
- C. Telephone and Telegraph Companies. All telephone and telegraph companies operating in Colorado shall maintain and preserve records and books of account in accordance with the Uniform System of Accounts adopted by the Federal Communications Commission, except telephone and telegraph companies having annual revenues of \$100,000 or less shall keep their accounts on the Class C Uniform System of Accounts adopted by the Federal Communications Commission; "original cost" and "cost", as applied to telephone plant, franchises, and patent rights, means the actual money cost of (or the current money value of any consideration other than money exchanged for) property at the time when it was first dedicated to the public use, whether by the accounting company or by predecessors. "Class D" Uniform System of Accounts is not adopted or prescribed by this Commission.
- Annual reports shall be filed on forms supplied or required by the Colorado Public Utilities Commission, properly filled out, verified by proprietor, officer, partner or other legally authorized person and due on or before March 31, following the close of the calendar year. Utilities shall file such additional reports as may heretofore or hereafter be required by the Commission. If the utility publishes an annual report to stockholders, other security holders or members, it shall file with the Commission three copies immediately upon publication.
- D. Pipeline Companies. Common carrier pipeline companies shall maintain books of account in accordance with the Uniform System of Accounts approved by the Interstate Commerce Commission, issue of 1964, as published in Title 49 of the Code of Federal Regulations.
- Annual Reports shall be filed on forms supplied by the Colorado Public Utilities Commission, properly filled out, verified by proprietor, officer, partner or other legally authorized person and due on or before March 31, following the close of the calendar year. If the utility publishes an annual report to stockholders, other security holders or members, it shall file with the Commission three copies immediately upon publication.

E. Motor Vehicles (Common and Contract).

1. Classification.

Class I--Carriers having average gross operating revenues (including interstate and intrastate) of \$1,000,000 or over annually from motor carrier operations.

Class II--Carriers having average gross operating revenues (including interstate and intrastate) of less than \$1,000,000 but over \$300,000, annually from motor carrier operations.

Class III--Carriers having average gross operating revenues (including interstate and intrastate) of at least \$75,000 but less than \$300,000 annually from motor carrier operations.

Class IV--Carriers having average gross operating revenues (including interstate and intrastate) of less than \$75,000 annually from motor carrier operations.

2. Motor Vehicle Common Carriers.

- a. System of Accounts. All motor vehicle common carriers holding common carrier certificates operating in Colorado intrastate traffic shall maintain books of account in accordance with the Uniform System of Accounts as adopted by the Interstate Commerce Commission, as it was in effect on January 1, 1970 and published in Title 49 of the Code of Federal Regulations.

Class III and IV carriers shall use the Uniform System of Accounts prescribed by the Interstate Commerce Commission for Class II carriers to the extent applicable and necessary.

- b. Annual Reports. Annual reports shall be filed with the Colorado Public Utilities Commission on or before March 31, following the close of the calendar year, on forms furnished by the Commission. All sections of such form applicable to the carrier must be completed, plus any additional information that may be requested or required by the Commission. If the carrier publishes an annual report to stockholders, other security holders or members, it shall file with the Commission three copies immediately upon publication.

Common carriers operating both interstate and intrastate shall report the total business performed as fully and completely and in the same manner as required of intrastate carriers. Provided, however, in case the Annual Report required by the Interstate Commerce Commission is in substantially the same form required by this Rule, a copy of said report filed with this Commission within the time prescribed shall constitute compliance with this Rule.

- c. Quarterly Reports. All Class I and II carriers who are required to file Quarterly Reports of revenues and expenses with the Interstate Commerce Commission shall file one copy of such report with the Public Utilities Commission within thirty (30) days after the close of the period to which it relates.

3. Contract Motor Vehicle Carriers.

- a. System of Accounts. All motor vehicle contract carriers holding contract carrier permits operating in Colorado intrastate traffic shall maintain books of account in accordance with the Uniform System of Accounts as adopted by the Interstate Commerce Commission.

Class III and IV carriers shall use the Uniform System of Accounts prescribed by the Interstate Commerce Commission for Class II carriers to the extent applicable and necessary.

- b. Annual Reports. Annual reports shall be filed with the Colorado Public Utilities Commission on or before March 31, following the close of the calendar year, on forms furnished by the Commission. All sections of such form applicable to the carrier must be completed, plus any additional information that may be requested or required by the Commission. If the carrier publishes an annual report to stockholders, other security holders or members, it shall file with the Commission three copies immediately upon publication.

Contract carriers operating both interstate and intrastate shall report the total business performed as fully and completely and in the same manner as required of intrastate carriers. Provided, however, in case the annual report required by the Interstate Commerce Commission is in substantially the same form required by this Rule, a copy of said report filed with this Commission within the time prescribed shall constitute compliance with this Rule.

- c. Quarterly Reports. All Class I and II carriers who are required to file Quarterly Reports of revenues and expenses with the Interstate Commerce Commission shall file one copy of such report with the Public Utilities Commission within thirty (30) days after the close of the period to which it relates.

4. All Motor Vehicle Carriers Operating under either Certificates or Permits Limited to the Transportation of:

1. Ash, Trash and Other Waste Materials;
2. Logs and Poles; or
3. Sand and Gravel;

are exempted from filing annual reports. Such carriers shall, however, file a statement with the Commission, on or before March 31, following the close of the calendar year, on forms furnished by the Commission, showing the operating revenue (interstate and intrastate) and such other information as may be required by the Commission.

- F. Common Carriers by Aircraft. All common carriers by aircraft holding certificates operating in Colorado intrastate traffic shall keep their books and records in accordance with the Uniform System of Accounts as adopted by the Civil Aeronautics Board to the extent applicable and necessary.

Annual reports shall be filed with the Colorado Public Utilities Commission, on or before March 31, following the close of the calendar year, on forms furnished by the Commission. All sections of such form applicable to the carrier must be completed, plus any additional information that may be requested or required by the Commission. If the carrier publishes an annual report to stockholders, other security holders or members, it shall file with the Commission three copies immediately upon publication.



## RULE 28

### Appendices

Instructions furnished in the Appendices to these Rules are not considered to be part of these Rules but are for informational purposes only. Printed forms and instructions may be changed by the Commission from time to time and any person using the same is advised to check with the staff of the Commission to assure current material is being used.

## RULE 29

### Deviation From Rules

For good cause shown, if not contrary to statute, the Commission may permit deviation from these Rules insofar as it finds compliance therewith to be impossible, impracticable or unreasonable.

## RULE 30

### Amendment Of Rules

These Rules may be amended at any time by the Commission.

APPENDICES

APPENDIX A

FORM OF FORMAL COMPLAINT

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Insert Name of Each Complainant), )  
Complainant, ) Case No. \_\_\_\_\_  
v. ) (To be inserted  
(Insert Name of Each Respondent), ) by the Secretary  
Respondent. ) of the Commission.)

COMPLAINT

The complainant(s) respectfully states:

- (1) That (name, state business and address of each complainant).
- (2) That (insert full name, business and address of each respondent).
- (3) That (insert fully and clearly the specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation. Each allegation should be stated in separate paragraph numbered consecutively).

WHEREFORE, complainant asks (state specifically the relief sought).

Dated at \_\_\_\_\_, Colorado, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Signature of each Complainant or Attorney)

\_\_\_\_\_  
(Name and address of attorney, if any)

(If complaint must be verified under oath)

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS

The undersigned, first being duly sworn under oath deposes and says that he has read the above and foregoing Complaint and that he has personal knowledge that the facts contained therein are true.

\_\_\_\_\_  
The above and foregoing was subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_ by \_\_\_\_\_  
(Name of affiant)

(S E A L)

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

APPENDIX B

ANSWER TO FORMAL COMPLAINT

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Insert Name of Each Complainant), )  
Complainant, )  
v. )  
(Insert Name of Each Respondent), )  
Respondent. )

Case No. \_\_\_\_\_

ANSWER

The above named respondent, for answer to the complaint in this proceeding, respectfully states:

(1) That (set out specific denial or agreement of each such material allegations of the complaint by the respondent and also a statement of any new matter constituting a defense. Each allegation should be specifically answered in a separate paragraph numbered consecutively).

WHEREFORE, the respondent prays that the complaint be dismissed or requests other appropriate relief (state relief requested).

\_\_\_\_\_  
(Signature of respondent or attorney)

\_\_\_\_\_  
(Name and address of attorney, if any)

(If answer must be verified under oath)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

The undersigned, first being duly sworn under oath deposes and says that he has read the above and foregoing Answer and that he has personal knowledge that the facts contained therein are true.

\_\_\_\_\_  
The above and foregoing was subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_ by \_\_\_\_\_  
(Name of affiant)

(S E A L)

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

APPENDIX C

FORM OF FORMAL APPLICATION

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

In the Matter of the Application of )  
(insert name and address of each )  
applicant) for (insert desired order, ) Application No. \_\_\_\_\_  
authorization, permission, or cer- ) (To be inserted  
tificate, thus: "Order Authorizing ) by the Secretary  
Issue of Stocks and Bonds"). ) of the Commission.)

APPLICATION

The applicant(s) respectfully states:

(1) That applicant is engaged in the business of (insert nature of business and territorial extent thereof).

(2) That the address of each applicant is:

\_\_\_\_\_  
(3) That (insert fully and clearly the essential facts relied upon by applicant in support of application).

WHEREFORE, applicant asks that The Public Utilities Commission of the State of Colorado enter an order authorizing applicant to (state specifically the action which the applicant desires The Public Utilities Commission to take).

Dated at \_\_\_\_\_, Colorado, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
(Signature of each applicant or attorney)

(If application must be verified under oath)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

The undersigned, first being duly sworn under oath deposes and says that he has read the above and foregoing Application and that he has personal knowledge that the facts contained therein are true.

\_\_\_\_\_  
The above and foregoing was subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
(Name of Affiant)

( S E A L )

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

APPENDIX D

FORM OF APPLICATION TO AMEND TARIFFS AND TIME  
SCHEDULES ON LESS THAN THIRTY (30) DAYS' NOTICE

(Carriers Only)

\_\_\_\_\_  
(Name of Utility)

\_\_\_\_\_, 19\_\_\_\_  
(Place and Date)

To The Public Utilities Commission  
of the State of Colorado

The \_\_\_\_\_, by \_\_\_\_\_, its  
(Name of Utility) (Name of Officer)

\_\_\_\_\_, does hereby respectfully petition The Public  
(Title of Officer)  
Utilities Commission of the State of Colorado that it be permitted to put in  
force the following rates, rules or changes, to become effective \_\_\_\_\_  
days after the filing thereof with the Commission:

(State fully the rates, rules or changes which it is desired  
to put into effect).

Your petitioner further represents that the said rates, rules or changes  
above mentioned will be published in Colo. P.U.C. No. \_\_\_\_\_, and will super-  
sede and take the place of rates, rules or time schedules which are set forth  
in Colo. P.U.C. No. \_\_\_\_\_ on file with the Commission, and which rates, rules  
or time schedules are as follows, to-wit:

(Here state fully the present rates, rules or time schedules, or  
if too numerous name those which are indicative, or generally  
describe the rate basis, rules or time schedules).

And your petitioner further bases such request upon the following facts,  
which present certain special circumstances and conditions justifying the  
request herein made:

Dated at \_\_\_\_\_, Colorado, this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Name of each applicant)

\_\_\_\_\_  
(Name and address of attorney, if any)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

The above and foregoing was subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_ NOTARY PUBLIC

N.B.

See Appendix H for specific suggested forms and contents of various  
types of applications.

APPENDIX E

FORM OF POWER OF ATTORNEY TO AUTHORIZE  
ANOTHER TO ACT AS AGENT

                    Colo. P.U.C. No. \_\_\_\_\_  
Cancels Colo. P.U.C. No. \_\_\_\_\_  
                    (Name of Carrier)  
                    (Post Office Address)

\_\_\_\_\_ 19 \_\_\_\_\_

KNOW ALL MEN BY THIS INSTRUMENT:

That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
\_\_\_\_\_, a common and/or contract carrier of \_\_\_\_\_  
(Name of Carrier)  
property by motor vehicle, does (do) hereby make and appoint \_\_\_\_\_  
\_\_\_\_\_ Attorney or Agent to publish and file for  
such carrier freight rate tariffs and supplements thereto as permitted or  
required of common carriers of property by motor vehicle, and of contract  
carriers of property by motor vehicle, under authority of the Public Utilities  
Law and the Rules and Regulations of The Public Utilities Commission of the  
State of Colorado, issued pursuant thereto, and does (do) hereby ratify and  
confirm all that said attorney and agent may lawfully do by virtue of the  
authority herein granted and does (do) hereby assume full responsibility for  
the acts and failure to act of said attorney and agent.

And, further, that the (Name of Carrier) does make and appoint (name  
of alternative agent appointed) as its alternative attorney and agent for  
said carrier in case of the death or disability of the same (here insert  
name of principal agent) to do and perform the same acts and exercise the  
same authority as hereinabove granted to (here insert name of agent first  
hereinabove named).

\_\_\_\_\_ (Individual)

If partnership: \_\_\_\_\_ (Partner) \_\_\_\_\_ (Partner)

If partnership: \_\_\_\_\_ (Partner) \_\_\_\_\_ (Partner)

If corporation: \_\_\_\_\_

President or Vice-President  
(Strike out title not applicable)

\_\_\_\_\_ (Secretary)

(Corporate Seal)

APPENDIX F

FORM OF CONCURRENCE IN TARIFF

Cancels Colo. P.U.C. No. \_\_\_\_\_  
Colo. P.U.C. No. \_\_\_\_\_  
(Name of Carrier) \_\_\_\_\_  
(Post Office Address) \_\_\_\_\_

\_\_\_\_\_ 19 \_\_\_\_\_

To The Public Utilities Commission  
of the State of Colorado  
500 Columbine Building  
1845 Sherman Street  
Denver, Colorado 80203

This is to certify that the (name of carrier) assents to and concurs in the publication and filing of any tariff or supplement thereto which (Name of carrier to whom concurrence is given) or its agent may publish and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby, insofar as such tariff or supplement contains (HERE SPECIFY WHETHER RATES OR CHARGES APPLYING FROM, TO OR AT POINTS ON OR VIA ITS ROUTE OR ROUTES OR CLASSIFICATIONS) until this authority is revoked by formal notice of revocation filed with The Public Utilities Commission of Colorado and sent to the carrier to which this concurrence is given. (If the authority granted runs only to a specific tariff, so state and describe such issue as follows):

(Here give exact description of title page of tariff or classification including Colo. P.U.C. number and name of series. When date of issue and/or date effective are determined, such date or dates must be shown.)

\_\_\_\_\_  
(Name of Carrier in Full)

By: \_\_\_\_\_  
(Signature of authorized officer)

\_\_\_\_\_  
Title

Attested: \_\_\_\_\_  
(Witness)

(Corporate Seal, if any)

APPENDIX G

FORM OF APPLICATION FOR AUTHORITY  
TO MAKE REPARATION

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_\_  
(Applicant)

v.

\_\_\_\_\_  
(Claimant)

Reparation Application No. \_\_\_\_\_

Applicant's No. \_\_\_\_\_

\_\_\_\_\_  
Co. Claim No. \_\_\_\_\_

Request for authority to refund.

\$ \_\_\_\_\_

To The Public Utilities Commission  
of the State of Colorado  
Denver, Colorado

The \_\_\_\_\_ respectfully applies under CRS 1963, 115-3-5 (2),  
as amended, and in full compliance with the Commission's Rules, for an order  
authorizing the payment to the above-named claimant of \_\_\_\_\_,  
State of \_\_\_\_\_ the sum of \_\_\_\_\_ (\$ \_\_\_\_\_)  
as special reparation in connection with the following:

(State full reference to shipments made or service rendered)

The aggregate charges actually collected were \$ \_\_\_\_\_ (Date paid) \_\_\_\_\_  
19 \_\_\_\_\_; by (whom paid) \_\_\_\_\_. The rates lawfully applicable  
at the time the service was rendered:

(Give full reference to rates, showing Colo. P.U.C. No., etc.)

The rate sought to be applied:

(Give full reference to rates, showing Colo. P.U.C. No., etc.)

The aggregate charges at the claimed rate would be \$ \_\_\_\_\_

Explanations and comments:

(Here may follow such statement and explanations as the case may require,  
including a possible cause or causes for not requiring the maintenance of said  
rate for the period of one year).



Appendix G (Continued)

Exhibit 1, attached is a statement of billing in the standard form, and corresponds to the checked billing of the auditing department. (Applies to common carriers only.)

\_\_\_\_\_  
By: \_\_\_\_\_, its \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ Colorado

(If application must be verified under oath)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

The undersigned, first being duly sworn under oath deposes and says that he has read the above and foregoing Application and that he has personal knowledge that the facts contained therein are true.

\_\_\_\_\_  
The above and foregoing was subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ by \_\_\_\_\_  
(Name of affiant)

(S E A L)

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

## APPENDIX H

### APPLICATIONS

- I. Generally. The application shall state all the pertinent facts upon which the applicant relies to support his application. The instructions currently supplied pursuant to Rule 29 are shown below and indicate the type of information that should be included in the application and/or testimony and exhibits introduced at the hearing.
- II. MOTOR VEHICLE CARRIERS FOR HIRE (COMMON AND CONTRACT)
  - A. INITIAL APPLICATION FOR AUTHORITY TO OPERATE AS A COMMON OR CONTRACT MOTOR VEHICLE CARRIER FOR HIRE.

When application is made for authority to operate as a common or contract motor vehicle carrier for hire, the applicant, in addition to complying with the rules applicable to all pleadings, particularly Rules 11 and 13, shall submit the following data, either in the application or as exhibits.

1. The name and complete address (street, city, state, and zip code) of applicant, and the name under which the operation shall be conducted. If the applicant is a corporation, a statement to that fact; the name of the state in which it is incorporated; location of its principal office, if any, in this state; the name of its directors and officers; and its Colorado agent for service. A corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter. If an out-of-state corporation, a certified copy of the authority qualifying it to do business in the State of Colorado, certified to by the Secretary of State of Colorado must be attached to the Articles of Incorporation. If the applicant is a partnership, set forth the names and addresses of all partners.
2. The name and address of applicant's representative, if any, to whom all inquiries should be made.
3. A statement of the type of transportation service which applicant intends to render, i.e., whether common or contract carriage.
4. A statement indicating the transportation service which the applicant intends to render, i.e., transportation of passengers or property.
5. A statement of the area, route, or routes, or the points to be served, and proposed time schedule if any, which shall be set forth in an exhibit attached thereto.
6. A description of the equipment to be operated in the proposed operation.
7. A financial statement showing applicant's ability and resources and all pertinent details which may serve to indicate the permanency of the business to be established by the applicant.
8. A list, if applicant seeks authority to serve as a contract carrier, setting forth the customers to be served in the proposed operation.

9. A map or sketch showing the proposed area and route or routes sought to be served shall be furnished upon request of the Commission.
10. A statement describing in detail the extent to which applicant, or any carrier affiliated with applicant, holds authority duplicating in any respect the authority sought. Further, whether any application previously filed with the Commission and still pending, or any application filed simultaneously, requests authority duplicating the authority sought by applicant. A map may be used to show any duplication in area or route.
11. A statement indicating -- if the application is assigned for oral hearing by the Commission -- where the applicant prefers the hearing to be held and any alternative choices.
12. A statement indicating that the applicant understands that the mere filing of an application does not, in itself, constitute authority to operate.
13. Every application must be signed by the applicant and/or his attorney or agent with their addresses and telephone numbers.
14. A statement showing the facts and circumstances which the applicant relies upon to establish that the proposed operation is required by public convenience and necessity, if the application is for common carrier authority, or if the application is for contract carrier authority, the facts and circumstances establishing that the proposed operation will not impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes.
15. A statement that if the authority as herein sought is granted, the applicant (1) will have his insurance agent file the required certificate of insurance with the Commission, (2) will file the necessary tariffs, (3) will operate in accordance with all Commission Rules and Regulations Governing Common or Contract Carriers by Motor Vehicle For Hire, and (4) will file with the Secretary of the Commission the Designation of Agent for service of notices, orders and process.
16. Unless otherwise requested by applicant, unopposed applications may be processed by the Commission without a hearing.

B. CONTENTS OF APPLICATION TO TRANSFER A CERTIFICATE OR PERMIT TO OPERATE AS A COMMON OR CONTRACT MOTOR VEHICLE CARRIER FOR HIRE.

When application is made to transfer a certificate or permit to operate as a common or contract motor vehicle carrier for hire, applicants, in addition to complying with the rules applicable to all pleadings, shall submit the following data, either in the application or as exhibits.

1. The name and complete address (street, city, state, and zip code) of transferee, and the name under which the operation shall be conducted. If the transferee is a corporation, a statement to that fact; the name of the state in which it is incorporated; location of its principal office, if any, in this state; the name of its directors and officers; and the Colorado agent for service. A corporation shall file with

the Commission a certified copy of its Articles of Incorporation or Charter. If an out-of-state corporation, a certified copy of the authority qualifying it to do business in the State of Colorado, certified to by the Secretary of State of Colorado, must be attached to the Articles of Incorporation. If the transferee is a partnership, the names and addresses of all partners shall be set forth.

2. The name and complete address (street, city, state, and zip code) of transferor. A statement setting forth whether transferor is a corporation, partnership, or individual.
3. A statement setting forth the PUC number of the common carrier certificate or contract carrier permit as sought to be transferred.
4. If only a portion of transferor's operating authority is sought to be transferred, a detailed statement indicating that portion sought to be transferred, and a detailed statement indicating that portion sought to be retained by the transferor.
5. The name and address of applicants' representative, if any, to whom inquiries should be made.
6. The name, title, and business address of all officers, partners, including limited or silent partners, or trustees of transferee.
7. If transferee is an executor, trustee, receiver, or other like representative of the real party in interest, a certified copy of the court order evidencing the appointment of the fiduciary, or other evidence of authority, if not pursuant to court order, must be attached to the application.
8. A current balance sheet of transferee must be attached to the application.
9. A statement showing the fitness, other than financial ability, of the transferee.
10. If transfer involves a contract carrier permit, a list setting forth the customers to be served must be furnished.
11. A statement describing in detail the extent to which transferee, or any carrier affiliated with transferee, holds authority duplicating in any respect the authority sought to be transferred. Further, whether any application previously filed with the Commission and still pending, or any application filed simultaneously, requests authority duplicating the authority as sought to be transferred by the applicants. A map also may be used to show any duplication in area or route.
12. A statement indicating if transferor is conducting active motor vehicle operations as a common carrier or contract carrier for hire under the operating rights as sought to be transferred by the applicants.
13. A statement setting forth the total monetary or other consideration for the proposed transfer. A copy of all agreements between the parties must be attached as exhibits to the application.

14. A statement showing the facts and circumstances upon which the applicants rely to show that the proposed transaction is compatible with the public interest.
15. A statement indicating that the transferee understands that the mere filing of an application does not, in itself, constitute authority to operate.
16. Every application for transfer must be signed by the transferor and transferee and/or their attorneys or agents setting forth their addresses and telephone numbers.
17. A statement indicating -- if the application is assigned for oral hearing by the Commission -- where the applicants prefer the hearing be held and any alternate choices.
18. A statement that if the authority as herein sought is granted, the transferee (1) will have his insurance agent file the required certificate of insurance with the Commission (2) will file the necessary tariffs (3) will operate in accordance with all Commission Rules and Regulations Governing Common or Contract Carriers by Motor Vehicle For Hire and (4) will file with the Secretary of the Commission the Designation of Agent for service of notices, orders and process.
19. Unless otherwise requested by applicant, unopposed applications may be processed by the Commission without a hearing.

C. APPLICATION FOR TEMPORARY AUTHORITY TO OPERATE AS A COMMON OR CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

1. Pending determination of an application filed by the applicant with the Commission requesting authority to operate as a common or contract carrier by motor vehicle for hire, the applicants when making application for temporary authority, in addition to complying with the rules applicable to all pleadings, shall submit the following data, either in the application for temporary authority or as exhibits attached thereto:
  - a. A statement setting forth the circumstances which create an immediate and urgent need for the service requested.
  - b. A statement setting forth the period of time which the applicant requests the temporary authority to cover.
  - c. A statement that applicant is aware of the fact that a grant of temporary authority as requested will create no presumption that the application requesting permanent authority will thereafter be granted.
2. In addition to the above, the applicant shall submit the following data either in the application or as exhibits attached thereto:
  - a. The name and complete address (street, city, state, and zip code) of applicant, and the name under which the operation will be conducted. If applicant is a corporation, a statement of that fact; the name of the state in which it is incorporated; location of its principal office, if any, in this state; the name of its directors and officers; and the Colorado agent for service. A corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter. If an out-of-state corporation,



a certified copy of the authority qualifying it to do business in the State of Colorado, certified to by the Secretary of State of Colorado, must be attached to the Articles of Incorporation. If the applicant is a partnership, set forth the names and addresses of all partners.

- b. A statement setting forth the type of transportation service which applicant intends to perform, i.e., common or contract carriage.
- c. A statement setting forth the commodities to be transported.
- d. A statement setting forth the area, route or routes, or the points to be served. A map or sketch showing the same must be attached to the application.
- e. A list of the equipment to be operated in the proposed operation must be furnished.
- f. A list, if applicant seeks temporary authority to operate as a contract carrier, setting forth the customers to be served in the proposed operation.
- g. A statement indicating whether or not the applicant has heretofore been granted temporary authority by the Commission to render the service as proposed. If so, specify the temporary authority number assigned; the total time granted; and the expiration date.
- h. A statement indicating whether the applicant is presently operating as an intrastate motor vehicle carrier under a PUC certificate or permit, and, if so operating, list the PUC certificate or permit number.
- i. A statement indicating whether or not the applicant intends to interline with other carriers. If so, a statement must be given specifying the PUC certificate or permit number of the interlining carrier and the point or points at which the proposed interline will occur.
- j. Attach to the application letter or letters indicating shipper support containing the following information:
  - (1) An accurate description of commodity; quantity; frequency of shipments; and the consequences if the application should be denied.
  - (2) A statement indicating whether there is or is not any other carrier service available (rail, air or motor carriers), either single line or by interline between the points or area involved. If service is available, indicate to what extent it has been used; what effort has been made to utilize it; whether a carrier with appropriate authority has refused to furnish such service; the manner and extent that existing carrier service, if any, is inadequate; and the detailed reasons why additional service is needed. If shipper support is based upon alleged failure of existing carriers to provide service, the names and addresses of such carriers must be stated.

- (3) A statement indicating whether or not the shipper has supported a prior application by the applicant or any other person seeking authority to render the proposed service. If so, state the name and address of applicant; application number assigned thereto; and whether the application was granted or denied, together with the date of such action.
- k. A statement indicating that the applicants understand that the mere filing of an application does not, in itself, constitute authority to operate.
- l. Every application must be signed by the applicant and/or his attorney or agent with their addresses and telephone numbers.
- m. A statement that, if the temporary authority as herein sought is granted, the applicant (1) will have his insurance agent file the required certificate of insurance with the Commission (2) will file the necessary tariffs (3) will operate in accordance with all Commission Rules and Regulations Governing Common or Contract Carriers by Motor Vehicle For Hire and (4) will file with the Secretary of the Commission a Designation of Agent for service of notices, orders and process.

### III. MOTOR VEHICLE CARRIERS NOT FOR HIRE (COMMERCIAL)

#### A. APPLICATION FOR AUTHORITY TO OPERATE AS A COMMERCIAL CARRIER BY MOTOR VEHICLE (NOT FOR HIRE).

When application is made for authority to operate as a commercial carrier by motor vehicle (not for hire), the applicant, in addition to complying with rules applicable to all pleadings, particularly Rules 11 and 13, shall submit the following data, either in the application or as exhibits attached thereto:

1. The name and complete address (street, city, state, and zip code) of applicant, and the name under which the operation will be conducted. If applicant is a corporation, a statement must be given to that fact; the name and the state in which it is incorporated; the location of its principal office, if any, in this state; the name of its directors and officers; and its Colorado agent for service. A corporation will file with the Commission a certified copy of its Articles of Incorporation or Charter. If an out-of-state corporation, a certified copy of the authority qualifying it to do business in the State of Colorado, certified by the Secretary of State of Colorado, must be attached to the Articles of Incorporation. If the applicant is a partnership, set forth the names and addresses of all partners.
2. A statement as to applicant's principal business and the specific type of business commodities to be transported.
3. A statement indicating the number of pieces of equipment to be operated.
4. A statement that the applicant understands that a Commercial Carrier Permit does not authorize the transportation of persons or property for hire.



5. A statement that, if the authority as herein sought is granted, the applicant (1) will have his insurance agent file the required certificate of insurance with the Commission, (2) will file with the Secretary of the Commission a Designation of Agent for Service of notices, orders and process, and (3) will operate in accordance with all Commission Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

B. APPLICATION FOR AUTHORITY TO TRANSFER PERMIT TO OPERATE AS A COMMERCIAL CARRIER BY MOTOR VEHICLE (NOT FOR HIRE).

When application is made to transfer a Commercial Carrier Permit, applicant(s), in addition to complying with the provisions of these rules to all pleadings, Rule 11 and 13, will submit the following data, either in the application or as exhibits.

1. The full name and address of transferor.
2. Statement setting forth the PUC permit number to be transferred.
3. The name and complete address (street, city, state, and zip code) of transferee, and the name under which the operation will be conducted. If transferee is a corporation, a statement must be given to that fact; the name of the state in which it is incorporated; the location of its principal office, if any, in this state; the name of its directors and officers; and its Colorado agent for service. A corporation will file with the Commission a certified copy of its Articles of Incorporation or Charter. If an out-of-state corporation, a certified copy of the authority qualifying it to do business in the State of Colorado, certified to by the Secretary of State of Colorado, must be attached to the Articles of Incorporation. If the transferee is a partnership, set forth the names and addresses of all partners.
4. A statement as to transferee's principal business and the specific type of business commodities to be transported.
5. A statement by transferee indicating the number of pieces of equipment to be operated.
6. A statement that transferee understands that a Commercial Carrier Permit does not authorize transportation of persons or property for hire.
7. A statement by transferee that, if the authority as herein sought is granted, the applicant (1) will have his insurance agent file the required certificate of insurance with the Commission, (2) will file with the Secretary of the Commission a Designation of Agent for service of notices, orders and process, and (3) will operate in accordance with all Commission Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

#### IV. FIXED UTILITIES

##### A. APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY -- INITIAL ISSUANCE, EXTENSION, TRANSFER OR TO EXERCISE FRANCHISE RIGHTS.

When application is made for authority for a certificate of public convenience and necessity, extension, transfer or to exercise franchise rights, the applicant in addition to complying with the rules applicable to all pleadings, particularly Rules 11 and 13, will submit the information where applicable and appropriate either in the application or as exhibits.

1. Name and address of applicant. If individual, state in addition if trade name is to be used, i.e., John Smith, dba (doing business as) Farmers' Utility Company;
  - a. If a partnership, name and address of co-partners and trade name, if any;
  - b. If a corporation, incorporated under the laws of the State of Colorado, a copy of its Articles of Incorporation with all amendments to date, certified by the Secretary of State of the State of Colorado. If an out-of-state corporation, a certified copy of its Articles of Incorporation and amendments to date, certified by the Secretary of State of its state of incorporation and attached thereto a copy of its authorization to do business in Colorado, certified by the Secretary of State of Colorado; or reference to filing if already on file with the Public Utilities Commission.
2. Description of type of utility service rendered or to be rendered and a written description of the area served or sought to be served; a map of the area sought suitably marked to conform with the written description in the application.
3. A feasibility study showing estimated investment, income and expense.
4. A copy of the proposed tariff showing the proposed rates, rules and regulations.
5. Evidence of financial ability to carry out operation contemplated in certificate request including a verified recent financial balance sheet, operating and earned surplus statement, if any, for a 12-month period ending as of date of balance sheet.
6. Names of public utilities of like character serving in or near the area sought in the application.
7. Statement that competent evidence will be presented at the hearing to show qualifications of applicant to conduct the utility operations sought in the application, and that public convenience and necessity requires the granting of the application.
8. In application to exercise franchise rights, also certified copy of franchise ordinance, proof of publication, adoption and acceptance by the company attached to the original application, number of customers served or to be served, population of city or town and any other pertinent information.

9. Application to transfer existing certificate of public convenience and necessity may be by joint or separate applications by the transferor and transferee containing attached copies of sales agreement or contract of sale together with all instruments pertaining to the transfer; also statement showing accounting entries, including any plant acquisition adjustment amount proposed, on the books by both parties before and after the proposed transfer, all in accordance with the Uniform System of Accounts prescribed by this Commission. Evidence that the transfer is in the public interest with an evaluation of benefits and detriments, if any, occurring to customers of both or all parties after transfer of certificate of public convenience and necessity as compared to cost and kinds of services rendered prior to transfer.

B. APPLICATION FOR AUTHORITY TO ISSUE SECURITIES BY ELECTRICAL AND GAS CORPORATIONS.

When application is made for authority to issue securities pursuant to CRS 1963, 115-1-4, as amended, the applicant in addition to complying with the rules applicable to all pleadings, particularly Rules 11 and 13, will submit the information where applicable and appropriate either in the application or as exhibits:

1. Name of State where organized and if a foreign corporation, authority to do business in the State of Colorado; Applicant's Articles of Incorporation and all amendments to date certified by the Secretary of State of Colorado or reference to filing if already on file with the Public Utilities Commission.
2. Affiliation with other companies.
3. Post office address of applicant and to whom all communications should be addressed.
4. Concise description of applicant's existing operations and general service area.
5. A brief description and amount of capital stock authorized by company's Articles of Incorporation, and the amounts by class of capital stock outstanding at the balance sheet date. (Item 10)
6. Description and amount of long-term debt outstanding at balance sheet date (Item 10) and brief summary of principal provisions of the indentures and deeds of trust under which such indebtedness was issued.
7. Description and amount of short-term indebtedness as of balance sheet date. (Item 10)
8. Amount of interest charges incurred during a 12-month period included in the income and earned surplus statement. (Item 11)
9. Amount and rate of dividends declared or amount and year of capital credits refunded during the last four (4) calendar years including present year to date of balance sheet. (Item 10)
10. Balance sheet as of recent date available.

