

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ANDREW BOSMAN, CLARENCE BOSMAN,)
CHARLES A. BOSMAN, WILLIAM)
BUIKEMA AND ANDREW BOSMAN, JR.,)
DOING BUSINESS AS "BEST-WAY)
DISPOSAL," 2519 WEST 11TH AVE-)
NUE, DENVER, COLORADO.)

PUC NO. 2097
PUC NO. 2495
PUC NO. 3270

November 18, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema and Andrew Bosman, Jr., doing buisness as "Best-Way Disposal," Denver, Colorado, owners and operators of PUC No. 2097, PUC No. 2495 and PUC No. 3270, herein seek authority to encumber said Certificates to the United Bank of Littleton to secure payment of the indebtedness in the sum of \$22,610.88, in accordance with the certain terms and conditions as set forth in copies of the Security Agreement and Financing Statement, dated August 28, 1970, and properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code.

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

O R D E R

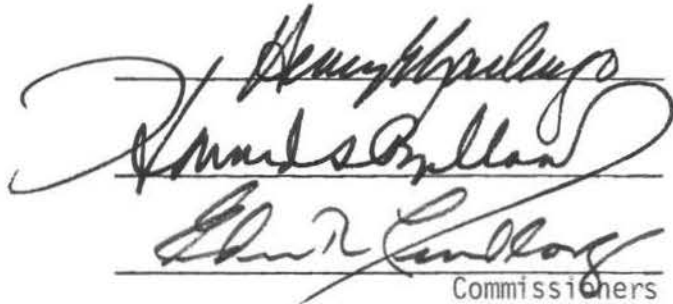
THE COMMISSION FINDS:

That Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema and Andrew Bosman, Jr., doing business as "Best-Way Disposal,"

Denver, Colorado, be, and hereby are, authorized to encumber all right, title and interest in and to PUC No. 2097, PUC No. 2495 and PUC No. 3270 to Secured Party, the United Bank of Littleton, to secure payment of the indebtedness in the amount of \$22,610.88, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

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

(Decision No. 76221)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE DENVER TRAMWAY)
CORPORATION DISCONTINUANCE OF BUS)
SERVICE SERVING GEORGE WASHINGTON)
HIGH SCHOOL, DENVER, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 667

November 18, 1970

Appearances: Raymond B. Danks, Esq.,
Denver, Colorado, for
Denver Tramway Corporation;
Girts Krumins, Esq.,
Denver, Colorado, for the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 22, 1970, the Denver Tramway Corporation filed a notice of discontinuance of certain public bus service to George Washington High School, Denver, Colorado, as therein set out; the Commission, to the extent that such notice constituted a change of schedule, ordered the same suspended and an investigation instituted thereof; on November 6, 1970, said matter was called up for hearing and heard.

Whereas, it appears, and the Commission so finds, that the Company has reinstated service, which service is satisfactory; the issue involved has become moot and, therefore, the matter should be dismissed.

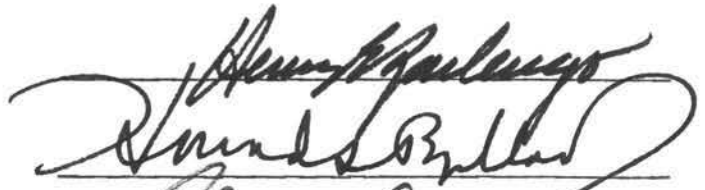
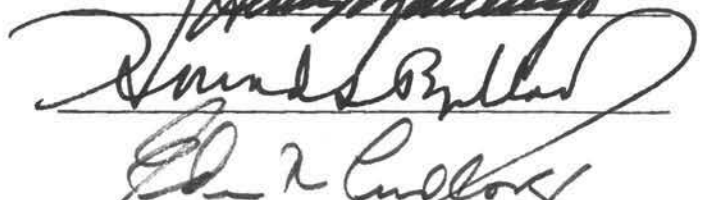

O R D E R

THE COMMISSION ORDERS:

That Investigation and Suspension Docket No. 667 be, and hereby is, dismissed and the matter closed.

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 November, 1970.

vjr

(Decision No. 76222)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF CENTRAL STORAGE AND TRANSFER)	
CO., 5565 EAST 47TH AVENUE, DENVER,)	
COLORADO, FOR TEMPORARY APPROVAL	)	APPLICATION NO. 24637-PP-Transfer-TA
TO TRANSFER CONTRACT CARRIER PER-	)	<u>ORDER GRANTING TEMPORARY APPROVAL</u>
MIT NO. B-4192 TO NORMAN L. McVAY,)	
DONALD BRYCE McVAY, AND DARREL W.)	
McVAY, DOING BUSINESS AS "McVAY)	
BROTHERS TRANSFER," 185 EVERETT)	
STREET, LAKEWOOD, COLORADO.)	

November 12, 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-4192
to the above-named Transferees.

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 Transferees be, and are 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.

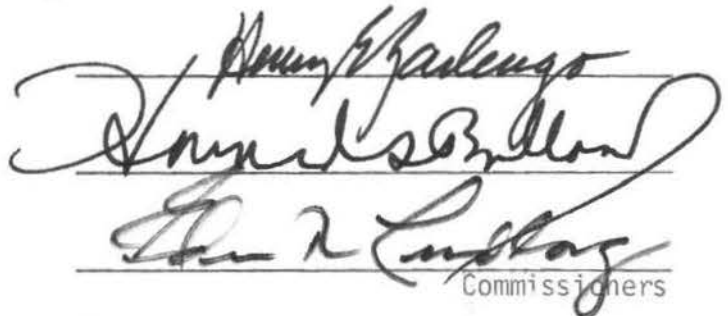
It is further ordered, That the service provided for in the
Order shall not be commenced until all requirements have been met and
Transferees have received notice in writing from the Commission that
compliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferees 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 Transferees 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
12th day of November, 1970.
vjr

(Decision No. 76222)
November 12, 1970

APPENDIX

Application No. 24637-PP-Transfer-TA

Norman L. McVay, Donald Bryce McVay, and Darrel W. McVay
Doing Business As
"McVay Brothers Transfer"
185 Everett Street
Lakewood, 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 - 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 approval to operate under Contract Carrier Permit No. B-4192 with authority as follows:

"Transportation of

Canned goods, soap, packaged food, plastic food containers, packaged fertilizers and associated advertising materials

From only wholesale grocers and warehousemen located in Denver, Colorado.

To only retail stores located in the following places in the State of Colorado: Arvada, Aurora, Lakewood, Englewood, Littleton, Wheatridge, Westminster, the Denver Federal Center, Edgewater and Lakeside Shopping Center.

RESTRICTION: This Permit is restricted as follows:

- (1) To the use of only one (1) truck not to exceed a 24 lineal foot skip trailer-tractor unit.
- (2) To serving only eight (8) wholesale grocers and warehousemen customers during any three-month period of the year."

(Decision No. 76223)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLENN KOEPPEN, 9833 W. 53 PLACE,)
ARVADA, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24621-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

November 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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 13th day of November, 1970.
js

(Decision No. 76223)
November 13, 1970

APPENDIX

Application No. 24621-PP-TA

Glenn Koeppen
9833 W. 53 Place
Arvada, 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. 76224)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO CARTAGE COMPANY, INC.,)
5275 QUEBEC STREET, COMMERCE CITY,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 692 AND PUC NO. 692-I.)

APPLICATION NO. 24628-Extension

November 13, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 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 copy of said Motion to be served by mail upon Edward T. Lyons, Jr., attorney for Applicant.

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

O R D E R

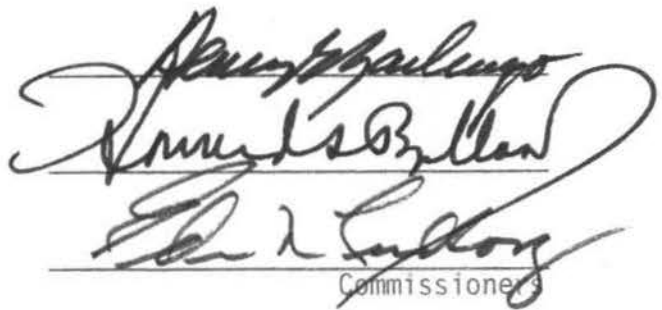
THE COMMISSION ORDERS:

That 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 are, granted leave to intervene in the above-captioned proceeding.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

Dated at Denver, Colorado,
this 13th day of November, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 15TH STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY FOR THE CON-)
STRUCTION, OPERATION AND MAINTENANCE)
OF A 350 MW ELECTRIC GENERATING PLANT)
TO BE KNOWN AS THE COMANCHE STEAM)
ELECTRIC GENERATING STATION LOCATED)
IMMEDIATELY SOUTH OF THE CITY OF)
PUEBLO, COLORADO, TOGETHER WITH TWO)
230 KV TRANSMISSION LINES FROM SAID)
PLANT SITE TO A POINT KNOWN AS MID-)
WAY, COLORADO, WHERE SAID TRANSMISSION)
LINES WILL BE INTERCONNECTED WITH THE)
EXISTING 230 KV INTERCONNECTED SYSTEM)
OF THE APPLICANT.)

APPLICATION NO. 24507

November 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 2, 1970, San Isabel Electric Association, Inc., doing business as San Isabel Electric Services, Inc., by their attorney Alvin J. Meiklejohn, Jr., filed a Petition to Intervene in the above-captioned proceeding and caused copy of said Petition to be served by mail upon Bryant O'Donnell, Esq., attorney for Applicant.

The Commission states and finds that Applicant for intervention 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.

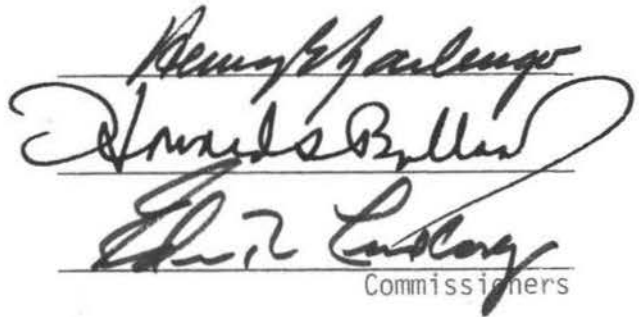
O R D E R

THE COMMISSION ORDERS:

That the Petition to Intervene by San Isabel Electric Association, Inc., doing business as San Isabel Electric Services, 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 16th day of November, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LAMB CONSTRUCTION, INC., 229 PARK)	
STREET, LYONS, COLORADO, FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	<u>APPLICATION NO. 24625</u>
AND NECESSITY TO OPERATE AS A)	
COMMON CARRIER BY MOTOR VEHICLE FOR)	
HIRE.)	

November 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 1970, Golden Transfer Company of Longmont, Colorado, and Sorenson Truck Service, Inc., of Longmont, Colorado, by their attorney William T. Secor, filed a Protest and Petition For Denial and Petition To Intervene in the above-captioned proceeding and caused copy of said Petition to be served by mail upon Applicant and Thomas W. Inman, attorney for Applicant.

The Commission states and finds that Applicants for intervention, Golden Transfer Company of Longmont, Colorado, and Sorenson Truck Service, Inc., of Longmont, Colorado, 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.

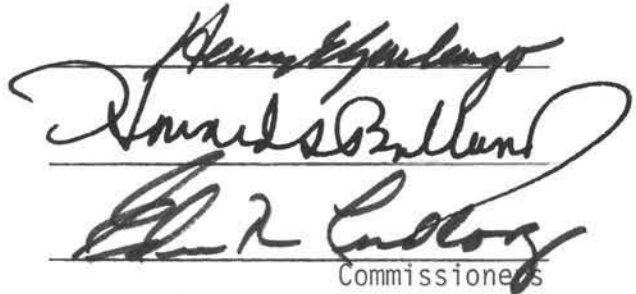
O R D E R

THE COMMISSION ORDERS:

That Golden Transfer Company of Longmont, Colorado, and Sorenson Truck Service, Inc. of Longmont, Colorado, be, and hereby are, granted leave to intervene in the above-captioned proceeding.

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 16th day of November, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM 1447, FEED, ANIMAL
OR POULTRY, LIQUID, IN BULK
IN TANK VEHICLES

CASE NO. 1585

November 10, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 5, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed with the Commission Application No. 445 for and on behalf of Fred T. Gibson, doing business as Gibson Truck Line, requesting permission to publish on less than statutory notice a rate of 38 cents per 100 pounds applicable to feed, animal or poultry, liquid in bulk, in tank vehicles, from Denver to LaJara, Colorado and points within a 20-mile radius thereof.

The petitioner represents that: --

"By Decision No. 75454, dated July 23, 1970, a rate of 35¢ per 100 pounds was prescribed applying on shipments of like substance with a minimum weight of 45,000 pounds, from Lamar to La Jara and points within a 20-mile radius thereof, and that the rate has been applied up until this time.

"Now, however, we are advised that the source of supply has been shifted from Lamar to Denver, and that the movement will begin as quickly as the rate becomes effective.

"By way of comparison, a shipment of 8,000 gallons of gasoline from Denver to La Jara produces revenue of \$174.88. A shipment of liquid feed weighing the same 52,800 pounds, transported between the same points will produce revenue of \$200.64 if the proposed rate is assessed."