11. Income and earned surplus statements for a 12-month period ending as of date of balance sheet. (Item 10)
12. Concise statement of need and use of the funds to be raised by issuance of the new securities and a brief statement of the strengthening or weakening effect of the proposed issue of securities upon the company's financial status.
13. Description and amount of securities to be issued, the anticipated interest rate or dividend rate, redemption or sinking fund provisions, if any, and other important provisions.
14. Registration statement and related forms, including preliminary prospectus, filed with the Securities and Exchange Commission with regard to the new securities subject of this application but excluding copies of the various exhibits required in such statements and related forms, except as may be requested by the Commission; Resolution of Board of Directors, copies of proposed indenture, mortgage note, amendment to amending loan contract, contract for sale of securities and any other pertinent documents.
15. Statement of capital structure at balance sheet date (Item 10) and pro forma capital structure at same date giving effect to the issuance of proposed securities. Show debt and equity percentages to total capitalization, actual and pro forma.
16. Estimated cost of financing.

(Decision No. 75981 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

JAMES H. WILLIAMS )

Box 111 )

Delta, Colorado 81416 )

PERMIT NO. B-7333

-----  
September 30, 1970  
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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 August 1, 1970 to and including February 1, 1971.

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 30th day of September, 1970. hj

(Decision No. 75982 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
LUCIANO A. GALLEGOS )  
Box 778 ) PERMIT NO. B-7428  
Monte Vista, Colorado 81144 )  
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September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 3, 1970 to and including March 3, 1971.

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 30th day of September, 1970. hj



(Decision No. 75983 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ALEX BISULCO dba )  
BISULCO MINE ) PERMIT NO. 5468  
BOX 17 )  
Aguilar, Colorado 81020 )  
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-----  
September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

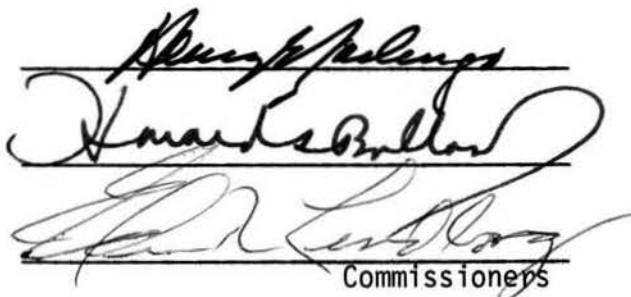
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 7, 1970 to and including March 7, 1971.

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 30th day of September, 1970. hj



(Decision No. 75984)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

JOHN E. and NOLA GEISER, dba )  
J & N TRUCKING SERVICE )  
BOX 302 )  
LaVETA, COLORADO 81055 )

PUC NO. 7265-I

-----  
September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

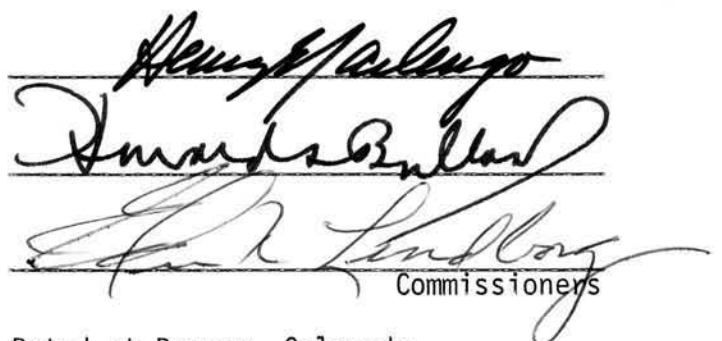
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 2, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj

(Decision No. 75985)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
KELLY FIORENTINI )  
WESTON, COLORADO 81091 ) PERMIT NO. B-6638  
----- )

-----  
September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 3, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj

(Decision No. 75986)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF	)	
ERNEST R. WISE	)	
1805 Escalante Street	)	<u>PERMIT NO. B-7353</u>
Grand Junction, Colo. 81501	)	
	)	

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-----  
September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

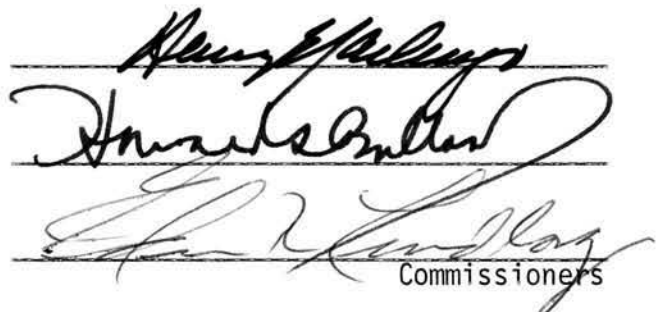
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 3, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj

(Decision No. 75987)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ERNEST A. CRAIG )  
4402 NORTH WEBER ) PERMIT NO. B-4859  
COLORADO SPRINGS, COLO. 80907 )  
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-----  
September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

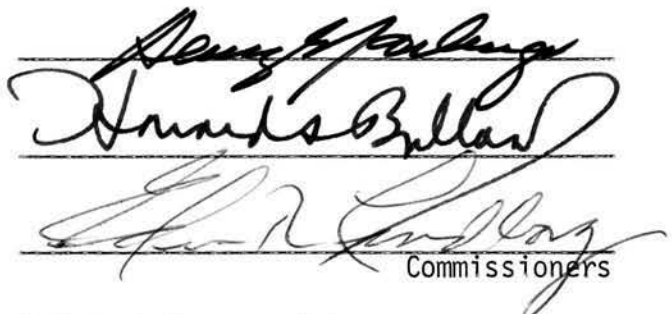
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 24, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj

(Decision No. 75988)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

MITCHEL L. DAVIS, SR. )

Box 481 )

Fleming, Colorado 80728 )

PUC NO. 4659-I

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 9, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30<sup>th</sup> day of September, 1970.  
hj

(Decision No. 75989)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
DANIEL E. LISSMAN, dba )  
DANIEL E. LISSMAN TRUCKING )  
3723 West Barnes Lane )  
Phoenix, Arizona )

PUC NO. 7232-I

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 17, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj

(Decision No. 75990)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

ORVILLE M. HERRIG, dba )  
HERRIG TRUCK LINE )  
WALL LAKE, IOWA 51466 )

PUC NO. 6129-I

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

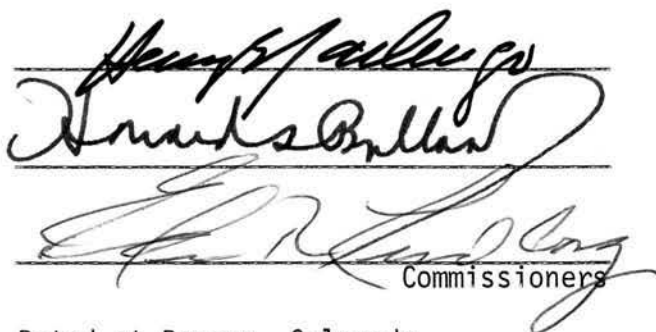
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 9, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj



(Decision No. 75991) )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
LARRY DEFA )  
COTTONWOOD TRAILER COURT )  
SPACE 6 )  
MONTROSE, COLORADO 81401 )

PERMIT NO. B-7284  
SUPPLEMENTAL ORDER

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

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

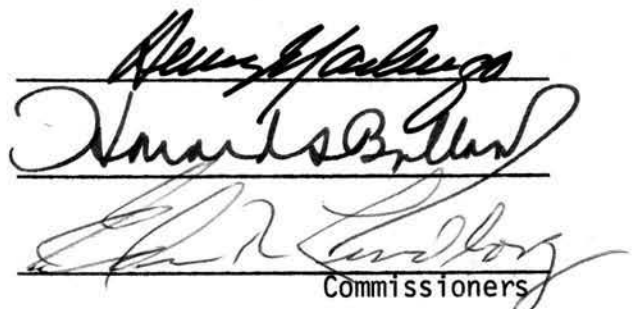
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of September 20, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj

(Decision No. 75992)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GEORGE and GLADYS JOBE DBA )  
G & G JOBE ) PERMIT NO. B-7279  
1251 North Reynolds )  
Canon City, Colorado 81212 )

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

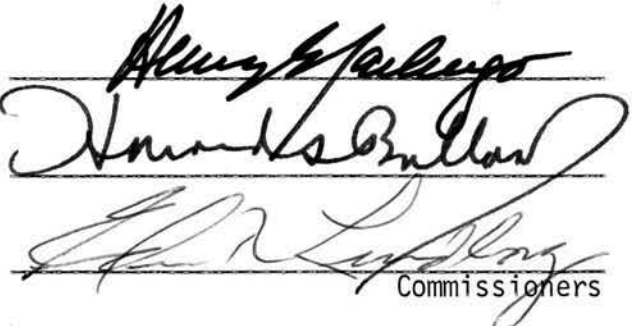
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 8, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
hj

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF AAC ASSOCIATED AMERICAN )  
CORPORATION, 2620 NORTH LOOP, )  
HOUSTON, TEXAS, FOR EMERGENCY )  
TEMPORARY AUTHORITY TO OPERATE )  
AS A CLASS "B" CONTRACT CARRIER )  
BY MOTOR VEHICLE. )  
-----

APPLICATION NO. 24573-PP-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

-----  
September 28, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (4),  
being under consideration, and

It appearing, That appropriate application has been made to  
this Commission for permanent operating authority.

It further appearing, That there is an immediate and urgent  
need for the transportation service herein sought.

It further appearing, That failure to immediately grant emergency  
temporary authority may result in the lack of transportation service to  
the shipper.

And it further appearing, That said circumstances constitute  
an emergency requiring the immediate issuance of temporary authority.

It is ordered, That AAC Associated American Corporation, 2620  
North Loop, Houston, Texas, be, and is hereby, granted emergency temporary  
authority for a period of fifteen (15) days commencing September 28, 1970,  
as a Class "B" contract carrier by motor vehicle, for the

"Transportation of

Gas and electric household appliances, household  
fixtures and furniture

Between all points within a fifty (50) mile radius  
of the intersection of Colfax Avenue and Broadway,  
Denver, Colorado.

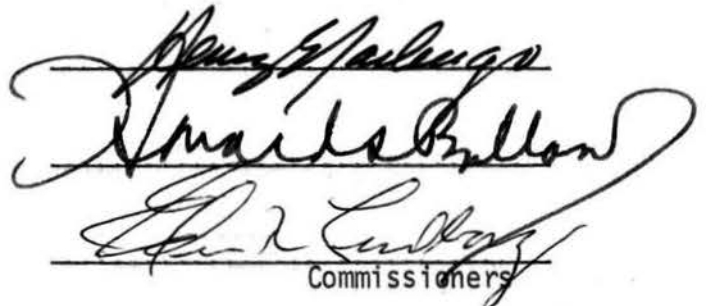
RESTRICTION: The above emergency temporary authority  
is restricted to service for only the Montgomery Ward  
& Co., Denver, Colorado."

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 28th day of September, 1970.

hj

(Decision No. 75994)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CENTRAL TELEPHONE & UTILITIES )  
CORPORATION, A CORPORATION, FOR )  
AUTHORITY TO ISSUE UP TO 170,949 )  
SHARES OF ITS COMMON STOCK OF THE )  
PAR VALUE OF \$2.50 PER SHARE. )  
-----

APPLICATION NO. 24544-Securities

-----  
September 29, 1970  
-----

Appearances: Harry S. Petersen, Esq., Pueblo,  
Colorado, and  
Melvin A. Hardies, Esq., Chicago,  
Illinois, for Applicant;  
James A. VanderWal, Denver, Colorado,  
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Central Telephone & Utilities Corporation (Applicant)  
filed Application No. 24544-Securities with this Commission on  
September 11, 1970. By such application, Applicant seeks author-  
ity of this Commission to issue up to 170,949 shares of its com-  
mon stock of the par value of \$2.50 per share. Said application  
was set for hearing after due notice to all interested persons,  
firms or corporations, in compliance with the statutes of the  
State of Colorado and the rules and regulations of this Com-  
mission, at 9:00 o'clock A. M. on Monday, September 28, 1970,  
in Room 505, Columbine Building, Denver, Colorado, and was then  
and there heard by Hearing Examiner Robert Pyle and taken under  
advisement. No petitions were filed in opposition to the appli-  
cation, and no one appeared at the hearing opposing the authority  
sought by the application.

Applicant is a Kansas corporation. A certified copy of its authorization by the Secretary of State of Colorado to do business in the State of Colorado as a foreign corporation is on file with the Commission. Its principal office in Colorado is at 115 West Second Street, Pueblo, Colorado; its general offices are at 1201 "N" Street, Lincoln, Nebraska 68501.

Applicant is engaged in the business of owning and operating electric utility properties in Colorado in the counties of Pueblo, Fremont, Teller, Custer, Otero, Crowley and El Paso and other utility properties in Kansas, Nebraska and South Dakota. Applicant also owns a majority of the common stock of Central Telephone Company and Lee Telephone Company. Central Telephone Company, in turn, owns a majority of the common stock of Central Telephone Company of Illinois, LaCrosse Telephone Corporation, Southeastern Telephone Company, Virginia Telephone & Telegraph Company, and Western Telephone Company. These subsidiaries are all engaged in the business of providing telephone service in various parts of the States of Nevada, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Virginia, North Carolina and Florida.

The Applicant's witness testified in summary as follows: Subject to the authorization of this Commission and the Kansas Corporation Commission, Applicant's Board of Directors has declared a dividend upon the common stock of the Applicant payable in common stock of the Applicant October 31, 1970, at the rate of one share for each 100 shares to holders of record at September 14, 1970. The number of common shares outstanding at July 31, 1970, was 16,424,280 and the number of shares then reserved for issuance upon conversions of convertible debt securities and exercises of

exercisable stock options outstanding was 670,650. On this basis it is calculated that the dividend shares which may be issuable can not exceed 170,949. Only full shares will be issued; fractional shares will be paid for in cash based upon the closing price for common stock of the Applicant (ex dividend) on the New York Stock Exchange on September 14, 1970.

The value (\$18.875 per share, based on the closing price for common stock of the Applicant on the New York Stock Exchange on September 14, 1970) of the full dividend shares issued (and the amount of cash paid in lieu of fractional shares) will be charged to the Applicant's retained earnings. The par value (\$2.50) of each share issued will be credited to common stock capital and the balance of the value of such share will be credited to premium on common stock account. The Applicant has adequate retained earnings for this purpose. The Applicant has more than 170,949 authorized and unissued shares of common stock available for issuance in discharge of the stock dividend.

The issuance of the stock dividend of common stock will not materially affect or change the existing ratios of the capital structure of Applicant. Said capital structure at July 31, 1970 on a consolidated basis consisted of approximately 30% common equity, 6% preferred stock, 8% minority interest in subsidiaries, and 56% long-term debt.

The Applicant's witness further stated that Applicant has expended for construction, extension and improvement of its facilities out of its retained earnings an amount in excess of the aggregate of the amounts to be transferred to common stock capital and premium on common stock account in connection with the issuance of



the dividend shares; that the dividend shares, when issued, will be fully paid and non-assessable; that the dividend shares, not being a sale of securities, are not required to be registered under the Federal Securities Act; and that an application for their listing on the New York Stock Exchange, upon notice of issuance, will be filed. Applicant's witness further testified that the issuance of stock instead of payment of cash in an amount equivalent to the market value of such stock is expected to conserve more than \$3,000,000 of cash.

The expense for the proposed stock dividend is expected to be not more than twenty-five thousand dollars (\$25,000) and consists of attorneys' fees, transfer agent's charges and miscellaneous costs.

Applicant's Exhibit A, consolidated and corporate balance sheets as of July 31, 1970, and Exhibit B, consolidated and corporate statements of income for the year ended July 31, 1970, were offered and received in evidence.

#### FINDINGS OF FACT

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

1. Central Telephone & Utilities Corporation is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.
2. This Commission has jurisdiction over said Company and the subject matter of this application.
3. The Commission is fully advised in the premises.
4. The foregoing Statement is made a part of these Findings by reference.

5. The proposed issue by Central Telephone & Utilities Corporation of up to 170,949 shares of its common stock of the par value of \$2.50 per share for the purposes and on the terms hereinabove described is not inconsistent with the public interest; that such issue is permitted by law and is consistent with the provisions of Chapter 115-1-4, Colorado Revised Statutes, 1963.

Since Chapter 115-1-4, Colorado Revised Statutes, 1963, requires that security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted and that this Decision should be the initial Decision of the Commission.

#### CONCLUSION

It is the conclusion of the Commission that the authorization sought in the aforesaid application should be granted, and the following Order should be entered.

#### ORDER

##### THE COMMISSION ORDERS:

That the issue by Central Telephone & Utilities Corporation of up to 170,949 shares of its common stock of the par value of \$2.50 per share for the purposes and on the terms hereinabove described be, and it hereby is, authorized and approved.

That the securities issued hereunder shall bear on the face thereof for proper and easy identification thereof a legend as follows:

C.P.U.C. Identification No. 20828

That within ninety (90) days after the final delivery of the shares of common stock to be issued as a dividend, Applicant shall file with the Commission a verified report showing the issue of such

securities and the costs and expenses incurred by the Applicant incident to such issue and the journal entries reflecting such transactions on the books of Central Telephone & Utilities Corporation.

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

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

That the authority herein granted shall be exercisable from and after this date, this Order being made effective forthwith; however, the authorization hereby granted shall expire if and to the extent that it has not been exercised by December 31, 1970.

That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), Colorado Revised Statutes, 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this  
29th day of September, 1970.  
js

(Decision No. 75995 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

CARROLL TRUCKING COMPANY )  
4901 U.S. RT. 60 EAST )  
HUNTINGTON, WEST VIRGINIA 25703 )

AUTHORITY NO. 7601-I

CASE NO. 2340-H-Ins.

-----  
September 29, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970 , 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 29th day of September, 1970.

(Decision No. 75996)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
SNYDER'S WHOLESALE LIQUORS INC. )  
3935 BLAKE ST. )  
DENVER, COLORADO 80205 )

PERMIT NO. M-1502

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 28, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
js

(Decision No. 75997)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
KENNETH McFARLAND & E. A. KIMPEL )  
dba M & K MOBILE HOMES, 317 EAST )  
EDMUNDS, BRUSH, COLORADO 80723 )

PERMIT NO. M-4890

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

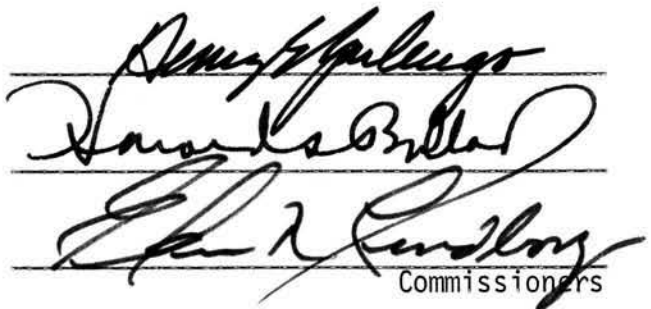
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 27, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
js

(Decision No. 75998)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
HENRY H. KOHLMAN )  
BOX 292 )  
GREEN MOUNTAIN FALLS, COLO. )

PERMIT NO. M-6332

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 10, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
js



(Decision No. 75999)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
JOE CARNIGEE )  
816 FLORAL )  
CANON CITY, COLORADO 81212 )

PERMIT NO. M-9885

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 26, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
js

(Decision No. 76000)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
BERTHA E. TOBLER dba )  
TOBY'S MARKET )  
KEENESBURG, COLORADO 80643 )

PERMIT NO. M-10637

-----  
September 30, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 4, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
js

(Decision No. 76001)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
MARVIN S. DANHAUER dba )  
HOME BAKERY )  
124 F STREET )  
SALIDA, COLORADO 81201 )

PERMIT NO. M-14610

-----  
September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 26, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 29th day of September, 1970.  
js

(Decision No. 76002)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
DONALD R. BOWEN dba )  
BOWEN'S SHOES )  
618 15th STREET )  
DENVER, COLORADO 80202 )  
-----

PERMIT NO. M-15411

-----  
September 30, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

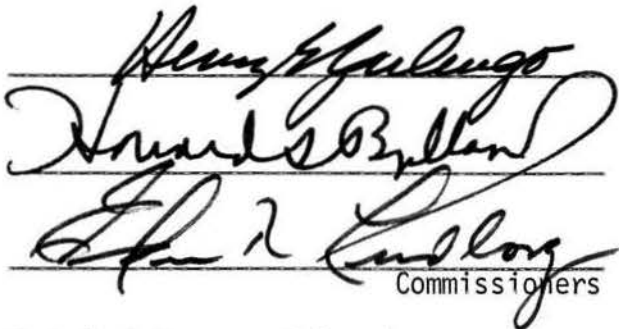
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 3, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 30th day of September, 1970.  
js

(Decision No. 76003)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE EAGLE VALLEY TELEPHONE COMPANY, )  
EAGLE, COLORADO, TARIFF COLO. PUC )  
NO. 2, FIRST REVISED SHEETS 2, 3, )  
4, and 10. )  
-----

INVESTIGATION AND SUSPENSION

DOCKET NO. 664

-----  
September 29, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 27, 1970, Mr. N. D. Morgan, Vice President of Eagle Valley Telephone Company, filed with this Commission Advice Letter No. 5 covering First Revised Sheets 2, 3, 4, and 10 of Colo. PUC No. 2, being the tariff of Eagle Valley Telephone Company, proposing to increase rates for local and general exchange service approximately 20%. The original filing was to be effective September 1, 1970, but because of the necessity to renotify the customers under the Commission's Rule, the effective date of the proposed increase was changed to October 1, 1970. The increase, unless suspended by the Commission, would then become effective on October 1, 1970.

The Company having complied with the Rules of Practice and Procedure of the Commission regarding the notice to its customers, the Commission received several complaints from the customers of Eagle Valley Telephone Company protesting the proposed increase.

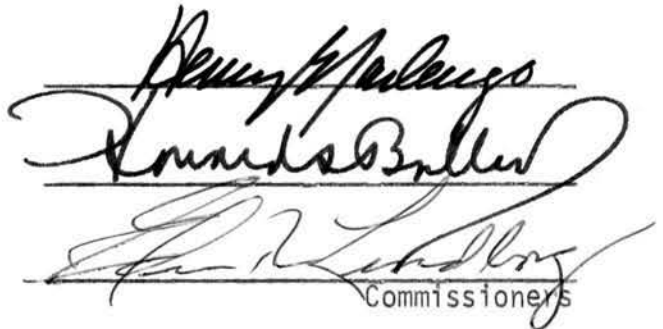
The Commission on its own motion will suspend the effective date of the proposed increase in rates and hold a hearing in regard to this matter at a date to be determined later.

O R D E R

THE COMMISSION ORDERS THAT:

1. The effective date of First Revised Sheets 2, 3, 4, and 10 of Colo. PUC No. 2 of the Eagle Valley Telephone Company Tariff be, and it hereby is suspended for a period of one hundred twenty (120) days from October 1, 1970, or until January 28, 1971, unless otherwise ordered by the Commission.
2. The matter of the proposed increase in rates shall be the subject matter of a hearing at a date to be determined by the Commission.
3. A copy of this Order shall be sent to Mr. N. D. Morgan, Vice President of Eagle Valley Telephone Company, and to those customers who have filed written complaints with the Commission.
4. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 29th day of September, 1970.  
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TIGER RUN, INC., A COLORADO CORPO- )  
RATION, P.O. BOX 155, BRECKENRIDGE, )  
COLORADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 24248

RECOMMENDED DECISION OF  
CHRISTIAN O. IGENBERGS,  
EXAMINER

-----  
September 30, 1970  
-----

Appearances: Peter J. Crouse, Esq.,  
Denver, Colorado,  
for Applicant.  
Stewart H. Brown, Esq.,  
Vail, Colorado, for  
Hans Weibel and Harald K.  
Franzgen, doing business  
as "Vail Jeep Guides,"  
Protestants.

PROCEDURE AND RECORD

Under date of March 17, 1970, Applicant filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on March 26, 1970, was granted such temporary authority.

The Commission assigned No. 24248 to the application for permanent authority.

On April 20, 1970, a Protest was received by the Commission from Hans Weibel and Harald K. Franzgen, doing business as "Vail Jeep Guides."

The Commission, pursuant to law, designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District



Court, Courthouse, Breckenridge, Colorado, on June 25, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Robert G. Campbell, President of Applicant corporation, Howard M. Sloan, and Leonard Hansen testified in support of the application. Hans A. Weibel testified for Protestants.

Exhibits numbered 1, 2, 3, and 4 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant in this matter proposes to operate a public utility, as defined in Chapter 115, CRS 1963, as amended.
3. By this application, Applicant seeks a certificate of public convenience and necessity to transport, for the purposes of sightseeing and recreation, passengers between the Tiger Run Campground, located in the County of Summit, State of Colorado, and points in the Counties of Park, Summit, Grand, Eagle, and Lake, State of Colorado, restricted to trips originating and terminating at the aforesaid Tiger Run Campground and further restricted to four-wheel drive vehicles and over-the-snow type vehicles. Applicant does not propose to operate on a time schedule or over regular routes.

4. This Commission has jurisdiction of the Applicant and the subject matter of this proceeding.

5. Applicant operates a year-round recreational facility known as the "Tiger Run Campground" in the County of Summit, State of Colorado, approximately three (3) miles north of Breckenridge, Colorado, and one (1) mile east of Colorado Highway No. 9. At the present time, Applicant can accommodate approximately 272 guests at said campground lodge and cabin facilities. Applicant is conducting an active program of advertising and solicitation. Based on the present trend of growth of the number of visitors to the campgrounds and current construction work at said campgrounds, Applicant expects to be able to accommodate approximately 460 guests at its facilities during the forthcoming ski season in the year 1970.

6. Applicant has received inquiries with regard to sightseeing and recreational tours by four-wheel drive vehicles during the summer and by snow-mobile two-person vehicles during the winter.

7. Applicant has four (4) persons holding chauffeur's licenses as owners and employees available as drivers for passengers going on sightseeing or recreational tours.

8. There is no other common carrier at the present with equipment for sightseeing or recreational tours based at the Tiger Run Campground. One common carrier, namely, The Lancer Corporation, of Breckenridge, Colorado, does hold authority from this Commission to carry passengers in sightseeing tours from the Tiger Run Campground to the surrounding areas but said carrier has equipment based at Breckenridge, Colorado, rather than the Tiger Run Campground. Moreover, the aforementioned carrier does not protest the granting of this application.

9. The equipment of Protestants is based at Vail, Colorado, approximately thirty-nine (39) road miles from the Tiger Run Campground. Clearly, it would not be economically practicable or feasible for Protestants to provide sightseeing and recreational tours originating and terminating at the aforesaid Campground since their equipment is based at Vail, Colorado.

10. Since the filing of the herein application, Applicant has acquired, by transfer, Certificate of Public Convenience and Necessity PUC No. 5894, consisting of two parts or paragraphs (Commission Decision No. 75891, dated September 21, 1970). The aforesaid authority does not conflict with or duplicate the authority requested in the within proceeding. For the sake of simplicity and clarity and in order to avoid misinterpretation, it is deemed advisable that the authority in the instant matter, if granted, should be appended to the aforesaid Certificate of Public Convenience and Necessity PUC No. 5894 as a third paragraph.

11. Applicant corporation owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority petitioned for herein.

12. The chief corporate officers as well as the employees of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to 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. There is a present and special need for the service as proposed by Applicant.

14. The existing service is inadequate to meet the particular transportation requirements sought herein.

15. The present or future public convenience and necessity requires or will require the granting of the authority hereinafter set forth.

16. The authority as applied for will be in the public interest.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The Protest of Protestants, Hans Weibel and Harald K. Franzgen, doing business as "Vail Jeep Guides," should be, and hereby is, dismissed.

2. The authority sought by Applicants should be granted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Tiger Run, Inc., a Colorado corporation, P.O. Box 155, Breckenridge, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

Transportation -- on call and demand -- of  
Passengers

Between the Tiger Run Campground, on the one hand, and points within an area comprised of the following-named Counties: Park, Summit, Grand, Eagle, and Lake, State of Colorado, on the other hand.

RESTRICTION:

This Certificate is restricted as follows:

- (a) To the use of four-wheel drive vehicles or over-the-snow type vehicles;
- (b) All transportation service to be rendered must originate and terminate at the Tiger Run Campground";

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

2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 5894 shall read and be as follows, to-wit:

Transportation -- in taxicab service -- of

(1) Passengers

Between Tiger Run Campground, on the one hand, and points within the following-described area, on the other hand: Commencing at Kremmling, Colorado; thence east along a line to Parshall, Colorado; thence southeast along a line to the summit of Loveland Pass; thence south along a line to Como, Colorado; thence southwest along a line to Fairplay, Colorado; thence west along a line to Malta, Colorado; thence north along a line to Dowd, Colorado; thence north along a line to Kremmling, Colorado, to the point of beginning.

Transportation -- on call and demand -- of

(2) Passengers

Between recreational, sightseeing, and tourist areas within the following-described area: Commencing at Kremmling, Colorado; thence east along a line to Parshall, Colorado; thence southeast along a line to the summit of Loveland Pass; thence south along a line to Como, Colorado; thence southwest along a line to Fairplay, Colorado; thence west along a line to Malta, Colorado; thence north along a line to Dowd, Colorado; thence north along a line to Kremmling, Colorado, the point of beginning.

RESTRICTION:

Item (2) of this Certificate is restricted to the use of four-wheel drive vehicles.

Transportation -- on call and demand -- of

(3) Passengers

Between the Tiger Run Campground, on the one hand, and points within an area comprised of the following-named Counties: Park, Summit, Grand, Eagle, and Lake, State of Colorado, on the other hand.

RESTRICTION:

Item (3) of this Certificate is restricted as follows:

- (a) To the use of four-wheel drive vehicles or over-the-snow type vehicles.
- (b) All transportation service to be rendered must originate and terminate at the Tiger Run Campground.

3. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

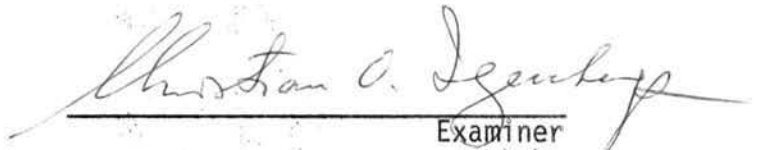
4. That Applicant shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner  
rm/vjr

(Decision No. 76005)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: AIR CARRIER OPERATIONS OF )

K. WILLIAM LYDDON dba )  
LYDDON FLYING SERVICE )  
RR #2, MUNICIPAL AIRPORT )  
LaJunta, Colorado 81050 )

PUC NO. AC-65

-----  
October 2, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of September 3, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970.  
hj



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: WEIGHTS, MINIMUM  
WEIGHT FACTORS

CASE NO. 1585

October 2, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 4, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed with the Commission 3rd Revised Page No. 86 to its Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19, as set forth below, scheduled to become effective October 12, 1970.

RULES AND REGULATIONS	
Item	Application
440	<p><u>MINIMUM WEIGHTS:</u></p> <p>The minimum weight on articles moving under class rates in Section 1 of this tariff, subject to truckload ratings in the governing classification, will be as follows:</p> <p>(A) When the governing classification minimum weight is 40,000 pounds or less, such governing classification minimum weight will apply;</p> <p>(B) When the governing classification minimum weight is greater than 40,000 pounds, the minimum weight will be 40,000 pounds.</p> <p>NOTE 1: (E) ▲</p>

(NOTE 1: When in connection with articles provided with a "minimum weight factor" in the governing classification, Table B, Section 3, of Rule 997 of the governing classification will be used in determining the truckload minimum weight therein, which minimum weight will then be subject to the provisions of (A) and (B) above.)

The Chief of Tariff Bureau, in a letter to the Commission dated September 11, 1970, states:

"We have, however, issued 3rd Revised Page 86 to Tariff 12-B for the purpose of eliminating the note set forth above.

"This action was taken because Item 997 of the classification has been amended by eliminating Tables A and B and, as a result, providing only one schedule of minimum weights to be used in connection with the minimum weight factors.

"In view of the amending of Item 997, there is no longer a need for the provisions of Note 1 to be published in Item 440."

The National Motor Freight Traffic Association, Inc., Agent, by its Issuing Officer, H. J. Sonnenberg, amended Item 997 of the classification to be effective September 1, 1970. This was handled under its Docket D-702-5131, and basis therefore as submitted to this Commission as represented in letter of May 28, 1970, provided that:

"Provisions amended for tariff clarification and simplification to reflect modern trade practices. Cancellation of the restrictive provisions of Sec. 2 of this item results in a reduction. Removal of former "Table "B" and its lower minimum weights results in an increase. Published on not less than 90 days' notice to allow tariff bureaus sufficient time to publish necessary tariff reference to this item."

Since the changes as set forth in the statement hereof appear to represent just, fair and reasonable rates and charges and provisions, the Commission states and finds that: --

(1) On October 12, 1970, the provisions will be uniform in application as to interstate and intrastate traffic, except as otherwise provided in (A) and (B) of Item 440, Tariff 12-B, Colorado PUC No. 19.

(2) An Order shall be entered prescribing the provisions set forth in the statement hereof under the provisions of Rule 18C (1) (a) of the Commission's Rules of Practice and Procedure, and Colorado Revised Statutes Governing Public Utilities, 115-11-5, as amended.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That the Statement and Findings be, and are hereby, made a part hereof.

2. That the rates and charges as amended and set forth in the statement 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.

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 Contract 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 October 12, 1970, 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 October 12, 1970, except as noted, all Contract 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" Contract 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 Contract Carrier by motor vehicle to be or become a motor vehicle Common Carriers, or to subject any such Contract Carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

9. That this Order shall become effective forthwith.
10. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner

Dated at Denver, Colorado, this  
2nd day of October, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF THE	)	
DENVER AND RIO GRANDE WESTERN RAILROAD	)	
COMPANY TO WITHDRAW ITS AGENCY AT	)	<u>APPLICATION NO. 24510</u>
STEAMBOAT SPRINGS, COLORADO.	)	
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October 1, 1970  
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S T A T E M E N T

BY THE COMMISSION:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado, The Denver and Rio Grande Western Railroad Company (Rio Grande) did on August 19, 1970, file an application seeking authority to close and withdraw the agency station maintained for rail service at Steamboat Springs, Routt County, Colorado, and to henceforth provide service from the Agency station of Phippsburg, Colorado.

Steamboat Springs had a population of 1843 persons in the 1960 census. It is located on the Rio Grande Craig Branch at Milepost 191.1 or 191.1 miles from Denver. Open agency stations are maintained at Craig, 42 miles west on U.S. Highway No. 40, and at Phippsburg which is 25 miles to the south on Colorado Highway No. 131.

Steamboat Springs is served by an agent between 8:00 a.m. and 5:00 p.m. on Mondays through Fridays. Daily rail service consists of a pickup or switching Local moving west between 2 p.m. and 3 p.m. and a similar service moving east between 5 p.m. and 7 p.m.; hence, there are times that switching service is provided when there is no agent on duty. On four days per week a Unit train for 30 cars of coal is operated as a through movement between Energy Spur (9 miles west of Steamboat) and Public Service Company plant at Denver.

Train movements are controlled by the main dispatcher at Denver. No train orders are required at Steamboat since orders for the Local movements are issued from the Division Point of Phippsburg for westbound moves, and from Craig at the end of the line for movements east to Phippsburg. There are no passenger trains operated over this line.

Applicant states the Agency Station at Steamboat Springs is not necessary for operational purposes of the railroad; that there is no passenger service or milk and cream business handled at the station; and the current freight business can be handled by the Agent at Phippsburg; hence, proposal for closing the station is made on the basis that only minor public convenience and necessity is involved and that non-productive station expense may be eliminated. Supporting explanatory information was offered for Commission consideration. Proposed effective date for requested station closing is September 25, 1970.

In conformance with the Commission rules herein, public notice of the requested change was posted at the Steamboat Springs Station on August 21, 1970. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. No public complaints or protests have been received by the Commission.

In Commission review of the instant request, it appears that business at Steamboat Springs has been largely the forwarding of lumber and coal with fall season movement of livestock and wheat. New building growth in the area resulting from an expanding ski industry requires about 40 cars per year of lumber and building products, or about 50 percent of the inbound traffic. There is a continuing small volume of Railway Express shipments which were formerly handled on the passenger trains, but now move by truck service of Larson Transportation Company. These shipments have been set off at the railroad depot but arrangements are being planned by REA Express for alternate handling through the truck carrier or another local agent.

There is also a two-month fall season grain movement from the Hayden station which is handled through Steamboat Springs on a blind siding basis. Other work involves the billing of non-consigned coal loads handled from the

Energy Spur in Local switching service which move to Denver for further billing according to needs for steam coal by the regional sugar beet refineries.

Local patrons order cars by telephone and the train crews know from experience or switching instructions how the local handling is to be done. Preparation of the coal train documents is handled from the loading terminal for movement with the train according to management procedures. Billing and collections for the local patrons are now handled by mail through the Denver office. All telephone toll charges will be paid by Rio Grande for proposed handling of Steamboat business through the Phippsburg office.

Relative to the above movement of grain from the Hayden station, the Commission has received correspondence of the shipper Hayden Grain Co. stating:

"We have no objection to the Denver Rio Grande Depot, Steamboat Springs, Colorado, being closed. We are willing to transact our business through the Craig, Colorado, office."

A review of the exhibit material showing carload data and station operation is as follows:

<u>ITEM</u>	<u>PERIOD</u>	
	<u>1969</u>	<u>1970 (5 mos.)</u>
Carloads: Received	86	41
Forwarded	404	83
TOTALS	<u>490</u>	<u>124</u>
Average per month	41	25
Station Expense:		
Wages	\$8,111	\$3,100
Heat	484	295
Utilities (Water, electricity, telephone)	339	157
Station Supplies	160	16
TOTALS	<u>\$9,094</u>	<u>\$3,568</u>

It appears there is no interest by the general public in the proposed station closing. Business of the large coal and lumber shippers is handled by mail and telephone, or through a home office away from Steamboat. Interest in the station has been limited to the local lumber dealers who anticipate problems of switching, securing empty cars and possible delays to trace shipments. The City of Steamboat Springs has proposed the station building be vacated and converted to municipal use.



As noted, the basic reason for proposed station closing is related to the diminishing nature of Agency service that is required by the public. The billing and customary station procedures are now in the nature of routine operational functions that may be readily performed at another station. The use of computerized operations at Denver has emphasized development of data collection centers such as end of the line station at Craig and the en-route Division point of Phippsburg where crews are changed and trains are controlled. Considering the nature of present operations, it appears there will be only minor public inconvenience, with a possible increase in the work force at Phippsburg which now offers service on an eight hour daily basis.

In this matter the essential service of freight movement and local switching will continue; there is good local agreement and apparently little inconvenience to utilize the alternate service of another station, and where charges for telephone toll calls will be accepted by the Applicant's agent. Meanwhile, operating experience during the times when the Agent is off duty has shown that train operations can also be safely maintained. Hence, it appears reasonable that the instant proposal is made in the interest of improved operating efficiency and the possible reduction of expenses for station maintenance.

It is therefore the belief of the Commission that the proposed station closing is compatible with the public interest, and in the absence of protests thereto, 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 the foregoing Statement is hereby made a part of these Findings by reference.

That safe and economical railroad operation does not require the maintenance of an Agent at the Steamboat Springs Station, Routt County, Colorado.

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

That motor carrier services of Larson Transportation Company for movement of L.C.L. and Railway Express shipments will be continued, with express shipments being handled on an alternate local basis.

That the expenses involved in maintaining full Agency services at Steamboat Springs are not justified in view of the proposed change.

That the public convenience and necessity no longer require the continued maintenance of an Agency Station at Steamboat Springs, Colorado, by Applicant, The Denver and Rio Grande Western Railroad Company, and authority for Agency discontinuance should be granted as requested.

#### O R D E R

##### THE COMMISSION ORDERS:

That Applicant herein, The Denver and Rio Grande Western Railroad Company, be, and is hereby authorized to discontinue Agency service at Steamboat Springs, Routt County, Colorado, and to thereafter maintain same as a prepay or non-agency station served through the Agency office at Phippsburg, Colorado.

That during any times of seasonal rush, or unforeseen demand for station service, necessary personnel on a temporary basis may be brought in and withdrawn as required to meet the public needs.

That continued handling of Railway Express business, as moving in truck service, shall be provided through another local agent by REA Express, Inc.

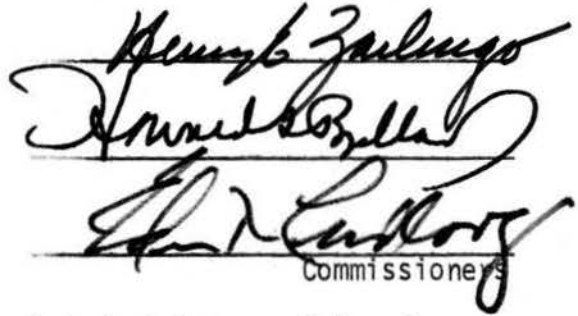
That charges for telephone toll calls of Steamboat Springs patrons relative to railroad business shall be accepted by the Agency stations of Applicant at Phippsburg or Craig, Colorado.

That reference shall be made to this Decision in the respective tariff schedules to show closing of the Steamboat Springs Agency office and as authority for such action.

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

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 1st day of October, 1970.  
hj

(Decision No. 76008)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF UINTAH FREIGHTWAYS, 1030 SOUTH )  
REDWOOD ROAD, SALT LAKE CITY, UTAH, )  
FOR TEMPORARY AUTHORITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE. )  
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APPLICATION NO. 24497-TA

-----  
October 1, 1970  
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STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 31, 1970, the Commission entered Decision No. 75605 denying temporary authority in the above-captioned matter. On September 18, 1970, Uintah Freightways, by its attorney, filed a Petition for Reconsideration alleging, among other things, that there is an immediate and urgent need for the service proposed. On September 23, 1970, a Reply on Behalf of Goldstein Transportation and Storage, Inc. to Applicant's Petition for Reconsideration was received by the Commission.

The Commission, after careful consideration of the Petition for Reconsideration and each and every allegation thereof, finds that said Petition for Reconsideration should be denied and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

That the Petition for Reconsideration filed by Uintah Freightways of Decision No. 75605 be, and hereby is, denied.

That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
1st day of October, 1970.  
js

(Decision No. 76009)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOHN B. WINDECKER, DOING BUSINESS )  
AS "WINDECKER TRUCK LINE," 3445 FOX )  
STREET, DENVER, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PUC NO. 996 AND )  
PUC NO. 996-I TO TRI-STATE MOTOR )  
TRANSIT CO., A DELAWARE CORPORATION, )  
P.O, BOX 113, JOPLIN, MISSOURI. )  
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APPLICATION NO. 23949-Transfer

SUPPLEMENTAL ORDER

-----  
October 2, 1970  
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Appearances: John P. Thompson, Esq., Denver, Colorado  
for Transferor and Transferee

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 4, 1970, Decision No. 74829 by Examiner Robert L. Pyle was entered in the above matter. Said Decision redescribed the authority of John B. Windecker, doing business as "Windecker Truck Line," contained in Certificate PUC No. 996, and approved the transfer provided certain requirements were complied with.

The Commission finds that the time for such compliance has expired and that the requirements have not been complied with, and concludes that the authority for the transfer should be cancelled, but that the authority contained in Certificate PUC No. 996 should be redescribed as stated in said Decision No. 74829, and that PUC No. 996-I should not be cancelled.

O R D E R

THE COMMISSION ORDERS THAT:

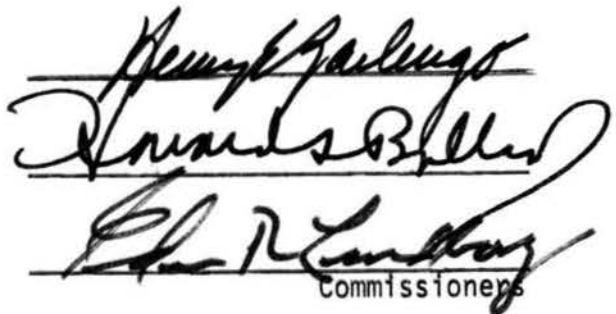
1. The authority for Transfer of PUC No. 996 be, and hereby is, revoked and cancelled.

2. PUC No. 996-I be, and hereby is, reinstated and shall remain in full force and effect.

3. Henceforth the full and complete authority under Certificate PUC No. 996 and PUC No. 996-I shall read as stated in paragraph 3 of the ordering portion of Decision No. 74829, which is hereby incorporated herein by reference.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
2nd day of October, 1970.  
js



(Decision No. 76010)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DIVISION OF HIGHWAYS - STATE OF )  
COLORADO FOR AUTHORITY TO INSTALL )  
AUTOMATIC FLASHING LIGHT SIGNALS )  
SUPPLEMENTED WITH AUDIBLE WARNING )  
DEVICE ON STATE HIGHWAY 139 AND THE )  
EXISTING GRADE CROSSING OF THE )  
DENVER AND RIO GRANDE WESTERN RAIL- )  
ROAD COMPANY TRACKS AT MILEPOST )  
465.57 BETWEEN GRAND JUNCTION, )  
COLORADO AND SALT LAKE CITY, UTAH, )  
AT LOMA IN MESA COUNTY, COLORADO. )  
-----

APPLICATION NO. 24403

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October 1, 1970  
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S T A T E M E N T

BY THE COMMISSION:

On June 5, 1970, the Division of Highways of the State of Colorado (Division) filed its application in accordance with the rules of this Commission, seeking approval for installation of automatic flashing light signals and bell at the highway-railroad grade crossing as noted above.

Explanatory material submitted with the instant application includes:

- Exhibit A: White print copy of Project Plan Sheet No. 6 to show plan view of crossing site, property ownership and connection to U.S. 6 and 50 West.
- Exhibit B: White print copy of Project Plan Sheet to show wiring diagram for proposed automatic flasher signals and bell.

With reference to the instant application and other investigation data of the Commission, it appears that Loma is a small community

located five miles west from Fruita on U.S. Highway 6 and 50. The cross-country highway U.S. No. 6 and main line of The Denver and Rio Grande Western Railroad (Rio Grande) generally parallel the Colorado River westward toward the Utah line from the Glenwood Springs area through New Castle, Rifle, Palisade, Grand Junction, Fruita, Loma, and Mack. Colorado Highway No. 139 is a north-south roadway that extends from a Junction with Interstate Route No. 70 south of Loma, thence northerly through Loma and via Douglas Pass to the Garfield-Rio Blanco County Line; with the roadway to then continue through Rio Blanco County into Rangely, Colorado. The instant grade crossing of Colorado No. 139 and Rio Grande Main Line is some 174 feet south from the U.S. 6 Highway.

Current four-lane construction of Interstate 70 as a part of the National System of Defense Highways now involves a segment extending westerly for some 10 miles from Fruita toward Loma and the Mack area. The new junction of Interstate 70 with Colorado 139 will be about one mile south from Loma, thus providing convenient access to the new highway for residents of the local area and the tributary region northward from Loma and U.S. 6 as served by the State Highway No. 139.

The grade crossing at Loma has existed for many years as a part of the local 13 Road or Colorado Avenue through Loma. Protection consists of crossbuck signs and there has been only a limited rural development in the two-mile area southward from U.S. 6 to the Colorado River. Hence, where there was only a minor volume of traffic southward from the main highway and over the instant railroad crossing, consideration must now be given to the new and increased access traffic, with necessity for automatic signal protection at the grade crossing.

From the crossing southward there have been road improvements of grading, widening and 24 feet wide asphalt surfacing of the crossing approach, including also the rebuilding of the crossing and placement of new timber crossing panels.

Currently, the rail traffic through Loma amounts to 18 scheduled trains per day including one passenger train with maximum permissible operating speed of 70 miles per hour over the instant crossing. Using an estimated present traffic volume of 725 vehicles per day for design purposes, proposal is made for installation of flasher signals and a bell at the single-track main line crossing.

According to an Agreement dated July 7, 1970, between Division of Highways and The Denver and Rio Grande Western Railroad Company, it is provided that the Railroad will be reimbursed for ninety percent (90%) of all expenses it incurs incidental to installation of the protection devices and to be paid in accordance with the current Federal and State rules and regulations applicable thereto. The Denver and Rio Grande Western Railroad Company is participating to the extent of ten percent (10%) of the initial cost. Maintenance, repair and operation of the protection devices at the Loma grade crossing shall become the responsibility of the Railroad. Copy of said Agreement was received by the Commission as a late-filed exhibit on July 28, 1970. Preliminary estimates of total cost for materials, labor and engineering amount to \$14,400.

In further review of the proposal, the Commission forwarded a copy of the application, together with a Notice, to interested parties, to the owners of adjacent property and to the Board of Mesa County Commissioners to ascertain if any other action was desired

within the period of thirty (30) days as designated in said Notice.

No adverse reply has been received by the Commission.

After consideration of the instant proposal, it must be recognized that construction of the new Interstate route in this area and consequent development of the Colorado 139 local access connection will result in new and increased traffic flow over the instant crossing. The proposed installation of automatic flasher signals and bell at the crossing is therefore a necessary improvement for the safety and benefit of both the highway and railroad traffic.

It is therefore the belief of the Commission that the proposed protection installation 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 installation and approval of standard curbside flashing type automatic crossing signals and bell at the grade crossing of State Highway No. 139 (Loma Interstate 70 connection), over and across the main line track of The Denver and Rio Grande Western Railroad Company at Milepost 465.57, Loma, Mesa County, Colorado.

That the authority sought in the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Applicant, Division of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted authority and approval for the installation, operation and maintenance of standard automatic flashing-light grade crossing signals and bell at the grade crossing of

Colorado Highway No. 139 (Loma Interstate 70 connection), over the main track of The Denver and Rio Grande Western Railroad Company at Milepost 465.57, Loma, Mesa County, Colorado.

That the work to be done, costs, installation and maintenance of the protection devices shall be as indicated in the preceding Statement. Said Statement, the late-filed Agreement herein, and Exhibits "A" and "B" are all by reference made a part hereof.

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

That traffic flow over the crossing shall be limited to single lane movement in each direction.

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 October, 1970.

js

(Decision No. 76011)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
LEONARD DeLUE, D. J. SEBERN, T. W.	)	APPLICATION NO. 23364-PP-Extension
RINKER AND E. L. DeLUE, DOING BUSINESS	)	
AS "ARMORED MOTORS SERVICE," 970 YUMA	)	<u>SUPPLEMENTAL ORDER</u>
STREET, DENVER, COLORADO, FOR AUTHORITY	)	
TO EXTEND OPERATIONS UNDER PERMIT NO.	)	
B-958.	)	
-----		

-----  
October 1, 1970  
-----

Appearances: Herbert M. Boyle, Esq., Denver, Colorado,  
for Applicants;  
Orris H. Gram, Colorado Springs, Colorado,  
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 13, 1968, the Commission entered Decision No. 72303 in the above-entitled matter granting to Applicant authority to extend operations under Permit No. B-958.

It now appears that the Commission through inadvertence in setting forth the authority granted restricted Item 3 of said authority to the use of "armored cars and armed guards" rather than by "armed car and armed guard or guards."

In view of the above and foregoing, the Commission states and finds that Decision No. 72303 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

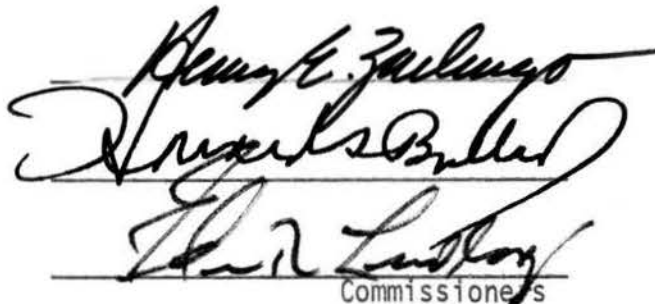
That Decision No. 72303 be, and the same hereby is, amended, nunc pro tunc, as of December 13, 1968, by striking therefrom the Restriction of Item 3 appearing on page 5 of said Decision and inserting in lieu thereof the following:

RESTRICTION:

Item 3 of this Permit is specially restricted to the use of only armored car and armed guard or guards.

That, except as herein amended, Decision No. 72303 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 1st day of October, 1970.  
hj



(Decision No. 76012)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

THOMAS DARE )  
2550 Yarrow St. )  
Lakewood, Colorado 80215 )

AUTHORITY NO. M 13981

CASE NO. 6078-M-Ins.

-----  
October 1, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1970, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

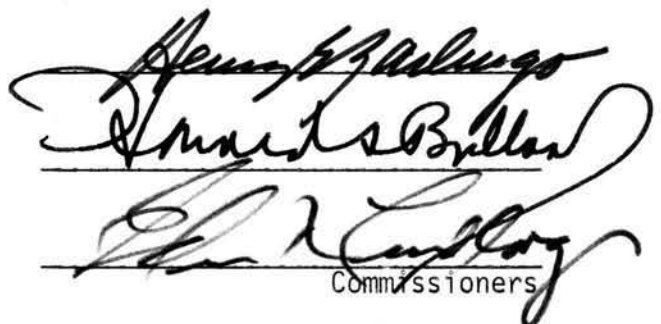
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

ORDER

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 1st day of October, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RULES OF THE )  
PUBLIC UTILITIES COMMISSION OF THE )  
STATE OF COLORADO REGULATING THE )  
SERVICE OF GAS UTILITIES WITHIN THE )  
STATE OF COLORADO. )  
- - - - -

CASE NO. 5321

SUPPLEMENTAL ORDER

- - - - -  
October 2, 1970  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 68570 of November 25, 1966, the Commission adopted "Rules Regulating the Service of Gas Utilities Within the State of Colorado" which became effective on January 1, 1967. Since that time the Commission has had occasion to change certain of these rules after due and proper notice to interested parties. Rule 18 (b) of these rules prescribe certain minimum standards for the construction, maintenance and operation of the facilities of gas utilities under the jurisdiction of the Commission designed to provide for public safety.

Under the Natural Gas Pipeline Safety Act the United States Department of Transportation is empowered to set minimum Federal standards for the safety of gas pipelines. Under Section 5a of the said Act the Commission has certified that it has adopted and is enforcing such Federal standards which certification has currently been accepted by the Department of Transportation in accordance with the Act. Without such certification the regulation of gas safety of gas utilities operating in intrastate commerce in Colorado would be preempted by the United States Department of Transportation. Certain of the rules regulating the service of gas utilities of this Commission, including Rule 18 (b) thereof, have been adopted as the interim Federal minimum standard for the State of Colorado. The permanent Federal minimum standards have now been adopted by the

office of Pipeline Safety of the United States Department of Transportation and these have been published in the Federal Register, Volume 35, No. 161, on August 19, 1970. These standards as presently set forth are to become effective in part on November 12, 1970, and in part on March 12, 1971. Certain other changes may be made in the minimum safety standards at a later date, but the above dates apply to the present publication referred to herein.

In order to continue to qualify for the Section 5a certification, this Commission is desirous of adopting the minimum safety standards as set forth in the document referred to herein and, accordingly, will hold a hearing in regard to said adoption. In addition to the adoption of the minimum safety standards, which would be covered under Rule 18 (b) of the Commission, we will also consider at the hearing whether or not Rules 4, 23 (d) and 24 of the Rules Regulating the Service of Gas Utilities in the State of Colorado should be revised, amended, or deleted, as well as any other proposal or suggestion regarding gas safety rules.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. The matter of the adoption of the minimum safety standards as set forth in the Federal Register, Volume 35, No. 161, of August 19, 1970, be, and hereby is, set for hearing on:

Date: November 2, 1970  
Time: 10 o'clock a.m.  
Place: Commission Hearing Room  
507 Columbine Building  
1845 Sherman Street  
Denver, Colorado 80203

2. Rules Nos. 4, 23 (d), and 24, of the "Rules Regulating the Service of Gas Utilities in the State of Colorado" and any other proposals or suggestions regarding gas safety rules shall also be the subject of the hearing at said time and place.

3. A copy of the minimum safety standards as set forth in the Federal Register, Volume 35, No. 161, of August 19, 1970, be served on each gas utility operating in Colorado together with a copy of this Order.

4. Notice will be furnished the public by posting a copy of this Order in a conspicuous public place in the office of the Commission, Room 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

5. Anyone wishing to make comments in regard to the subject matter of the hearing to be held on November 2, 1970, shall do so in writing to the Commission on or before October 20, 1970.

6. This Order is issued pursuant to authority contained in CRS 1963, 115-4-1 and 115-4-6, as amended, and the Colorado Administrative Code, CRS 1963, 3-16-1, et seq, as amended.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970.

1s

(Decision No. 76014)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \*

IN THE MATTER OF THE APPLICATION OF )  
M. L. OLDHAM, OWNER OF ALL THE OUT- )  
STANDING STOCK IN AND TO B & M )  
SERVICE, INC., FOR AUTHORITY TO )  
TRANSFER ALL THE OUTSTANDING STOCK )  
IN AND TO B & M SERVICE, INC., )  
RECORD OWNER OF CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 4449 TO TROY R. POLLARD. )  
-----

APPLICATION NO. 24449-Stock Transfer

IN THE MATTER OF THE APPLICATION OF )  
M. L. OLDHAM, OWNER OF ALL THE OUT- )  
STANDING STOCK IN AND TO B & M )  
SERVICE, INC., FOR AUTHORITY TO )  
TRANSFER ALL THE OUTSTANDING STOCK )  
IN AND TO B & M SERVICE, INC., )  
RECORD OWNER OF CONTRACT CARRIER )  
PERMIT NO. B-3897 TO TROY R. POLLARD )  
-----

APPLICATION NO. 24450-PP-Stock Transfer

ORDER OF THE COMMISSION

-----  
October 2, 1970  
-----

Appearances: John H. Lewis, Esq., Denver,  
Colorado, Attorney for Applicants.

It appearing, That by Order of the Commission dated July 22, 1970, notice of the filing of the above entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

It further appearing, That Applicants herein seek authority from this Commission to encumber Certificate of Public Convenience and Necessity PUC No. 4449 and Contract Carrier Permit No. B-3897 to secure payment of indebtedness to the Central Bank and Trust Company, Denver, Colorado;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established; that the herein transfers are compatible with the public interest; and that the encumbrance sought to be approved herein is in the public interest and will be approved by the Commission upon the filing of properly executed documents;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authorities to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That M. L. Oldham, owner of all the outstanding stock in and to B & M Service, Inc., be, and is hereby, authorized to transfer all the outstanding stock in and to B & M

Service, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 4449 and Contract Carrier Permit No. B-3897 to Troy R. Pollard, subject to encumbrances, if any, against said authorities approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 4449 shall read and be as follows, to wit:

"Transportation of

- (1) Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products;
- (2) Machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines;

Between points in Moffat, Routt, Grand, Rio Blanco, Garfield, Mesa, and Gunnison Counties, State of Colorado.

RESTRICTION: This Certificate is restricted as follows:

The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other city or town than Rangely, Colorado; and further is prohibited, without further order of this Commission, from having an agent employed in any other city or town than Rangely, Colorado, for the purpose of developing or conducting business."

That henceforth the full and complete authority under Contract Carrier Permit No. B-3897 shall read and be as follows, to wit:

"Transportation of

- (1) Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products;



- (2) Machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof;

Between points within a thirty (30) mile radius of Rangely, Colorado, on the one hand, and points within the State of Colorado, on the other hand.

RESTRICTION: This Permit is restricted as follows:

- (a) Against rendering any transportation service from town-to-town in competition with scheduled line-haul common carriers.
- (b) Against rendering transportation service between said thirty (30) mile radius and the Counties of Moffat, Routt, Grand, Rio Blanco, Garfield, Mesa, and Gunnison, State of Colorado."

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

That the operating authorities as herein sought to be encumbered will be approved by the Commission only upon the filing of properly executed documents.

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

That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate and Permit up to the time of transfer of said Certificate and Permit.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this  
2nd day of October, 1970.

js

(Decision No. 76015 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

WILLIAM STERN DBA )  
STERN TRUCKING )  
ROUND LAKE, MINNESOTA 56167 )

AUTHORITY NO. 6095-I

CASE NO. 2366-H-Ins.

-----  
October 2, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1970, 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.

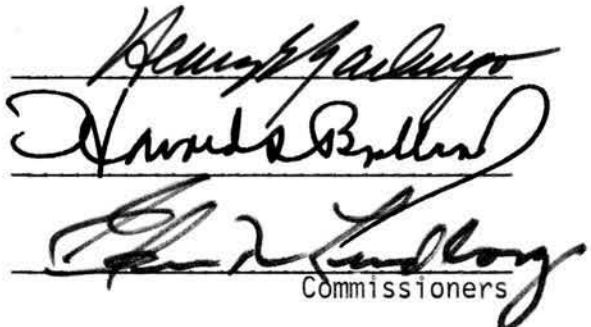
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

NORTHROP DISPATCH & BROKERAGE, INC. )  
WEST FARGO, )  
NORTH DAKOTA 58078 )

AUTHORITY NO. 7697-I

CASE NO. 2377-H-Ins.

-----  
October 2, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1970, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

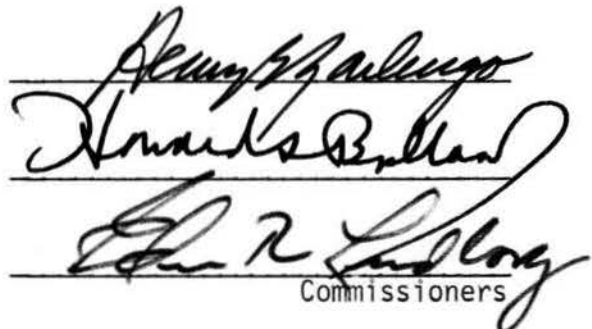
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

ORDER

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970

(Decision No. 76017 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

RICHARD M. GODFREY TRUCKING, INC. )  
6370 WEST 2100 SOUTH )  
SALT LAKE CITY, UTAH 84120 )

AUTHORITY NO. 7846-I

CASE NO. 2379-H-Ins.

-----  
October 2, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1970, 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970

(Decision No. 76018 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
Lifetime - Tile Manufacturing )  
Co., Inc )  
3700 So. Lipan Street )  
Englewood, Colorado 80110 )  
 )

AUTHORITY NO. M-9186

CASE NO. 5978-M-Ins

-----  
October 2, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1970 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970 .

(Decision No. 76019 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF	)	
	)	
Ready Mixed Concrete Company	)	AUTHORITY NO. M-6220
	)	
3200 Brighton Blvd	)	CASE NO. 6042-M-Ins
	)	
Denver, Colorado 80205	)	

- - - - -  
October 2, 1970  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1970, 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.

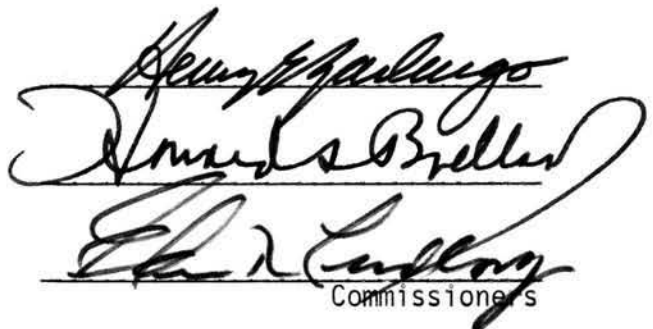
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970 .



(Decision No. 76020 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
THRIFTY FURNITURE STORES INC. )  
496 South Broadway )  
Denver, Colorado 80209 )

AUTHORITY NO. M 843

CASE NO. 6018-M-Ins.

-----  
October 2, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1970, 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.

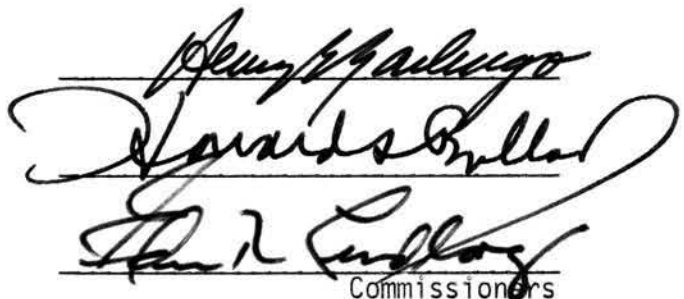
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of October, 1970 .

(Decision No. 76021)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
SIDNEY LYKE )  
BOX 381 )  
MEEKER, COLORADO 81641 )

PERMIT NO. B-5526

-----  
October 5, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

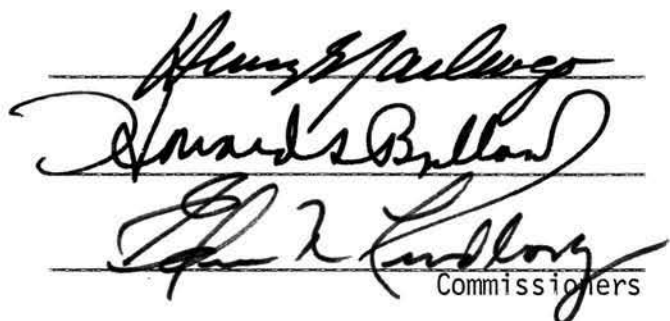
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 12, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 5th day of October, 1970.  
js

(Decision No. 76022)

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 )  
CONTRACT CARRIERS BY MOTOR VEHICLE FOR HIRE )  
IN INTERSTATE COMMERCE ONLY OVER THE PUBLIC )  
HIGHWAYS OF THE STATE OF COLORADO. )  
-----

-----  
October 6, 1970  
-----

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 Contract  
Carrier by Motor Vehicle for hire in interstate commerce only over the  
public highways of the State of Colorado but have either (1) failed to  
file an application requesting such authority or (2) have failed, after  
filing an application for such authority, to file either a request for  
identification cards, the required certificate of insurance or a written  
designation for service of notices, orders or process -- all of which is  
required by law and the Commission's Rules and Regulations Governing  
Common or Contract 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 Contract 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:

C-Line, Inc., Mail: Tourtellot Hill Road, Chepachet, Rhode Island 02888

Wisconsin Cheese Service, Inc., P.O. Box 31, Waukesha, Wisconsin 53186

Atwood's Transport Lines, Inc., 5500 Tuxedo Road, Tuxedo, Maryland 20781

Brian Baber dba M. T. Farms, Box 279, Clinton, Indiana 47842

David L. Boyes, 103 N. Railway, Wray, Colorado 80758

Capitol Trucking Co., Inc., Route 10, Box 199F, San Antonio, Texas 78216

Gary Wayne Easley, Rock Port, Missouri 64482

Jack Frost, 204 Territory Drive, El Paso, Texas 79932

Mac Reber dba Golden California Packing, P.O. Box 3256, Fresno, California 94766

Martin Haskell & Bob J. Haskell dba Haskell Brothers, 102 Colony, Box 182, Kinsley, Kansas 67547 Reuse of 5177-I

J. Jones Trucking Contractors Inc., P.O. Box 845, 613 N. O'Connor, Irving, Texas 75060

Kubro Foods Inc., 12306 Exposition Blvd., Los Angeles, California 90064

Lincoln Transit Co., Inc., 1st St. and Lexington Ave., Lakewood, New Jersey 08701

Louis R. Neisius dba Loumar Transit, P.O. Box 349, Lancaster, Wisconsin 53813

Marvin Maitlen, P.O. Box 282, Dolores, Colorado 81323 reuse of 7145-I

May Trucking Co., P.O. Box 398, Payette, Idaho 83661 reuse of 7250-I

Midwest Coaches, Inc., 216 North Second St., Mahkato, Minnesota 56001

Raymond Ottmann, Rock Port, Missouri 64482

Keith Pettit, P.O. Box 707, Hale Center, Texas 79041

Saturn Specialties Co., Inc., 1100 Classen Drive, Room 215, Plaza Court Building, Oklahoma City, Oklahoma 73106

Scott Trucking Co., 417 Prairie Ave., Springer, New Mexico 87747 reuse of 2174-I

Sullivan Freight Lines, Inc., P.O. Box 276, Congress Parkway, Athens, Tennessee 37303

Duane Welton, Burwell, Nebraska 68823

This Order shall become effective ten days from the 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 6th day of October, 1970.  
hj

(Decision No. 76023)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF. )  
W. D. DACUS, 3437 SOUTH PATTON WAY, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-3631. )  
-----

APPLICATION NO. 24326-PP-Extension

RECOMMENDED DECISION OF  
HARRY A. GALLIGAN, JR.,  
EXAMINER

-----  
October 6, 1970  
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Appearances: W. D. Dacus,  
Denver, Colorado,  
pro se.