Since the request appears to be just, reasonable and compensatory the Commission states and finds, that: --

1. Under the provisions of Rule 19C of the Rules of Practice and Procedure, and statutes governing Contract Motor Carriers, 115-11-5, as amended, Fred T. Gibson, doing business as Gibson Truck Line, should

be permitted to publish on ten (10) days' notice to the Commission and the general public the rates and charges set forth in Application No. 445.

2. An Order shall be entered in Case No. 1585 prescribing the aforesaid rate and provisions for the account of Fred T. Gibson, doing business as Gibson Truck Line.

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 rate and provisions will for the future be the applicable provisions for the account of Fred T. Gibson, doing business as Gibson Truck Line, upon the 10-day filing with the Commission of the proper tariff schedule.

3. 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 account of Fred T. Gibson, doing business as Gibson Truck Line.

4. 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 carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

5. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

6. That jurisdiction is retained to make such further Orders as may be necessary and proper.

7. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Furlong
Donald S. Brillant
John R. Cullings
Commissioners

Dated at Denver, Colorado, this
10th day of November, 1970. av

(Decision No. 76229)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ERNEST M. HERBERTSON, DOING BUSINESS)
AS "ENGLEWOOD-LITTLETON-FORT LOGAN)
BUS LINE," 375 WEST BATES, ENGLEWOOD,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 50 TO CITY OF ENGLEWOOD, A)
MUNICIPAL CORPORATION, 3400 SOUTH)
ELATI STREET, ENGLEWOOD, COLORADO.)

APPLICATION NO. 24379-Transfer

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER.

November 10, 1970

Appearances: Bernard V. Berardini, Esq.,
Englewood, Colorado, for
Applicants.
Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of May 26, 1970, Applicants filed the above-entitled application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 50, to operate as a common carrier by motor vehicle for hire, from Ernest M. Herbertson, doing business as "Englewood-Littleton-Fort Logan Bus Line," to City of Englewood, a municipal corporation.

The Commission assigned No. 24379-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 Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on October 9, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Ernest M. Herbertson, Transferor; Stephen A. Lyon, Director of Finance for the City of Englewood and City Clerk and Treasurer; and William L. McDivitt, Assistant City Manager for the City of Englewood, 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.

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. Transferor herein is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 50, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein is a municipal corporation duly organized and existing under the laws of the State of Colorado.
4. Transferee herein does not hold previously granted authority from this Commission.
5. The City of Littleton has agreed to cooperate with the City of Englewood in the operation of the bus line.
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 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. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

11. The transfer is compatible with the public interest.

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 as herein-after 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 Ernest M. Herbertson, doing business as "Englewood-Littleton-Fort Logan Bus Line," 375 West Bates, Englewood, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 50 to City of Englewood, a municipal corporation, 3400 South Elati Street, Englewood, Colorado, subject to encumbrances, if any, against said authority.

2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 50 shall read and be as follows, to-wit:

"(1) Transportation -- on schedule in bus service -- of
Passengers and their hand baggage

Within an area described as follows: Commencing at the southwest corner of Arapahoe County; thence north on Sheridan Boulevard (Arapahoe County-Jefferson County Line) to its intersection with

West Hampden Avenue; thence east on West Hampden Avenue to its intersection with South Lowell Boulevard; thence north on South Lowell Boulevard to its intersection with West Amherst Avenue; thence east on West Amherst Avenue to its intersection with South Federal Boulevard; thence north on South Federal Boulevard to its intersection with West Yale Avenue; thence east on West Yale Avenue to its intersection with South Franklin Street; thence south on South Franklin Street to its intersection with East Dartmouth Avenue; thence east on East Dartmouth Avenue to its intersection with South Vine Street; thence north on South Vine Street to its intersection with Columbia Drive; thence east on Columbia Drive to its intersection with South Josephine Street; thence south on South Josephine Street to its intersection with East Floyd Avenue; thence east on East Floyd Avenue to its intersection with South Dallas Court; thence south on South Dallas Court as extended to East Hampden Avenue; thence east on East Hampden Avenue to South Colorado Boulevard; thence south on South Colorado Boulevard as extended to the Arapahoe County-Douglas County Line; thence west on the Arapahoe County-Douglas County Line to the point of beginning.

- (2) Transportation -- in charter bus service -- of
Passengers

Between the Cities of Englewood, Colorado, and Littleton, Colorado, on the one hand, and points located within the State of Colorado, on the other hand.

RESTRICTION:

Item (2) of this Certificate is restricted to rendering service to school and church groups."

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

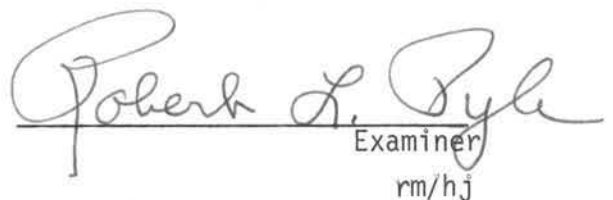
4. That the common carrier rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

5. That the right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificate up to the time of transfer of said Certificate.

6. 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.

7. 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
rm/hj

(Decision No. 76230)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT W. HOELSKEN, LEONARD J. AMATO,)
AND JOHN SMIGLESKI, 88 SOUTH INGALLS,)
LAKEWOOD, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 2232 TO ACTIVE RUBBISH)
SERVICE, INC., 88 SOUTH INGALLS,)
LAKEWOOD, COLORADO.)

APPLICATION NO.
24345-Transfer

IN THE MATTER OF THE APPLICATION OF)
ALBERT HOELSKEN AND LEONARD AMATO,)
DOING BUSINESS AS "ACTIVE RUBBISH)
SERVICE," 88 SOUTH INGALLS, LAKEWOOD,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 3729 TO ACTIVE RUBBISH)
SERVICE, INC., 88 SOUTH INGALLS,)
LAKEWOOD, COLORADO.)

APPLICATION NO.
24346-Transfer

IN THE MATTER OF THE APPLICATION OF)
ALBERT HOELSKEN AND LEONARD AMATO,)
DOING BUSINESS AS "ACTIVE RUBBISH)
SERVICE," 88 SOUTH INGALLS, LAKEWOOD,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-4996 TO ACTIVE RUBBISH)
SERVICE, INC., 88 SOUTH INGALLS,)
LAKEWOOD, COLORADO.)

APPLICATION NO.
24347-PP-Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

November 13, 1970

Appearances: David D. Mulligan, Esq., Denver,
Colorado, for Applicants.

PROCEDURE AND RECORD

Under date of May 11, 1970, Applicants filed the above-entitled applications for authority to transfer Certificates of Public Convenience and Necessity PUC No. 2232 and 3729 and Permit No. B-4996, to operate as a common carrier by motor vehicle for hire, from Albert W. Hoelsken, Leonard

J. Amato, and John Smigleski; Albert Hoelsken and Leonard Amato; and Albert Hoelsken and Leonard Amato to Active Rubbish Service, Inc.

The Commission assigned No. 24345-Transfer, No. 24346-Transfer, and No. 24347-PP-Transfer to the respective applications. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a 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 21, 1970, at 10 a.m. The hearings were held at the aforesaid time and place.

Applications No. 24345-Transfer, No. 24346-Transfer, and No. 24347-PP-Transfer were heard on a joint record.

At the hearing, Applicants asked for leave to amend the application by eliminating PUC No. 3729 except for the second paragraph of the aforesaid authority which reads as follows, to-wit:

"Transportation of ashes and trash and other waste materials between points within the City or Town of Glendale, and from points in said City or Town of Glendale, to regularly-designated and approved dumps and disposal places in the County of Arapahoe."

The aforesaid paragraph should be added to PUC No. 2232 as a third and last paragraph.

Applicants further requested leave to amend the application for transfer of Permit No. B-4996 by restricting the number of customers to be served at any one time to not more than ten.

Both foregoing amendments, being restrictive in nature, were granted by the Examiner.

Albert W. Hoelsken testified in support of the applications. No person appeared at the hearing to protest the granting of the authorities 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 the Commission, to-wit: Financial Statements of the partnership, Equipment List, Purchase Agreement, and Articles of Incorporation.

Counsel for Applicants requested and was granted leave to file a Certificate of Incorporation of Active Rubbish Service, Inc., as a late-filed Exhibit.

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

The aforesaid Exhibit was duly filed by Counsel for Applicant.

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. Transferors herein are a partnership which said partnership at the present consists of two (2) partners, Albert W. Hoelsken and Leonard J. Amato. The aforesaid Transferors are the present owners and operators of Certificates of Public Convenience and Necessity PUC No. 2232 and PUC No. 3729 and Permit No. B-4996, which said authorities are the subject matter of this proceeding.

2. Prior to the filing of the within applications, the partnership consisted of three (3) persons: Albert W. Hoelsken, Leonard J. Amato, and John Smigleski. John Smigleski, a former partner, has sold his interest in the partnership by a Sales Agreement entered into on April 1, 1970. Albert W. Hoelsken and Leonard J. Amato, by this said Agreement, have acquired the interest of John Smigleski in the partnership. The purchase price is fair and reasonable.

3. The within authorities have been continually operated in the past and are presently in good standing with the Commission. Certificate of Public Convenience and Necessity PUC No. 3729 is overlapping and duplicating in part Certificate of Public Convenience and Necessity PUC No. 2232 and should therefore be voided except for the second paragraph as described in PROCEDURE AND RECORD, supra, which said paragraph should be added to Certificate of Public Convenience and Necessity PUC No. 2232 as a third paragraph.

4. The purpose of these transfers is to place the authorities under corporate status.

5. Transferee herein, a Colorado corporation duly organized and existing under the laws of the State of Colorado, holds no previously granted authority from this Commission.

6. The Certificates and Permit are free and clear of any debts, encumbrances, or obligations.

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

8. The chief corporate officers as well as the employees of the Transferee corporation 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.

9. If these transfers are approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

10. The transfers are compatible with the public interest.

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. 3729 be revoked and cancelled as of the effective date of this Recommended Decision except for the second paragraph of the aforesaid authority reading as follows, to-wit:

"Transportation of ashes and trash and other waste materials between points within the City or Town of Glendale, and from points in said City or Town of Glendale, to regularly-designated and approved dumps and disposal sites in the County of Arapahoe",

which shall be added to Certificate of Public Convenience and Necessity PUC No. 2232 as a third and last paragraph.

2. The transfers as 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 Certificate of Public Convenience and Necessity PUC No. 3729 be, and hereby is, revoked and cancelled.

2. That Albert Hoelsken and Leonard Amato, doing business as "Active Rubbish Service," 88 South Ingalls, Lakewood, Colorado, be, and hereby are, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 2232 and Permit No. B-4996 to Active Rubbish Service, Inc., a Colorado corporation, 88 South Ingalls, Lakewood, Colorado, subject to encumbrances, if any, against said authorities.

3. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2232 shall read and be as follows, to-wit:

"Transportation of

(1) Ash, trash, and other refuse

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

(2) Ash, trash, and other refuse

From all points within the City of Edgewater, State of Colorado, to designated and approved dumps and disposal sites located within the County of Jefferson, State of Colorado.

(3) Ash, trash, and other refuse

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

4. That henceforth the full and complete authority under Permit No. B-4996 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 in the northern Colorado coal fields to the following-named points:

- (a) All points within the City and County of Denver, State of Colorado.
- (b) Valmont Plant of the Public Service Company, Boulder, Colorado.
- (c) The Great Western Sugar Co. and Kurer-Empson Co. plants located within a fifty (50) mile radius of Denver, Colorado.
- (d) The Rocky Mountain Arsenal, Denver, Colorado.

RESTRICTION:

This Permit is restricted to serving not more than ten (10) customers at any one time."

5. That said transfers shall become effective only if and when, but not before, said Transferors 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 (30) days from the effective date of this 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.

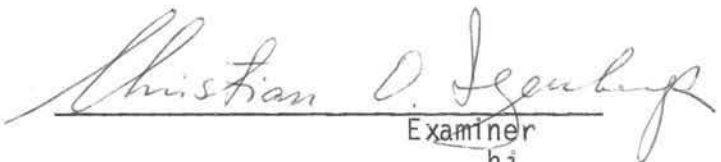
6. That the tariff of rates, rules, and regulations of Transferors, where applicable, shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

7. That the right of Transferee to operate under this Order shall depend upon the prior filing of an annual report by Transferors herein, covering the operations under said Certificate and Permit up to the time of transfer of said Certificate and Permit.

8. 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.

9. 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
hj

(Decision No. 76231)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

GENE M. POULSON
Post Office Box 34
Sanford, Colorado 81151

AUTHORITY NO. M 13274

CASE NO. 6233-M-Ins.

November 10, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 9, 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 10th day of November, 1970

(Decision No. 76232)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL FARMER AND VIVIAN FARMER FOR)
AUTHORITY TO TRANSFER ALL OF THE)
OUTSTANDING CAPITAL STOCK IN AND TO)
A. A. TAXICAB CO., INC., RECORD)
OWNER PUC NO. 1007, PUC NO. 1007-I,)
AND PUC NO. 4844, TO NORMAN J. GIBSON)
& ASSOCIATES, NORMAN J. GIBSON,)
JOSEPH R. SULLIVAN AND JAMES L. NUNN.)