PROCEDURE AND RECORD

Under date of May 5, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle as specifically set forth in said application.

The Commission assigned No. 24326-PP-Extension to the application. Pursuant to law, the Commission designated Harry A. Galligan, Jr., as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on July 13, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

W. D. Dacus testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Harry A. Galligan, Jr., now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permit No. B-3631, which reads as follows:

"Transportation of  
sand, gravel and other road surfacing materials  
from pits and supply points in the State of Colorado  
to road and building construction jobs within a radius  
of fifty (50) miles of said pits and supply points,  
excluding service in Boulder, Clear Creek and Gilpin  
Counties;  
and coal  
from mines in the northern Colorado coal fields to  
Denver, Colorado."

3. The authority to which extension is hereby sought, Permit No. B-3631, 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-3631 by removing from Applicant's present authority the restriction "excluding service in Boulder, Clear Creek and Gilpin Counties".
5. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
6. Applicant proposes to and will use equipment suitable and sufficient for the transportation services requested, to-wit: One (1) truck.



7. Applicant has sufficient experience and net worth, both of which are ample and suitable for the operation of the authority applied for herein.

8. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

9. Applicant presently has a contract or contracts with his customers.

10. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

11. There is a present and special need for the service of Applicant.

12. The authority will be in the public interest.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Applicant has established, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

2. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

#### O R D E R

##### THE COMMISSION ORDERS:

1. That W. D. Dacus, 3437 South Patton Way, Denver, Colorado, be, and hereby is, authorized to extend Permit No. B-3631 by removing the restriction "excluding service in Boulder, Clear Creek and Gilpin Counties".

2. That henceforth the full and complete authority under Permit No. B-3631 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 fifty (50) miles of said pits and supply points;

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION:

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

- (5) Coal

From mines located within the northern Colorado coal fields to all points within the City and County of Denver, Colorado;

RESTRICTION:

This Permit is restricted to serving not more than ten (10) customers at any one time."

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

4. 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.

5. 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.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Examiner

rm/hj

(Decision No. 76024)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

CLIFTON EIDSON )  
4821 South Jason )  
Englewood, Colorado 80110 )

PUC NO. 7092

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October 7, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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


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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 5, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 7th day of October, 1970.  
hj

(Decision No. 76025) )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
PETER DEL MASTRO dba )  
DEL MASTRO PRODUCE CO. ) PUC NO. 1976-I  
7659 West 32nd )  
Wheatridge, Colorado 80033 )  
- - - - -

- - - - -  
October 6, 1970  
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

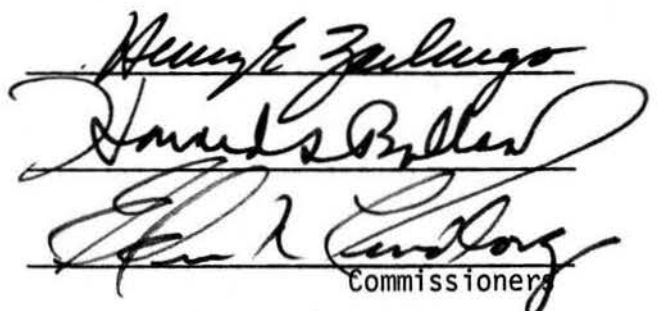
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 8, 1970 to and including April 8, 1971.

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 6th day of October, 1970.

hj

(Decision No. 76026)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GEORGE ALVEY )  
Box 397 )  
Haines City, Florida 33844 )

PUC NO. 6727-I

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October 7, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 5, 1970.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 7th day of October, 1970.  
hj

(Decision No. 76027)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTHEAST COLORADO POWER ASSOCIATION, )  
A COLORADO CORPORATION OF 901 WEST )  
THIRD STREET, LA JUNTA, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO FURNISH ELECTRICAL )  
SERVICE FOR LIGHTS, POWER, HEAT, AND )  
ALL OTHER PURPOSES IN THE TERRITORY )  
DESCRIBED IN THE INSTANT APPLICATION )  
LOCATED IN THE COUNTIES OF PROWERS )  
AND BENT IN THE STATE OF COLORADO. )  
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APPLICATION NO. 23806

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October 6, 1970  
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Appearances: Thomas T. Farley, Esq.,  
Pueblo, Colorado,  
and  
Carl Shinn, Esq.,  
Lamar, Colorado, for  
Applicant, Southeast Colorado  
Power Association;  
John R. Barry, Esq.,  
Denver, Colorado,  
and  
Harlan Johnson, Esq.,  
Lamar, Colorado, for  
Utilities Board of the  
City of Lamar.

PROCEDURE AND RECORD

The above-entitled application was filed on June 20, 1969, and a Protest thereto by the Utilities Board of the City of Lamar was filed on December 8, 1969. After certain prehearing procedures and after due and proper notice to all interested parties, the matter was set for hearing on December 8, 1969, at 10 a.m. at Lamar, Colorado, at which time and place the matter was heard by Girts Krumins, who was designated Examiner in these proceedings pursuant to law. After several recesses, the hearings were concluded on March 13, 1970.

Applicant's Exhibits Nos. 1 through 23, 25, 27, 28, 29, 30 and 31 were offered and admitted into evidence. Exhibits Nos. 24, 26 and 32 were offered but were not admitted. Exhibit No. 11 was withdrawn. Exhibits 33 through 46 were offered and admitted.



Protestant's Exhibits lettered A through P were offered and admitted into evidence. Also Exhibits Q, R, S, T, V, W, X and Y were offered and admitted; Exhibit U was offered but not admitted into evidence.

At the conclusion of the hearings, the matter was taken under advisement and briefs were permitted to be filed. No brief was filed by Protestant in the time allowed.

#### FINDINGS OF FACT

##### THE COMMISSION FINDS THAT:

1. Southeast Colorado Power Association (Southeast) is a co-operative corporation, organized under the laws of the State of Colorado, and is a public utility operating under the jurisdiction of this Commission and engaged in the business of purchase, distribution and sale of electrical energy in several counties in the State of Colorado.

2. The Utilities Board of Lamar (Lamar), Protestant, is a municipal agency established under the home rule charter of the City of Lamar, engaged in the generation, purchase, distribution and sale of electrical energy, both inside and outside the City of Lamar. Lamar operates as a public utility under the jurisdiction of this Commission outside the city limits of the City of Lamar.

3. By this application Southeast seeks a certificate of public convenience and necessity to provide electric service in Bent and Prowers Counties. Southeast now has certificates in other areas in the State of Colorado.

4. Lamar has a certificate of public convenience and necessity to provide electric service in certain areas in Bent and Prowers Counties by virtue of Decision No. 21392, which is incorporated herein by reference. By decision of the District Court of the County of Bent, said certificate was set aside with respect to extension of lines to the community of Hasty. In light of the Findings to follow, to determine the exact extent to which said certificate has been amended and set aside by the said District Court Decision is not necessary.

5. Both Southeast and Lamar are well qualified, financially and otherwise, to provide electric service as public utilities in their respective areas.

6. Southeast now provides electric service to a number of customers in Bent and Prowers Counties including areas which have been previously certificated to Lamar. This situation arose generally prior to the time Southeast became a public utility by an Act of the Legislature in 1961, and Southeast had a perfect legal right at that time to provide such service to its own members wherever located. Thus in large areas previously certificated to Lamar, the customers are served almost exclusively by Southeast. In the late 1930s and early 1940s extensions by Lamar into such areas were economically prohibitive because of the large contributions in aid of construction involved.

7. In certain areas of Bent and Prowers Counties electric service is also provided by the City of Las Animas, the Town of Holly, and the Town of Granada, the latter two obtaining their wholesale supply from Lamar.

8. In the area previously certificated to Lamar, Lamar provides electric service to a meaningful extent only in the following territory:

(All Range descriptions are Ranges West of the 6th Principal Meridian.)

#### A. LAMAR AREA

Beginning at the NW corner of Section 12, Township 22 South, Range 49 West of the Sixth Principal Meridian, thence east along the north line of Section 12 from the NW corner to the NE corner of Section 12, Township 22 South, Range 49 West, thence east along the north line of Sections 7 and 8 from the NW corner of Section 7 to the NE corner of Section 8, Township 22 South, Range 48 West, thence south along the east line of Section 8 from the NE corner to the SE corner of Section 8, Township 22 South, Range 48 West, thence east along the north line of Sections 16, 15 and 14 from the NW corner of Section 16 to the NE corner of Section 14, Township 22 South, Range 48 West, thence east along the north line of Section 13, 750 feet from the NW corner of Section 13, Township 22 South, Range 48 West, thence north along a north-south line 750 feet east of the west line of Section 12 from the south line to the north line of Section 12, Township 22 South, Range 48 West, thence

east along the north line of Section 12 from a point 750 feet east of the NW corner of Section 12 to the North 1/4 corner of Section 12, Township 22 South, Range 48 West, thence north along a line from the South 1/4 corner to the North 1/4 corner of Section 1, Township 22 South, Range 48 West, thence north along a line from the South 1/4 corner of Section 36 to the Center 1/4 corner of Section 25, Township 21 South, Range 48 West, thence west along a line from the Center 1/4 corner of Section 25 to the West 1/4 corner of Section 26, Township 21 South, Range 48 West, thence north along the west line of Sections 26 and 23 from the West 1/4 corner of Section 26 to the NW corner of Section 23, Township 21 South, Range 48 West, thence east along the north lines of Sections 23 and 24 from the NW corner of Section 23 to the NE corner of Section 24, Township 21 South, Range 48 West, thence south along the east line of Section 24 from the NE corner to the SE corner of Section 24, Township 21 South, Range 48 West, thence east along the north line of Section 30 from the NE corner to the North 1/4 corner of Section 30, Township 21 South, Range 47 West, thence south on the north-south center line in Section 30 from the North 1/4 corner to the South 1/4 corner of Section 30, Township 21 South, Range 47 West, thence south on a continuation of the above described north-south center line 375 feet into Section 31, Township 21 South, Range 47 West, thence east along an east-west line 1630 feet (in Section 31, Township 21 South, Range 47 West), thence south along a north-south line 2760 feet, thence west along an east-west line 4,270 feet, thence south along the west section line of Section 31, Township 21 South, Range 47 West to the SW corner of Section 31, Township 21 South, Range 47 West, thence east along the north line of Sections 6 and 5 to the North 1/4 corner of Section 5, Township 22 South, Range 47 West, thence south along the north-south center line from the North 1/4 corner to the South 1/4 corner of Section 5, Township 22 South, Range 47 West, thence south 300 feet on a continuation of the above described north-south center line into Section 8, Township 22 South, Range 47 West, thence east along an east-west line 300 feet south of the north line of Section 8 to the east line of said Section 8, Township 22 South, Range 47 West, thence south along the east line of Section 8 to the East 1/4 corner of said Section 8, Township 22 South, Range 47 West, thence east along an east-west center line in Sections 9, 10, 11 and 12 from the West 1/4 corner of Section 9 to the center 1/4 corner of Section 12, Township 22 South, Range 47 West, thence north along a north-south center line in Sections 12 and 1 from the center 1/4 corner of Section 12 to the North 1/4 corner of Section 1, Township 22 South, Range 47 West, thence north along a north-south center line in Section 36 from the South 1/4 corner to the center 1/4 corner, Township 21 South, Range 47 West, thence west along an east-west center line in Section 36, 2,250 feet from the center 1/4 corner thence north along a north-south line 2,640 feet to the north line of Section 36, Township 21 South, Range 47 West, thence north along a continuation of the above described line 2,640 feet into Section 25,

Township 21 South, Range 47 West, thence west to the center 1/4 corner of Section 26, Township 21 South, Range 47 West, thence north to the south 1/4 corner of Section 23, Township 21 South, Range 47 West, thence north to the center 1/4 corner of Section 23, Township 21 South, Range 47 West, thence east along the east-west center line in Sections 23 and 24 to the East 1/4 corner of Section 24, Township 21 South, Range 47 West, thence east along the east-west center line in Section 19 from the West 1/4 corner to the East 1/4 corner, Township 21 South, Range 46 West, thence east in Section 20 along the east-west center line 3,760 feet from the West 1/4 corner of Section 20, Township 21 South, Range 46 West, thence south 13,200 feet more or or less on a north-south line 1,520 feet west of the east line of Sections 20, 29 and 32 to the south line of Section 32, Township 21 South, Range 46 West, thence south on a continuation of the above described north-south line 880 feet into Section 5, Township 22 South, Range 46 West, thence east on an east-west line 1,520 feet more or less to the east line of Section 5, Township 22 South, Range 46 West, thence east on a continuation of the above described east-west line 1,620 feet into Section 4, Township 22 South, Range 46 West, thence South 3,720 feet along a north-south line 1,620 feet east of the west line of Section 4, Township 22 South, Range 46 West, thence west 1,620 feet more or less along an east-west line in Section 4, Township 22 South, Range 46 West, to the west line of said Section 4, thence south along the east line of Sections 5 and 8 to the SE corner of Section 8, Township 22 South, Range 46 West, thence west 1,760 feet along the north line of Section 17 from the NE corner of said Section 17, Township 22 South, Range 46 West, thence south along a north-south line 1,760 feet west of the east line of Sections 17 and 20 from the north line of Section 17 to the south line of Section 20, thence south along a continuation of the above described north-south line 1,760 feet into Section 29, Township 22 South, Range 46 West, thence east along an east-west line 1,760 feet south of the north line of Sections 29, 28 and 27 from a point on the line in Section 29, 1,760 feet west of the east line of Section 29 to a point on the east section line of Section 27, Township 22 South, Range 46 West, thence north on the east line of Section 27, Township 22 South, Range 46 West, 1,760 feet more or less to the NE corner of Section 27, Township 22 South, Range 46 West, thence east along the north line of Sections 26 and 25, Township 22 South, Range 46 West, to the NE corner of Section 25, Township 22 South, Range 46 West, thence east 700 feet from the SW corner of Section 19, Township 22 South, Range 45 West along the south line of said Section 19, thence north on a line 700 feet east of the west line of Section 19, Township 22 South, Range 45 West to a point on the north line of said Section 19, 700 feet east of the NW corner of Section 19, Township 22 South, Range 45 West, thence west 700 feet along the north line of Section 19, Township 22 South, Range 45 West to the SE corner of Section 13, Township 22 South, Range 46 West, thence west



along the south line of Section 13 from the SE corner to the SW corner of Section 13, Township 22 South, Range 46 West, thence west along the south line of Section 14 from the SE corner to the East 1/16 corner of Section 14, Township 22 South, Range 46 West, thence north to the east-west center line of Section 14, Township 22 South, Range 46 West, thence along the east-west center line in Section 14 to the West 1/4 corner of Section 14, Township 22 South, Range 46 West, thence west 1,320 feet along the east-west center line in Section 15 from the East 1/4 corner of Section 15, Township 22 South, Range 46 West, thence north on a north-south line 1,320 feet west of the east lines of Sections 15 and 10 from the center line of Section 15 to the north line of Section 10, Township 22 South, Range 46 West, thence along the north line of Sections 10, 11 and 12 from a point 1,320 feet west of the NE corner of Section 10 to the NE corner of Section 12, Township 22 South, Range 46 West, thence east along the north line of Sections 7 and 8 from the NW corner of Section 7, Township 22 South, Range 45 West to the NE corner of said Section 8, thence north along the west line of Section 4, Township 22 South, Range 45 West, to the NW corner of Section 4, Township 22 South, Range 45 West, thence east along the north lines of Sections 4, 3 and 2 all in Township 22 South, Range 45 West to the NE corner of said Section 2, thence south along the east line of Sections 2 and 11 in Township 22 South, Range 45 West, to the NW corner of Section 14, Township 22 South, Range 45 West, thence east along the north line of Section 13, Township 22 South, Range 45 West to the NE corner of said Section 13, thence east along the north line of Sections 18 and 17 from the NW corner of Section 18 to the NE corner of Section 17, Township 22 South, Range 44 West, thence south along the east line of Sections 17 and 20 from the NE corner of Section 17 to the East 1/4 corner of Section 20, Township 22 South, Range 44 West, thence along the east-west center line of Section 21 from the West 1/4 corner to the East 1/4 corner of Section 21, Township 22 South, Range 44 West, thence south along the east line of Section 21 from the East 1/4 corner to the SE corner of Section 21, Township 22 South, Range 44 West, thence east along the north line of Sections 27 and 26 from the NW corner of Section 27 to the NE corner of Section 26, Township 22 South, Range 44 West, thence north along the west line of Section 24 from the SW corner of said Section 24, Township 22 South, Range 44 West, thence east along the north line of said Section 24 to the NE corner of said Section 24, thence south from the NE corner of Section 24, Township 22 South, Range 44 West along the east line of Sections 24, 25 and 36, to the SE corner of Section 36, Township 22 South, Range 44 West, thence south along the east line of Section 1, 4,400 feet from the NE corner of Section 1, Township 23 South, Range 44 West, thence west along an east-west line 880 feet north of the south line of Section 1 from the east line to the west line of Section 1, Township 23 South, Range 44 West, thence north along the west line of Section 1 from a point 880 feet north of the SW corner of said Section 1 to the NW corner of Section 1,

Township 23 South, Range 44 West, thence north along the west line of Section 36 from the SW corner of Section 36 to the intersection of the center line of the Arkansas River (September 1970) with the west line of Section 36, 3,400 feet more or less north of the SW corner of Section 36, Township 22 South, Range 44 West, thence in a westerly direction along the center line of the Arkansas River in Sections 26, 35, 27, 34, 28, 33, 29 and 30 from its intersection with the east line of Section 36 to its intersection with the west line of Section 30, Township 22 South, Range 44 West, thence in a westerly direction along the center line of the Arkansas River in Sections 25, 26, 35, 27, 34, 28, 29 to its intersection with the west line of Section 32, Township 22 South, Range 45 West, thence north along the west line of Section 32, Township 22 South, Range 45 West to the SE corner of Section 30, Township 22 South, Range 45 West, thence west along the south line of said Section 30 to the west 1/16 corner of said Section 30, thence north on a north-south line to the center line of said Section 30, thence west on the center line of said Section 30 to the west 1/4 corner of Section 30, Township 22 South, Range 45 West, thence west from the west 1/4 corner of Section 30, Township 22 South, Range 45 West, on the east-west center line of Sections 25 and 26, Township 22 South, Range 46 West to a point 1,320 feet west of the east 1/4 corner of Section 26, Township 22 South, Range 46 West, thence south on a north-south line through Sections 26 and 35, Township 22 South, Range 46 West, to a point on the south line of Section 35, 1,320 feet west of the SE corner of said Section 35, thence east from a point 1,320 feet west of the SE corner of said Section 35 along the south line of Sections 35 and 36 to the SE corner of Section 36, Township 22 South, Range 46 West, thence south along the east line of Sections 1, 12, 13, 24, 25, and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 23 South, Range 46 West, thence south along the east line of Sections 1, 12, 13, 24, 25, and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 24 South, Range 46 West, thence south along the east line of Sections 1 and 12 from the NE corner of Section 1 to the SE corner of Section 12, Township 25 South, Range 46 West, thence west along the south line of Sections 12, 11, 10, 9 and 8 from the SE corner of Section 12 to the south 1/4 corner of Section 8, Township 25 South, Range 46 West, thence north along the north-south center line of Sections 8 and 5 from the south 1/4 corner of Section 8 to the north 1/4 corner of Section 5, Township 25 South, Range 46 West, thence north from the south 1/4 corner to the center 1/4 corner of Section 32, Township 24 South, Range 46 West, thence west along the east-west center line of Section 32 from the center 1/4 corner to the west 1/4 corner of Section 32, Township 24 South, Range 46 West, thence north along the west line of Sections 32 and 29 from the west 1/4 corner of Section 32 to the west 1/4 corner of Section 29, Township 24 South, Range 46 West, thence east along an east-west center line in Section 29 from the west 1/4 corner to the center 1/4 corner in Section 29, Township 24 South,

Range 46 West, thence north along the north-south center line in Sections 29, 20, 17, 8 and 5 from the center 1/4 corner of Section 29 to the north 1/4 corner of Section 5, Township 24 South, Range 46 West, thence north along the north-south center line of Sections 32 and 29 from the south 1/4 corner of Section 32 to the north 1/4 corner of Section 29 in Township 23 South, Range 46 West, thence west along the south line of Sections 20 and 19 from the south 1/4 corner of Section 20 to the SW corner of Section 19, Township 23 South, Range 46 West, thence north along the west line of Sections 19, 18, 7 and 6 from the SW corner of Section 19 to the NW corner of Section 6, Township 23 South, Range 46 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 22 South, Range 46 West, thence west along the south line of Sections 24 and 23 from the SE corner of Section 24 to the south 1/4 corner of Section 23, Township 22 South, Range 47 West, thence north along the north-south center line in Sections 23 and 14 from the south 1/4 corner of Section 23 to the center 1/4 corner of Section 14, Township 22 South, Range 47 West, thence west along the east-west center line in Sections 14, 15, 16, 17 and 18 from the center 1/4 corner of Section 14 to the west 1/4 corner of Section 18, Township 22 South, Range 47 West, thence west along the east-west center line in Sections 13, 14, 15, 16 and 17 from the east 1/4 corner of Section 13 to the center 1/4 corner of Section 17, Township 22 South, Range 48 West, thence south along the north-south center line in Sections 17 and 20 from the center 1/4 corner of Section 17 to the center 1/4 corner of Section 20, Township 22 South, Range 48 West, thence west along the east-west center line in Sections 20 and 19 from the center 1/4 corner of Section 20 to the west 1/4 corner of Section 19, Township 22 South, Range 48 West, thence west from the east 1/4 corner of Section 24, Township 22 South, Range 49 West, along the east-west center line in Section 24, to the west 1/4 corner of said Section 24, thence north along the west line of Sections 24, 13 and 12 from the west 1/4 corner of said Section 24 to the NW corner of Section 12, Township 22 South, Range 49 West, being the point of beginning.

#### B. HARTMAN AREA

Section 23 and the north 1/2 of Section 26, Township 22 South, Range 43 West.

#### C. MORROW AREA

Beginning at the NE corner of Section 29, Township 22 South, Range 47 West, thence south along the east line of said Section 29 to the center line of the canal of the Amity Irrigation Company (September 1970), thence westerly along the center line of the canal to a point



on the north-south center line of Section 30, Township 22 South, Range 47 West, thence north on the north-south center line of Sections 30 and 19, Township 22 South, Range 47 West to a point 500 feet north of the south line of said Section 19, thence east on an east-west line in Sections 19 and 20 to a point on the east line of Section 20, Township 22 South, Range 47 West 500 feet north of the SE corner of said Section 20, thence south 500 feet on the east line of Section 20, Township 22 South, Range 47 West to the point of ~~beginning~~.

D. Wholesale service only in the Granada Area.

#### GRANADA AREA

Sections 12, 13 and 14, Township 23 South, Range 44 West.

E. Wholesale service only to the Town of Holly, which Town provides electric service in an area presently certificated to it by Decision No. 33923 in an area as follows:

Sections 5, 6, 7, 8, 17, 18, 19, and 20, in Range 41-West, and Sections 1 to 4, both inclusive, 9 to 16, both inclusive, and 21 to 24, both inclusive, in Range 42-West, all in Township 23-South.

In the balance of the areas previously certificated to Lamar extensions of electric service are practically nonexistent, and Lamar has abandoned its certificate as to such area.

9. The following area is now certificated to the City of Las Animas (or the Las Animas Municipal Light and Power Board) by Decision No. 66075, and Las Animas is providing adequate service therein:

Beginning at the southwest corner of Section 9, Township 23 South, Range 52 West of the 6th P.M., in Bent County, Colorado; thence easterly one mile to the southeast corner of Section 9, Township 23 South, Range 52 West; thence southerly on section line common to Sections 15 and 16 a distance of 4,455 feet; thence easterly a distance of 3860 feet to centerline of north south county road; thence southerly a distance of 825 feet to the south line of Section 15, Township 23 South, Range 52 West; thence easterly along said section line to the southeast corner of Section 15, Township 23 South, Range 52 West; thence on east along south line of Section 14, Township 23 South, Range 52 West, a distance of 1000 feet to a point on south line of Section 14; thence northerly across Section 14 and part of Section 11, Township 23 South, Range 52 West, to the intersection of said line with the centerline of the Santa Fe main line railroad track; thence easterly along center line of Santa Fe railroad tracks across Sections 11

and 12, Township 23 South, Range 52 West; thence across Sections 7, 8 and 9, Township 23 South, Range 51 West, to the east section line of Section 9, Township 23 South, Range 51 West; thence easterly along the center line of the Santa Fe railroad tracks to the intersection of the mid-section line of Section 10, Township 23 South, Range 51 West; thence northerly on half section line approximately two miles to the southeast corner of the NW 1/4 of Section 34, Township 22 South, Range 51 West; thence westerly 1-1/4 miles to the southeast corner of the W 1/2 of the NW 1/4 of Section 33, Township 22 South, Range 51 West; thence northerly 1/4 mile to the SE corner of the NW 1/4 of the NW 1/4 of Section 33, Township 22 South, Range 51 West; thence westerly 1/4 mile to the SW corner of the NW 1/4 of the NW 1/4 of Section 33, Township 22 South, Range 51 West; thence northerly along section line to the NE corner of the SE 1/4 of Section 29, Township 22 South, Range 51 West; thence westerly 4680 feet on 1/2 section line of Section 29, Township 22 South, Range 51 West; thence south 1/2 mile to the south section line of Section 29, Township 22 South, Range 51 West (4680 feet west of the SE corner of Section 29); thence westerly on section line to the SW corner of the SE 1/4 of the SE 1/4 of Section 30, Township 22 South, Range 51 West; thence northerly 2150 feet; thence westerly 2640 feet to the east edge of the W 1/4 of said section; thence southerly 300 feet; thence westerly to the intersection of said line with section line common to Sections 25 and 30; thence on westerly 1320 feet in Section 25, thence northerly to the NW corner of the NE 1/4 of the NE 1/4 of Section 25, Township 22 South, Range 52 West; thence on northerly to intersection of said line with center line of the Fort Lyon Canal in Section 24, Township 22 South, Range 52 West; thence southwesterly along center line of said canal to the intersection of Fort Lyon Canal with the west section line of Section 24, Township 22 South, Range 52 West; thence southerly along section line to the NE corner of Section 26, Township 22 South, Range 52 West; thence westerly 1/4 mile; thence southerly 1/2 mile; thence westerly 1/4 mile to the NW corner of the SE 1/4 of Section 26, Township 22 South, Range 52 West; thence southerly 1/2 mile to the SE corner of SW 1/4 of Section 26, Township 22 South, Range 52 West; thence westerly 1/2 mile to the NE corner of Section 34, Township 22 South, Range 52 West; thence southerly 1/4 mile on section line common to Sections 34 and 35 to the SE corner of the NE 1/4 of the NE 1/4 of Section 34, Township 22 South, Range 52 West; thence westerly 1/4 mile to the SW corner of the NE 1/4 of the NE 1/4 of Section 34, Township 22 South, Range 52 West; thence southerly to the SW corner of the SE 1/4 of the SE 1/4 of Section 34, Township 22 South, Range 52 West; thence on southerly to intersection of said line with the center of the Arkansas River; thence southwesterly up the Arkansas River to the intersection

of said river with the section line common to Sections 4 and 5, Township 23 South, Range 52 West; thence southerly along section line common to Sections 4 and 5, and Sections 8 and 9, to the point of beginning.

10. In the balance of Bent and Prowers Counties, Southeast is now providing adequate electric service except that in the areas listed below Southeast has either no customers and/or no distribution lines:

A. BENT COUNTY

PLOT NO. 1

Beginning at the point of intersection of the boundaries of Otero, Bent and Kiowa Counties, Colorado, which point is the NW corner of Section 6, Township 21 South, Range 53 West of the 6th Principal Meridian and continuing east along the north lines of Sections 6, 5, 4, 3, 2, 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 53 West, thence east along the north lines of Sections 6, 5, 4, 3, 2, 1, from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 52 West, thence south along the east line of Sections 1, 12, 13, 24, 25, and 36, from the NE corner of Section 1 to the SE corner of Section 36, Township 21 South, Range 52 West, thence south along the east line of Sections 1, 12 and 13 from the NE corner of Section 1 to the SE corner of Section 13, Township 22 South, Range 52 West, thence west along the south line of Sections 13, 14, 15, 16, 17 and 18 from the SE corner of Section 13 to the SW corner of Section 18, Township 22 South, Range 52 West, thence north along the west line of Sections 18, 7 and 6 from the SW corner of Section 18 to the NW corner of Section 6, Township 22 South, Range 52 West, thence west along the south line of Sections 36, 35 and 34 from the SE corner of Section 36 to the SW corner of Section 34, Township 21 South, Range 53 West, thence south along the east line of Sections 4, 9 and 16 from the NE corner of Section 4 to the SE corner of Section 16, Township 22 South, Range 53 West, thence west along the south line of Sections 16, 17 and 18 from the SE corner of Section 16 to the SW corner of Section 18, Township 22 South, Range 53 West, thence north along the west line of Sections 18, 7 and 6 from the SW corner of Section 18 to the NW corner of Section 6, Township 22 South, Range 53 West, thence north along the west line of Sections 31, 30, 19, 18, 7 and 6 from the SW corner of Section 31 to the NW corner of Section 6, Township 21 South, Range 53 West which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 2

Beginning at the NW corner of Section 4, Township 21 South, Range 51 West and continuing east along the north line of Sections 4, 3, 2, and 1 from the NW corner of Section 4 to the NE corner of Section 1, Township 21 South, Range 51 West, thence continuing east along the north line of Sections 6 and 5 from the NW corner of Section 6 to the NE corner of Section 5, Township 21 South, Range 50 West, thence south along the east line of Sections 5, 8, 17 and 20 from the NE corner of Section 5 to the SE corner of Section 20, Township 21 South, Range 50 West, thence east along the north line of Sections 28 and 27 from the NW corner of Section 28 to the NE corner of Section 27, Township 21 South, Range 50 West, thence south along the east line of Sections 27 and 34 from the NE corner of Section 27 to the SE corner of Section 34, Township 21 South, Range 50 West, thence south along the east line of Sections 3 and 10 from the NE corner of Section 3 to the southeast corner of Section 10, Township 22 South, Range 50 West, thence west along the south line of Sections 10, 9, 8 and 7 from the SE corner of Section 10 to the SW corner of Section 7, Township 22 South, Range 50 West, thence north along the west line of Section 7 from the SW corner to the NW corner of Section 7, Township 22 South, Range 50 West, thence west along the south line of Sections 1, 2, 3 and 4 from the SE corner of Section 1 to the SW corner of Section 4, Township 22 South, Range 51 West, thence north along the west line of Section 4 from the SW corner to the NW corner of Section 4, Township 22 South, Range 51 West, thence north along the west line of Section 33 from the SW corner to the NW corner of Section 33, Township 21 South, Range 51 West, thence east along the north line of Sections 33, 34, 35 and 36 from the NW corner of Section 33 to the NE corner of Section 36, Township 21 South, Range 51 West, thence north along the west line of Sections 30, 19, 18, and 7 from the SW corner of Section 30 to the NW corner of Section 7, Township 21 South, Range 50 West, thence west along the south line of Sections 1, 2, 3, and 4 from the SE corner of Section 1 to the SW corner of Section 4, Township 21 South, Range 51 West, thence north along the west line of Section 4 from the SW corner to the NW corner of Section 4, Township 21 South, Range 51 West which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 3

Beginning at the NW corner of Section 6, Township 21 South, Range 49 West and continuing east along the north line of Sections 6, 5, 4, 3, 2 and 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 49 West, thence continuing east along the north line of Sections 6, 5 and 4 from the NW corner of Section 6 to the NE corner of Section 4, Township 21 South, Range 48 West, thence south along



the east line of Sections 4, 9, 16, 21 and 28 from the NE corner of Section 4 to the SE corner of Section 28, Township 21 South, Range 48 West, thence west along the south line of Sections 28, 29 and 30 from the SE corner of Section 28 to the SW corner of Section 30, Township 21 South, Range 48 West, thence north along the west line of Sections 30, 19, 18 and 7 from the SW corner of Section 30 to the NW corner of Section 7, Township 21 South, Range 48 West, thence west along the south line of Sections 1, 2, 3, 4, 5 and 6 from the SE corner of Section 1 to the SW corner of Section 6, Township 21 South, Range 49 West, thence north along the west line of Section 6 from the SW corner to the NW corner of Section 6, Township 21 South, Range 49 West which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 4

Beginning at the NW corner of Section 30, Township 23 South, Range 53 West, and continuing east to the NE corner of Section 30 of Township 23 South, Range 53 West, thence north along the west line of Sections 20 and 17 from the SW corner of Section 20 to the NW corner of Section 17, Township 23 South, Range 53 West, thence east along the north line of Sections 17 and 16 from the NW corner of Section 17 to the NE corner of Section 16, Township 23 South, Range 53 West, thence south along the east line of Section 16, from the NE corner to the SE corner of Section 16, Township 23 South, Range 53 West, thence east along the north line of Sections 22, 23, and 24 from the NW corner of Section 22 to the NE corner of Section 24, Township 23 South, Range 53 West, thence east along the north line of Section 19 from the NW to the NE corner of Section 19, Township 23 South, Range 52 West, thence south along the east line of Sections 19 and 30 from the NE corner of Section 19 to the southeast corner of Section 30, Township 23 South, Range 52 West, thence west along the south line of Section 30 from the SE corner to the SW corner, Township 23 South, Range 52 West, thence west along the south line of Sections 25, 26 and 27 from the SE corner of Section 25 to the SW corner of Section 27, Township 23 South, Range 53 West, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33, Township 23 South, Range 53 West, thence west along the south line of Sections 33, 32 and 31 from the SE corner of Section 33 to the SW corner of Section 31, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 23 South, Range 53 West, which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 5

Beginning at the NW corner of Section 31, Township 25 South, Range 53 West and continuing east along the north line of Sections 31, 32, 33 and 34 from the NW corner of

Section 31 to the NE corner of Section 34, thence north along the west line of Sections 26, 23, and 14 from the SW corner of Section 26 to the NW corner of Section 14, Township 25 South, Range 53 West, thence east along the north line of Sections 14 and 13 from the NW corner of Section 14 to the NE corner of Section 13, Township 25 South, Range 53 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 25 South, Range 52 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 24 South, Range 52 West, thence east along the north line of Section 30 from the NW corner to the NE corner of Section 30, Township 24 South, Range 52 West, thence north along the west line of Sections 20 and 17 from the SW corner of Section 20 to the NW corner of Section 17, Township 24 South, Range 52 West, thence east along the north line of Section 17 from the NW to the NE corner of Section 17, Township 24 South, Range 52 West, thence south along the east line of Sections 17, 20 and 29 from the NE corner of Section 17 to the SE corner of Section 29, Township 24 South, Range 52 West, thence east along the north line of Section 33 from the NW corner to the NE corner of Section 33, Township 24 South, Range 52 West, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33, Township 24 South, Range 52 West, thence east along the north line of Section 3 from the NW corner to the NE corner of Section 3, Township 25 South, Range 52 West, thence south along the east line of Sections 3, 10, 15 and 22 from the NE corner of Section 3 to the SE corner of Section 22, Township 25 South, Range 52 West, thence west along the south line of Section 22 from the SE corner to the SW corner of Section 22, Township 25 South, Range 52 West, thence south along the east line of Section 28 from the NE corner to the SE corner of Section 28, Township 25 South, Range 52 West, thence west along the south line of Section 28 from the SE corner to the SW corner of Section 28, Township 25 South, Range 52 West, thence south along the east line of Section 32, from the NE corner to the SE corner of Section 32, Township 25 South, Range 52 West, thence west 1320 feet more or less along the south line of Section 32 west from the SE corner of Section 32, Township 25 South, Range 52 West, thence south along the east line of Section 5 from the NE to the SE corner of Section 5, Township 26 South, Range 52 West, thence west along the south line of Sections 5 and 6 from the SE corner of Section 5 to the SW corner of Section 6, Township 26 South, Range 52 West, thence west along the south line of Section 1 from the SE corner to the SW corner of Section 1, Township 26 South, Range 53 West, thence south along the east line of Sections 11 and 14 from the NE corner of Section 11 to the SE corner of Section 14, Township 26 South, Range 53 West, thence east along the north line of Section 24 from the NW corner to the NE corner of Section 24, Township 26 South, Range 53 West, thence east along the north line of Sections 19 and 20

from the NW corner of Section 19 to the NE corner of Section 20, Township 26 South, Range 52 West, thence south along the east line of Sections 20, 29 and 32 from the NE corner of Section 20 to the SE corner of Section 32, Township 26 South, Range 52 West, thence south along the east line of Sections 5, 8, 17, 20, 29 and 32 from the NE corner of Section 5 to the SE corner of Section 32, Township 27 South, Range 52 West, thence west along the south line of Sections 31 and 32 from the SE corner of Section 32 to the SW corner of Section 31, Township 27 South, Range 52 West, thence west along the south line of Sections 36, 35, 34, 33, 32 and 31 from the SE corner of Section 36 to the SW corner of Section 31, Township 27 South, Range 53 West, thence north along the west line of Sections 31, 30, 19, 18 and 7 from the SW corner of Section 31 to the NW corner of Section 7, Township 27 South, Range 53 West, thence east along the north line of Sections 7, 8, 9, 10 and 11 from the NW corner of Section 7 to the NE corner of Section 11, Township 27 South, Range 53 West, thence north along the west line of Section 1 from the SW corner to the NW corner of Section 1, Township 27 South, Range 53 West, thence north along the west line of Sections 36 and 25 from the SW corner of Section 36 to the NW corner of Section 25, Township 26 South, Range 53 West, thence west along the south lines of Sections 23 and 22 from the SE corner of Section 23 to the SW corner of Section 22, Township 26 South, Range 53 West, thence north along the west line of Section 22 from the SW corner to the NW corner of Section 22, Township 26 South, Range 53 West, thence west along the south line of Sections 16, 17 and 18 from the SE corner of Section 16 to the SW corner of Section 18, Township 26 South, Range 53 West, thence north along the west line of Sections 18, 7 and 6 from the SW corner of Section 18 to the NW corner of Section 6, Township 26 South, Range 53 West, thence east along the north line of Section 6, 1320 feet more or less from the NW corner of Section 6, Township 26 South, Range 53 West, thence north along the west line of Section 31 from the SW corner to the NW corner of Section 31, Township 25 South, Range 53 West, which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 6

Beginning at the NW corner of Section 11, Township 26 South, Range 52 West, and continuing east from the NW corner of Section 11 to the NE corner of Section 12, Township 26 South, Range 52 West, thence south along the east line of Sections 12, 13, 24, 25 and 36 from the NE corner of Section 12 to the SE corner of Section 36, Township 26 South, Range 52 West, thence south along the east line of Sections 1, 12 and 13 from the NE corner of Section 1 to the SE corner of Section 13,



Township 27 South, Range 52 West, thence east along the north line of Sections 19, 20 and 21 from the NW corner of Section 19 to the NE corner of Section 21, Township 27 South, Range 51 West, thence south along the east line of Section 21 from the NE corner to the SE corner of Section 21, Township 27 South, Range 51 West, thence east along the north line of Section 27 from the NW to the NE corner of Section 27, Township 27 South, Range 51 West, thence south along the east line of Sections 27 and 34 from the NE corner of Section 27 to the SE corner of Section 34, Township 27 South, Range 51 West, thence west along the south line of Sections 34, 33, 32 and 31 from the SE corner of Section 34 to the SW corner of Section 31, Township 27 South, Range 51 West, thence west along the south line of Sections 36 and 35 from the SE corner of Section 36 to the SW corner of Section 35, Township 27 South, Range 52 West, thence north along the west line of Sections 35, 26, 23, 14, 11 and 2 from the SW corner of Section 35 to the NW corner of Section 2, Township 27 South, Range 52 West, thence north along the west line of Sections 35, 26, 23, 14 and 11 from the SW corner of Section 35 to the NW corner of Section 11, Township 26 South, Range 52 West, which is the point of beginning, all in Bent County, Colorado.

PLOT NO. 7

Beginning at the NW corner of Section 26, Township 24 South, Range 51 West and continuing east along the north line of Sections 26 and 25 from the NW corner of Section 26 to the NE corner of Section 25, Township 24 South, Range 51 West, thence east along the north line of Sections 30, 29, 28, 27, 26 and 25 from the NW corner of Section 30 to the NE corner of Section 25, Township 24 South, Range 50 West, thence south along the east line of Section 25 from the NE corner to the SE corner of Section 25, Township 24 South, Range 50 West, thence east along the north line of Sections 31, 32 and 33 from the NW corner of Section 31 to the NE corner of Section 33, Township 24 South, Range 49 West, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33, Township 24 South, Range 49 West, thence south along the east line of Sections 4, 9, 16, 21 and 28 from the NE corner of Section 4 to the SE corner of Section 28, Township 25 South, Range 49 West, thence west along the south line of Sections 28, 29 and 30 from the SE corner of Section 28 to the SW corner of Section 30, Township 25 South, Range 49 West, thence south along the east line of Section 36 from the NE corner to the SE corner of Section 36, Township 25 South, Range 50 West, thence east along the north line of Section 6, 3300 feet more or less to the NE corner of Section 6, Township 26 South, Range 49 West, thence south along the east line of Sections 6 and 7 from the NE corner of Section 6 to the SE corner of Section 7, Township 26 South, Range 49 West, thence east along the north line of Sections 17, 16, 15, 14 and 13 from the NW corner of Section 17 to the NE

corner of Section 13, Township 26 South, Range 49 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 26 South, Range 48 West, thence west along the south line of Section 36, 3100 feet more or less to the SW corner of Section 36, Township 25 South, Range 49 West, thence north along the west lines of Sections 36 and 25 from the SW corner of Section 36 to the NW corner of Section 25, Township 25 South, Range 49 West, thence east along the north line of Section 25 from the NW corner to the NE corner of Section 25, Township 25 South, Range 49 West, thence east along the north line of Sections 30, 29, 28, 27 and 26, from the NW corner of Section 30 to the NE corner of Section 26, Township 25 South, Range 48 West, thence north along the west line of Sections 24, 13, 12 and 1 from the SW corner of Section 24 to the NW corner of Section 1, Township 25 South, Range 48 West, thence north along the west line of Section 36 from the SW to NW corner of Section 36, Township 24 South, Range 48 West, thence east along the north line of Section 36 from the NW to the NE corner of Section 36, Township 24 South, Range 48 West, thence south along the east line of Section 36, from the NE to the SE corner of Section 36, Township 24 South, Range 48 West, thence south along the east line of Sections 1, 12, 13, 24, 25 and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 25 South, Range 48 West, thence west along the south line of Section 36, Township 25 South, Range 48 West, 2200 feet more or less from the SE corner of Section 36 to the NE corner of Section 1, Township 26 South, Range 48 West, thence south along the east line of Sections 1, 12, 13, 24, 25 and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 26 South, Range 48 West, thence south along the east line of Sections 1, 12, 13, 24, 25 and 36 from the NE corner of Section 1 to the SE corner of Section 36, Township 27 South, Range 48 West, thence west along the south line of Section 36 from the SE corner to the SW corner of Section 36, Township 27 South, Range 48 West, thence north along the west line of Sections 36, 25 and 24 from the SW corner of Section 36 to the NW corner of Section 24, Township 27 South, Range 48 West, thence west along the south line of Sections 14, 15 and 16 from the SE corner of Section 14 to the SW corner of Section 16, Township 27 South, Range 48 West, thence south along the east line of Sections 20, 29 and 32 from the NE corner of Section 20 to the SE corner of Section 32, Township 27 South, Range 48 West, thence west along the south line of Sections 32 and 31 from the SE corner of Section 32 to the SW corner of Section 31, Township 27 South, Range 48 West, thence north along the west line of Sections 31, 30, 19, 18, 7 and 6 from the SW corner of Section 31 to the NW corner of Section 6, Township 27 South, Range 48 West, thence west along the south lines of Sections 36, 35 and 34 from the SE corner of Section 36 to the SW corner of Section 34, Township 26 South, Range 49 West, thence south along the east line of Sections 4, 9, 16, 21,

28 and 33 from the NE corner of Section 4 to the SE corner of Section 33, Township 27 South, Range 49 West, thence west along the south line of Sections 33, 32 and 31 from the SE corner of Section 33 to the SW corner of Section 31, Township 27 South, Range 49 West, thence west along the south line of Sections 36 and 35 from the SE corner of Section 36 to the SW corner of Section 35, Township 27 South, Range 50 West, thence north along the west line of Sections 35, 26, 23, 14, 11 and 2 from the SW corner of Section 35 to the NW corner of Section 2, Township 27 South, Range 50 West, thence west along the south line of Sections 34 and 33 from the SE corner of Section 34 to the SW corner of Section 33, Township 26 South, Range 50 West, thence south along the east line of Sections 5, 8, 17 and 20 from the NE corner of Section 5 to the SE corner of Section 20, Township 27 South, Range 50 West, thence west along the south lines of Sections 20 and 19 from the SE corner of Section 20 to the SW corner of Section 19, Township 27 South, Range 50 West, thence north along the west line of Sections 19, 18, 7 and 6 from the SW corner of Section 19 to the NW corner of Section 6, Township 27 South, Range 50 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 26 South, Range 50 West, thence west along the south line of Sections 24, 23 and 22 from the SE corner of Section 24 to the SW corner of Section 22, Township 26 South, Range 51 West, thence north along the west line of Section 22 from the SW corner to the NW corner of Section 22, Township 26 South, Range 51 West, thence along the south line of Section 16 from the SE corner to the SW corner of Section 16, Township 26 South, Range 51 West, thence north along the west line of Sections 16, 9 and 4 from the SW corner of Section 16 to the NW corner of Section 4, Township 26 South, Range 51 West, thence west along the south line of Section 32, 3960 feet more or less to the SW corner of Section 32, Township 25 South, Range 51 West, thence north along the west line of Sections 32 and 29 from the SW corner of Section 32 to the NW corner of Section 29, Township 25 South, Range 51 West, thence east along the north line of Section 29 from the NW corner to the NE corner of Section 29, Township 25 South, Range 51 West, thence north along the west line of Section 21 from the SW corner to the NW corner of Section 21, Township 25 South, Range 51 West, thence east along the north line of Sections 21 and 22 from the NW corner of Section 21 to the NE corner of Section 22, Township 25 South, Range 51 West, thence north along the west line of Sections 14, 11 and 2 from the SW corner of Section 14 to the NW corner of Section 2, Township 25 South, Range 51 West, thence north along the west line of Sections 35 and 26 from the SW corner of Section 35 to the NW corner of Section 26, Township 24 South, Range 51 West which is the point of beginning, all in Bent County, Colorado.

B. PROWERS COUNTY

PLOT NO. 8

The following described territory is located in Prowers County, Colorado. (All Range descriptions are Ranges West of the 6th Principal Meridian.)

Beginning at a point on the Prowers-Bent County Line which is the NW corner of Section 31, Township 24 South, Range 47 West of the 6th Principal Meridian, thence east along the north line of Sections 31, 32 and 33 from the NW corner of Section 31, to the NE corner of Section 33, thence south along the east line of Section 33 from the NE corner to the SE corner of Section 33 in Township 24 South, Range 47 West, thence south along the east line of Sections 4, 9 and 16 from the NE corner of Section 4 to the SE corner of Section 16 in Township 25 South, Range 47 West, thence east along the north line of Sections 22 and 23 from the NW corner of Section 22 to the NE corner of Section 23 in Township 25 South, Range 47 West, thence south along the east line of Sections 23, 26 and 35 from the NE corner of Section 23 to the SE corner of Section 35 in Township 25 South, Range 47 West, thence west along the south line of Section 35 from the SE corner to the SW corner of Section 35, thence west along the south line of Section 34 from the SE corner of said Section 34 a distance of 2200 feet more or less to the NE corner of Section 3, Township 26 South, Range 47 West, thence south from the NE corner of Section 3, Township 26 South, Range 47 West, along the east line of Sections 3, 10, 15 and 22 from the NE corner of Section 3 to the SE corner of Section 22 in Township 26 South, Range 47 West, thence west along the south line of Sections 22, 21, 20 and 19 from the SE corner of Section 22 to the SW corner of Section 19, Township 26 South, Range 47 West, which is a point on the Prowers-Bent County line, thence north along the west line of Sections 19, 18, 7 and 6 from the SW corner of Section 19 to the NW corner of Section 6 in Township 26 South, Range 47 West, thence east along the north line of Section 6, Township 26 South, Range 47 West from the NW corner a distance of 2200 feet more or less to the SW corner of Section 31, Township 25 South, Range 47 West, thence north along the west line of Sections 31, 30, 19, 18, 7 and 6 from the SW corner of Section 31 to the NW corner of Section 6, Township 25 South, Range 47 West, thence north along the west line of Section 31 from the SW corner to the NW corner of Section 31, Township 24 South, Range 47 West which is the point of beginning, all in Prowers County, Colorado.



PLOT NO. 9

Beginning at a point on the Prowers-Bent County line which is the NW corner of Section 18, Township 27 South, Range 47 West, thence east along the north line of Sections 18, 17 and 16 from the NW corner of Section 18 to the NE corner of Section 16, Township 27 South, Range 47 West, thence south along the east line of Sections 16, 21, 28 and 33 from the NE corner of Section 16 to the SE corner of Section 33, Township 27 South, Range 47 West, thence west along the south line of Sections 33, 32 and 31 from the SE corner of Section 33 to the SW corner of Section 31, Township 27 South, Range 47 West, thence north along the west line of Sections 31, 30, 19 and 18 from the SW corner of Section 31 to the NW corner of Section 18, Township 27 South, Range 47 West, which is the point of beginning, all in Prowers County, Colorado.

PLOT NO. 10

Beginning at a point on the Prowers-Kiowa County line which is the NW corner of Section 6, Township 21 South, Range 45 West, thence east along the north line of Sections 6, 5, 4, 3, 2, 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 45 West, thence east along the north line of Sections 6, 5, 4, 3, 2 and 1 from the NW corner of Section 6 to the NE corner of Section 1, Township 21 South, Range 44 West, thence east along the north line of Sections 6, 5, 4, 3 and 2 from the NW corner of Section 6 to the NE corner of Section 2, Township 21 South, Range 43 West, thence south along the east line of Sections 2, 11, 14 and 23 from the NE corner of Section 2 to the SE corner of Section 23, thence west along the south line of Sections 23, 22, 21, 20 and 19 from the SE corner of Section 23 to the SW corner of Section 19, Township 21 South, Range 43 West, thence west along the south lines of Sections 24 and 23 from the SE corner of Section 24 to the SW corner of Section 23 in Township 21 South, Range 44 West, thence south along the east line of Sections 27 and 34 from the NE corner of Section 27 to the SE corner of Section 34, Township 21 South, Range 44 West, thence west along the south line of Section 34 from the SE to the SW corner of Section 34 in Township 21 South, Range 44 West, thence south along the east line of Sections 4 and 9 from the NE corner of Section 4 to the SE corner of Section 9 in Township 22 South, Range 44 West, thence west along the south line of Sections 9, 8 and 7 from the SE corner of Section 9 to the SW corner of Section 7 in Township 22 South, Range 44 West, thence west along the south line of Sections 12, 11, 10 and 9 from the SE corner of Section 12 to the SW corner of Section 9 in Township 22 South, Range 45 West, thence north along the west line of Sections 9 and 4 from the SW corner of Section 9 to the NW corner of Section 4, Township 22 South,

Range 45 West, thence east along the north line of Sections 4, 3 and 2 from the NW corner of Section 4 to the NE corner of Section 2, Township 22 South, Range 45 West, thence north along the west line of Sections 36, 25, 24 and 13 from the SW corner of Section 36 to the NW corner of Section 13, all in Township 21 South, Range 45 West, thence west along the south line of Sections 11, 10, 9, 8 and 7 from the SE corner of Section 11 to the SW corner of Section 7, Township 21 South, Range 45 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 21 South, Range 45 West, which is the point of beginning, all in Prowers County, Colorado.

PLOT NO. 11

Beginning at the NW corner of Section 16, Township 23 South, Range 45 West and continuing east along the north line of Sections 16, 15, and 14 to the NE corner of Section 14, Township 23 South, Range 45 West, thence south along the east side of Sections 14 and 23 from the NE corner of Section 14 to the SE corner of Section 23, Township 23 South, Range 45 West, thence east along the north line of Section 25, Township 23 South, Range 45 West, from the NW corner of Section 25 to the NE corner of Section 25, Township 23 South, Range 45 West, thence east along the north line of Sections 30 and 29, Township 23 South, Range 44 West, from the NW corner of Section 30 to the NE corner of Section 29, Township 23 South, Range 44 West, thence south along the east section line of Sections 29 and 32, Township 23 South, Range 44 West, from the NE corner of Section 29 to the SE corner of Section 32, Township 23 South, Range 44 West, thence south along the east lines of Sections 5, 8, 17, 20, 29 and 32 from the NE corner of Section 5 to the SE corner of Section 32, Township 24 South, Range 44 West, thence west along the south lines of Sections 32 and 31 from the SE corner of Section 32 to the SW corner of Section 31, Township 24 South, Range 44 West, thence west along the south line of Section 36 from the SE corner of Section 36 to approximately the S 1/4 corner of Section 36, Township 24 South, Range 45 West, thence north along a north-south line approximately 2640 feet west of the east line of Sections 36, 25, 24 and 13 from the S 1/4 corner of Section 36 to approximately the S 1/4 corner of Section 12, Township 24 South, Range 45 West, thence west along the south line of Sections 12, 11, 10 and 9 from approximately the S 1/4 corner of Section 12 to the SW corner of Section 9, Township 24 South, Range 45 West, thence north along the west line of Sections 9 and 4 from the SW corner of Section 9 to the NW corner of Section 4, Township 24 South, Range 45 West, thence north along the west line of Sections 33, 28, 21 and 16 from the SW corner of Section 33 to the NW corner of Section 16, Township 23 South, Range 45 West, which is the point of beginning, all in Prowers County, Colorado.

PLOTS NO. 12 and 13

Beginning at the NW corner of Section 30, Township 24

South, Range 45 West and continuing east along the north line of Sections 30, 29 and 28 from the NW corner of Section 30 to the NE corner of Section 28, thence south along the east line of Sections 28 and 33 from the NE corner of Section 28 to the SE corner of Section 33, Township 24 South, Range 45 West, thence east along the north line of Section 3, from the NW corner to the NE corner of Section 3, Township 25 South, Range 45 West, thence south along the east line of Sections 3, 10 and 15 from the NE corner of Section 3 to the SE corner of Section 15, Township 25 South, Range 45 West, thence west along the south line of Sections 15, 16 and 17 from the SE corner of Section 15 to the SW corner of Section 17, Township 25 South, Range 45 West, thence south along the east line of Sections 19, 30 and 31 from the NE corner of Section 19 to the SE corner of Section 31, Township 25 South, Range 45 West, thence east along the north line of Sections 5 and 4 from approximately the N 1/4 of Section 5 to the NE corner of Section 4, Township 26 South, Range 45 West, thence south along the east line of Section 4 from the NE corner to the SE corner, Township 26 South, Range 45 West, thence east along the north line of Sections 10, 11 and 12 from the NW corner of Section 10 to the NE corner of Section 12, Township 26 South, Range 45 West, thence east along the north line of Section 7 from the NW corner to the NE corner of Section 7, Township 26 South, Range 44 West, thence south along the east line of Sections 7 and 18 from the NE corner of Section 7 to the SE corner of Section 18, Township 26 South, Range 44 West, thence west along the south line of Section 18 from the SE corner to the SW corner of Section 18, Township 26 South, Range 44 West, thence west along the south line of Sections 13, 14, 15 from the SE corner of Section 13 to the SW corner of Section 15, Township 26 South, Range 45 West, thence north along the west line of Section 15 from the SW corner to the NW corner of said Section 15, Township 26 South, Range 45 West, thence west along the south line of Sections 9 and 8 from the SE corner of Section 9 to the SW corner of Section 8, Township 26 South, Range 45 West, thence north along the west line of Sections 8 and 5 from the SW corner of Section 8 to the NW corner of Section 5, Township 26 South, Range 45 West, which is also approximately the S 1/4 corner of Section 31, Township 25 South, Range 45 West, thence west along the south line of Section 31 to the SW corner of Section 31, Township 25 South, Range 45 West, thence west along the south line of Sections 36, 35 and 34 from approximately the SE corner of Section 36 to the SW corner of Section 34, Township 25 South, Range 46 West, thence north along the west line of Sections 34, 27, 22 and 15 from the SW corner of Section 34 to the NW corner of Section 15, Township 25 South, Range 46 West, thence east along the north line of Sections 15, 14 and 13 from the NW corner of Section



15 to the NE corner of Section 13, Township 25 South, Range 46 West, thence north along the west line of Sections 7 and 6 from the SW corner of Section 7 to the NW corner of Section 6, Township 25 South, Range 45 West, thence north along the west line of Sections 31 and 30 from the SW corner of Section 31 to the NW corner of Section 30, Township 24 South, Range 45 West which is the point of beginning, all in Prowers County, Colorado.

PLOT NO. 14

Beginning at the NW corner of Section 22, Township 26 South, Range 44 West and continuing east along the north line of Sections 22, 23 and 24 from the NW corner of Section 22 to the NE corner of Section 24, Township 26 South, Range 44 West, thence continuing east along the north line of Sections 19 and 20 from the NW corner of Section 19 to the NE corner of Section 20, Township 26 South, Range 43 West, thence south along the east line of Sections 20 and 29 from the NE corner of Section 20 to the SE corner of Section 29, Township 26 South, Range 43 West, thence west along the south line of Sections 29 and 30 from the SE corner of Section 29 to the SW corner of Section 30, Township 26 South, Range 43 West, thence west along the south line of Sections 25, 26 and 27 from the SE corner of Section 25 to the SW corner of Section 27, Township 26 South, Range 44 West, thence north along the west line of Sections 27 and 22 from the SW corner of Section 27 to the NW corner of Section 22, Township 26 South, Range 44 West, which is the point of beginning, all in Prowers County, Colorado.

11. Throughout the area certificated to Lamar by Decision No. 21392 there is and will be a duplication of service by the public utilities in the area, namely, Lamar and Southeast. In accordance with CRS 1963, 115-5-1 (2), the Commission finds that public convenience and necessity requires and will require that Southeast be issued a certificate of public convenience and necessity to provide electric service in the area previously certificated to Lamar and which has been abandoned by Lamar as found hereinabove; that Lamar's certificate of public convenience and necessity should be redefined to include only that area wherein the certificate has not been abandoned as defined in Finding No. 8 as described hereinabove; and that existing customers of either utility in the area certificated to the other utility should be frozen as provided in the Order hereinbelow.

12. Public convenience and necessity does not require that the areas described in Finding No. 10 described hereinabove be certificated to Southeast as no electric service is now provided and no demand therefor appears to exist. Public convenience and necessity requires and will require that Southeast be issued a certificate of public convenience and necessity to provide electric service in all of Bent and Prowers Counties except the areas described in subparagraphs A, B, C, D and E in Finding No. 8, in Finding No. 9, and in areas described as Plots 1 through 14 in Finding No. 10 hereinabove.

13. The duplication of electric facilities described in the Findings above has continued to exist ever since Southeast became a public utility in 1961, without resolution. The instant proceeding likewise has been pending before the Commission for a period of more than one year. Accordingly, the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Examiner be omitted and the initial decision be made by the Commission as provided by 115-6-9 (6), CRS 1963, as amended.

The Commission concludes that a certificate of public convenience and necessity to render electric service should be granted to Southeast with respect to certain areas in Bent and Prowers Counties wherein it presently provides service; that the certificated area of Lamar should be redefined and recertificated to reflect the areas actually served by Lamar and deleting therefrom those areas which have been abandoned or wherein the certificated area has been set aside by the District Court Judgment referred to previously, all as provided in the Order herein.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

1. Southeast Colorado Power Association be, and hereby is, granted a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY to provide

electric service as a public utility in all of Bent and Prowers Counties, except all the areas described in subparagraphs A, B, C, D and E of Finding No. 8 and in Finding No. 9, and Plots 1 through 14 described in Finding No. 10 hereof; this Order shall be deemed and held to be a certificate therefor.

2. The Certificate of Public Convenience and Necessity of the Utilities Board of the City of Lamar to render electric service shall henceforth include only the areas described in subparagraphs A, B and C of Finding No. 8 hereof, and, in addition, Lamar shall have a certificate to supply wholesale electric service to the Town of Granada and the Town of Holly; and this Order shall be deemed and held to be a certificate therefor.

3. Southeast Colorado Power Association be, and hereby is, authorized to continue service to its present customers located in areas certificated to Lamar until such time as there is a substantial change in the nature of the service. Likewise, that Lamar be, and hereby is, authorized to continue service to its present customers located in the areas certificated to Southeast until such time as there is a change in service. The two utilities are urged to negotiate towards an eventual exchange of customers where feasible to eliminate service by one utility in the area certificated to the other.

4. The recommended decision of the Examiner be, and hereby is, omitted and this Decision shall be the initial decision of the Commission as provided for by CRS 1963, 115-6-9 (6).

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
6th day of October, 1970.  
vjr

(Decision No. 76028)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE ISSUANCE OF TEMPORARY )  
CERTIFICATES OF PUBLIC CONVENIENCE )  
AND NECESSITY UNDER CHAPTER 115-9-4 )  
(2), CRS 1963, FOR THE TEMPORARY OR )  
SEASONAL MOVEMENT OF SUGAR BEETS )  
AND SUGAR BEET PULP. )  
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APPLICATION NO. 24553  
EMERGENCY DISTRICT 15-70  
SUPPLEMENTAL ORDER

-----  
October 7, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 18, 1970, the Commission entered Decision No. 75895 authorizing temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Crowley, Delta, Kiowa, Larimer, Mesa, Montrose, Otero, Ouray, Prowers, and Pueblo, Colorado.

It now appears that through inadvertency the County of Weld was omitted as one of the Counties to be included in this Emergency District.

In view of the above and foregoing, the Commission states and finds that Decision No. 75895 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75895 be, and the same hereby is, amended, nunc pro tunc, as of September 18, 1970, by adding the County of Weld

as one of the Counties to be included in the emergency movement of sugar beets and sugar beet pulp.

That, except as herein amended, Decision No. 75895 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,  
this 7th day of October, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERVIN HENRY, DOING BUSINESS AS )  
"WINDSOR MILK LINES," BOX 384, )  
JOHNSTOWN, COLORADO, FOR AUTHORITY )  
TO TRANSFER PERMIT NO. B-4617 TO )  
RICHARD McVAUGH, BOX 375, JOHNSTOWN, )  
COLORADO. )  
-----

APPLICATION NO. 24518-PP-Transfer

ORDER OF THE COMMISSION

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October 8, 1970  
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Appearances: Ervin Henry, Johnstown, Colorado,  
pro se.

Richard McVaugh, Johnstown, Colorado,  
pro se.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered, and

IT IS ORDERED, That Ervin Henry, doing business as "Windsor Milk Lines," Box 384, Johnstown, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-4617 to Richard McVaugh, Box 375, Johnstown, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-4617 shall read and be as follows, to wit:

"Transportation of

Milk and cream

From all points within the following described area: Commencing at the intersection of U.S. Highway No. 85 and U.S. Highway No. 34; thence north on U.S. Highway 85 to the Colorado-Wyoming State Line; thence west a distance of twelve and one half (12 1/2) miles on the Colorado-Wyoming State Line to a point three and one half (3 1/2) miles west of the Larimer-Weld County Line; thence east on U.S. Highway 34 to the point of beginning, to the Carnation Company plant at Johnstown, Colorado.



RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

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 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.

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

That the right of Transferee to operate under this Order shall be dependent upon 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 8th day of October, 1970.  
js

(Decision No. 76030)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
M & H TRUCKING, INC., P. O. BOX 419, )  
5001 E. MAIN, FARMINGTON, NEW MEXICO, )  
FOR AUTHORITY TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 2359 AND PUC NO. 2359-I TO )  
BEASLEY'S HOT SHOT SERVICE, INC., )  
P. O. BOX 161, 5001 E. MAIN, )  
FARMINGTON, NEW MEXICO. )  
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APPLICATION NO. 24516-Transfer

ORDER OF THE COMMISSION

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October 7, 1970  
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Appearances: Alvin J. Meiklejohn, Jr., Esq., Denver,  
Colorado, for Applicants.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
M & H TRUCKING, INC., P. O. BOX 419, )  
5001 E. MAIN, FRAMINGTON, NEW MEXICO, )  
FOR AUTHORITY TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 2359 AND PUC NO. 2359-I TO )  
BEASLEY'S HOT SHOT SERVICE, INC., )  
P. O. BOX 161, 5001 E. MAIN, )  
FARMINGTON, NEW MEXICO. )  
-----

APPLICATION NO. 24516-Transfer  
ORDER OF THE COMMISSION

-----  
October 7, 1970  
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Appearances: Alvin J. Meiklejohn, Jr., Esq., Denver,  
Colorado, for Applicants.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

- (2) Machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines

Between all points within the State of Colorado;

- (3) Commodities, which because of size or weight require special equipment or special handling, and contractors equipment, materials and supplies, in a general transfer and cartage service

Between points within the city limits of Sterling, Colorado;

- (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 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 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.