APPLICATION NO. 24230
Stock Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

November 16, 1970

Appearances: Louis J. Stuart and
Eugene T. Halaas, Esqs.,
Pueblo, Colorado, for
Transferors and Transferees.

PROCEDURE AND RECORD

Under date of February 3, 1970, Applicants filed the above-entitled application for authority to transfer all their outstanding capital stock in and to A. A. Taxicab Co., Inc., record owner of Certificates of Public Convenience and Necessity PUC No. 1007, PUC No. 1007-I, and PUC No. 4844, as specifically set forth in said application.

The Commission assigned No. 24230-Stock Transfer 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 hearing to be held in the County Commissioners Room, Pueblo County Courthouse, Pueblo, Colorado, on April 22, 1970, at 10:30 a.m. The hearing was held at the aforesaid time and place.

Vivian Farmer and Paul Farmer, Transferors, and James L. Nunn, Norman J. Gibson, and Joseph R. Sullivan, Transferees and new stockholders of the corporation, 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.

Official notice was taken of the following documents on file with the Commission, to-wit: Sales Agreement, Financial Statements, Equipment List, and Insurance Documents.

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

Further investigation of the files of the Commission by the Hearing Examiner established that the Notice of Applications Filed, issued by the Secretary of the Commission on the 4th day of March, 1970, which listed and gave notice of the above-entitled application, was defective in that it enumerated only one authority issued by this Commission and held as record owner by said corporation, namely, PUC No. 1007 and PUC No. 1007-I, whereas, in fact, the aforesaid corporation was in addition the record owner of PUC No. 4844. The Examiner issued an Interim Order on May 25, 1970, (Decision No. 74967) ordering the Secretary of the Commission to include the herein application in the next forthcoming Notice of Applications Filed, including PUC No. 1007, PUC No. 1007-I, and PUC No. 4844, and set the matter for further hearing at a future date. In accordance with the aforesaid Interim Order, the Secretary of the Commission renoticed the within application and set it for further hearing on Friday, October 2, 1970, at 10 a.m., in the Council Chamber, City Hall, Pueblo, Colorado. The second hearing was held at the aforesaid time and place.

Official notice was taken of the record of the hearing held on April 22, 1970, and 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 corporation, A. A. Taxicab Co., Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. Applicant corporation is the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 1007, PUC No. 1007-I, and PUC No. 4844.

3. Paul Farmer and Vivian Farmer are the owners of all the outstanding capital stock of A. A. Taxicab Co., Inc.

4. Paul Farmer and Vivian Farmer petition this Commission for authority to transfer all of their outstanding capital stock of A. A. Taxicab Co., Inc., to Norman J. Gibson & Associates, Norman J. Gibson, Joseph R. Sullivan, and James L. Nunn.

5. Transferees do not hold previously granted authority from this Commission.

6. The parties have entered into an Agreement for the transfer of all of the issued and outstanding capital stock of A. A. Taxicab Co., Inc., and the consideration to be paid is fair and reasonable.

7. The Certificates are free and clear of any debts, encumbrances, or obligations.

8. Transferees own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authorities sought to be transferred herein.

9. Transferees 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, Transferees intend 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 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 Paul Farmer and Vivian Farmer, 1101 East Abriendo, Pueblo, Colorado, be, and hereby are, authorized to transfer all of their issued and outstanding capital stock of A. A. Taxicab Co., Inc., a Colorado corporation, record owner of Certificates of Public Convenience and Necessity PUC No. 1007, PUC No. 1007-I, and PUC No. 4484, to Norman J. Gibson & Associates, Norman J. Gibson, Joseph R. Sullivan, and James L. Nunn, 1101 East Abriendo, Pueblo, Colorado, subject to encumbrances, if any, against said authorities.

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

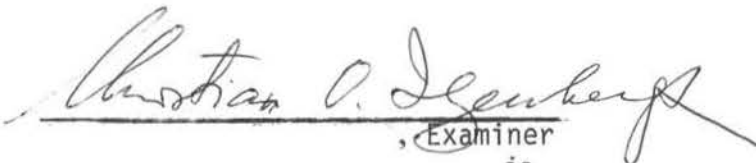
3. That the right of Transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of the annual report by Transferors herein covering the operations under the said Certificates up to the time of the transfer of said Certificates.

4. 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.

5. 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

(Decision No. 76233)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
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, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24649-ETA
ORDER DENYING EMERGENCY TEMPORARY
AUTHORITY

November 16, 1970

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 16th day of November, 1970.
js

(Decision No. 76234)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE MOUNTAIN
STATES TELEPHONE AND TELEGRAPH COMPANY, A CORPO-
RACION, 931 - 14TH STREET, DENVER, COLORADO, FOR
AN ORDER OF THE COMMISSION DETERMINING THE FAIR
VALUE OF APPLICANT'S PROPERTY DEVOTED TO THE
RENDITION OF INTRASTATE TELEPHONE SERVICE IN
COLORADO, A FAIR, REASONABLE, AND ADEQUATE RATE
OF RETURN TO BE APPLIED THERETO, AND THE RESULT-
ING AMOUNTS OF NET EARNINGS AND REVENUES
REQUIRED IN THE FUTURE; AND, UPON SUCH DETERMINA-
TION BY THE COMMISSION AND THE FILING OF A
PROPOSED TARIFF AND ADDITIONAL HEARINGS THEREON
FOR AUTHORITY TO FILE A SCHEDULE OF JUST AND
REASONABLE RATES TO PRODUCE THE REQUIRED REVENUES.)

APPLICATION NO. 23116

SUPPLEMENTAL ORDER

November 12, 1970

Appearances: Akolt, Shepherd & Dick, Esqs.,
Denver, Colorado, by
Luis D. Rovira, Esq., Denver, Colorado, and
Denis G. Stack, Esq., Denver, Colorado,
for Applicant;
Howard J. Otis, Esq., Denver, Colorado, and
James J. Keough, Esq., Arlington, Virginia,
for the Department of Defense and
General Services Administration,
Protestants;
Leonard M. Shinn, Esq., Washington, D.C., and
David M. Lewis, Jr., Esq., Washington, D.C.,
for Executive Agencies of the U.S. Government;
H. Leroy Thurtell, Esq., Denver, Colorado, and
Thomas J. O'Reilly, Esq., Denver, Colorado, and
Iris Bell, Esq., Denver, Colorado, for the
General Services Administration, Protestant;
Gorsuch, Kirgis, Campbell, Walker & Grover, Esqs.,
Denver, Colorado, by
Leonard M. Campbell, Esq., Denver, Colorado, and
Nicholas Mueller, Esq., Denver, Colorado,
for the Colorado Municipal League and the
City and County of Denver, Protestants;
Max P. Zall, Esq., Denver, Colorado, and
Brian Goral, Esq., Denver, Colorado,
for the City and County of Denver, Protestant;
Charles Howe, Esq., Boulder, Colorado,
for the Colorado Municipal League, Protestant;
Sonheim, Whitworth & Helm, Esqs.,
Arvada, Colorado, for the City of Arvada
and the Colorado Municipal League;

John F. Edwards, Esq., Sterling, Colorado,
for the City of Sterling;
Albert A. Riede, Denver, Colorado,
for the Colorado-Wyoming Hotel Association;
Frank Thompson, Denver, Colorado,
for the American Hotel and Motel Association;
Burton Keith Watson, Esq., Denver, Colorado,
for the American Brief Company;
Robert L. Pyle, Esq., Denver, Colorado,
Robert Lee Kessler, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Decision No. 72385 in the above-captioned application was entered by the Commission on January 7, 1969. Subsequently, the Colorado Municipal League, a corporation, and City and County of Denver, a municipal corporation, protested and appealed the said Decision to the courts, and the Supreme Court of the State of Colorado in Case No. 24236 ordered the Case remanded to the Commission so as to require the imputation of a method of accelerated depreciation and to eliminate the Commission's allowance for abnormal inflation.

The Commission states and finds that the matter having been remanded to the Commission, said Decision No. 72385 needs to be amended in accordance with the decision of the Supreme Court; that further evidence is necessary to determine the appropriate reduction in Applicant's revenue requirements as to that Decision; that Applicant has, on November 2, 1970, filed a Motion for Determination of Accounting Procedures and that further hearings are necessary before a ruling on said Motion can be made; that further evidence is necessary before the amount, period, and method of any refund that may be appropriate as a result of said Supreme Court decision can be determined; and that the foregoing matters should be set for hearing as set forth hereinbelow.

O R D E R

THE COMMISSION ORDERS THAT:

1. The above-entitled application be, and hereby is, set for further hearing on:

Date: December 9, 1970

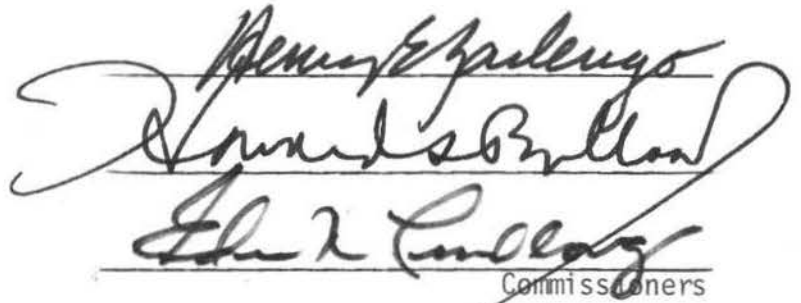
Time: 10 a.m.

Place: 500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

at which time and place the Applicant and other parties, including the Staff of the Commission, will introduce such evidence as may be appropriate with respect to the matters described in the Statement and Findings herein.

2. That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
12th day of November, 1970.

1

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF THE MOUNTAIN STATES TELEPHONE)	
AND TELEGRAPH COMPANY FOR AN)	
ORDER AUTHORIZING CHANGES IN)	
RATES UPON LESS THAN THIRTY DAYS')	
NOTICE.)	

APPLICATION NO. 24578
SUPPLEMENTAL ORDER

November 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application was filed by The Mountain States Telephone and Telegraph Company on October 1, 1970.

On October 20, 1970, the Commission issued Decision No. 76122 denying the application.

On October 30, 1970, Applicant Mountain States Telephone and Telegraph Company, by its attorneys T. M. Ledingham and Fred M. Winner, filed its Petition for Reconsideration and for Allowance of Rates Pending Hearing and Final Order.

On November 9, 1970, Colorado Municipal League filed a Motion to Strike the said Petition.

Upon careful consideration of the said Petition, and each and every allegation thereof, the Commission states and finds that Applicant's Petition for Reconsideration and for Allowance of Rates Pending Hearing and Final Order does not set forth sufficient grounds for any change or modification and that said Petition for Reconsideration should therefore be denied as set forth in the Order following.

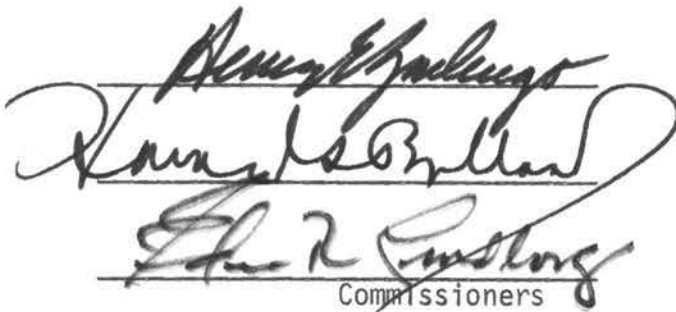
It is noted that since Applicant has raised the issue of confiscation, the Commission has set the matter of rates proposed to become effective December 7, 1970, for an immediate hearing commencing November 23, 1970.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant Mountain States Telephone and Telegraph Company's Petition for Reconsideration and for Allowance of Rates Pending Hearing and Final Order be, and hereby is, denied.
2. The Motion to Strike by Colorado Municipal League be, and hereby is, disposed of in a manner consistent with this Decision.
3. This Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1970.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	
COLORADO PUC NO. 5, MOUNTAIN STATES	)	INVESTIGATION AND SUSPENSION
TELEPHONE AND TELEGRAPH COMPANY,	)	<u>DOCKET NO. 668</u>
930 - 15TH STREET, DENVER, COLORADO.)	
- - - - -		

- - - - -
November 12, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Mountain States Telephone and Telegraph Company on October 1, 1970, filed with this Commission its Advice Letter No. 616 accompanied by 71 revised tariff sheets applicable to telephone service, as more fully described therein and reference to which is hereby made. According to the Advice Letter, the purpose of the filing is to:

"Produce additional gross revenues of \$16,000,000 when applied to The Mountain States Telephone and Telegraph Company's intrastate Colorado Service for the test year 1970 conditions. . . ."

It is proposed these rates shall become effective December 7, 1970.

Numerous letters of protest have been received opposing the proposed tariff changes.

Because of the extensive changes in the tariff and the impact on the public using the telephone service of the Company, pursuant to CRS 1963, 115-6-11, and having considered said tariff and being fully advised in the premises, the Commission on its own motion finds that the same should be suspended and that a hearing be held thereon as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That all tariff sheets filed by The Mountain States Telephone and Telegraph Company accompanying its Advice Letter No. 616, consisting of 71 tariff sheets, to become effective December 7, 1970, be, and the same hereby are, suspended on the Commission's own motion for a period of one hundred

twenty (120) days from the proposed effective date of December 7, 1970, or until April 5, 1971, unless otherwise ordered by the Commission.

That such tariff sheets are identified as follows:

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

Colo. P.U.C.		Title of Sheet	Cancels Colo. P.U.C.		
Sheet No.	Revision No.		Sheet No.	Revision No.	
Local Exchange Tariff - Colorado					
8	5th	Section 1 - Local Exchange Service	8	4th	
8A	1st		8A	Original	
9	1st		9	Original	
10	1st		10	Original	
11	1st		11	Original	
12	2nd		12	1st	
13	1st		13	Original	
14	2nd		14	1st	
15	4th		15	3rd	
15A	1st		15A	Original	
16	2nd		16	1st	
17	3rd		17	2nd	
18	1st		18	Original	
19	1st		19	Original	
20	1st		20	Original	
21	1st		21	Original	
22	2nd		22	1st	
23	1st		23	Original	
24	3rd		24	2nd	
25	1st		25	Original	
26	1st		26	Original	
27	1st		27	Original*	
28	2nd		28	1st	
28A	1st		28A	Original	
29	2nd		29	1st	
29A	1st		29A	Original	
35	2nd		35	1st	
General Exchange Tariff - Colorado					
Section 6 - Private Branch Exchange Service					
3	2nd	Sectional Index	3	1st	
2	4th	Alphabetical Index	2	3rd	
7	6th	Part 2	7	5th	
1	3rd	Part 3	1	2nd*	
1	5th	Part 4	1	4th*	
2	6th		2	5th	
3	2nd	Part 5	3	1st	
5	2nd		5	1st	
6	2nd	Part 6	6	1st	
3	3rd	Part 7	3	2nd	
1	3rd	Part 8	1	2nd	
			2	2nd*	
7A	1st	Part 10	7A	Original	
2	1st	Section 9 - Directory Listings	2	Original	
8	Original				

*Substitute

3	3rd	Section 15 - Service Connection Move	3	2nd
5	3rd	and Change Charges	5	2nd
6	4th		6	3rd
7	3rd		7	2nd
10	5th		10	4th
12B	1st		12B	Original
15	3rd		15	2nd
5	1st	Section 17 - Connection with Customer- Provided Equipment and Facilities - Part 9	5	Original
9	4th	Section 29 - Secretarial Bureau Service	9	3rd
2	4th	Section 30 - Order Turrets and Automatic Call Distributing Systems	2	3rd
4A	1st		4A	Original
6A	2nd		6A	1st
15	1st		15	Original
2	8th	Section 34 - Joint User Service	2	7th
3	Original			
22	3rd	Section 35 - Special Systems and Services - Part 4	22	2nd
5	2nd	Section 40 - Airport Dial Telephone Service	5	1st

Long Distance Message Telecommunications
Service Tariff - Colorado

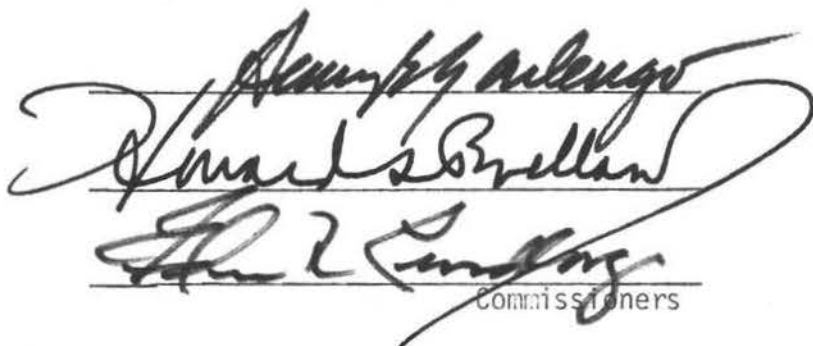
1	2nd	Index	1	1st
2	2nd		2	1st
10	2nd		10	1st
29	2nd		29	1st
30	2nd		30	1st
31	1st		31	Original
31A	Original			
32	2nd		32	1st
33	2nd		33	1st
34	1st		34	Original
37	2nd		37	1st
38	2nd		38	1st
39	2nd		39	1st

That a hearing thereon be held commencing at 2 p.m. on Monday, November 23, 1970, at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That a copy of this Order be filed with Advice Letter No. 616 and its accompanying tariff sheets relating to The Mountain States Telephone and Telegraph Company Tariff Colorado PUC No. 5

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


 Commissioners

Dated at Denver, Colorado, this
12th day of November, 1970.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES
APPLICABLE TO POTATOES, IN BAGS,
FROM POINTS IN THE SAN LUIS
VALLEY TO COLORADO SPRINGS,
DENVER AND PUEBLO, COLORADO

CASE NO. 1585

November 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 16, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed with the Commission 6th Revised Page No. 103 to its Motor Freight Tariff No. 14, Colorado PUC No. 13* (*The Motor Truck Common Carriers' Association, Agent, Series) scheduled to become effective November 16, 1970.

Item 1500 appearing thereon is represented as follows:

				(1)	(2)
POTATOES, IN BAGS	CENTER, COLO.	COLORADO			
(1) MIN. WT. 30,000 POUNDS	ALAMOSA	SPRINGS		(A) 41	(A) 35
(2) MIN. WT. 40,000 POUNDS	LA JARA	DENVER		(A) 45	(A) 40
	MONTE VISTA	PUEBLO		(A) 36	(A) 30
	DEL NORTE				
	SARGENTS SCHOOL				
POTATOES, IN BAGS					
MINIMUM WEIGHT 40,000 POUNDS.	BASALT, COLO.	DENVER			35
	CARBONDALE				
(RIO GRANDE MOTOR WAY, INC.)					

(A) DENOTES INCREASE.

In supporting justification referred to the Commission by Chief of Tariff Bureau, letters were submitted by petitioners representing the need of increased rates as follows:

One of the Petitioners states that many farm products and farm supplies are transported via its line; that it has attempted to hold the line on transportation costs related to these commodities; also that too many years have elapsed in revising this rate item, and others.

For many years the per hundred weight factor and/or unit cost of various commodities in this category have remained the same. The

equipment has increased in size and weight and adjustments in load factors have been made in this area applicable herein, - however, the rate factor has remained fairly stable.

A review of the item over the last several years is as follows:

1957			
Minimum Weight			
		①	②
① 15,000 pounds	:	36	30
② 30,000 pounds	:	40	30
	:	31	30

1966			
Minimum Weight			
		①	②
① 15,000 pounds	:	36	30
② 30,000 pounds	:	40	30
	:	31	30

③ / Basalt)		
Carbondale)	32	
40,000 lbs.		

(Rio Grande Motor Way, Inc.)

/ denotes addition.
 ③ denotes reduction.

1969			
Minimum Weight			
		①	②
① ③ 30,000 pounds	:	36	30
② ③ 40,000 pounds	:	40	35
	:	31	③ 25

Basalt)		
Carbondale)	32	

1970			
		①	②
① 30,000 pounds	:	36	30
② 40,000 pounds	:	40	35
	:	31	25

Basalt)		
Carbondale)	③ 35	

③ denotes increase
 ③ denotes reduction

It is represented that the shipments of potatoes from the San Luis Valley occur during and from the months of September to May each year.

That, in some instances, the transportation thereof is a back-haul for some carriers whereas the supra petitioner is predominantly considered head haul with back haul to San Luis Valley of similar low rated commodities. That the bulk of the transportation is destined to Denver, Colorado. The increase in the rate structure is represented to be approximately 14 percent.

No protests have been filed with the Commission.

Since the changes as set forth in the statement hereof appear to represent just, fair and reasonable rates, charges and provisions, the Commission states and finds that: --

1. An Order shall be entered prescribing the rates and provisions herein under the provisions of Rule 19B 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 of Fact, be, and same are hereby, made a part hereof.

2. That the rates and charges set forth in statement hereof shall be the prescribed rates of the Commission.

3. That on and after November 16, 1970, the affected common carriers by motor vehicle herein shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed.

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 prescribed for motor vehicle common carriers, on and after November 16, 1970.

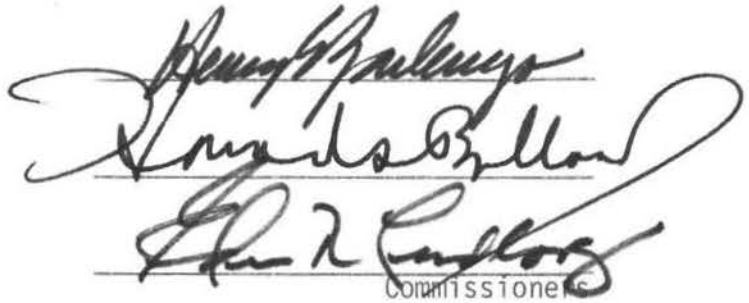
5. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

6. 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 carrier or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. That this Order shall become effective forthwith.

8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
12th day of November, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COUNTY OF WELD FOR AUTHORITY TO)
INSTALL GRADE CROSSING PROTECTION)
DEVICES AT COUNTY ROAD AND MILEPOST)
495.99 OF THE BURLINGTON NORTHERN)
MAIN LINE NEAR ROGGEN, COLORADO.)

APPLICATION NO. 24559

November 17, 1970

Appearances: Samuel S. Telep, County Attorney,
Greeley, Colorado, for Applicant,
County of Weld;

W. L. Peck, Esq., Denver, Colorado,
for Burlington Northern, Inc.

J. L. McNeill, Denver, Colorado, of
the Staff of the Commission.

PROCEDURE AND RECORD

On September 11, 1970, Applicant, under the provisions of 115-4-6, CRS 1963, as amended, filed the above-entitled application seeking an order of this Commission authorizing construction, operation and maintenance of automatic grade crossing protection devices at the County Road on west side of Roggen, in the County of Weld, State of Colorado, where the main line and a passing track of Burlington Northern, Inc. cross said County Road at Railroad Milepost 495.99.

The Commission assigned No. 24559 to said application, and with due and proper notice to all interested persons, firms or corporations, set the matter for a hearing at the Commission Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on the date of November 5, 1970, at 10:00 o'clock A.M.

On November 5, 1970, public hearing was held as scheduled, by Commissioner Henry E. Zarlengo, and the matter thereafter taken under advisement.

At the hearing, it was further verified by the Hearing Commissioner that there were no public witnesses and no objections appear in the Commission file. Testimony in support of the application was given by the following:

Marshall Anderson - County Commissioner, District No. 2 - Weld County.

Harold H. Rice - Superintendent School District RE 3-J - Keenesburg, Colorado.

Robert C. Gustafson - Division Engineer, McCook-Alliance Division - Burlington Northern, Inc.

Harold B. Bright - General Signal Supervisor, McCook-Alliance Division - Burlington Northern, Inc.

Applicants' exhibits as follows were tendered and admitted into evidence:

Exhibit No. 1 -

Fully executed Agreement, dated June 30, 1970, between Burlington Northern, Inc. and Board of County Commissioners of Weld County pertaining to proposed signal installation at the Weld County Road. Includes enclosures marked Exhibit "A" - Map sketch to show crossing situation at Milepost 495.99, Exhibit "B" - Diagram of signal device with gates.

FINDINGS OF FACT

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

1. The purpose of this application is to secure Commission

approval for the proposed installation and maintenance of protection devices consisting of short-arm gates, automatic flashing light railroad signals and bell; all at a grade crossing of the Roggen-Weld County Road over the main line and a passing track of Burlington Northern, Inc., at Railroad Milepost 495.99, Weld County, Colorado, and for an allocation of the cost for said protection devices and installation in accordance with the provisions of 115-4-6, CRS 1963, as amended, relating to financial assistance through the Commission Grade Crossing Protection Fund.

2. The Commission has jurisdiction over the instant matter.

3. No one appeared at the hearing to intervene or to protest the granting of the authority as requested.

4. The instant parties have entered into an Agreement for the proposed signal work (Exhibit No. 1) and for which the estimated cost is \$26,250.

5. The instant County Road is a part of the Weld County Road System. County funds in the amount of 10% of the estimated protection cost have been budgeted as the County share thereof.

6. The Weld County Road provides a hard surface, asphalt paved roadway at 24 feet wide over the rail line crossing. It is located on the north-south section line between Ranges 62 W and 63 W, and makes a near right-angular crossing over the railroad main line and a passing track. Traffic count data of 1969 showed an average of 350 vehicles per day over the crossing. For 1970, there is an estimated volume of 500 vehicles daily. Use involves a mixed traffic flow of private automobiles, commercial vehicles, oil tank trucks, grain trucks, farm trucks, and school buses. Speeds are variable from 60 miles per hour to a stop at the crossing.

7. County Road at west side of Roggen is the principal north-south arterial between the Roggen interchange with Interstate Highway 80-South, and extends south across the railroad for some 8 miles into Prospect Valley and a connection with Colorado No. 52 to Hudson, Colorado. The road serves an extensive wheat and agricultural area which generates a seasonal and heavy flow of farm trucks to the Roggen grain elevators.