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

That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 7th day of October, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SAN ISABEL ELECTRIC ASSOCIATION, INC., )  
PUEBLO, COLORADO, FOR AUTHORITY TO )  
ISSUE SECURITIES IN THE PRINCIPAL ) APPLICATION NO. 24522-Securities  
AMOUNT OF \$365,000 AND THE APPLICATION )  
OF THE PROCEEDS THEREFROM FOR CERTAIN )  
SPECIFIED PURPOSES. )  
-----

-----  
October 7, 1970  
-----

Appearances: David C. Parlapiano, Esq., Pueblo, Colorado,  
for Applicant;  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission; and  
James D. Grundy, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

On August 31, 1970, San Isabel Electric Association, Inc., (herein-  
after referred to as San Isabel or Applicant), filed with the Commission the  
above-entitled application for (1) authority to issue a Mortgage Note for  
\$365,000 payable to The United States of America, bearing interest at the  
rate of two percent (2%) per annum, payable within thirty-five (35) years  
after the date thereof and (2) to approve an Amending Loan Contract, dated  
August 17, 1970, amending the Loan Contract between San Isabel and The  
United States of America, dated April 25, 1957, and setting a maximum which  
may be borrowed by Applicant at \$8,160,741.

The matter was set for hearing after due notice to all interested  
parties on September 16, 1970 at 9 o'clock a.m., in the hearing room of the  
Commission, 507 Columbine Building, Denver, Colorado, and at such time and  
place was heard by Examiner Christian O. Igenbergs, to whom the matter was  
assigned pursuant to law.

Applicant's counsel requested that page 2 of the application be  
amended by interlineation changing the beginning of line 5 from 15 KVA to  
15 MVA. The Amendment was granted by the Hearing Examiner.

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

Edward Gaither, General Manager, and Robert D. Pile, Controller of San Isabel, testified in support of the application.

Exhibits 1 through 8 were offered and admitted into evidence.

At the conclusion of the hearing the matter was taken under advisement.

On September 16, 1970, Decision No. 75885 was issued by the Commission providing an additional fifteen (15) days for the disposal of this application over the statutory thirty (30) days provided for disposal of security applications by Chapter 115-1-4, CRS 1963.

#### DISCUSSION

##### BY THE COMMISSION:

Applicant is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its customers on its lines in the Counties of Costilla, Custer, Fremont, Huerfano, Las Animas, Otero and Pueblo, State of Colorado, and operates certain electric distribution and related facilities in said Counties.

Applicant's witness, Edward Gaither, General Manager of San Isabel, testified, in essence, as follows:

San Isabel was granted a Certificate of Public Convenience and Necessity to serve its service territory by Commission Decision No. 49302, Application No. 15758, and had approximately 5,200 consumers as of August 31, 1970.

San Isabel needs the loan funds sought to be approved in this application for the improvement in its electrical system, for the construction, completion, extension and improvement of its properties, for the improvement and maintenance of its service and for other lawful purposes.



A Cost Estimate and Loan Budget, Exhibit No. 8, was prepared by C. H. Guernsey & Company, consulting engineers, in cooperation with Rural Electrification Administration personnel and the Staff of San Isabel. The Cost Estimate was based on San Isabel's loan study and application.

San Isabel proposes to use the \$365,000 from its loan for the construction and installation of the following electric facilities:

Distribution

7,500 KVA substation - Pueblo West	<u>\$129,460</u>	
TOTAL DISTRIBUTION		\$129,460

Transmission

2.5 miles 115 KV pole line - Pueblo West	45,540	
15,000 KVA substation - Walsenburg	160,000	
1 substation site	5,000	
Engineering services	<u>25,000</u>	
TOTAL TRANSMISSION		<u>235,540</u>
TOTAL LOAN		<u><u>\$365,000</u></u>

The witness stated that \$175,000 of the loan requested would be used to reimburse the construction funds of San Isabel for the 7,500 KVA substation located near the area designated as Pueblo West and the 2.5 miles of 115 KV transmission line which are already constructed. Funds for this construction were temporarily transferred from funds approved in San Isabel's last Security Application No. 24059, as therein indicated.

The witness identified Exhibit No. 1 as the form of the Amending Loan Contract, dated August 17, 1970, between San Isabel and The United States of America and Applicant's Exhibit No. 2 as the form of the proposed Mortgage Note between San Isabel and The United States of America.

The loan has been approved by the Rural Electrification Administration and the Board of Directors of San Isabel, subject to the approval of this Commission.

A Financial Forecast, Exhibit No. 7, prepared by the Applicant in August, 1969, projects the financial operating results of San Isabel for a 10-year period ending in 1978. The Financial Forecast does not project the

effect of this loan on revenues and expenses. However, Mr. Gaither testified that the Rural Electrification Administration used the Financial Forecast as a basis for approval of the loan being sought. Mr. Gaither also stated that the Financial Forecast does not consider revenue from Pueblo West. The witness testified that the new loan would decrease the margins shown on the Forecast by approximately \$8,500. The Forecast projects operating revenues to be \$1,071,069 in the year 1969, \$1,419,408 in the year 1973 and \$1,842,697 in the year 1978. Total margins are forecast as \$56,601 in the year 1969, \$29,888 in the year 1973 and \$185,333 in the year 1978. The Forecast shows a decline in margins for the years 1972 and 1973. The Applicant's witness testified that the decline in margins for the years 1972 and 1973 is due to the full impact, in these years, of additional interest requirements.

Exhibit No. 4, Statement of Revenue and Expense, was identified by the witness. The Exhibit shows the actual operating results for the years 1965 through 1969.

The annual debt-service payments to the Rural Electrification Administration as shown by Exhibit No. 7, the Financial Forecast, amounts to \$330,822 for the years 1970 and 1971 which does not include the payments that will be due on the loan under consideration. The witness testified that the annual debt-service payments on the \$365,000 loan would be approximately \$15,330. Advance payments on long-term debt amount to between three and four thousand dollars. The witness stated San Isabel was current on its debt-service payments.

Exhibit No. 6, the Power Requirement Study, was prepared in June, 1969, by the Rural Electrification Administration from the books and records of San Isabel and shows the projected power requirements of the Applicant through the years 1974 and 1979.

The Applicant's witness, Robert D. Pile, the Controller of San Isabel, identified Exhibit No. 3, a Balance Sheet as of July 31, 1970, and Exhibit No. 5, an Operating Statement showing the operating results for the

12 months ended July 31, 1970. Cash funds available to Applicant as shown on the Balance Sheet amount to only \$94,288; that is, \$51,106 in cash and \$43,182 in investments. The cash funds appear quite low. The balance sheet also shows a deficit equity of \$4,151.

Exhibit No. 5, the Operating Statement, shows total margins for the year ended July 31, 1970 at \$46,557. Exhibit No. 7, the Financial Forecast, shows anticipated margins for the calendar year 1970 to be \$78,407.

The aforesaid witness testified that as of August 31, 1970, San Isabel was serving between 40 and 50 consumers in Pueblo West and between 200 and 300 consumers in Colorado City. He stated that Colorado City was growing rapidly at this time.

The rate of return computed on rate base at July 31, 1970 is 2.55%.

Mr. Gaither stated that while no rate increase was being contemplated as a result of the present borrowing, a rate study had been initiated. He indicated it would be several months before the results of the study would be available.

Witness Gaither further testified that since San Isabel had a deficit equity, no capital credits had been allocated even though some years did show a positive margin. In accordance with San Isabel's policy, no capital credit allocations will be made until all previous years' deficits have been eliminated.

The Commission continues to be concerned about San Isabel's cash and equity positions. Cash funds available have declined from \$161,852 at the time of the last securities order, Decision No. 73996, dated December 11, 1969, to \$94,288 at this time. Advance payments which averaged between 35 and 40 thousand dollars at the time of the last securities hearing are now averaging between three and four thousand dollars. Total margins for 1969 were \$53,870. For the 12 months ended July 31, 1970, total margins were \$46,557 or a decline of \$7,313. At the time of the last security hearing, San Isabel's projected rate of return for the year 1969, per Exhibit 6, in that hearing, was 2.95%. The rate of return for the 12 months ended July 31, 1970 was 2.55%.

In view of San Isabel's present low cash position and deficit equity, the decline in margins and rate of return, the Commission is of the opinion that the results of the rate study now in progress should be made available for the Commission's perusal prior to the consideration of any further loan applications.

#### FINDINGS OF FACT

From the record herein, the Commission finds that:

1. Applicant, San Isabel Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

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

3. The facts set forth in the Discussion, supra, are made a part of and included in these Findings of Fact.

4. The Commission is fully advised in the premises.

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

6. The Amendment, dated August 17, 1970, to the Amending Loan Contract between San Isabel Electric Association, Inc. and The United States of America, dated April 25, 1957, as amended, Applicant's Exhibit No. 1, herein, should be authorized and approved.

7. The Mortgage Note payable to The United States of America, designated Colorado 25-Z Pueblo, in the amount of \$365,000, Applicant's Exhibit No. 2 in this proceeding, is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963, and therefore should be authorized and approved.

8. Within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant should file with the Commission one (1) conformed, executed copy of such instruments.

9. Since Chapter 115-1-4, Colorado Revised Statutes, 1963, provides that security applications be disposed of within thirty (30) days,

the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted and that this Decision should be the initial Decision of the Commission.

It is the conclusion of the Commission that the application should be granted and that the following Order should be entered.

#### O R D E R

##### THE COMMISSION ORDERS:

That the issuance of the Mortgage Note payable to The United States of America, designated as Colorado 25-Z Pueblo, in the amount of \$365,000, Exhibit No. 2 herein, be, and the same hereby is, authorized and approved.

That the Amendment, dated August 17, 1970, to Amending Loan Contract between San Isabel Electric Association, Inc. and The United States of America, dated April 25, 1957, be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$365,000 herein, San Isabel Electric Association, Inc. shall file with this Commission one (1) conformed copy of such executed Note and one (1) conformed copy of each other document made and entered into in connection herewith.

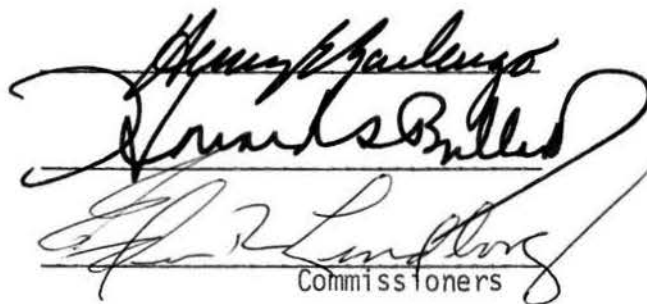
That nothing herein contained shall be construed to imply any recommendation or guaranty of or any obligation with regard to said security on the part of the State of Colorado.

That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

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

That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,  
this 7th day of October, 1970.  
hj

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DIVISION OF HIGHWAYS - STATE OF )  
COLORADO FOR AUTHORITY TO CONSTRUCT, )  
OPERATE AND MAINTAIN HIGHWAY/RAILROAD )  
GRADE SEPARATIONS AT MILEPOST 305.93 )  
NEAR AVON; MILEPOST 312.07 NEAR )  
EDWARDS; MILEPOST 316.02 EAST OF )  
WOLCOTT; ALL BEING LOCATED ON THE )  
DENVER/SALT LAKE CITY MAINLINE OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY AND PERTINENT TO )  
NEW HIGHWAY CONSTRUCTION AS A FEATURE )  
OF ROUTE 70 OF THE NATIONAL SYSTEM OF )  
INTERSTATE AND DEFENSE HIGHWAYS, EAGLE )  
COUNTY, STATE OF COLORADO. )

APPLICATION NO. 23843

- - - - -  
October 8, 1970  
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On July 9, 1969, The Division of Highways of the State of Colorado (Division) filed its application in accordance with the rules of this Commission seeking approval for construction of three highway/ railroad grade separation structures over trackage of The Denver and Rio Grande Western Railroad Company (Rio Grande) as noted above.

Other explanatory material as submitted with the instant application is a series of Exhibits A, B, C, D, E, and F to show details of alignments, property ownerships and cultural features as noted; and other data of structure clearances, dimensions, elevations and design specifications for the new highway overpass bridges.

Also received by the Commission on November 18, 1969, is a copy of the fully executed Agreement, dated September 24, 1969, between



Division of Highways and The Denver and Rio Grande Western Railroad Company pertaining to proposed overpass construction.

With reference to the instant application and other investigation data, it appears that Interstate Route 70 as involved in this application is a part of the National System of Defense Highways. It is designated to cross the State of Colorado in an east-west direction by means of new construction work or improvement of existing highways via: Burlington, Limon, Denver, Georgetown, Dillon, Dowd, Eagle, Grand Junction, and Mack, Colorado. Construction work is progressing as a series of separate projects across the state with the proposed work being located in the Eagle River Valley westerly from Dowd Junction for a distance of 13.5 miles to the community of Wolcott.

The Eagle River flows in a generally northwesterly direction from Dowd Junction to Wolcott and is bordered by mountains of the White River National Forest. It is also paralleled by U.S. Highway 6 & 24 and the Royal Gorge Route of The Denver and Rio Grande Western Railroad Company. In order to secure adequate space and more direct alignment for the new four lane roadway, new separation structures as follows are proposed to overpass the rail line near the small communities of Avon, Edwards and Wolcott:

LOCATION	STRUCTURE	LENGTH (feet)	OVERCROSSES	CLEARANCES R.R. - FEET		CRASH- WALLS
				VERT.	HORIZ.	
Avon MP 305.93 I-70	Twin Bridges 4-12' Lanes each	654	1-RR Track Eagle River US # 6-24	23.5	18.3	No
Edwards MP 312.07 Interchange Connection	Single Bridge 2-11' Lanes	141	1-RR Track	23.5	23.4	Yes
Wolcott MP 316.02 I-70	Twin Bridges 4-12' Lanes each	704	1-RR Track Eagle River US # 6-24	23.5	14.7	No

NOTE: Minimum PUC Clearances are: At railroads - 22.5 8.5

Resulting from the new Interstate construction it is expected by 1988 there will be some 5300 vehicles daily in each direction over the main highway. Use of the Edwards Interchange connection at MP 312.07 will include some of the local traffic movements and any other additional commercial or recreational activity in the immediate area. Rail traffic on the instant portion of the Rio Grande Royal Gorge Route includes a minimum of 12 scheduled trains daily, with other movements of "Local" and "Extra" freight trains. Operating speeds are variable to the maximum of 65 miles per hour.

Design standards of the Interstate system require separation of grades at intersections of the Freeway with other roads or railroads. The proposed highway overpass structures have been designed in accordance with current construction standards as adopted by the American Association of State Highway Officials, accepted and approved by the U.S. Department of Transportation, the Bureau of Public Roads and the Colorado Division of Highways.

Costs for the new work and continuing maintenance expense for the new structures and highway drainage are covered in the current Agreement dated September 24, 1969, and will be paid in accordance with the appropriate rules and regulations of the Federal Government. Estimated costs are as follows:

<u>MILEPOST</u>	<u>*BRIDGE COSTS</u>	<u>RAILROAD FLAGGING</u>	<u>RAILROAD FORCE ACCOUNT</u>	<u>TOTAL</u>
305.93	\$ 859,431	\$ 6,250	\$ 8,773	\$ 874,454
312.07	84,920	3,500	7,922	96,342
316.02	<u>983,839</u>	<u>6,250</u>	<u>10,170</u>	<u>1,000,259</u>
TOTALS	\$1,928,190	\$ 16,000	\$ 26,865	\$1,971,055

\*Railroad/highway grade separations only. Includes 10% for engineering and contingencies.

Meanwhile, the Commission has forwarded a copy of the instant application, together with a Notice, to interested parties, to the Board of Eagle County Commissioners and to owners of adjacent property in the area. Said Notice was to ascertain if any other action be considered within the period of thirty (30) 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 there is public need for construction of the new highway and local routing. It is apparent that Interstate criteria for separation of grades at intersections of the Freeway with other roads or railroads offer an improved standard of construction for the proposed work and provide the utmost in safety control.

It is therefore the belief of the Commission that the proposed separation 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 and maintenance of three grade separation structures as proposed herein, over trackage of The Denver and Rio Grande Railroad Company; all being a part of proposed Freeway construction on Interstate Route 70, near Avon, Edwards and Wolcott, Eagle County, Colorado.

That horizontal and vertical clearances for the proposed

structures 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 authority and approval for installation, construction, use and maintenance of the following:

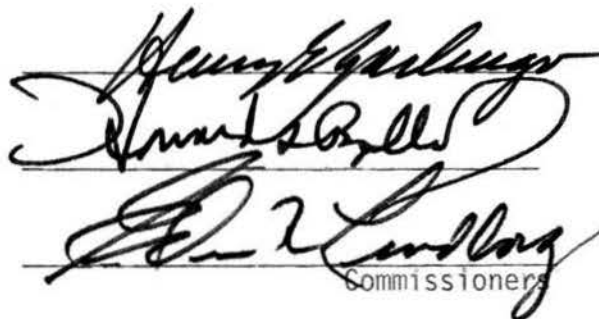
1. Two twin-bridge over-pass structures crossing the main line of The Denver and Rio Grande Western Railroad Company - Royal Gorge Route at Milepost 305.93 near Avon;
2. Single bridge on Interstate 70 connection to cross above the main line track of said Rio Grande Railroad at Milepost 312.07 near Edwards;
3. Two twin-bridge structures crossing the main line track of said Rio Grande Railroad at Milepost 316.02 near Wolcott;

all as located in Eagle County Colorado and a part of Interstate Highway I-70.

That the new work to be done, costs, installation, maintenance and other improvements shall be as indicated in the preceding Statement, Agreement and Exhibits A, B, C, D, E, and F. 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 8th day of October, 1970.  
js

(Decision No. 76033)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF AAC ASSOCIATED AMERICAN )  
CORPORATION, 2620 NORTH LOOP, )  
HOUSTON, TEXAS, FOR TEMPORARY )  
AUTHORITY TO OPERATE AS A CLASS )  
"B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )  
-----

APPLICATION NO. 24573-PP-TA  
ORDER GRANTING TEMPORARY AUTHORITY

-----  
October 7, 1970  
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The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration, and

It appearing, That there is an immediate and urgent need for  
the motor carrier service described in the appendix attached hereto,  
and that there is no carrier service available capable of meeting such  
need.

It is ordered, That Applicant be, and is hereby, granted  
temporary authority, conditioned upon full compliance with all applicable  
statutory and Commission requirements, rules and regulations, to engage  
in the business of transportation by motor vehicle to the extent and  
in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this  
order shall not be commenced until all requirements have been met and  
Applicant has received notice in writing from the Commission that  
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted  
becoming effective, failure of Applicant to maintain compliance with  
statutory and Commission requirements shall constitute sufficient  
grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER EDWIN R. LUNDBORG  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of October, 1970.

JS

(Decision No. 76033)  
October 7, 1970

APPENDIX

Application No. 24573-PP-TA

AAC Associated American Corporation  
2620 North Loop  
Houston, Texas

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "B" contract carrier by motor vehicle with authority as follows:

"Transportation of

Gas and electric household appliances, household fixtures and furniture

Between all points within a fifty (50) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

RESTRICTION: The above temporary authority is restricted to service for only the Montgomery Ward & Co., Denver, Colorado."



(Decision No. 76034 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

RALPH CORDERO )  
BOX 424 )  
MONTE VISTA, COLORADO 81144 )

AUTHORITY NO. B-5647  
CASE NO. 2347-H-Ins.

-----  
October 7, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970, 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 7th day of October, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, JOE N. ABEYTA AND S. )  
FRANK ABEYTA, SAGUACHE, COLORADO )  
UNDER PERMIT NO. B-5937 )

CASE NO. 118-AR

SUPPLEMENTAL ORDER

October 9, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 9, 1970, the Commission entered Decision No. 75825 in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Joe N. Abeyta and S. Frank Abeyta, being Permit No. B-5937, be, and the same hereby is, revoked and cancelled as of October 9, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before October 9, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before October 9, 1970.

Inasmuch as the Respondent, Joe N. Abeyta and S. Frank Abeyta, has filed Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before October 9, 1970, as provided in Decision No. 75825, the Commission states and finds that Permit No. B-5937 should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75825, dated September 9, 1970, providing

for the revocation and cancellation of Permit No. B-5937, 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  
9th day of October, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM E. WATSON, VIVIANNE WATSON, )  
AND JAMES G. WATSON, DOING BUSINESS )  
AS "BILL WATSON FREIGHT LINE," P.O. )  
BOX 1558, ESTES PARK, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE. )  
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APPLICATION NO. 24463

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM E. WATSON, VIVIANNE WATSON, )  
AND JAMES G. WATSON, DOING BUSINESS )  
AS "BILL WATSON FREIGHT LINE," P.O. )  
BOX 1558, ESTES PARK, COLORADO, FOR )  
AUTHORITY TO EXTEND OPERATIONS UNDER )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY PUC NO. 226. )  
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APPLICATION NO.  
24463-Extension-Amended

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM E. WATSON AND VIVIANNE WATSON, )  
DOING BUSINESS AS "BILL WATSON FREIGHT )  
LINE," P.O. BOX 1558, ESTES PARK, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY PUC NO. 226 TO WILLIAM E. )  
WATSON, VIVIANNE WATSON, AND JAMES G. )  
WATSON, DOING BUSINESS AS "BILL )  
WATSON FREIGHT LINE," P. O. BOX 1558, )  
ESTES PARK, COLORADO. )  
-----

APPLICATION NO. 24464-Transfer

ORDER OF THE COMMISSION

-----  
October 8, 1970  
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Appearances: John H. Lewis, Esq., Denver,  
Colorado. for Applicants.

It appearing, That by Order of the Commission dated July 22,  
1970, notice of the filing of the above-entitled application was given  
to all interested persons, firms and corporations pursuant to CRS 1963,  
115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

It further appearing, That Applicants herein have filed application for a Certificate of Public Convenience and Necessity which does not conflict with or duplicate the authority herein being transferred. For the sake of simplicity and clarity and in order to avoid misinterpretation, it is deemed advisable that the authority in the instant matter should be appended to Certificate of Public Convenience and Necessity PUC No. 226.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing, therefor:

We find, That the financial standing of the Applicants herein has been satisfactorily established and that the transfer is compatible with the public interest; and that the present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth;

And we further find, That Applicants herein are fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and extended and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That William E. Watson and Vivianne Watson, doing business as "Bill Watson Freight Line," P.O. Box 1558, Estes Park, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 226 to William E. Watson, Vivianne Watson, and James G. Watson, doing business as "Bill Watson Freight Line," P. O. Box 1558, Estes Park, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That William E. Watson, Vivianne Watson and James G. Watson, doing business as "Bill Watson Freight Line," P.O. Box 1558, Estes Park, Colorado, be, and hereby are, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 226 as follows, to wit:

"Transportation -- on schedule -- of

General commodities

Between Denver, Colorado, and a five (5) mile radius thereof, and Estes Park, Colorado, and a five (5) mile radius thereof over the following described routes:

- (a) Interstate Highway No. 25 (I-25) from Denver to its junction with Colorado Highway 66; thence over Colorado Highway 66 to its junction with U.S. Highway No. 36; thence over U.S. Highway No. 36 to Estes Park, Colorado.
- (b) U.S. Highway No. 36 from Denver, Colorado, to Estes Park, Colorado.
- (c) Interstate Highway No. 25 (I-25) to its junction with U.S. Highway 34; thence over U.S. Highway 34 to Estes Park, Colorado, as an alternate route for operating convenience only."

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 226 shall read and be as follows, to wit:

"Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and a five (5) mile radius thereof, and Estes Park, Colorado, and a five (5) mile radius thereof over the following described routes:

- (a) Interstate Highway No. 25 (I-25) from Denver to its junction with Colorado Highway 66; thence over Colorado Highway 66 to its junction with U.S. Highway No. 36; thence over U.S. Highway No. 36 to Estes Park, Colorado.
- (b) U.S. Highway No. 36 from Denver, Colorado, to Estes Park, Colorado.
- (c) Interstate Highway No. 25 (I-25) to its junction with U.S. Highway 34; thence over U.S. Highway 34 to Estes Park, Colorado, as an alternate route for operating convenience only.

(2) General commodities

Between Estes Park, Colorado, and a five and one half (5 1/2) mile radius thereof and Loveland, Colorado, over the following described routes:

- (a) Over U.S. Highway No. 34 serving all intermediate points.
- (b) Over U.S. Highway No. 34 and the Larimer County Road running through Glen Haven, Colorado, serving all intermediate points."

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 within thirty days from the effective date



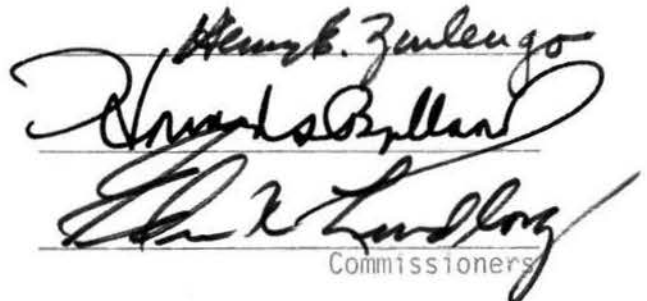
of this Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

That the right of Transferees to operate under this Order shall be dependent upon 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 Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 8th day of October, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM E. WATSON AND VIVIANNE )  
WATSON, DOING BUSINESS AS "BILL )  
WATSON FREIGHT LINE," P.O. BOX 1558, )  
ESTES PARK, COLORADO, FOR AUTHORITY )  
TO TRANSFER PERMIT NO. A-86 TO )  
WILLIAM E. WATSON, VIVIANNE WATSON, )  
AND JAMES G. WATSON, DOING BUSINESS )  
AS "BILL WATSON FREIGHT LINE," )  
P. O. BOX 1558, ESTES PARK, )  
COLORADO. )  
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APPLICATION NO.  
24465-PP-Transfer

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM E. WATSON AND VIVIANNE )  
WATSON, DOING BUSINESS AS "BILL )  
WATSON FREIGHT LINE," P. O. BOX )  
1558, ESTES PARK, COLORADO, FOR AU- )  
THORITY TO TRANSFER PERMIT NO. )  
B-4228 TO WILLIAM E. WATSON, VIVIANNE )  
WATSON, AND JAMES G. WATSON, DOING )  
BUSINESS AS "BILL WATSON FREIGHT )  
LINE," P. O. BOX 1558, ESTES PARK, )  
COLORADO. )  
-----

APPLICATION NO.  
24466-PP-Transfer

RE: MOTOR VEHICLE OPERATIONS OF )  
WILLIAM E. WATSON AND VIVIANNE )  
WATSON, DOING BUSINESS AS "BILL )  
WATSON FREIGHT LINE," P. O. BOX )  
1558, ESTES PARK, COLORADO. )  
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PERMIT NO. A-86

ORDER OF THE COMMISSION

-----  
October 9, 1970  
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Appearances: John H. Lewis, Esq., Denver,  
Colorado, for Applicants.

It appearing, That by Order of the Commission dated July 22,  
1970, notice of the filing of the above-entitled applications were given  
to all interested persons, firms and corporations pursuant to CRS 1963,  
115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the herein proceedings have been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceedings are therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matters are ones which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in these proceedings should be by reference to the verified applications as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filings, and the files and records of the Commission;

That on October 8, 1970, by Decision No. 76036, Applicants were authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 226 which authority overlaps and duplicates a portion of the Contract Carrier Permit No. A-86 sought to be transferred.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees have been satisfactorily established; that the herein transfers are compatible with the public interest; and that in view of the aforementioned authority, that portion of Permit No. A-86 which provides for "Transportation of freight between Denver, Colorado, and a five mile radius, and Estes Park, Colorado, and a five mile radius" should be cancelled and revoked as of the effective date of the grant of said Certificate and that the remaining authority of A-86 be redesignated as a "Class 'B' Contract Carrier Permit" as set forth in the Order following;

And we further find, That Transferees are fit, willing and able properly to engage in bona fide motor carrier operations under the authorities to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That William E. Watson and Vivianne Watson, doing business as "Bill Watson Freight Line," P.O. Box 1558, Estes Park, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Contract Carrier Permit Nos. A-86 and B-4228 to William E. Watson, Vivianne Watson, and James G. Watson, doing business as "Bill Watson Freight Line," P. O. Box 1558, Estes Park, Colorado, subject to encumbrances, if any, against said authorities approved by this Commission.

That upon acceptance in the manner as hereinafter provided, Contract Carrier Permit No. A-86 be, and the same hereby is, transformed and converted to that of a "Class 'B' Permit" to be known and numbered as "Contract Carrier Permit No. B-86" on the records of the Commission.

That, in view of the above conversion, the full and complete authority under Contract Carrier Permit No. B-86 shall read and be as follows, to wit:

"Transportation of

Cement

From Boettcher and La Porte, Colorado, to Estes Park, Colorado.

RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

That henceforth the full and complete authority under Contract Carrier Permit No. B-4228 shall read and be as follows, to wit:

"Transportation of

(1) Building materials, hay, and oil

From all points located within a seventy-five (75) mile radius of Estes Park, Colorado, to all points located within a twenty-five (25) mile radius of Estes Park, Colorado.

(2) Construction machinery and materials

Between all points within a twenty-five (25) mile radius of Estes Park, Colorado.

(3) Coal

Between all points within a one hundred (100) mile radius of Erie, Colorado.

RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

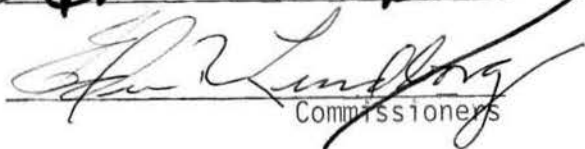
That said transfers shall become effective only if and when, but not before, said Transferors and Transferees, in writing, have advised the Commission that said Permits have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

That the right of Transferees to operate under this Order shall be dependent upon 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 Permits up to the time of transfer of said Permits.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 9th day of October, 1970.  
js

(Decision No. 76038)

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, )  
FOR A DETERMINATION OF THE GROSS )  
REVENUES TO WHICH APPLICANT MAY )  
BE ENTITLED FROM ITS OPERATIONS OF )  
THE GAS DISTRIBUTION OF THE DEPART- )  
MENT OF PUBLIC UTILITIES AND FOR AN )  
ORDER AUTHORIZING APPLICANT TO )  
FILE RATES DESIGNED TO PRODUCE )  
SUCH REVENUES. )  
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APPLICATION NO. 24444

-----  
October 8, 1970  
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Appearances: Lewis Johnson, Esq., Colorado Springs,  
Colorado, for Applicant; and  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission.

PROCEDURE AND RECORD

The above-captioned application was filed with the Commission by the City of Colorado Springs (Applicant) on July 15, 1970.

By the instant application, the Applicant seeks a determination by the Commission of the gross revenues to which it may be entitled from operations of its gas properties devoted to public use in the State of Colorado. After due and proper notice to all interested persons, firms or corporations, the application was heard on Monday, September 21, 1970, at 10 o'clock a.m., at the City Auditorium, Colorado Springs, Colorado.

Applicant's Exhibits 1 through 12, including Exhibit Nos. 3A, 3B, 4A and 4B, and Staff Exhibit A were offered and admitted into evidence. At the conclusion of the hearing the matter was taken under advisement.



### FINDINGS OF FACT

1. Applicant is a municipal corporation acting through its department of public utilities and is a public utility subject to the jurisdiction of this Commission with respect to the purchase, transmission, distribution and sale of natural gas to its customers outside the city limits of Colorado Springs.

2. Applicant has selected the 12 months ended May 31, 1970, as the test year in this proceeding. Accordingly, the operating results of the Colorado Springs gas utility during the test year are used in the determination of the issues herein.

3. The subject matter of the herein proceeding is within the jurisdiction of the Commission.

4. Operating ratio is a proper method for determining revenue requirements in this case.

5. Applicant's actual gas utility operating revenues for the test year were \$8,288,193.

6. Actual gas utility operating expenses for the test year, per Applicant's books, totaled \$7,305,582. After proper in-period adjustments, the adjusted gas utility operating expenses for the test year totaled \$7,369,839.

7. The actual gas utility operating ratio for the test year, per Applicant's books, was 88.14%. After in-period adjustments, the operating ratio was 88.92%.

8. An operating ratio of 88.92% for Applicant's gas utility operations is higher than would be a fair and reasonable operating ratio.

9. Applicant's purchased gas expense will increase by \$376,751 annually, effective November 1, 1970, because of an increase in rates awarded to its supplier of natural gas. Thus, total expenses of the

gas utility on a pro forma basis will be \$7,746,590, increasing its adjusted pro forma operating ratio to 93.47% based upon test year revenues.

10. A fair, reasonable, necessary and adequate operating ratio for Applicant's gas utility operation in the State of Colorado is 85.22%.

11. Revenues required to produce an 85.22% operating ratio, therefore, will be \$9,090,193, requiring an annual increase in revenues of \$802,000. This operating ratio, along with the additional revenues that it would require, are both necessary and adequate to preserve the financial integrity of Applicant and provide for the orderly development of its gas utility system.

12. Gas rates are and will continue to be identical for similar-type consumers both inside and outside the city limits.

#### DISCUSSION

No one appeared in protest hereto.

Gross revenue requirements of a fixed utility heretofore, for the most part, have been determined through the process of rate base and rate of return. These, in turn, are measured for adequacy by by the resulting return on equity.

Although it is common practice for fixed utilities to measure their internal effectiveness through the use of operating ratios, this method of measuring revenue needs has been employed to a lesser extent in rate cases. Transportation utilities, on the other hand, have utilized operating ratios almost exclusively in determining revenue requirements in rate cases before this Commission.

In the instant case the use of an operating ratio in determining revenue requirements is most apropos when the difficulty of

allocating the gas plant between inside and outside the city limits is considered. City limits have been in a continuous state of flux over the last several years making allocations of general plant an inaccurate if not an almost impossible task.

In addition, the operation and plant investment of the Colorado Springs gas utility is almost entirely financed out of revenues. Since the City owns the equity, it would be most difficult to judge a proper return on equity as provided by any specific rate of return.

On the other hand, there are ample comparisons to be made of operating ratios among other gas utilities as shown in Applicant's Exhibit 4B and Staff Exhibit A.

Staff's witness testified that the City of Colorado Springs gas utility operation was similar to the distribution companies with minor nondistribution activity as shown on Staff Exhibit A. These companies all had operating ratios under 80% before all taxes. On the basis of this comparison, an 85.22% operating ratio for the Colorado Springs gas utility would appear entirely reasonable.