8. Increased local and tourist travel over the crossing has developed following construction of the new Interstate Highway 80-South and an interchange connection with the County Road on the north side of the railroad. The County Road and related grade crossing has been an established school bus route that is used by a morning and afternoon school bus each school day. The road has been rebuilt and surfaced, so it is expected to suffice for a long time.

9. Rail traffic averages 15 trains daily, including three scheduled passenger train movements. Maximum permissible speeds are 79 miles per hour for passenger trains and 60 miles per hour for freight trains. Crossing movements and speeds over the crossing are variable according to seasonal main line freight movements of grains and sugar beets and related use of the passing track for meeting and passing of trains.

10. Extensive switching movements at an industry track for the Roggen grain elevators are made to and from the passing track at about one-half mile east from the crossing.

11. Present protection at the crossing consists of two standard reflectorized railroad crossbuck signs supplemented with two red STOP signs placed by Weld County.

12. Proposed train actuated signal devices to be placed near the roadway on each approach to the double track crossing will consist of a curbside mast with reflectorized crossbuck sign and double red flasher lights to show a warning along the roadway at each approach to the crossing. One signal mast will have a bell. Both signal masts will also have a short-arm gate which will lower as a form of holding barricade for vehicular traffic approaching the crossing in each lane. Track circuiting is designed to provide a minimum warning time of 25 seconds before the approach of a train from either direction, and be in conformance with standards of the Association of American Railroads. Additional circuiting will be placed into the passing track to provide warning for any train movement over the crossing and thereby assure full protection and signal operation until all trains have cleared the crossing.

13. Ordering of materials for installation of the instant signal devices is a railroad management function which is subject to previous Commission approval or changes of the proposed work. Expedited handling of management approval, material ordering and signal installation was pledged in order to hasten early completion of the work as authorized.

14. A detailed estimate of costs for the new work will be provided for the Commission files. On the basis of Weld County budgeting and railroad planning there was agreement that allocation of costs for the new signal devices be: 10 percent to Weld County, 10 percent to Burlington Northern, and the remainder, or 80 percent, from the Crossing Protection Fund.

15. Burlington Northern, Inc., will provide all maintenance for the signal devices following installation.

16. No part of the cost of the proposed signal devices will be paid from funds available under any federal or federal-aid highway act.

17. Upon installation of the new signal devices, there will be removal of the present "STOP" signs and related "STOP AHEAD" signing on the roadway. New speed zone control signing will be provided by Weld County through its Traffic Engineering Division.

18. On the basis of a rising trend of vehicular traffic in the Roggen area, there is a sincere concern for public safety on the part of local residents, Weld County Commissioners, and the railroad. Installation of the proposed signal devices will provide increased public safety for rail, vehicular, school bus and pedestrian traffic at the crossing. Accidents may be prevented and the safety of the public promoted by installation of automatic flasher signals and bell together with the short-arm gates for additional control, all as proposed for the double track grade crossing of Weld County Road over the main line and passing track of Burlington Northern, Inc., Milepost 495.99 at the west side of Roggen, Weld County, Colorado.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded, that:

1. Such devices as herein contemplated are required so as to promote the public safety.

2. The order sought in the instant application should be granted and the actual costs prorated as follows:

10 percent to the County of Weld;

10 percent to Burlington Northern, Inc.;

80 percent to the Commission Crossing Protection Fund.

3. Continuing maintenance work should be performed by Burlington Northern, Inc. at its own expense for the life of the crossing so protected.

4. The signal devices and installation shall be in conformance with the current bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection.

5. Speed zone control and signing on the County road approaches to the crossing shall be established by Weld County.

6. As provided by 115-6-9 (6), CRS 1963, as amended, the authority sought in the instant application should be granted by initial decision of the Commission, since due and timely execution of its functions imperatively and unavoidably so requires.

O R D E R

THE COMMISSION ORDERS:

1. Burlington Northern, Inc., upon the application of the County of Weld, State of Colorado, be, and hereby is, authorized and directed to install, operate, and maintain standard automatic railroad flashing signals, short-arm gates and bell for the County Road grade crossing at Milepost 495.99 over the main line and a passing track of Burlington Northern, Inc., Weld County, Colorado, in accordance with the plans and specifications which are incorporated into the record of this proceeding and which are hereby approved.

2. The installation and maintenance of the crossing protection devices shall be done by Burlington Northern, Inc., as set forth in the Agreement (Exhibit 1) entered into by the parties herein, which Agreement, by reference, is made a part hereof.

3. A fair, just and equitable distribution of the total cost and the installation of the proposed automatic railroad flashing light signals, short-arm gates and bell shall be as follows:

- (a) Weld County to pay 10 percent thereof to cover its share of benefits received from such installation.

Upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering said 10 percent shall be forwarded by Burlington Northern, Inc.. to Weld County, which bill shall be paid to Burlington Northern, Inc., within thirty (30) days of receipt thereof.

- (b) Burlington Northern, Inc. shall contribute out of its own funds 10 percent of the cost of said installations and shall thereafter maintain said crossing devices to cover its share of the benefits therefrom.
- (c) The remainder of the cost, or 80 percent, shall be paid out of the Commission Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of the actual cost and a bill covering such 80 percent shall be forwarded by Burlington Northern, Inc. to the Commission, which bill shall be paid within thirty (30) days after receipt thereof.

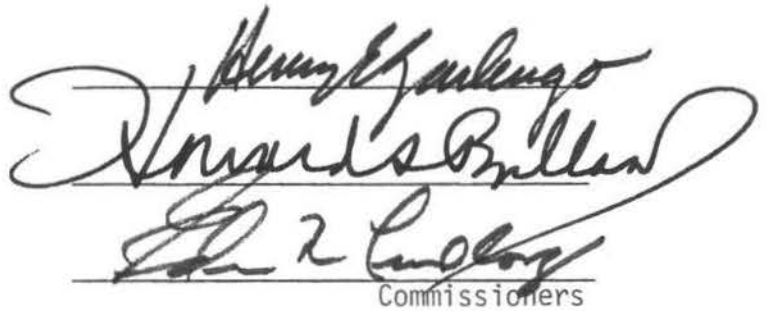
4. The signal devices and installation shall all be in conformance with the current bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection.

5. Speed zone control and related signing on the County Road approaches to the crossing shall be provided by Weld County and be in conformance with the State of Colorado Interim Manual on Uniform Traffic Control Devices, 1968 Edition.

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

7. This Order shall become effective forthwith as the initial
Decision of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76239)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IOWA ELECTRIC LIGHT AND POWER COMPANY,)
CEDAR RAPIDS, IOWA, FOR AUTHORITY TO)
ISSUE AND SELL \$15,000,000 PRINCIPAL)
AMOUNT OF ITS FIRST MORTGAGE BONDS,)
SERIES L, DUE 2000, AND 50,000 SHARES)
OF CUMULATIVE PREFERENCE STOCK, PAR)
VALUE \$100 PER SHARE.)

APPLICATION NO. 24620-Securities

November 13, 1970

Appearances: John R. Barry, Esq., Denver, Colorado,
for Applicant;
James A. VanderWal, Denver, Colorado;
and
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The instant application was filed October 19, 1970, and set for hearing on November 5, 1970, upon proper notice by this Commission. The matter was, pursuant to such notice, duly heard November 5, 1970, at 9 a.m. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, by Commission Chairman Henry E. Zarlengo, to whom the matter was assigned pursuant to law.

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

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

The evidence shows that Applicant is a corporation existing under and by virtue of the laws of the State of Iowa, and is qualified to do business in Colorado and has its principal place of business in the

State of Colorado located in the City of Sterling, and has its principal executive offices in the Security Building in the City of Cedar Rapids, Iowa.

Evidence adduced at the hearing is summarized as follows: Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy and in the purchase, distribution and sale at retail of natural gas in Iowa. It supplies steam and hot water for heating and industrial processing in several cities, all in Iowa. It also purchases natural gas which it distributes at retail in Fairmont, Minnesota, Sterling, Colorado, and five small communities in the eastern part of Nebraska. Electric service is supplied at retail in 51 counties in the State of Iowa, including 272 incorporated cities and towns and 117 unincorporated communities. The Company also sells electric energy at wholesale to 18 municipalities and two rural electric cooperatives. Natural gas purchased from pipeline companies is supplied at retail to 119 towns in Iowa, of which 75 are also supplied electricity by the Company. The Company's service area in Central Iowa has an estimated population in excess of 800,000.

Applicant is not affiliated with any other company.

At the hearing before the Commission, the Applicant filed as Exhibit A a copy of its Amended and Substituted Articles of Incorporation to which reference is hereby made.

As of August 31, 1970, Applicant's authorized capital stock consisted of 146,406 shares of 4.80% Cumulative Preferred Stock having a par value of \$50 per share, all of which shares were issued and outstanding; 120,000 shares of 4.30% Cumulative Preferred Stock having a par value of \$50 per share, all of which shares were issued and outstanding; 100,000 shares of 6.10% Cumulative Preferred Stock having a par value of \$50 per share, of which 100,000 shares were issued and outstanding; 100,000 shares of Cumulative Preferred Stock having a par value of \$50 per share, none of which have been issued; and 4,000,000

shares of Common Stock having a par value of \$2.50 per share, of which 3,528,488 shares were issued and outstanding. As of October 28, 1970, there was also authorized the issuance of an additional 2,000,000 shares of Common Stock, par value \$2.50 per share, and 200,000 shares of a new Cumulative Preference Stock, par value \$100 per share, issuable in series.

As of August 31, 1970, outstanding and secured by its Indenture of Mortgage and Deed of Trust its First Mortgage Bonds in the aggregate principal amount of \$86,551,000 consisting of \$12,900,000 principal amount of First Mortgage Bonds, Series C, 3% due July 1, 1976; \$2,580,000 principal amount of First Mortgage Bonds, Series D, 2-7/8% due July 1, 1977; \$2,460,000 principal amount of First Mortgage Bonds, Series E, 3-1/8% due October 1, 1976; \$4,550,000 principal amount of First Mortgage Bonds, Series F, 3-3/8% due March 1, 1982; \$4,061,000 principal amount of First Mortgage Bonds, Series G, 3-5/8% due May 1, 1978; \$9,000,000 principal amount of First Mortgage Bonds, Series H, 3-1/8% due January 1, 1985; \$16,000,000 principal amount of First Mortgage Bonds, Series I, 5-1/8% due January 1, 1991; \$15,000,000 principal amount of First Mortgage Bonds, Series J, 6-1/4% due September 1, 1996; and \$20,000,000 principal amount of First Mortgage Bonds, Series K, 8-5/8% due November 1, 1999; that Applicant also had outstanding, as of August 31, 1970, \$10,000,000 principal amount of Sinking Fund Debentures, 6-3/8% due July 1, 1992, secured by an Indenture dated as of July 1, 1967.

Applicant has heretofore executed and delivered a certain Indenture of Mortgage and Deed of Trust dated as of August 1, 1940, to The First National Bank of Chicago, as Trustee, and has supplemented said Indenture of Mortgage and Deed of Trust by thirty-six supplemental indentures bearing various dates and proposes to amend said Indenture of Mortgage and Deed of Trust by a Thirty-seventh Supplemental Indenture to be dated as of December 1, 1970, to secure its First Mortgage Bonds,

Series L, now proposed to be issued (Exhibit G). Said Indenture of Mortgage and Deed of Trust as heretofore supplemented and as it will be supplemented by the Thirty-seventh Supplemental Indenture will create a lien on substantially all of the fixed physical properties of the Applicant. A description of the principal terms of said Indenture of Mortgage and Deed of Trust as so supplemented was submitted in evidence herein.

Applicant proposes to now issue and sell \$15,000,000 principal amount of its First Mortgage Bonds, Series L. Applicant further proposes to issue and sell 50,000 shares of its newly authorized Cumulative Preference Stock of a par value of \$100 per share or an aggregate par value of \$5,000,000. The net proceeds from the sale of said Bonds and Cumulative Preference Stock will be applied to the Applicant's construction program and to the retirement of short-term notes payable to banks, the proceeds of which were utilized in Applicant's construction program to date. Expenditures for new construction in the year 1970 are estimated at approximately \$31,200,000. This program contemplates expenditures of approximately \$27,100,000 for additions and improvements of electric property, \$2,700,000 for expansion of gas distribution systems and \$1,400,000 for steam and other construction. The largest single expenditure in the 1970 construction program is \$18,380,000 for work on Applicant's 550,000 KW nuclear generating station on a site near Palo, Iowa. The construction permit from the Atomic Energy Commission for construction of the plant was received in June, 1970. The total constructed cost of the plant (excluding nuclear fuel) and related transmission facilities is now estimated at approximately \$159,000,000. Agreements have been signed by the Company and Central Iowa Power Cooperative and Corn Belt Power Cooperative providing for these two cooperatives to share in the cost and benefits of the nuclear unit through each having a 10% undivided ownership in the unit and its generating capacity.

The construction program for 1971 presently contemplates expenditures of approximately \$60,500,000. Electric plant additions (including \$47,800,000 for the Company's proportionate cost of the nuclear unit) will aggregate approximately \$56,700,000 and gas plant additions approximately \$3,000,000. Funds for this program will be derived from operations of the Company supplemented by interim financing available to the Company under lines of credit from two Chicago banks and one Cedar Rapids, Iowa, bank. The Company contemplates permanent financing in 1971 in connection with said construction program. The amount and kinds of securities and the terms thereof will depend upon the needs of the Company and market conditions at the time the offerings are made.