#### CONCLUSION

##### THE COMMISSION CONCLUDES:

1. That the Applicant should be authorized to increase its rates as provided in the Order to follow.
2. That the following Order should be entered.

#### ORDER

##### THE COMMISSION ORDERS:


That Applicant be, and hereby is, authorized to file tariff revisions that would provide to Applicant, based upon the test year ended May 31, 1970, total additional gross revenues from all gas utility

operations of \$802,000. Rates devised to produce such revenues shall be identical for similar-type consumers both inside and outside the city limits. Such tariff revisions shall be filed to become effective upon not less than thirty (30) days notice to the Commission and the public as provided by CRS 1963, 115-3-4, as amended, subject to the provisions as herein set forth.

That Applicant shall cause sufficient publicity of the tariff revisions to be given contemporaneously with the filing in order to bring it to the attention of the public affected.

That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,  
this 8th day of October, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ED PEPPLER, DOING BUSINESS AS "ED )	
PEPPLER RUBBISH REMOVAL," 5050 )	
GRANT STREET, DENVER, COLORADO, FOR )	
EMERGENCY TEMPORARY APPROVAL TO )	APPLICATION NO. 24585-Transfer-ETA
TRANSFER CERTIFICATE OF PUBLIC )	<u>ORDER GRANTING EMERGENCY TEMPORARY</u>
CONVENIENCE AND NECESSITY PUC NO. )	<u>APPROVAL</u>
3314 TO RAFAEL G. DAVILA, 4151 )	
KALAMATH STREET, DENVER, COLORADO. )	
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-----  
October 8, 1970  
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The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 3314 to the above-named Transferee.

It further appearing, That there is an immediate and urgent need for the emergency temporary approval herein sought, and,

It further appearing, That failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

It is ordered, That Rafael G. Davila, 4151 Kalamath Street, Denver, Colorado, be, and is hereby, granted emergency temporary approval for a period of fifteen (15) days commencing October 8, 1970, to operate under Certificate of Public Convenience and Necessity PUC No. 3314 conditioned upon full compliance with all applicable statutory and

Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioner

Dated at Denver, Colorado, this  
8th day of October, 1970.

pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD E. SMART, DOING BUSINESS AS )  
"SHOSHONI TRANSPORTATION CO.," 6500 )  
E. 88TH AVENUE, HENDERSON, COLORADO, )  
FOR EMERGENCY TEMPORARY AUTHORITY TO )  
EXTEND OPERATIONS UNDER CONTRACT )  
CARRIER PERMIT NO. B-7349. )  
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APPLICATION NO. 24586-PP-Extension-ETA  
ORDER GRANTING EMERGENCY TEMPORARY  
AUTHORITY

-----  
October 8, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (4),  
being under consideration, and

It appearing, That appropriate application has been made to this  
Commission for permanent operating authority.

It further appearing, That there is an immediate and urgent need  
for the transportation service herein sought.

It further appearing, That failure to immediately grant emergency  
temporary authority may result in undue delay in availability of equipment  
to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an  
emergency requiring the immediate issuance of temporary authority.

It is ordered, That Richard E. Smart, doing business as "Shoshoni  
Transportation Co.," 6500 E. 88th Avenue, Henderson, Colorado, be, and  
is hereby, granted emergency temporary authority for a period of fifteen  
(15) days commencing October 8, 1970, as a class "B" contract carrier by  
motor vehicle, for the

"Transportation of

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

From pits and supply points in the State of Colorado to road  
jobs, mixer and processing plants within a radius of two  
hundred (200) 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 two hundred (200) 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 two hundred (200) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of two hundred (200) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 8th day of October, 1970.

cj

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF LEONARD  
DeLUE, D. J. SEBERN, L. W. RINKER, T. P.  
RINKER AND LEONARD L. DeLUE, DOING BUSINESS  
AS "ARMORED MOTORS SERVICE," 970 YUMA STREET,  
DENVER, COLORADO, FOR AUTHORITY TO TRANSFER  
PUC NO. 3798 TO LEONARD DeLUE, DONALD J.  
SEBERN, T. W. RINKER, TED P. RINKER, KENT D.  
SEBERN AND LEONARD L. DeLUE, INDIVIDUALLY  
AND AS TRUSTEE AND EXECUTOR OF THE ESTATE OF  
ELEANOR L. DeLUE, DOING BUSINESS AS "ARMORED  
MOTORS SERVICE," 970 YUMA STREET, DENVER,  
COLORADO.

APPLICATION NO.  
24355-Transfer

IN THE MATTER OF THE APPLICATION OF LEONARD  
DeLUE, D. J. SEBERN, T. W. RINKER AND E. L.  
DeLUE, DOING BUSINESS AS "ARMORED MOTORS  
SERVICE," 970 YUMA STREET, DENVER, COLORADO,  
FOR AUTHORITY TO TRANSFER PERMIT NO. B-958  
AND PERMIT NO. B-958-I TO LEONARD DeLUE,  
DONALD J. SEBERN, T. W. RINKER, TED P. RINKER,  
KENT D. SEBERN AND LEONARD L. DeLUE, INDIVID-  
UALLY AND AS TRUSTEE AND EXECUTOR OF THE  
ESTATE OF ELEANOR L. DeLUE, DOING BUSINESS AS  
"ARMORED MOTORS SERVICE," 970 YUMA STREET,  
DENVER, COLORADO.

APPLICATION NO.  
24356-PP-Transfer

IN THE MATTER OF THE APPLICATION OF D. J.  
SEBERN, LEONARD DeLUE AND TED P. RINKER,  
DOING BUSINESS AS "ARMORED MOTORS SERVICE,"  
970 YUMA STREET, DENVER, COLORADO, FOR  
AUTHORITY TO TRANSFER PERMIT NO. B-5540 TO  
LEONARD DeLUE, DONALD J. SEBERN, T. W. RINKER,  
TED P. RINKER, KENT D. SEBERN AND LEONARD L.  
DeLUE, INDIVIDUALLY AND AS TRUSTEE AND EXECUTOR  
OF THE ESTATE OF ELEANOR L. DeLUE, DOING BUSI-  
NESS AS "ARMORED MOTORS SERVICE," 970 YUMA  
STREET, DENVER, COLORADO.

APPLICATION NO.  
24357-PP-Transfer

ORDER OF THE COMMISSION

October 8, 1970

Appearances: Herbert M. Boyle Esq.,  
Denver, Colorado, for  
Applicants

PROCEDURE AND RECORD

Under Date of May 13, 1970, the Applicants filed the above-entitled applications for authority to transfer the following, to-wit:

Certificate of Public Convenience and Necessity PUC No. 3798 from Leonard DeLue, D. J. Sebern, L. W. Rinker, T. P. Rinker and Leonard L. DeLue, doing buisness as "Armored Motors Service," to Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker, Kent D. Sebern and Leonard L. DeLue, Individually and as Trustee and Executor of the Estate of Eleanor L. DeLue, doing business as "Armored Motors Service";

Permits No. B-958 and B-958-I from Leonard DeLue, D. J. Sebern, T. W. Rinker and E. L. DeLue, doing business as "Armored Motors Service," to Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker, Kent D. Sebern and Leonard L. DeLue, Individually and as Trustee and Executor of the Estate of Eleanor L. DeLue, doing business as "Armored Motors Service"; and

Permit No. B-5540 from Leonard DeLue and Ted P. Rinker, doing business as "Armored Motors Service," to Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker, Kent D. Sebern and Leonard L. DeLue, Individually and as Trustee and Executor of the Estate of Eleanor L. DeLue, doing business as "Armored Motors Service."

The Commission assigned Nos. 24355-Transfer, 24356-PP-Transfer, and 24357-PP-Transfer to the respective applications. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on these applications and, after due and proper notice to all interested persons, firms or corporations, set the herein matters for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 22, 1970, at 10 a.m. The hearings were held at the afore-said time and place.

Applications No. 24355-Transfer, 24356-PP-Transfer, and 24357-PP-Transfer were heard on a joint record.

Donald J. Sebern testified in support of the applications. No person appeared at the hearing to protest the granting of the authority petitioned for in the applications, and no written protests or petitions for intervention were received.

Official notice was taken of the following documents on file with this Commission, to-wit: Equipment List, Financial Statement, Letters Testamentary, Trust Agreement, Articles of Partnership, and Statement on Liens or Encumbrances.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the terms of 115-6-9 (6), CRS 1963, as amended, the Commission may make the initial decisions in cases where it has not presided at the taking of evidence and the recommended decision of the individual Commissioner or Examiner may be omitted in any case in which the Commission shall find upon the record that due and timely execution of its functions imperatively and unavoidably so requires.

#### FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Transferors are a partnership and own certain authorities granted by this Commission in the following order, to-wit:

Certificate of Public Convenience and Necessity PUC No. 3798, of which said authority the following persons are the owners of record:

Leonard DeLue, D. J. Sebern, L. W. Rinker, T. P. Rinker, and Leonard L. DeLue;

Permit No. B-5540, of which said authority the following persons are the owners of record:

D. J. Sebern, Leonard DeLue, and Ted P. Rinker; and

Permits No. B-958 and B-958-I, of which said authorities the following persons are the owners of record:

Leonard DeLue, D. J. Sebern, T. W. Rinker, and E. L. DeLue.

All the above-mentioned authorities are jointly operated by the partners and the partnership is doing business as "Armored Motors Service."

2. E. L. DeLue, also known as Eleanor L. DeLue and Eleanor DeLue, a former partner, died testate on December 1, 1968. Upon the death of the aforesaid E. L. DeLue, also known as Eleanor L. DeLue and Eleanor DeLue, her estate was duly submitted for probate in the Probate Court In and For the City and County of Denver, State of Colorado, and LETTERS TESTAMENTARY were issued by the Probate Court on May 23, 1969, duly appointing Leonard L. DeLue as Sole Executor of the aforesaid Decedent's estate.

3. The beneficiaries under the will of E. L. DeLue, also known as Eleanor L. DeLue and Eleanor DeLue, entered into a Trust Agreement with respect to the administration of the estate of the Decedent on October 16, 1969, and appointed Leonard L. DeLue Trustee of the trust, a copy of which said Trust Agreement is on file with the Commission.

4. The remaining partners of the partnership agreed and intend to add to the present partnership a new partner, namely, Kent D. Sebern, and also have Leonard L. DeLue, a present partner, henceforth, in addition to being an individual partner, act as partner in his capacity as Trustee and Sole Executor of the Estate of E. L. DeLue, also known as Eleanor L. DeLue and Eleanor DeLue, Deceased.

5. An Agreement of Partnership and Articles of Partnership were entered into by and between Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker, Kent D. Sebern, and Leonard L. DeLue, Individually and as Executor of the Estate of Eleanor L. DeLue, and as Trustee under

the aforesaid Trust Agreement dated the 31st day of December, 1969, a copy of which said Agreement is on file with this Commission.

6. The Applicants in the herein matter request permission to transfer all the authorities heretofore granted by this Commission to the partnership as it consisted in Finding of Fact No. 1, supra, to the newly formed partnership as described in Finding of Fact No. 5, supra.

7. The Commission has jurisdiction of Transferors, Transferees, and the subject matter of these proceedings.

8. These authorities have been continually operated in the past and are presently in good standing with the Commission.

9. The newly formed partnership, as described in Finding of Fact No. 5, supra, does not presently hold any authority from this Commission.

10. The Certificate and Permits are free and clear of any debts, encumbrances, or obligations.

11. Transferees own sufficient equipment which they shall use in performing the transportation services sought to be transferred herein.

12. Transferees have sufficient experience and net worth, both of which are ample and suitable for the operation of the authorities sought to be transferred herein.

13. Transferees are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have or will make adequate provision for insurance.

14. If these transfers are approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

15. The transfers are compatible with the public interest.



16. The Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the hearing examiner be omitted and that this decision should be the initial decision of the Commission.

#### CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The request to transfer the within authorities should be granted as hereinafter set forth and the following Order should be entered.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That Leonard DeLue, D. J. Sebern, L. W. Rinker, T. P. Rinker and Leonard L. DeLue, doing business as "Armored Motors Service," 970 Yuma Street, Denver, Colorado, be, and hereby are, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 3798 to Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker, Kent D. Sebern and Leonard L. DeLue, Individually and as Trustee and Sole Executor of the Estate of E. L. DeLue, also known as Eleanor L. DeLue and Eleanor DeLue, Deceased, doing business as "Armored Motors Service," 970 Yuma Street, Denver, Colorado, subject to encumbrances, if any, against said authority.

2. That Leonard DeLue, D. J. Sebern, T. W. Rinker and E. L. DeLue, doing business as "Armored Motors Service," 970 Yuma Street, Denver, Colorado, be, and hereby are, authorized to transfer all right, title, and interest in and to Permits No. B-958 and No. B-958-I to Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker, Kent D. Sebern, and Leonard L. DeLue, Individually and as Trustee and Sole Executor of the Estate of E.L. DeLue, also known as Eleanor L. DeLue and Eleanor DeLue, Deceased, doing business as "Armored Motors Service," 970 Yuma Street, Denver, Colorado, subject to encumbrances, if any, against said authority.



3. That D. J. Sebern, Leonard DeLue, and Ted P. Rinker, doing business as "Armored Motors Service," 970 Yuma Street, Denver, Colorado, be, and hereby are, authorized to transfer all right, title, and interest in and to Permit No. B-5540 to Leonard DeLue, Donald J. Sebern, T. W. Rinker, Ted P. Rinker, Kent D. Sebern, and Leonard L. DeLue, Individually and as Trustee and Sole Executor of the Estate of E. L. DeLue, also known as Eleanor L. DeLue and Eleanor DeLue, doing business as "Armored Motors Service," 970 Yuma Street, Denver, Colorado, subject to encumbrances, if any, against said authority.

4. That henceforth the full and complete authorities under Certificate of Public Convenience and Necessity PUC No. 3798, Permits No. B-958 and No. B-958-I, and Permit No. B-5540 shall read and be as follows, to-wit:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC  
NO. 3798:

Conduct of a general transfer and cartage business

Between points within the City and County of Denver,  
State of Colorado.

PERMITS NO. B-958 AND NO. B-958-I:

Transportation of

(1) Gold bullion

- (a) From Golden Cycle Mill at Colorado Springs, Colorado, to the U.S. Mint in Denver, Colorado;
- (b) From the mill of the Cripple Creek Milling Co., at Cripple Creek, Colorado, to the U.S. Mint in Denver, Colorado.

(2) Mail and interoffice correspondence

- (a) Between all points within Denver, Colorado, and a twenty-five (25) mile radius thereof;
- (b) Between all points within Colorado Springs, Colorado, and a twenty-five (25) mile radius thereof;
- (c) Between all points within Pueblo, Colorado, and a twenty-five (25) mile radius thereof.

- (3) Money, gold, silver, bullion, jewelry, securities, and other valuable papers

Between all points within the State of Colorado;

RESTRICTION:

Item (3) of this Permit is specifically restricted to the use of only armored cars and armed guards.

- (4) Biological specimens and examination records

Between the D C L Biomedical, Inc., laboratories in Denver, Colorado, on the one hand, and all points within the State of Colorado, on the other hand.

- (5) 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.

PERMIT NO. B-5540:

Transportation of

Money (coin and currency), checks, bank drafts, negotiable instruments and business papers, and other valuables as may require armed protection during transit

From point to point within a radius of fifty miles of the offices of applicant, in Boulder, Colorado.

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

6. That the tariff of rates, rules, and regulations of Transferors shall, upon proper adoption notice, become and remain those of Transferees until changed according to law and the rules and regulations of this Commission.

7. That 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 of the annual report by Transferors herein covering the operations under the Certificate and Permits up to the time of the transfer of said Certificate and Permits.

8. That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), CRS 1963, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
8th day of October, 1970.

pvw

(Decision No. 76042)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CARFIELD HOUSEMOVERS, INC., 1320 )	
TAFT, LOVELAND, COLORADO, FOR )	
TEMPORARY AUTHORITY TO REINSTATE )	APPLICATION NO. 24533-Reinstatement-TA
CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY PUC NO. 3241. )	SUPPLEMENTAL ORDER
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-----  
October 9, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 25, 1970, the above-entitled application was filed with the Commission in which Applicant sought emergency temporary authority, temporary authority and permanent authority to reinstate PUC No. 3241. On September 8, 1970 by Decision No. 75812 the Commission denied the emergency temporary authority. On September 17, 1970, by Decision No. 75867 the Commission denied the temporary authority.

On October 2, 1970, Applicant by its attorneys, Frank E. Starkey and Stockton and Lewis, filed a Petition for Reconsideration to the Commission's Order in Decision No. 75867.

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

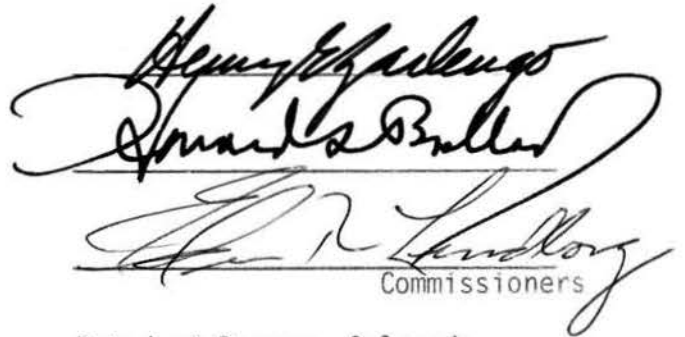
O R D E R

THE COMMISSION ORDERS:

That Petition for Reconsideration filed October 2, 1970  
by Applicant, 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 9th day of October, 1970.  
pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ACME DELIVERY SERVICE, INC., 842 )  
WALNUT STREET, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY AUTHORIZING EXTENSION )  
AND OPERATIONS UNDER PUC NO. 2479 )  
AND PUC NO. 2479-I. )  
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APPLICATION NO. 21484-Extension

SUPPLEMENTAL ORDER

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October 9, 1970  
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Appearances: R.B. Danks, Esq., Denver,  
Colorado, and  
Brian H. Goral, Esq., Denver,  
Colorado, for Applicant;  
Peter J. Crouse, Esq., Denver,  
Colorado, for Don Ward, Inc.;  
Edward T. Lyons, Jr., Esq.,  
Denver, Colorado, for Bethke  
Truck Lines, North Eastern  
Motor Freight, Inc., Weicker  
Transfer & Storage Co., United  
States Transfer & Storage Co.,  
Amick Transfer & Storage Co.,  
Package Delivery Service Co.,  
Mullis Transfer, Inc., Westway  
Motor Freight, Inc., Allen  
Transfer Co., Morgan Transfer &  
Storage Co., Inc., Hoffman Transfer  
Co., Murph's Express, Bulk Trans-  
porters, Inc., Colorado Cartage  
Company, Evergreen Freight Line;  
John P. Thompson, Esq., Denver,  
Colorado, for Denver-Climax  
Truck Line, Inc., Boulder-  
Denver Truck Line, Empire  
Delivery, Inc.;  
Robert D. Means, Esq., Denver,  
Colorado for K.P. Moving and  
Storage, and Englewood Transit;  
Robert L. Kessler, Esq., Denver,  
Colorado, for the Staff of the  
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application was filed by Acme Delivery Service, Inc., Applicant, on September 9, 1965, wherein authority was sought to extend operations under PUC No. 2479 and PUC No. 2479-I. On August 16, 1966, by Commission Decision No. 67982, the aforesaid authority was granted by the Commission.

Subsequently, the Commission Decision No. 67982 was appealed and the Supreme Court of the State of Colorado, in Case No. 23512, on March 10, 1969, reversed and set aside the Decision of the Commission. Accordingly, the Commission finds and concludes that the following Order should be entered cancelling said Commission Decision No. 67982.

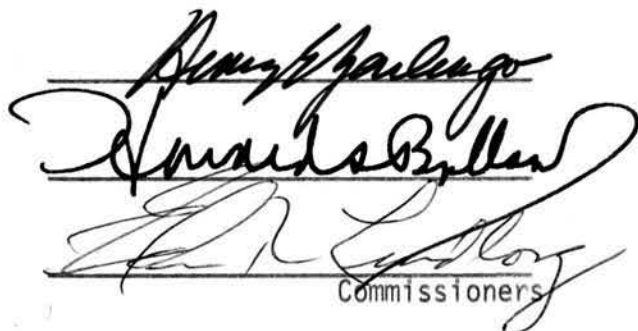
O R D E R

THE COMMISSION ORDERS:

That Commission Decision No. 67982 and the authority granted therein be, and hereby is, cancelled, set aside and held for naught.

That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,  
this 9th day of October, 1970.  
pvw



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: GYPSUM BOARD; PLASTER, CALCINED; )  
PLASTER, LAND; PLASTER, PATCHING, )  
STUCCO OR WALL; PLASTERBOARD JOINT )  
SYSTEMS; AND PLASTERBOARD JOINT OR )  
TOPPING CEMENT OR COMPOUND BETWEEN )  
POINTS WITHIN THE STATE OF COLORADO )  
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Investigation and Suspension  
Docket No. 665

-----  
October 9, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 10, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed Eleventh Revised Page No. 38 and Fourth Revised Page No. 42-C, to its Motor Freight Tariff No. 14, Colorado PUC No. 13\* (\*The Motor Truck Common Carriers' Association, Agent, Series), proposing increased and reduced rates and charges applicable to supra commodities, effective October 16, 1970, as set forth in Appendix "A" attached hereto.

The Commission is of the opinion and so finds that the proposed rates and charges may be in violation of the Public Utilities Law, and the schedules as set forth shall be suspended and an investigation entered into and concerning the lawfulness of the rates and charges contained therein.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement, Findings and Appendix "A", be, and the same are hereby, made a part hereof.
2. That it shall enter upon a hearing concerning the lawfulness of the rates and charges set forth in the schedules enumerated in the statement of this Order.

3. That the operation of said schedules be, and it is hereby, suspended and the use thereof deferred to and including February 13, 1971, unless otherwise ordered by the Commission.

4. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedules under the Public Utilities Law.

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

6. That a copy of this Order shall be filed with the schedules in the office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver, Colorado 80216, and that motor carriers affected by the schedule set forth herein are hereby made respondents in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the tariff referred to in the statement and findings hereof.

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. 665, be,

and the same is hereby, set for hearing before the Commission on the 6th day of January, 1971, 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

Dated at Denver, Colorado, this  
9th day of October, 1970. av

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
MOTOR FREIGHT TARIFF No. 14  
COLO. PUC No. 13\*

(\*THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, SERIES)

11TH REVISED PAGE No. 38, (SCHEDULED TO BECOME EFFECTIVE OCTOBER 16, 1970)

SECTION NO. 1

THE DISTANCE OR MILEAGE RATES PUBLISHED ON PAGES 42-A TO 42-C OF THIS SECTION WILL APPLY ON THE FOLLOWING COMMODITIES, AS INDICATED IN EACH ITEM:

ITEM No.	COMMODITY DESCRIPTION
245	<p><u>COLUMN F RATES WILL APPLY ON THE FOLLOWING:</u></p> <p>CEMENT, HYDRAULIC, PORTLAND OR NATURAL, IN BULK IN TANK VEHICLES, MINIMUM WEIGHT 45,000 POUNDS.</p>
246	<p><u>COLUMN G RATES WILL APPLY ON THE FOLLOWING:</u></p> <p>CEMENT, HYDRAULIC, PORTLAND OR NATURAL, IN BAGS.</p> <p>WHEN SHIPMENTS ARE PALLETIZED, THE WEIGHT OF THE PALLETS WILL NOT BE CONSIDERED IN ARRIVING AT THE FREIGHT CHARGES, AND THE RATES PUBLISHED HEREIN INCLUDE THEIR RETURN TO THE OWNER THEREOF WITHOUT ADDITIONAL CHARGE.</p> <p> <input checked="" type="checkbox"/> (R) GYPSUM BOARD (I)  <input checked="" type="checkbox"/> (R) PLASTER, CALCINED (I)  <input checked="" type="checkbox"/> (R) PLASTER, LAND (I)  <input checked="" type="checkbox"/> (R) PLASTER, PATCHING, STUCCO OR WALL (I)  <input checked="" type="checkbox"/> (R) PLASTERBOARD JOINT SYSTEMS (I)  <input checked="" type="checkbox"/> (R) PLASTERBOARD JOINT OR TOPPING CEMENT OR COMPOUND (I) </p> <p>(I) WILL NOT APPLY VIA BERTA BROS. TRANSPORTATION; GOLDSTEIN TRANSPORTATION AND STORAGE, INC.; LARSON TRANSPORTATION COMPANY; NORTH EASTERN MOTOR FREIGHT, INC.; RIO GRANDE MOTOR WAY, INC., OR WESTWAY MOTOR FREIGHT, INC.</p> <p>NOTE: WHEN SHIPMENT IS TRANSPORTED BY FREDERIC A. BETHKE, D/B/A BETHKE TRUCK LINES OR RED BALL MOTOR FREIGHT, INC., THE FOLLOWING RESTRICTION WILL APPLY: SUBJECT TO SHIPPER LOADING AND CONSIGNEE UNLOADING. THREE AND ONE-HALF HOURS' FREE LOADING TIME AND THREE AND ONE-HALF HOURS' FREE UNLOADING TIME WILL BE ALLOWED. ALL DELAY IN EXCESS OF THE FREE TIME ALLOWED WILL BE CHARGED FOR AT THE RATE OF \$5.50 PER HOUR OR FRACTION THEREOF.</p> <p>WHEN SHIPMENT IS TRANSPORTED BY WESTWAY MOTOR FREIGHT, INC., THE FOLLOWING WILL APPLY: ONE HOUR'S FREE LOADING TIME WILL BE ALLOWED AT POINT OF ORIGIN. ANY LOADING TIME IN EXCESS OF ONE HOUR WILL BE CHARGED FOR AT A RATE OF \$4.00 PER HOUR OR FRACTION THEREOF FOR ONE MAN AND TRUCK. ANY ADDITIONAL MEN REQUIRED IN PERFORMING EXPEDITED SERVICE AT THE REQUEST OF THE SHIPPER WILL BE CHARGED FOR AT \$2.00 PER HOUR PER MAN, BEGINNING AT THE TIME THE EXTRA MAN OR MEN REQUIRED ARRIVE AT THE PLACE OF LOADING.</p>

Decision No. 76044, I & S No. 665  
October 9, 1970

## APPENDIX "A"

4TH REVISED PAGE NO. 42-C

SECTION NO. 1 RATE SCALES			
THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON:			
CEMENT, IN BAGS AS DESCRIBED IN ITEM 246;			
✓(R) (I) GYPSUM BOARD; ✓(R) (I) PLASTER, CALCINED; ✓(R) (I) PLASTER, LAND; ✓(R) (I) PLASTER, PATCHING, STUCCO OR WALL; ✓(R) (I) PLASTERBOARD JOINT SYSTEMS OR ✓(R) (I) PLASTERBOARD JOINT OR TOPPING CEMENT OR COMPOUND, AS DESCRIBED IN ITEM 246.			
(I) WILL NOT APPLY VIA BERTA BROS. TRANSPORTATION; GOLDSTEIN TRANSPORTATION AND STORAGE, INC.; LARSON TRANSPORTATION COMPANY; NORTH EASTERN MOTOR FREIGHT, INC.; RIO GRANDE MOTOR WAY, INC., OR WESTWAY MOTOR FREIGHT, INC.			
DISTANCE - MILES	COLUMN G MINIMUM WEIGHT 45,000 POUNDS		
	#PLAINS SCALE	#DIFFERENTIAL SCALE	#MOUNTAIN SCALE
10 MILES AND UNDER	9	1	10
15 MILES AND OVER 10	10	1	11
20 MILES AND OVER 15	11	1	12
25 MILES AND OVER 20	12	1	13
30 MILES AND OVER 25	13	1	14
35 MILES AND OVER 30	14	2	16
40 MILES AND OVER 35	15	2	17
45 MILES AND OVER 40	16	2	18
50 MILES AND OVER 45	17	2	19
55 MILES AND OVER 50	18	2	20
60 MILES AND OVER 55	19	3	22
65 MILES AND OVER 60	20	3	23
70 MILES AND OVER 65	21	3	24
75 MILES AND OVER 70	22	3	25
80 MILES AND OVER 75	22½	3	25½
85 MILES AND OVER 80	23	4	27
90 MILES AND OVER 85	23½	4	27½
95 MILES AND OVER 90	24	4	28
100 MILES AND OVER 95	25	4	29
105 MILES AND OVER 100	26	4	30
110 MILES AND OVER 105	27	5	32
115 MILES AND OVER 110	28	5	33
120 MILES AND OVER 115	29	5	34
125 MILES AND OVER 120	30	5	35
130 MILES AND OVER 125	31	5	36
135 MILES AND OVER 130	31½	6	37½
140 MILES AND OVER 135	32	6	38
145 MILES AND OVER 140	32½	6	38½
150 MILES AND OVER 145	33	6	39
160 MILES AND OVER 150	34	6	40
170 MILES AND OVER 160	35	7	42
180 MILES AND OVER 170	36	7	43
190 MILES AND OVER 180	37	7	44
200 MILES AND OVER 190	38	7	45
210 MILES AND OVER 200	39	7	46
220 MILES AND OVER 210	40	8	48
230 MILES AND OVER 220	41	8	49
240 MILES AND OVER 230	42	8	50
250 MILES AND OVER 240	43	8	51
260 MILES AND OVER 250	44	8	52
270 MILES AND OVER 260	45	9	54
280 MILES AND OVER 270	46	9	55
290 MILES AND OVER 280	47	9	56
300 MILES AND OVER 290	48	9	57
310 MILES AND OVER 300	49	9	58
320 MILES AND OVER 310	50	10	60
330 MILES AND OVER 320	51	10	61
340 MILES AND OVER 330	52	10	62
350 MILES AND OVER 340	53	10	63
#FOR EXPLANATION OF PLAINS, MOUNTAIN OR DIFFERENTIAL SCALES, SEE ITEM NO. 110.			
FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 23.			

Decision No. 76044, I & S No. 665  
October 9, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HANS WEIBEL AND HAROLD K. )  
FRANZGEN, DOING BUSINESS AS "VAIL )  
JEEP GUIDES, BOX 654, VAIL, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY PUC NO. 7321 TO HANS )  
WEIBEL, DOING BUSINESS AS "VAIL )  
JEEP GUIDES," BOX 654, VAIL, )  
COLORADO. )  
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APPLICATION NO. 24416-Transfer

ORDER OF THE COMMISSION

-----  
October 14, 1970  
-----

Appearances: Stewart H. Brown, Esq., Vail,  
Colorado, for Applicants.

It appearing, That by Order of the Commission dated June 24, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information

or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Hans Weibel and Harold K. Franzgen, doing business as "Vail Jeep Guides," Box 654, Vail, Colorado, be, and are hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7321 to Hans Weibel, doing business as "Vail Jeep Guides," Box 654, Vail, 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. 7321 shall read and be as follows, to wit:

"Transportation -- in sightseeing service -- of  
Passengers

Between Vail, Colorado, on the one hand and points within a twenty (20) mile radius thereof, on the other hand.



RESTRICTION: This Certificate is restricted as follows:

- (1) Restricted to the use of four-wheel drive jeep-type equipment not to exceed six passengers including the driver.
- (2) Restricted against the rendering of any service along a certain jeep road which has its beginning at the intersection of Sandstone Road and Piney Creek and ends at Piney Lake."

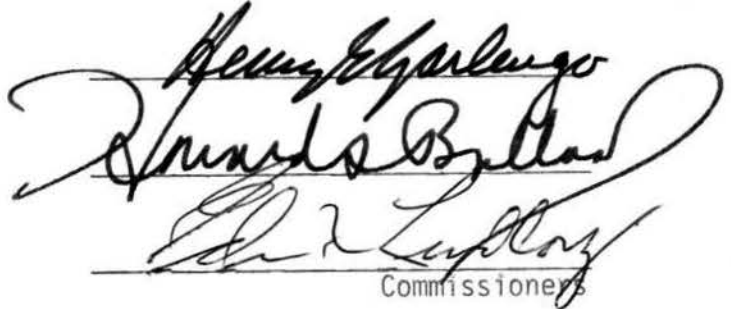
That said transfer shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

That the right of Transferee to operate under this Order shall be dependent upon 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 Certificate up to the time of transfer of said Certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 14th day of October, 1970.  
js

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF JASPER ABEYTA, BOX 674, 584 )	
SUTLEY STREET, CENTER, COLORADO, )	APPLICATION NO. 24526-PP-Transfer
FOR AUTHORITY TO TRANSFER PERMIT )	
NO. B-6878 TO JERRY ABEYTA, BOX )	ORDER OF THE COMMISSION
674, 584 SUTLEY STREET, CENTER, )	
COLORADO. )	
-----	

-----  
October 14, 1970  
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Appearances: Jasper Abeyta, Center, Colorado,  
pro se.  
Jerry Abeyta, Center, Colorado,  
pro se.

It appearing, That by Order of the Commission dated September 2, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Jasper Abeyta, Box 674, 584 Sutley Street, Center, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-6878 to Jerry Abeyta, Box 674, 584 Sutley Street, Center, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Contract Carrier Permit No. B-6878 shall read and be as follows, to wit:

"Transportation of

Potatoes, hay, and vegetables

Between all points within a fifty (50) mile radius of Center, Colorado.

RESTRICTION: This Permit is restricted to serving not more than ten (10) customers at any one time."