The construction program may be affected by changes in the Company's plans, market conditions, fluctuation in the cost and availability of material and by governmental regulations.

The evidence further shows that Applicant proposes to sell \$15,000,000 principal amount of First Mortgage Bonds, Series L, to mature December 1, 2000, to be issued on approximately December 17, 1970, against payment therefor in cash. The Bonds will be issued under the Company's Indenture of Mortgage and Deed of Trust, dated August 1, 1940, as heretofore amended and supplemented by thirty-six supplemental indentures and as to be further amended and supplemented by a Thirty-seventh Supplemental Indenture, to be dated December 1, 1970, between the Company and The First National Bank of Chicago, as Trustee. The Bonds will rank equally and ratably with all other bonds irrespective of series now outstanding or hereafter issued under the Indenture as amended and supplemented. The Bonds will be designated as First Mortgage Bonds, Series L, _____%, due December 1, 2000, the rate of interest to be determined by competitive bidding.

Applicant further proposes to issue 50,000 shares of the Company's Cumulative Preference Stock, par value \$100 per share, to be issued on approximately December 17, 1970, against payment therefor in cash at a price not less than par value thereof. Authorization for issuance of 200,000 shares of Cumulative Preference Stock, par value \$100 per share, was obtained at a Special Meeting of Stockholders of the Company on October 28, 1970. The Amended and Substituted Articles of Incorporation reflecting such authorization were submitted as an exhibit at the hearing. The Cumulative Preference Stock is subject to the prior rights and preferences of the existing outstanding classes of the Company's Cumulative Preferred Stock. The rate of dividend will be determined by competitive bidding and redemption prices and amount payable in event of voluntary liquidation will be determined by agreement between the Company and the person or persons offering the best price for the Cumulative Preference Stock based upon the rate of dividend and the public offering price.

The Applicant proposes to issue public invitations for bids for the Bonds and Preference Stock subject to statements of terms and conditions relating to bids, the bids to be made upon specified forms of bid, to which will be annexed thereto purchase contracts. Such public invitations for bids will be published in the New York and Midwest editions of the Wall Street Journal at least one week in advance of the date on which bids are to be submitted. Copies of the Invitations for Bids, Statements of Terms and Conditions Relating to Bids and Forms of Bids were submitted in evidence, Exhibits I and J.

The evidence further shows that the proceeds to be received by Applicant from the sale of such First Mortgage Bonds, Series L, and 50,000 shares of Cumulative Preference Stock, par value \$100 per share, or an aggregate par value of \$5,000,000, will be utilized by Applicant for the reimbursement of monies actually expended for the purpose of the acquisition of property or for the construction, completion,

extension or improvement of its facilities from income or from other monies to Applicant's treasury not secured or obtained from the issuance of securities within five years next prior to the filing of this application to the Commission in the amount of \$20,000,000.

There was introduced in evidence in these proceedings the documents appearing as Applicant's Exhibits C, D and F attached to the application filed in these proceedings which includes Actual and Pro Forma Balance Sheet of Applicant as of August 31, 1970, Actual and Pro Forma Income Statement of Applicant for the twelve months ended August 31, 1970, and a Statement of Capitalization, Actual and Pro Forma, as of August 31, 1970.

As of August 31, 1970, total system plant in service was \$268,910,242, of which \$1,281,475 or .48 of 1% is located in Colorado.

From the evidence submitted, it is found that the earnings available for interest and dividends on the outstanding funded indebtedness and stock of Applicant, including the First Mortgage Bonds, Series L, and 50,000 shares of Cumulative Preference Stock proposed to be issued, are adequate.

FINDINGS OF FACT

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

1. Applicant, Iowa Electric Light and Power Company, 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 Commission is fully advised in the premises.

5. The issuance and sale by Applicant of \$15,000,000 principal amount of First Mortgage Bonds, Series L, and 50,000 shares of Cumulative Preference Stock, par value \$100 per share, as herein set forth are reasonably required and necessary for Applicant's proper corporate financing.

6. The proposed securities issuances are not inconsistent with the public interest, and the purpose or purposes thereof are permitted by law and are consistent with the provisions of Chapter 115, Colorado Revised Statutes 1963, as amended.

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 authorization sought in the aforesaid application should be granted and the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

To the full extent that its approval and authorization are required by the laws of Colorado, Application No. 24620-Securities of Applicant is hereby granted and approved upon the following terms and conditions:

That Applicant is hereby authorized to issue and sell \$15,000,000 principal amount of its First Mortgage Bonds, Series L, and 50,000 shares of its Cumulative Preference Stock, par value \$100 per share, at public sale through the competitive bidding procedures hereinabove described and to execute and deliver its Thirty-seventh Supplement to its Indenture of

Mortgage hereinabove described, provided, however, that as soon as Applicant has opened its bids for such Mortgage Bonds, Series L, and 50,000 shares of its Cumulative Preference Stock, par value \$100 per share, and is advised as to the best bid obtained therefor, Applicant shall file with this Commission the information setting forth the terms of the bids received for such First Mortgage Bonds, Series L, and 50,000 shares of its Cumulative Preference Stock, par value \$100 per share.

That Applicant is hereby authorized to take such steps, actions and proceedings as may in conformity with applicable law and regulation be necessary, incidental or appropriate to the full accomplishment of the transactions hereinabove approved and authorized.

That the securities authorized to be sold hereunder shall bear on the face thereof a serial number for proper and easy identification; that within ninety (90) days from the issuance and first sale of the securities authorized to be sold hereunder, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities as are initially issued.

That within ninety (90) days after final delivery of such First Mortgage Bonds, Series L, and 50,000 shares of its Cumulative Preference Stock, par value \$100 per share, Applicant shall file with this Commission a verified report showing the respective sale of such bonds and stock and the costs and expenses incurred by Applicant incident to such sales and the journal entries reflecting such transactions on the books of Iowa Electric Light and Power Company. Applicant also shall file with this Commission a copy of the Thirty-seventh Supplemental Indenture as executed.

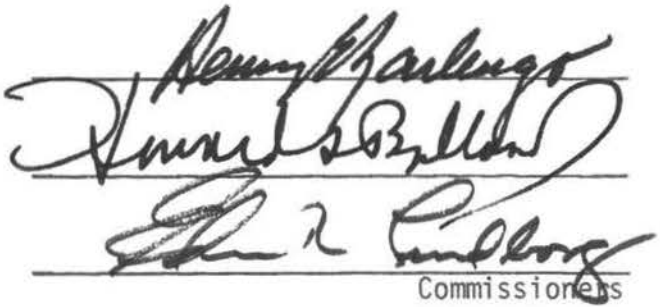
Nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said securities on the part of the State of Colorado.

That this 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 herein granted 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 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
13th day of November, 1970.
vjr

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

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 OPERATE AS A PUBLIC)
UTILITY DISTRIBUTING ELECTRIC ENERGY IN)
PORTIONS OF THE COUNTY OF PUEBLO, STATE)
OF COLORADO.)

APPLICATION NO. 24096-Amended

IN THE MATTER OF CENTRAL TELEPHONE &)
UTILITIES CORPORATION, OF WHICH SOUTHERN)
COLORADO POWER COMPANY IS A DIVISION,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A PUBLIC)
UTILITY DISTRIBUTING ELECTRICAL ENERGY)
IN CERTAIN PORTIONS OF THE COUNTY OF)
PUEBLO, STATE OF COLORADO.)

APPLICATION NO. 24655

CENTRAL TELEPHONE & UTILITIES CORPORATION,)
Complainant,)
vs.)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
d/b/a SAN ISABEL ELECTRIC SERVICES,)
INC., a Corporation,)
Respondent.)

CASE NO. 5403

CENTRAL TELEPHONE & UTILITIES CORPORATION,)
Complainant,)
vs.)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
d/b/a SAN ISABEL ELECTRIC SERVICES, INC.,)
a Corporation,)
Respondent.)

CASE NO. 5421

ORDER OF THE COMMISSION
NOTICE OF APPLICATIONS FILED
AND
NOTICE OF HEARING

- - - - -
November 13, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The following applications and cases were filed with the Public Utilities Commission as follows: Application No. 23873 - July 22, 1969; Application No. 24096-Amended - November 4, 1970; Application No. 24655 - November 10, 1970; Case No. 5403 - September 5, 1969; and Case No. 5421 - February 17, 1970.

Upon consideration of the matter, the Commission on its own motion states and finds that good cause exists and the public interest and necessity require that notice be given of the filing of Application No. 24096-Amended and Application No. 24655 on less than thirty (30) days' notice as provided for in the Order herein. The Commission further finds that the above-entitled matters should be set for hearing as hereinafter set forth.

O R D E R

THE COMMISSION ORDERS THAT:

1. The above-entitled applications and cases be, and hereby are, set for hearing before the Commission on Monday, December 7, 1970, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.
2. Any person desiring to file objection, intervene in or participate as a party herein shall file appropriate pleadings therefor prior to the hearing hereinabove set.
3. That notice be, and hereby is, given of the filing of the within applications and cases and the hearing thereon.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
13th day of November, 1970.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: PETITION TO PUBLISH JOINT
RATES AND ROUTE FROM PUEBLO,
COLORADO TO BURLINGTON, COLORADO,
VIA COLORADO SPRINGS AND INTERMEDIATE
POINTS BETWEEN LIMON AND BURLINGTON,
INCLUDING BURLINGTON

CASE NO. 1585

November 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 4, 1970, a joint petition filed with the Commission for the account of Arthur D. Walker, d/b/a Colorado Springs-Limon Transportation Company, Certificate No. 319, and Ephraim Freightways, Inc., Certificate No. 7368 & I, by Albert Sebald, Esq., requested authority to be relieved from the provisions of Item No. 370, Joint Line Rates, and to publish joint rates and route via Colorado Springs, Colorado, from Pueblo, Colorado to points beyond and intermediate of Limon, to and including Burlington, Colorado, over Interstate Highway No. 25 to Colorado Springs, Colorado, thence U.S. No. 24 to Limon, Colorado and Interstate No. 70 to Burlington, Colorado.

Petitioners represent that by Decision No. 74769, dated April 22, 1970, Case No. 1585, and Decision No. 74633, dated April 1, 1970 (extension and clarification) for account of Colorado Springs-Limon Transportation Company, additional joint rates and route were established for the account of supra carriers, to serve between Pueblo and Limon, Colorado, and other points set forth therein. That numerous requests from Pueblo shippers desirous of this service have been received, due to the lack of the current carrier's performance. That reduced rates will ensue to the shippers, resulting from operations over the shorter distances between the involved points.

STAFF OBSERVATIONS AND COMMENTS

As a result of Decision No. 74633, extension was granted, extending the point of origin from Colorado Springs to and including Burlington, Colorado, and all intermediate points over U.S. Highway No. 24. This, then, is setting up a new schedule of rates for service beyond that provided in Decision No. 74769 and will now provide an integrated service from Pueblo via Colorado Springs, to points along U.S. Highway No. 24, Colorado Springs to Burlington.

Since the request, as it relates to joint class rates, appears to represent just, fair and reasonable provisions, the Commission states and finds, pursuant to the provisions of Chapter 115-11-5, Article 11, Colorado Revised Statutes (1963) as amended, and Rule 19B, Rules of Practice and Procedure before the Commission, that: --

1. Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent for Petitioners, shall publish rates set forth in Appendix "A" attached hereto, in its Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19, upon thirty days' (30) notice to the general public and to the Commission.

2. Rates and provisions set forth in Appendix "A" attached hereto shall be subject to the provisions of Amendment No. 7 to Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19.

3. Petitioners shall file, coinciding with rate schedules, a "Time Schedule" designating the times of service to be rendered to the public on this integrated service.

O R D E R

THE COMMISSION ORDERS:

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

2. That the classes set forth in Appendix "A" will, for the future, be the applicable classes for joint operations between Ephraim Freightways, Inc., and Colorado Springs-Limon Transportation Company.

3. That all motor vehicle common and contract carriers having tariffs on file which are in competition with the carriers involved and provisions herein prescribed, shall publish, or cause to be published the changes reflected herein.

4. That Petitioners are relieved from the provisions of Item No. 370, Colorado Motor Carriers' Association, Agent, Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19.

5. That all call and demand common and contract carriers are subject to the provisions of Item No. 470, Penalty Rule of the afore-said tariff.

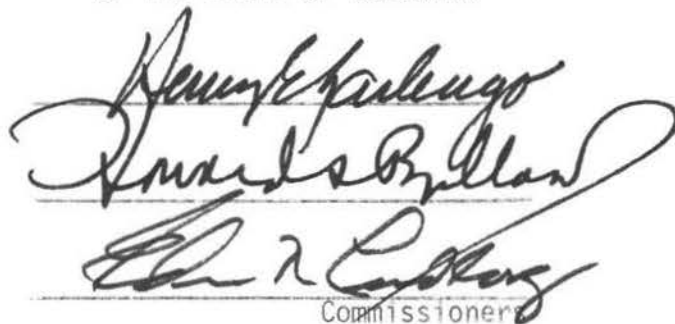
6. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. 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.