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

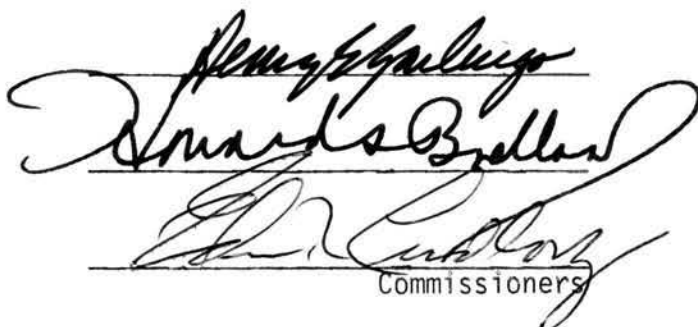
conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without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

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

That the right of Transferee to operate under this Order shall be dependent upon 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,  
this 14 th day of October, 1970.

js

(Decision No. 76047)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
JACK N. MURPHY AND DARLENE MURPHY,	)	APPLICATION NO. 24529-PP-Extension-TA
686 WESTCLIFFE, GRAND JUNCTION,	)	
COLORADO FOR AUTHORITY TO EXTEND	)	<u>SUPPLEMENTAL ORDER</u>
OPERATIONS UNDER PERMIT NO. B-6370 & I.)	)	
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-----  
October 9, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 28, 1970, the above-entitled application was filed with the Commission in which Applicants sought temporary authority to extend operations under Permit No. B-6370 & I. On September 17, 1970, by Decision No. 75866, the Commission denied the temporary authority.

On October 2, 1970, Applicants by their attorneys, Stockton and Lewis, filed a Petition for Reconsideration to the Commission's Order in Decision No. 75866.

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


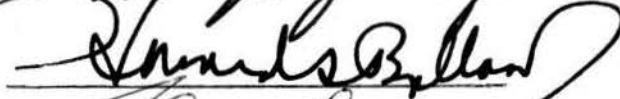
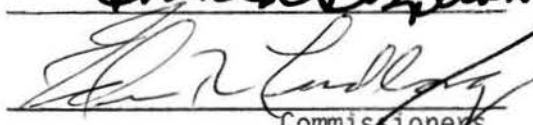
O R D E R

THE COMMISSION ORDERS:

That Petition for Reconsideration filed October 2, 1970 by Applicants, 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 9th day of October, 1970.  
pvw



(Decision No. 76048)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

HOME BUILDERS ASSOCIATION OF  
METROPOLITAN DENVER, WESTERN  
FEDERAL SAVINGS BUILDING,  
DENVER, COLORADO,

Complainant,

vs.

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

Respondent.

CASE NO. 5430

SUPPLEMENTAL ORDER

-----  
October 9, 1970  
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Appearances: Thomas T. Grimshaw, Esq., and  
Brooke Wunnicke, Esq., Denver,  
Colorado, for the Complainant;  
Donald D. Cawelti, Esq., Denver,  
Colorado, for the Respondent;  
Girts Krumins, Esq., Denver,  
Colorado, for the Staff of  
the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 9, 1970, the Recommended Decision and Order of Commissioner Howard S. Bjelland was duly entered. The last day for filing Exceptions was September 29, 1970. On September 29, 1970, Complainant Home Builders Association of Metropolitan Denver, by and through its attorneys, filed a pleading entitled "Application for Reconsideration and Rehearing." Since the said pleading was filed within the time allowed for Exceptions to the Commissioner's Recommended Decision and before the time the Recommended Decision became the Decision of the Commission subject to petition for rehearing, reconsideration or reargument, the Commission has determined to treat the pleading entitled "Application for Reconsideration and Rehearing"

by Complainant as Exceptions to Commissioner's Recommended Decision. No transcript has been filed with the Commission, so the provisions of 1963 CRS 115-6-13, as amended, are applicable. After careful consideration of the matter, the Commission finds that the said Exceptions should be denied and the Commissioner's Recommended Decision should be adopted as the Decision of the Commission without modification. It of course follows that the provisions of 1963 CRS 115-6-14, as amended, now apply to this Decision.

O R D E R

THE COMMISSION ORDERS:

1. That Exceptions to the Recommended Decision of Commissioner Howard S. Bjelland, it being Decision No. 75828, contained in the pleading entitled "Application for Reconsideration and Rehearing," and filed on September 29, 1970, be, and hereby are, denied.
2. That said Decision No. 75828 be, and hereby is, adopted as the Decision of the Commission.
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,  
this 9th day of October, 1970.  
pvw

(Decision No. 76049)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE CARRIER OPERATIONS )  
BY RESPONDENT, BAZZEL TIPPS, P. O. )  
BOX 733, RANGELY, COLORADO 81648 )  
UNDER PERMIT NO. B-3891 )  
-----

CASE NO. 107-AR

-----  
October 9, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 9, 1970, the Commission entered Decision No. 75823, in the above-entitled case, which provided as follows, to wit:

That the motor vehicle operating authority of Respondent, Bazzel Tipps, being Permit No. B-3891, be, and the same hereby is, revoked and cancelled as of October 9, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Fifty (\$50.00) Dollars to the Treasurer of the State of Colorado, on or before October 9, 1970, to be deposited to the Public Utilities Commission Motor Carrier Fund No. 4-4318, under and pursuant to the Public Utilities Act, and, in addition, file its 1969 Annual Report with this Commission on or before October 9, 1970.

Inasmuch as the Respondent, Bazzel Tipps, has filed his Annual Report and has elected to, and has paid, the sum of Fifty (\$50.00) Dollars on or before October 9, 1970, as provided in Decision No. 75823, the Commission states and finds that Permit No. B-3891 should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75823, dated September 9, 1970, providing

for the revocation and cancellation of Permit No. B-3891, 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  
9th day of October, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DELTA-MONTROSE RURAL POWER LINES )	
ASSOCIATION, DELTA, COLORADO, FOR )	
A CERTIFICATE OF PUBLIC CONVENIENCE )	APPLICATION NO. 18619
AND NECESSITY FOR TERRITORY LOCATED )	
IN DELTA, MONTROSE, SAN MIGUEL, OURAY, )	SUPPLEMENTAL ORDER
HINSDALE, AND GUNNISON COUNTIES, IN )	AND
THE STATE OF COLORADO. )	NOTICE OF HEARING
-----	

-----  
October 9, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 24, 1962, the Commission entered its Decision No. 58643 in the above-styled application, therein setting forth descriptions of certain areas of service in the Appendix as a part of said Order. On July 12, 1962, the Commission entered its Decision No. 58921 amending Decision No. 58643. Said Decisions were subsequently appealed.

On September 9, 1970, Delta-Montrose Rural Power Lines Association, by and through its attorneys, filed its Petition To Reopen And To Reissue Certificate.

On September 25, 1970, Western Colorado Power Company, by and through its attorneys, filed a Special Appearance And Motion To Dismiss.

On October 8, 1970, Western Colorado Power Company, by and through its attorneys, filed a Withdrawal of Special Appearance And Motion To Dismiss; a Petition to Implement Supreme Court Decision; and a Protest, Motion To Intervene and Motion To Dismiss.

The Commission states and finds that the petition of Delta-Montrose Power Lines Association, the petition of Western Colorado Power Company, and the Protest, Motion to Intervene and Motion to Dismiss by Western Colorado Power Company, should be set for oral argument as set forth in the Order following; that the Withdrawal Of Special Appearance And Motion To Dismiss should be granted and that any further motions that may be filed in this matter on or before October 19, 1970, should be heard on oral argument as hereinafter set forth.

O R D E R

THE COMMISSION ORDERS:

That the Petition To Reopen And To Reissue Certificate filed on September 9, 1970 by Delta-Montrose Rural Power Lines Association, and the Petition to Implement Supreme Court Decision and Protest, Motion To Intervene and Motion to Dismiss, filed on October 8, 1970 by Western Colorado Power Company, be, and hereby are, set for oral argument before the Commission at 2:00 o'clock p.m. on October 21, 1970 in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado, at which time and place any further questions in this matter that may be filed on or before October 19, 1970 shall also be heard.

That 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 9th day of October, 1970.

pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RONNIE HOLSTINE, MARCUS HOLSTINE, )	
W. H. HOLSTINE, AND BYRON W. )	
HOLSTINE, DOING BUSINESS AS "W. H. )	APPLICATION NO. 24569-PP-Extension-TA
HOLSTINE & SONS," BOX 35, KIRK, )	<u>ORDER GRANTING TEMPORARY AUTHORITY</u>
COLORADO, FOR TEMPORARY AUTHORITY )	
TO EXTEND OPERATIONS UNDER CONTRACT )	
CARRIER PERMIT NO. B-6213. )	
-----	

-----  
October 13, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That Applicants be, and are hereby, granted temporary authority, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicants have received notice in writing from the Commission that compliance has been effected and service may be instituted.

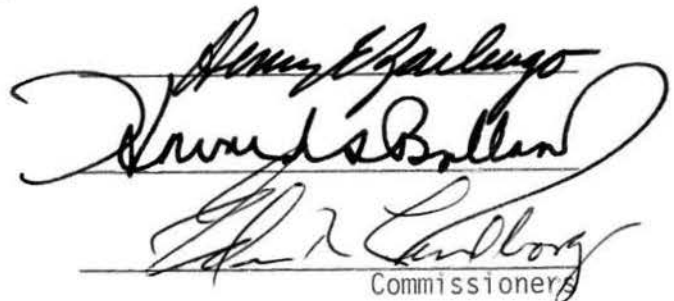
It is further ordered, That upon the authority herein granted becoming effective, failure of the Applicants to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.



It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



The image shows three handwritten signatures in cursive script, stacked vertically. The signatures are written over horizontal lines. The bottom signature is followed by the word "Commissioners" printed in a serif font.

Commissioners

Dated at Denver, Colorado,  
this 13th day of September, 1970.

pvw

APPENDIX

Application No. 24569-PP-Extension-TA

Ronnie Holstine, Marcus Holstine, W. H. Holstine, and Byron W. Holstine,  
Doing Business As  
"W. H. Holstine & Sons"  
Box 35  
Kirk, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicants, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, are authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicants becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to extend operations under Contract Carrier Permit No. B-6213, with authority as follows:

"Transportation of

- (1) Bulk fertilizer and fertilizer ingredients (including fertilizer slurry)

From the Farmland Industries plant site located at Denver, Colorado, to all points within the State of Colorado.

- (2) Liquid slurry

From the Shell Chemical plant located on the Rocky Mountain Arsenal, to Farmland Industries plant site, Denver, Colorado.

RESTRICTION: Item Nos. 1 and 2 of this Permit are restricted to rendering service for only the Farmland Industries, Denver, Colorado.

- (3) 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 two hundred (200) miles of said pits and supply points;

(4) 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 two hundred (200) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of two hundred (200) miles of said jobs;

(6) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of two hundred (200) miles of said pits and supply points;

RESTRICTION: Item Nos. 3, 4, 5, and 6 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RONALD F. PAPI, 3284 SOUTH DELAWARE )	
STREET, ENGLEWOOD, COLORADO, FOR )	APPLICATION NO. 24571-PP
AUTHORITY TO OPERATE AS A CLASS )	
"B" CONTRACT CARRIER BY MOTOR )	ORDER OF THE COMMISSION
VEHICLE. )	
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-----  
October 13, 1970  
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Appearances: Ronald F. Papi, Englewood,  
Colorado, pro se.

It appearing, That by Order of the Commission dated September 30, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Ronald F. Papi, 3284 South Delaware Street, Englewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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 as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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

  
  
  
Commissioner

Dated at Denver, Colorado,  
this 13th day of September, 1970.

pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GERALD ECKLEY, DOING BUSINESS AS )  
"ECKLEY TRUCKING AND LEASING," P. O. )  
BOX 156, MEAD, NEBRASKA, FOR AUTHORITY )  
TO TRANSFER INTERSTATE OPERATING )  
RIGHTS TO ECKLEY TRUCKING AND LEASING, )  
INC., P. O. BOX 156, MEAD, NEBRASKA. )  
-----

PUC NO. 5579-I - Transfer

-----  
October 13, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Gerald Eckley, doing business as "Eckley Trucking and Leasing," Mead, Nebraska, was granted a certificate of public convenience and necessity, being PUC No. 5579-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. 5579-I to Eckley Trucking and Leasing, Inc., Mead, Nebraska.

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



O R D E R

THE COMMISSION ORDERS:

That Gerald Eckley, doing business as "Eckley Trucking and Leasing," Mead, Nebraska, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 5579-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Eckley Trucking and Leasing, Inc., Mead, Nebraska, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 13th day of October, 1970.

pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GERALD ECKLEY, DOING BUSINESS AS )  
"ECKLEY TRUCKING AND LEASING," P. O. )  
BOX 156, MEAD, NEBRASKA, FOR AUTHORITY ) PERMIT NO. B-7247-I - Transfer  
TO TRANSFER INTERSTATE OPERATING )  
RIGHTS TO ECKLEY TRUCKING AND LEASING )  
INC., P. O. BOX 156, MEAD, NEBRASKA. )  
-----

-----  
October 13, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Gerald Eckley, doing business as "Eckley Trucking and Leasing," Mead, Nebraska, was granted a permit to operate as a contract carrier by motor vehicle for hire (Permit No. B-7247-I);

Authority to use equipment in the State of Colorado as a Contract 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 permit-holder now seeks authority to transfer said Permit No. B-7247-I to Eckley Trucking and Leasing, Inc., Mead, Nebraska.

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

O R D E R

THE COMMISSION ORDERS:

That Gerald Eckley, doing business as "Eckley Trucking and Leasing," Mead, Nebraska, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-7247-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Eckley Trucking and Leasing, Inc., Mead, Nebraska, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to encumbrances, if any, against said permit approved by this Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 13th day of October, 1970.  
pvw

(Decision No. 76055)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
JAMES H. WILLIAMS, BOX 111, DELTA, )  
COLORADO. )  
-----

PERMIT NO. B-7333  
SUPPLEMENTAL ORDER

-----  
October 13, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 30, 1970, the Commission entered Decision No. 75981 authorizing suspension of Permit No. B-7333 from August 1, 1970, to and including February 1, 1971.

It now appears that this Order was entered in error and that Permit No. B-7333 should not have been suspended.

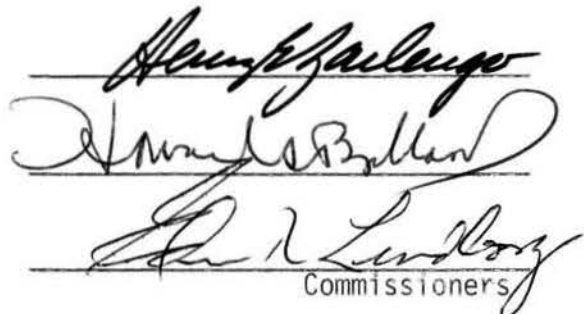
In view of the above and foregoing the Commission states and finds that Decision No. 75981 should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75981, dated September 30, 1970, be, and the same hereby is, vacated, set aside and held for naught, nunc pro tunc, as of said 30th day of September.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 13th day of October, 1970.

pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LELAND MAX BERRINGER, 707 1/2 MARTIN, )	
BURLINGTON, COLORADO, FOR TEMPORARY )	APPLICATION NO. 24560-PP-TA
AUTHORITY TO OPERATE AS A CLASS "A" )	<u>ORDER GRANTING TEMPORARY AUTHORITY</u>
CONTRACT CARRIER BY MOTOR VEHICLE. )	
-----	

-----  
October 13, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (1),  
being under consideration and

It appearing, That there is an immediate and urgent need for  
the motor carrier service described in the appendix attached hereto,  
and that there is no carrier service available capable of meeting such  
need.

It is ordered, That Applicant be, and is hereby, granted  
temporary authority, conditioned upon full compliance with all  
applicable statutory and Commission requirements, rules and regulations,  
to engage in the business of transportation by motor vehicle to the extent  
and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this  
order shall not be commenced until all requirements have been met and  
Applicant has received notice in writing from the Commission that  
compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted  
becoming effective, failure of the Applicant to maintain compliance  
with statutory and Commission requirements shall constitute sufficient  
grounds for suspension, change or revocation of the said authority.

It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
13th day of September, 1970.

pvw

(Decision No. 76056)  
October 13, 1970

APPENDIX

Application No. 24560-PP-TA

Leland Max Berringer  
707 1/2 Martin  
Burlington, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a class "A" contract carrier by motor vehicle with authority as follows:

"Transportation of

Newspapers

Between Denver, Colorado, and Burlington, Colorado, over Interstate Highway No. 70 and U.S. Highway No. 24 serving the following named intermediate points: Deertrail, Colorado; Limon, Colorado; Genoa, Colorado; Arriba, Colorado; Flagler, Colorado; Seibert, Colorado; Vona, Colorado; Stratton, Colorado; Bethune, Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only The Rocky Mountain News."



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DEAN H. HILL, 5250 W. 53RD AVENUE )  
#60, ARVADA, COLORADO, FOR TEMPORARY )  
APPROVAL TO TRANSFER CONTRACT CARRIER ) APPLICATION NO. 24568-PP-Transfer-TA  
PERMIT NO. B-7183 TO JAMES MADRID, ) ORDER GRANTING TEMPORARY APPROVAL  
981 ELBERT STREET, DENVER, COLORADO. )  
-----

-----  
October 13, 1970  
-----

The above-entitled application under CRS 1963, 115-6-20 (2),  
being under consideration, and

It appearing, That appropriate application has been made to  
this Commission for permanent authority to transfer Permit No. B-7183  
to the above-named Transferee.

It further appearing, That failure to grant temporary approval  
may result in destruction of, or injury to, the Applicants or interfere  
substantially with their future usefulness in the performance of adequate  
and continuous service to the public.

It is ordered, That Transferee be, and is hereby, granted  
temporary approval, conditioned upon full compliance with all appli-  
cable statutory and Commission requirements, rules and regulations,  
to engage in the business of transportation by motor vehicle to the  
extent and in the manner set forth in the appendix attached hereto.

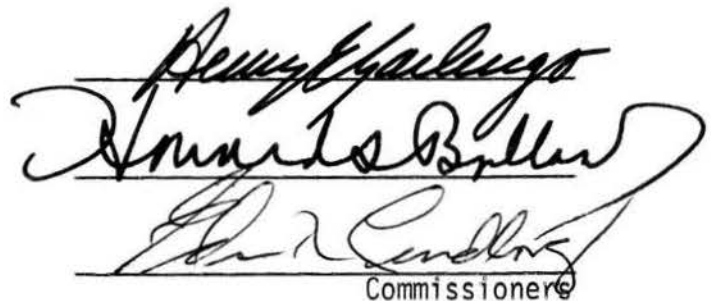
It is further ordered, That the service provided for in  
the Order shall not be commenced until all requirements have been  
met and Transferee has received notice in writing from the Commission  
that compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferee to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

It is further ordered, That if Transferee fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this Order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this  
13th day of October, 1970.

pvw

APPENDIX

Application No. 24568-PP-Transfer-TA

James Madrid  
981 Elbert Street  
Denver, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 165 days or until

such time as the decision of the Commission on the corresponding permanent application of the Applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary approval to operate under Contract Carrier Permit No. B-7183 with authority as follows:

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (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 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.

(5) Natural fertilizer

From pits and supply points in the State of Colorado to points and places within a radius of one hundred (100) miles of said pits and supply points.

(6) Clay

From pits and supply points in the State of Colorado to points and places within a radius of one hundred (100) miles of said pits and supply points.

RESTRICTION: This temporary approval is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials;
- (b) To serving not more than ten (10) customers at any one time."

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BURTON J. THOMPSON, DOING BUSINESS AS )  
"THOMPSON TRUCK LINE," 313 SOUTH FIRST, )  
OSBORNE, KANSAS, FOR AUTHORITY TO )  
TRANSFER INTERSTATE OPERATING RIGHTS TO )  
THOMPSON TRUCK LINE, INC., 313 SOUTH )  
FIRST, OSBORNE, KANSAS. )  
-----

PUC NO. 2257-I - Transfer

-----  
October 13, 1970  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Burton J. Thompson, doing business as "Thompson Truck Line," Osborne, Kansas, was granted a certificate of public convenience and necessity, being PUC No. 2257-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. 2257-I to Thompson Truck Line, Inc., Osborne, Kansas.

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

O R D E R

THE COMMISSION ORDERS:

That Burton J. Thompson, doing business as "Thompson Truck

Line," Osborne, Kansas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 2257-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Thompson Truck Line, Inc., Osborne, Kansas, 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 13th day of October, 1970.  
pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION)  
OF HAROLD S. McCLUNG AND BERNARD)  
SORENSEN, DOING BUSINESS AS )  
"McCLUNG & SORENSEN TRUCKING," )  
BIG SPRINGS, NEBRASKA, FOR )  
AUTHORITY TO OPERATE AS A CLASS )  
"B" CONTRACT CARRIER BY MOTOR )  
VEHICLE. )  
-----

APPLICATION NO. 24520-PP

ORDER OF THE COMMISSION

-----  
October 13, 1970  
-----

Appearances: Joseph F. Nigro, Esq., Denver,  
Colorado, for Applicants

It appearing, That by Order of the Commission dated  
September 2, 1970, notice of the filing of the above-entitled  
application was given to all interested persons, firms and  
corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or  
petition to intervene or otherwise participate in the proceeding  
has been filed by any person within the time prescribed by the  
Commission in said Order, and that the herein proceeding is  
therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963,  
115-6-9 (5) the herein matter is one which may properly be determined  
without the necessity of a formal oral hearing and that the taking  
of evidence in this proceeding should be by reference to the verified  
application as filed with the Commission together with such additional  
information or data as may have been required of Applicants in con-  
nection with said filing, and the files and records of the Commission;



And it further appearing, That the evidence thus submitted  
amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for  
Applicants' transportation services as hereinafter ordered;

We further find, That it does not appear that the grant  
of authority as hereinafter ordered will impair the efficient public  
service of any authorized common carrier adequately serving the  
same territory over the same general route or routes;

And we further find, That Applicants are fit, willing  
and able properly to perform the service as hereinafter granted  
and to conform to the applicable statutory requirements and the  
Commission's rules and regulations thereunder, and that an  
appropriate Order should be entered; and

IT IS ORDERED, That Harold S. McClung and Bernard  
Sorensen, doing business as "McClung & Sorensen Trucking,"  
Big Springs, Nebraska, be, and are hereby, authorized to  
operate as a class "B" contract carrier by motor vehicle for hire  
for the following:

"Transportation of

Sugar beets

Between all points within an area comprised of  
Phillips, Sedgwick, and Logan Counties, State  
of Colorado.

RESTRICTION: This Permit is restricted to service  
for only the Great Western United Sugar Company,  
Denver, Colorado."

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


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

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

That the right of Applicants to operate hereunder shall depend upon 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  
13th day of October, 1970.

pvw

(Decision No. 76060)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

DECKER TRASH DISPOSAL CORP. NO. 2, )  
BRITE'N RUBBISH SERVICE, INC., )  
BESTWAY DISPOSAL, WHEAT RIDGE )  
DISPOSAL SERVICE, AND FREDDIES )  
RUBBISH REMOVAL, )

Complainants, )

vs. )

D. R. HART RUBBISH REMOVAL, )  
6041 TICHY BOULEVARD )  
COMMERCE CITY, COLORADO, )

Respondent. )  
-----

CASE NO. 5424

EXTENSION OF TIME FOR  
FILING EXCEPTIONS

-----  
October 14, 1970  
-----

Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Complainants;  
Bailey Belfor, Esq., Denver,  
Colorado, for Respondent;  
Dalton O. Ford, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 15, 1970, Recommended Decision of Robert L. Pyle, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On October 5, 1970, Respondent D.R. Hart Rubbish Removal, by its attorney Francis R. Salazar, has filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decision of the Examiner until and including October 29, 1970.

The Commission states and finds that said request is 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 Respondent, D.R. Hart Rubbish Removal, be, and hereby is, granted an extension of time within which to file exceptions to the Recommended Decision of the Examiner until and including October 29, 1970.

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 14th day of October, 1970.

pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANKLIN ROY PAYNE, DOING BUSINESS )  
AS "PAYNE TRUCKING," BOX 231, )  
AGUILAR, COLORADO, FOR AUTHORITY )  
TO OPERATE AS A CLASS "B" CONTRACT )  
CARRIER BY MOTOR VEHICLE. )  
-----

APPLICATION NO. 24576-PP

ORDER OF THE COMMISSION

-----  
October 13, 1970  
-----

Appearances: Franklin Roy Payne, Aguilar,  
Colorado, pro se.

It appearing, That by Order of the Commission dated September 30, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Franklin Roy Payne, doing business as "Payne Trucking," Box 231, Aguilar, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time."

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 as deemed advisable.

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

That the right of Applicant to operate hereunder shall depend upon 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 13th day of October, 1970.

pvw



(Decision No. 76062)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS INMAN, P. O. BOX 7608, TULSA, )  
OKLAHOMA, FOR AUTHORITY TO TRANSFER ) PUC NO. 5146-I - Transfer  
INTERSTATE OPERATING RIGHTS TO TOM )  
INMAN TRUCKING, INC., P. O. BOX )  
7608, TULSA, OKLAHOMA. )  
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-----  
October 14, 1970  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Thomas Inman, Tulsa, Oklahoma, was granted a certificate of public convenience and necessity, being PUC No. 5146-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. 5146-I to Tom Inman Trucking, Inc., Tulsa, Oklahoma.

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

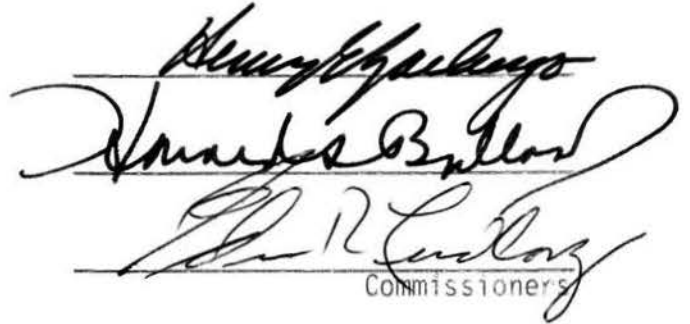
THE COMMISSION ORDERS:

That Thomas Inman, Tulsa, Oklahoma, be, and hereby is, authorized to transfer all right, title and interest in and to

PUC No. 5146-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Tom Inman Trucking, Inc., Tulsa, Oklahoma, 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 14th day of October, 1970.  
pvw

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LENN G. KASDORF AND KENNETH ESPY, )  
DOING BUSINESS AS "OLYMPIC WING & )  
ROTOR," BOX LL, STEAMBOAT SPRINGS, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
HELICOPTER. )  
-----

APPLICATION NO. 24094

SUPPLEMENTAL ORDER

-----  
October 14, 1970  
-----

Appearances: James C. Perrill, Esq.,  
Denver, Colorado, for  
Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 22, 1970, Recommended Decision No. 75916 was entered in the above-captioned proceeding by Christian O. Igenbergs, Examiner. On September 30, 1970, the Applicant filed Exceptions to the said Recommended Decision.

After careful reconsideration of the matter, the Commission finds that the Exceptions should be granted and the following Order entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Exceptions to Decision No. 75916, it being the Recommended Decision of Christian O. Igenbergs, filed by Applicant on September 30, 1970, be, and hereby are, granted.
2. The Restriction contained in the first full paragraph of the Order portion of said Decision No. 75916 be, and hereby is, amended, to read as follows, to-wit:

"RESTRICTION:

This Certificate is restricted to a base of operations at Steamboat Springs, Colorado, and offices for the purpose of solicitation and development of business at Steamboat Springs, Colorado, or airports within a ten (10) mile radius thereof, and Hayden Airport, located approximately five (5) miles south of Hayden, Colorado."

3. The Recommended Decision and Order No. 75916 of Examiner Christian O. Igenbergs be, and hereby is, adopted as the Order of this Commission with the corrections and modifications as above set forth.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 14th day of October, 1970.

pvw

(Decision No. 76064)

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 EXTENSION OF OPERATIONS UNDER )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY PUC NO. 149. )  
-----

APPLICATION NO. 23589-Amended-  
Extension, Clarification, and  
Redescription

DECISION AND ORDER OF THE COMMISSION OVERRULING  
AND DENYING EXCEPTIONS TO RECOMMENDED DECISION  
(NO. 75816) AND ADOPTING SAID RECOMMENDED DECISION  
AS THE DECISION AND ORDER OF THE COMMISSION.

-----  
October 14, 1970  
-----

Appearances: Warren D. Braucher, Esq.,  
Wheat Ridge, Colorado,  
for Applicant.  
Joseph F. Nigro, Esq.,  
Denver, Colorado, for  
Denver-Climax Truck Line, Inc.,  
Protestant.  
John H. Lewis, Esq.,  
Denver, Colorado, for  
Ephraim Freightways, Inc.,  
Protestant.  
William Andrew Wilson, Esq.,  
Denver, Colorado, for  
Arvada Rubbish Removal Co.;  
Englewood-Littleton-Arapahoe  
Rubbish Removal, Inc.;  
Mtn. View Rubbish Removal Co.;  
Wheatridge Disposal Service;  
Decker Trash Disposal Corp. No. 2;  
Best-Way Disposal;  
Metropolitan Trash, Inc.;  
B & W Disposal Serv.;  
Aurora Ash & Trash Co.;  
Aurora F & S Sanitary Carriers;  
Robert A. Grove;  
Broomfield Rubbish Removal;  
D.R. Hart;  
Lakewood Disposal Co.;  
"Van" ish Rubbish Removal;  
Decker Disposal, Inc.;  
A & F Trash Disposal;

Alex Gerlach;  
 Commerce Refuse Disposal, Inc.;  
 Brite'n Best Rubbish Service;  
 A & A Hauling Service;  
 A & B Rubbish Removal;  
 Arrow Rubbish Removal;  
 Brandt Disposal;  
 Capital City Disposal;  
 Ginther Rubbish Removal;  
 Strassheim Rubbish Removal;  
 Ash & Trash Disposal; and  
 Freddie's Rubbish Removal,  
 Protestants.

Peter J. Crouse, Esq.,  
 Denver, Colorado, for  
 Don Ward, Inc., Protestant.

Leslie R. Kehl, Esq.,  
 Denver, Colorado, for  
 Westway Motor Freight, Inc.;  
 Goldstein Transportation & Storage, Inc.;  
 Red Ball Motor Freight, Inc.; and  
 C.B. Johnson, Inc., Protestants.

Joseph F. Nigro, Esq.,  
 Denver, Colorado, for  
 Acme Delivery Service, Inc.;  
 Amick Transfer & Storage Co.;  
 Bekins Van & Storage Co.;  
 Bonanza Moving & Storage Co.;  
 Buehler Transfer;  
 Colorado Cartage Company, Inc.;  
 Colo-Denver Warehouse & Delivery Co.;  
 Denver Moving & Storage;  
 Duffy Storage & Moving;  
 Gulf Atlantic Warehouse Co.;  
 Hoffman Transfer;  
 Imperial Warehouse Company;  
 Johnson Storage & Moving;  
 Kamp Moving & Storage Co.;  
 Merchants Transfer & Storage Co., Inc.;  
 Murph's Express;  
 Package Delivery Service;  
 Rocky Mountain Warehouse Corp.;  
 Service Transfer;  
 Thomas & Son Transfer;  
 United States Transfer & Storage Co.;  
 Weicker Transfer & Storage Co.;  
 Young Brothers Storage & Transfer;  
 Cowen Transfer & Storage;  
 Dalby Transfer & Storage; and  
 Ford Van Lines, Protestants.

R. Franklin McKelvy, Esq.,  
 Durango, Colorado, for  
 Board of County Commissioners  
 of La Plata County, Intervenor  
 as interests might appear.

Anna Gasperetti, doing business as  
 "Tri-C Transfer & Storage,"  
 Walsenburg, Colorado, for  
 copy of Order only.

Lloyd C. Espinosa,  
 Denver, Colorado, of the  
 Staff of the Commission.

### PROCEDURE AND RECORD

On September 4, 1970, Recommended Decision No. 75816 was submitted by Robert L. Pyle, Examiner. On September 24, 1970, Protestants -- Denver-Climax Truck Line, Inc., and Ephraim Freightways, Inc. -- filed Exceptions to the Examiner's Recommended Decision.

The Protestants have not ordered or filed a transcript with the Commission. 1963 CRS, 115-6-13 (4), reads as follows:

"(4) It shall not be necessary for a party to cause a transcript to be filed as herein provided in any case where the party does not seek to amend, modify, annul, or reverse basic findings of fact which shall be set forth in the recommended decision of a commissioner or examiner, or in the decision of the commission. If such transcript is not filed pursuant to the provisions hereof for consideration with the party's first pleading, it shall be conclusively presumed that the basic findings of fact, as distinguished from the conclusions and reasons therefor and the order or requirements thereon, are complete and accurate."

Applying such statutory provision, it must be presumed that the basic findings of fact of the Hearing Examiner are complete and accurate.

The Commission has now reconsidered this matter and has determined that the exceptions filed herein by the said Protestants should be overruled and denied and the Recommended Decision (No. 75816) of Hearing Examiner Robert L. Pyle should be adopted as the Decision and Order of the Commission.

### O R D E R

#### THE COMMISSION ORDERS:

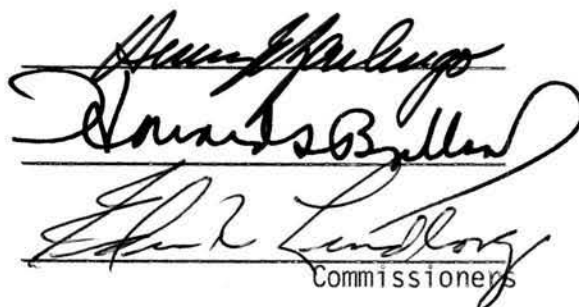
1. That the Exceptions of the Protestants -- Denver-Climax Truck Line, Inc., and Ephraim Freightways, Inc. -- be, and hereby are, overruled and denied.



2. That the Recommended Decision and Order of Examiner Robert L. Pyle, being Decision No. 75816, dated September 4, 1970, be, and hereby is, affirmed and adopted as the Decision and Order of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 14th day of October, 1970.  
pvw