8. That this Order shall become effective forthwith.

9. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
Local and Joint Class and Commodity Rates
Tariff 12-B, Colorado PUC No. 19

Section No. 1						
CLASS RATE BASES						
For Application, See Item 410						
For Class Rates, See Sections 2 and 3						
Index No.	Between	Pueblo, Colorado	Minimum weight-pounds			Route No.
			LTL	5,000	10,000	
	And	Miles				See Section 7
23950	Genoa	126	211	180	145	127
22800	Arriba	138	214	182	147	127
23775	Flagler	149	222	188	152	127
25620	Seibert	160	226	192	156	127
25980	Vona	167	233	198	160	127
25760	Stratton	175	236	201	163	127
22930	Bethune	184	243	206	167	127
23110	Burlington	191	247	210	170	127

Route 127 -- Ephraim Freightways, Inc., Colorado Springs, Colorado,
Colorado Springs-Limon Transportation Company

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: RATES APPLICABLE TO RETURN
OF EMPTY CABLE SHIPPING REELS

CASE NO. 1585

November 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 21, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed 6th Revised Page No. 22 to Motor Freight Tariff No. 13, Colorado PUC No. 12>(*The Motor Truck Common Carriers' Association, Agent, Series) naming reduced rates and charges for return of empty cable shipping reels scheduled to become effective November 21, 1970.

Supporting the reduced charges a letter, addressed to the Commission by the Chief of Tariff Bureau, presents the following facts:

1. The Mountain States Telephone Co., ships substantial amounts of cable, on reels, from Denver to points in Colorado and, when a load has accumulated, returns full loads of empty reels to Denver.
2. These shipments of cable are charged for at the distance rates and at the present time, the empty reels being returned are charged for at 60% of the outbound rate, in accordance with Item 235 of this tariff.
3. The carriers represent that the 60% provision in Item 635 was intended to apply on return shipments of machinery, machines, parts, etc., which would have about the same value and loading characteristics as the commodities transported on the outbound movement, and that it is excessive when applied to shipment of empty reels which have a low value and which are not subject to damage in transportation.
4. An average shipment of cable on reels, weighing 20,000 pounds, moving 110 miles at a rate of \$1.00 per mile, would produce revenue of \$110.00 or 50¢ per running mile, with the carrier usually returning empty to Denver.

5. When a load of empty reels has been accumulated, however, the proposed 40% return rate would add another 20¢ per running mile to the overall revenue.
6. Since the carrier provides no loading or unloading service, there is very little additional cost on those trips when the reels are returned on what would otherwise be an empty movement of the vehicle.
7. It might be well to point out, too, that the reason there are not the same number of empty returned loads as loads with filled reels is that a vehicle can be loaded with two or three times as many empty as filled reels. This is because of nesting, stacking, etc., which cannot be done with filled reels.

Since the publication appears to be just, reasonable and compensatory, the Commission states and finds that: --

1. Under the provisions of Rule 19B of the Rules of Practice and Procedure, and Statutes governing Contract Motor Carriers, 115-11-5, as amended, an Order shall be entered prescribing the provision in Appendix "A" attached hereto.

O R D E R

THE COMMISSION ORDERS:

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

2. That the rates and charges set forth in Appendix "A" shall be the prescribed rates of the Commission.

3. That on and after November 21, 1970, the affected common carriers by motor vehicle herein shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed.

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 prescribed for motor vehicle common carriers, on and after November 21, 1970.

5. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

6. 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 carrier or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. That this Order shall become effective forthwith.

8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Edwin R. Lundborg
necessarily absent and not
participating.

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

APPENDIX "A"

Colorado Motor Carriers' Association, Agent
Motor Freight Tariff No. 13
Colorado PUC No. 12*

(*The Motor Truck Common Carriers' Association, Agent, Series)

Scheduled to become effective November 21, 1970

Item No.	Rules and Regulations
6th Revised Page No. 22	
	<u>RATES FOR RETURN OF EMPTY CABLE SHIPPING REELS:</u>
233	When the same consignor or the same consignee makes available to the carrier a return load of empty cable shipping reels immediately following the unloading of the original shipment, the returned empty cable shipping reels, loaded by consignor and unloaded by consignee, will be charged for at 40% of the rate applicable.

⚡ denotes addition.

Ⓜ denotes reduction.

(Decision No. 76243)

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,)
FOR A CERTIFICATE OF PUBLIC CONVENI-)
ENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 24514

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

November 24, 1970

Appearances: William A. Baker, Esq., Colorado Springs,
Colorado, for Applicant.
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.; Conti-
nental Central Lines, Inc.; National
Tours, Inc., Protestants.
Harlan G. Balaban, Esq., Denver, Colorado,
for Rocky Mountain Motor Company, Inc.,
Protestant.
Bruce L. Craig, Esq., Colorado Springs,
Colorado, for The Colorado Springs
Coach Company, Inc., Protestant.
Pierpont Fuller, Esq., Denver, Colorado,
for Empire Passenger Service, Inc.,
Protestant.
Peter J. Crouse, Esq., Denver, Colorado,
for Art Walker doing business as
Colorado Springs-Limon Transportation
Company, Protestant.

PROCEDURE AND RECORD

Under date of August 21, 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. 24514 to the application.

Following the filing of the application, Protests were received by the Commission from the following common carriers, to-wit:

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.; National Tours, Inc.; Rocky Mountain Motor Company, Inc.; The Colorado Springs Coach Company, Inc.; Empire Passenger Service, Inc.; and Art Walker, doing business as "Colorado Springs-Limon Transportation Company".

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 October 28, 1970, at 10 a.m. On October 20, 1970, a Motion for Extension of Time was filed with the Commission by John R. Barry, counsel on behalf of the Protestants represented by him. The Motion was denied by the Commission (Decision No. 76127), and a hearing was held at the aforesaid time and place. The hearing was continued and concluded on October 30, 1970.

Official notice was taken at the hearing of the following documents on file with the Commission: Articles of Incorporation of the Applicant corporation, Certificates of Public Convenience and Necessity PUC No. 116 and PUC No. 139, Designation of Agent for Service, List of Names of Directors and Officers of the Applicant corporation, and the Financial Statements of Applicant.

Pierpont Fuller, counsel for Protestant, Empire Passenger Service, Inc., requested leave to withdraw the Protest of the aforesaid Protestant and leave to withdraw from the proceedings except for the receipt of the forthcoming Decision. The request was granted by the Examiner.

Pursuant to a Stipulation between Applicant and Rocky Mountain Motor Company, Inc., a Protestant, and their respective counsel, Harlan G. Balaban, Esq., requested leave to withdraw the Protest of the aforesaid Protestant and leave to withdraw from further proceedings except for the receipt of the forthcoming Decision. In substance, the Stipulation reads as follows, to-wit:

"The applicant stipulates and agrees that any Certificate of Public Convenience and Necessity to render charter service by motor vehicle, which may be issued by the Commission pursuant to the above application, will be restricted to provide that the applicant will not render charter service, which originates in the City and County of Denver, unless all of the existing holders of certificates to render such charter service are unable or unwilling, in which event applicant reserves the right to render such service.

The protestant, ROCKY MOUNTAIN MOTOR COMPANY, INC., hereby withdraws its protest to the granting of the authority sought in the above entitled application and withdraws from the proceedings."

The Stipulation was accepted by the Examiner, and counsel for Rocky Mountain Motor Company, Inc. was granted leave to withdraw from the proceedings.

The following witnesses testified in support of the application, to-wit: D. R. C. Brown, Donald S. Fowler, Pat Farrell, Fred Sindt, Bill Woods, Joe Bishop, David C. Pierce, and Gunnar Alenius. C. Walters, Ralph Berndt, and Byron E. Coward testified on behalf of Protestants.

Applicant's Exhibits numbered 1, 2, 3, 4, 5, 5a, 5b, 5c, 6, 7, and 8, and Protestants' Exhibits marked for identification A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, and V were received and admitted into evidence.

John R. Barry, Esq., counsel for certain Protestants as enumerated and outlined above, moved to strike the testimony of witness Farrell on the grounds that the testimony pertained to interstate rather than intrastate commerce. The Motion was taken under advisement and is hereby denied. Mr. Barry requested leave to file a copy of Commission Decision No. 53153 as a late-filed exhibit. The request was granted by the Examiner

and a copy of the said Decision was filed on November 19, 1970.

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 operates 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 hold previously granted authority from this Commission, to-wit: PUC No. 116 and PUC No. 139, which have no bearing on the herein application.
5. Applicant, in this proceeding, is asking for authority, in substance, as follows:

"To operate as a common carrier by motor vehicle for hire for transportation of passengers and their baggage including ski equipment and express

(1) in bus service, on schedule, from November 16 of each year through April 15 of the succeeding year and for such additional periods as demand may warrant, between Colorado Springs, Colorado, and the area within a 15-mile radius thereof; and Frisco, Colorado, and the area within a 15-mile radius thereof lying south of U.S. Highway No. 6, over U.S. Highway No. 24 from Colorado Springs to Hartsel, Colorado; thence over Colorado Highway No. 9 to its junction with Colorado Highway No. 91 to Frisco, serving all intermediate points; and,

(2) in charter service between points within one mile of the routes and termini above set forth; and from and to said points to and from all points within the State of Colorado.

RESTRICTION: Item (2) is restricted against rendering any charter service which originates in the City and County of Denver, unless all of the existing holders of certificates rendering such charter service are unable or unwilling, in which event applicant reserves the right to render such service."

6. The influx of tourists in the Denver and Colorado Springs areas with a subsequent movement of such tourists in a westerly direction thereof and in particular to the communities of Breckenridge and Frisco shows a definite growing trend from year to year. A substantial portion of such tourists are skiers moving to the ski areas west and northwest of Colorado Springs, Colorado. This tourist movement is beneficial to the economy of the State of Colorado. The Municipal Airport of Colorado Springs, Colorado, known as "Peterson Field", is a modern airport which can accommodate large airplanes arriving from other states carrying a substantial number of tourists and in particular, skiers and their equipment. Evidence presented at the hearing established that due to several factors and, among other things, the congestion of Stapleton Airfield at Denver on weekends and promotional efforts by the community of Colorado Springs, Colorado, its Chamber of Commerce and other interested organizations, a substantial number of flights are now arriving at Peterson Field near Colorado Springs, Colorado. The skiers arriving at Peterson Field and skiers from the Colorado Springs area need local intrastate transportation by bus to the skiing areas as described, supra. A connecting link of scheduled bus transportation from Colorado Springs in a westerly and north-westerly direction to Frisco, Colorado, as proposed by the Applicant, would serve both the skiing and other groups and benefit the economy of the State of Colorado.

7. Charter authority goes hand in hand with scheduled authority. At the present time there is occasionally a shortage of charter buses in the Colorado Springs area and, if present promotional activities of tourism

in the Colorado Springs area should bear fruit, more charter buses will be needed in the said area.

8. At the present, there is no scheduled bus service between Colorado Springs and Frisco, Colorado, via U.S. Highway No. 24 and Colorado Highway No. 9, and existing charter service in the Colorado Springs area is inadequate.

9. The first paragraph of the requested authority contains the following words:

"and for such additional periods as demand may warrant."

This language is uncertain, leaving room for misinterpretation or conflicting interpretations, and should be deleted if the authority, as applied for, is granted. If it should develop that scheduled passenger service between Colorado Springs and Frisco, Colorado, over the designated route or routes, demands additional periods of time when Applicant could serve the heretofore described territory, Applicant should then apply for an extension of the authority.

10. The restriction stipulated to at the hearing by Applicant and the Protestant, Rocky Mountain Motor Company, Inc., is, in fact, covered by Rule 5 of the Rules and Regulations of this Commission Governing Sight-seeing, Charter, Special Bus, and Auto Livery Carriers by Motor Vehicle (Decision No. 57386), is therefore moot, and should be deleted from the requested chartered bus authority in the event such authority is granted.

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 applied for herein.

12. Applicant's equipment makes provision for carrying passengers, skis, and other baggage, and express, and is well-adapted to the needs of passenger transportation as applied for.

13. 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.

14. There is a present and special need for both scheduled and charter bus service as proposed by Applicant.

15. Applicant established that the present or future public convenience and necessity requires or will require the granting of both scheduled and charter bus authority as hereinafter set forth.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Protests of all Protestants should be, and hereby are, dismissed.

2. The authority sought by Applicant 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 The Pikes Peak Automobile Company, a Colorado corporation, P.O. Box 2378, Colorado Springs, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

"Transportation -- on schedule in bus service -- of

(1) Passengers and their baggage, and express

Between Colorado Springs, Colorado, and a fifteen (15) mile radius thereof and Frisco, Colorado, and that portion of a fifteen (15) mile radius thereof lying south of U.S. Highway No. 6, over the following-described route: U.S. Highway No. 24 from Colorado Springs to Hartsel, Colorado; thence over Colorado Highway No. 9 to its junction with U.S. Highway No. 6; thence over U.S. Highway No. 6 to Frisco, serving all intermediate points

RESTRICTION:

Item (1) is restricted to rendering transportation service between November 16 of each year through April 15 of the succeeding year.

Transportation -- in charter bus service -- of

(2) Passengers and their baggage

Between points described in Item (1) including points located within one (1) mile on either side of said described route, on the one hand, and points located within the State of Colorado, on the other hand";

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, and time and distance schedules, as required by the rules and regulations of this Commission within twenty (20) days.

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.

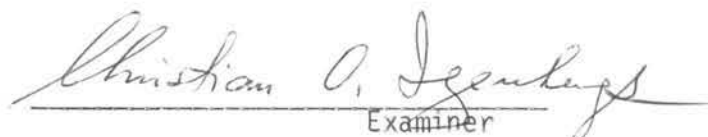
4. That this Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

5. 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.

6. 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

hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN TUCCI, 901 WEST 4TH STREET,)
PUEBLO, COLORADO, TO ACQUIRE ALL OF)
THE ISSUED AND OUTSTANDING STOCK OF)
WANDELL & LOWE TRANSFER AND STORAGE)
COMPANY OF COLORADO SPRINGS, COLORADO,)
RECORD OWNER OF PUC NO. 342 AND PUC)
NO. 342-I, FROM RITA T. LIGON AND)
MARGARET L. COOK.)

APPLICATION NO.
24369-Stock Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

November 17, 1970

Appearances: Karl R. Ross, Esq., Colorado Springs,
Colorado, for Transferors.
Karl R. Ross and Robert Dunlap, Esqs.
Colorado Springs, Colorado, for
Transferee.
Thomas C. Donovan, Jr., Esq.,
Colorado Springs, Colorado, for
Paul D. George, Protestant.

PROCEDURE AND RECORD

Under date of April 16, 1970, Applicants filed the above-entitled application for authority to transfer all the issued and outstanding common stock of Wandell & Lowe Transfer and Storage Company, record owner of Certificates of Public Convenience and Necessity PUC No. 342 and PUC No. 342-I, as specifically set forth in said application.

The Commission assigned No. 24369-Stock Transfer 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 hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on September 18, 1970, at 10 a.m. The aforesaid hearing was vacated and reset for hearing on Friday, October 16, 1970, at the same hour and place.

Subsequent to the filing of the application, a letter was received from Thomas C. Donovan, Jr., Esq., counsel for one Paul D. George, which said letter stated, inter alia, that the said Paul D. George claimed to be a one-third owner of all the outstanding shares of common stock in the Wandell & Lowe Transfer and Storage Company protesting or objecting to any indication on the Commission records that John J. Tucci, Applicant, would appear to be the owner of all the issued and outstanding stock in the aforesaid company.

The hearing was held at the aforesaid time and place.

At the hearing, the respective counsel for Applicants and Mr. Paul D. George entered into a Stipulation. The Stipulation reads as follows, to-wit:

"RITA T. LIGON, JOHN TUCCI and PAUL D. GEORGE, by their undersigned attorneys, have and do hereby stipulate as follows:

(1) That Mr. George, by agreement, acquired from Mr. Tucci a right to a one third interest in the Wandell and Lowe Transfer and Storage Company. That these rights of Mr. George do not affect Mr. Tucci's ownership of controlling interest in the corporation.

(2) That Mr. George's rights are junior to whatever security interests Mrs. Ligon may have by virtue of agreements between herself and Mr. Tucci.

(3) That this Stipulation is not intended to resolve or dispose of the issues raised in Civil Action 60178 pending in the District Court of El Paso County, or any other litigation now pending or hereafter instituted between Mr. George and Mr. Tucci.

This Stipulation was entered into October 16, 1970."

The Stipulation was accepted by the Examiner, whereupon Mr. Paul D. George withdrew his protest or objection and the within matter proceeded to hearing as a non-contested application.

John J. Tucci, President and Operating Manager of Wandell & Lowe Transfer and Storage Company, and Rita T. Ligon testified in support of the application. No person testified in opposition to the granting of the application.

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

Counsel for Applicant requested and was granted leave to file a Financial Statement of the corporation reflecting the financial data of the said corporation as of October 1, 1970, as a late-filed Exhibit.

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

The aforesaid Financial Statement was duly filed on October 27, 1970.

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. Wandell & Lowe Transfer and Storage Company is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. The aforesaid corporation is the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 342 and PUC No. 342-I.
3. Rita T. Ligon and Margaret L. Cook are the owners of all the outstanding capital stock of Wandell & Lowe Transfer and Storage Company.
4. Rita T. Ligon and Margaret L. Cook petition this Commission to transfer all of their outstanding stock of Wandell & Lowe Transfer and Storage Company to John J. Tucci.
5. Under date of November 27, 1967, the parties entered into an Agreement to transfer all of the issued and outstanding capital stock of Wandell & Lowe Transfer and Storage Company and the consideration paid was fair and reasonable.

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

7. Subsequent to the above date, John J. Tucci assigned a one-third interest in the Wandell & Lowe Transfer and Storage Company to one Paul D. George. Since this assignment does not affect John J. Tucci's ownership of a controlling interest in the corporation, the assignment is not within the scope of the jurisdiction of this Commission and of no effect in the within proceedings.

8. Transferee 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. Transferee 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, and has or will make adequate provision for insurance.

10. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

11. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The transfers herein 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 Rita T. Ligon and Margaret L. Cook, 4425 Sinton Road, Colorado Springs, Colorado, be, and hereby are, authorized to transfer

all of their issued and outstanding capital stock of Wandell & Lowe Transfer and Storage Company, a Colorado corporation, record owner of Certificates of Public Convenience and Necessity PUC No. 342 and PUC No. 342-I, to John J. Tucci, 901 West 4th Street, Pueblo, Colorado, subject to encumbrances, if any, against said authority.

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

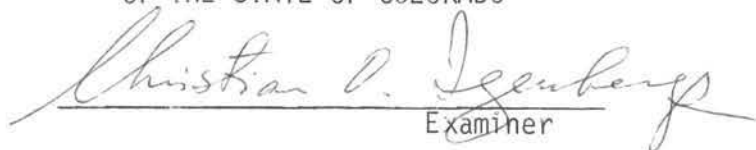
3. That the right of Transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of the annual report by Transferors herein covering the operations under the said Certificate up to the time of the transfer of said Certificate.

4. 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.

5. 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

h.j

(Decision No. 76245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. HOLSTINE, BYRON W. HOLSTINE,)
RONNIE HOLSTINE, AND MARCUS HOLSTINE,)
DOING BUSINESS AS "W. H. HOLSTINE &)
SONS," KIRK, COLORADO 80824, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-6213.)

APPLICATION NO.

24569-PP-Extension

November 18, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 21, 1970, the above-entitled application was filed with the Commission, and notice thereof was given on September 30, 1970.

On November 5, 1970, Ward Transport, Inc. and Ruan Transport Corporation, by and through their attorney Leslie R. Kehl, filed a Petition To Intervene And Protest.

The Commission finds and concludes that the Petition To Intervene And Protest was not timely filed; that no good cause has been shown for the delay; and that it should therefore be denied as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Petition To Intervene by Ward Transport, Inc. and Ruan Transport Corporation, be, and hereby is, denied.

That the Protest of Ward Transport, Inc. and Ruan Transport Corporation, be, and hereby is, dismissed.

That this Order shall become effective forthwith

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1970.
h.j

(Decision No. 76246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

RONALD A. PATTERSON DBA)
ANTHONY & PATTERSON TRUCK LINE)
HIGHWAY 71 NORTH)
ASHDOWN, ARKANSAS 71822)

AUTHORITY NO. 7574-I

CASE NO. 1871-H-Ins.

November 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1969 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

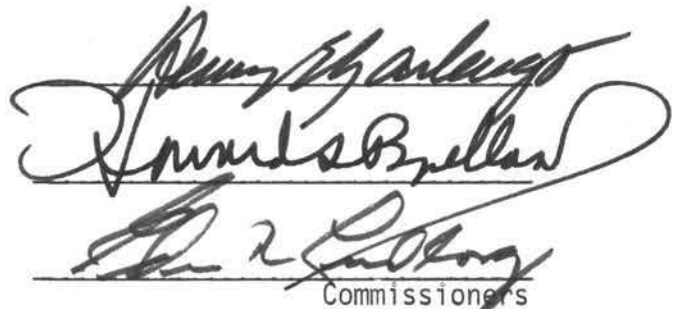
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76247)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

JULIAN MARTIN)
1490 S. 14th ST.)
BATESVILLE, ARKANSAS 72501)

AUTHORITY NO. 7248-I
CASE NO. 2373-H-Ins.

November 16, 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.

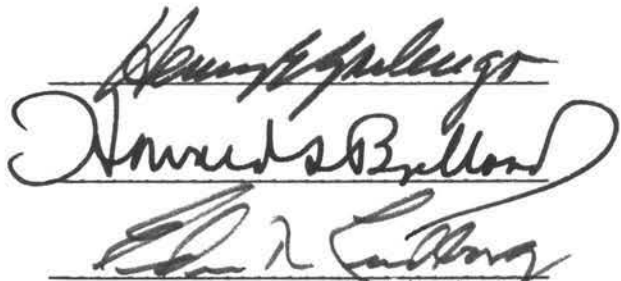
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 16th day of November, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: HOURLY RATES AND ADDITIONAL
CHARGES FOR SPECIAL SERVICES IN
CONJUNCTION WITH SO-CALLED CARRIERS
OF HEAVY COMMODITIES

Investigation and Suspension
Docket No. 651

November 17, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 1970, and April 14, 1970, the following Revised Pages were filed with the Commission, scheduled to become effective #May 2, 1970, and *May 21, 1970.

① CMCA TARIFF No. 13
#12TH REVISED PAGE 2

② DUFFY TARIFF No. 3
*4TH REVISED PAGE No. 8
#3RD REVISED PAGE No. 14

③ WEICKER TARIFF No. 3
*4TH REVISED PAGE No. 10
#5TH REVISED PAGE No. 18

① COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
MOTOR FREIGHT TARIFF No. 13, COLORADO PUC No. 12* (*THE MOTOR TRUCK COMMON
CARRIERS' ASSOCIATION, AGENT, SERIES)

② DUFFY STORAGE AND MOVING COMPANY
MOTOR FREIGHT TARIFF No. 3, COLORADO PUC No. 4, MF-ICC No. 1

③ THE WEICKER TRANSFER & STORAGE COMPANY
MOTOR FREIGHT TARIFF No. 3, COLORADO PUC No. 3, MF-ICC No. 7

Said Revised pages resulted in various increased rates and charges for the affected carriers.

By Decision No. 74825, dated May 1, 1970, the Commission suspended the above matter and set for hearing on July 8, 1970, at 10:00 o'clock a.m., in the Commission's Hearing Room, Denver, Colorado.

By Decision No. 75320, dated July 6, 1970, said hearing was vacated and reset for hearing on September 3, 1970. By the same decision the suspension period was extended to and including November 28, 1970, unless otherwise ordered by the Commission.

By Decision No. 76091, dated October 16, 1970, said hearing was again vacated to be reset at a later date.

As no request for hearing has been received and the date upon which the period of suspension will expire approaches, the Commission finds that the matter under suspension herein should be cancelled and investigation and suspension Docket No. 651, be discontinued and closed.

O R D E R

THE COMMISSION ORDERS:

1. That the Respondents herein be, and they are hereby, notified and required to cancel:

12th Revised Page No. 2 to CMCA Tariff No. 13, Colo. PUC No. 12; 4th Revised Page No. 8 and 3rd Revised Page No. 14 to Duffy Storage and Moving Co., Motor Freight Tariff No. 3, Colo. PUC No. 4; and 4th Revised Page No. 10, and 6th Revised Page No. 18 to Weicker Transfer & Storage Co., Motor Freight Tariff No. 3, Colo. PUC No. 3, on or before November 28, 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.

2. That Investigation and Suspension Docket No. 651, be, and it is hereby, discontinued and closed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Edwin R. Lundborg
necessarily absent and not
participating.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CITY OF FORT COLLINS FOR AUTHORITY)
TO INSTALL GRADE CROSSING PROTECTION)
DEVICES AT DRAKE ROAD, FORT COLLINS,)
COLORADO, AND MILEPOST 71.78 OF THE)
COLORADO AND SOUTHERN RAILWAY COMPANY.)

APPLICATION NO. 23569

November 17, 1970

Appearances: Arthur E. March, Esq.
Fort Collins, Colorado,
Assistant City Attorney
for Applicant, City of
Fort Collins.
W. L. Peck, Esq., Denver
Colorado, General Attorney
for Colorado and Southern
Railway Company.
J. L. McNeill, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of January 17, 1969, Applicant, under the provisions of 115-4-6, CRS 1963, as amended, filed the above-entitled application seeking an order of this Commission directing the Colorado and Southern Railway Company to construct, operate, and maintain automatic grade crossing protection devices at Drake Road, in the City of Fort Collins, State of Colorado, where the main line of the Colorado and Southern Railway Company crosses said Drake Road at Milepost 71.78, as more specifically set forth in said application.

The Commission assigned No. 23569 to said 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 in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on

November 12, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Joe A. Rice, Traffic Engineer for the City of Fort Collins; E. A. Graham, Chief Engineer for the Colorado and Southern Railway Company; and Darrell M. Weese, Assistant to the Superintendent of Communications and Signals for the Colorado and Southern Railway Company, testified in support of the application. No person appeared at the hearing to protest the granting of the authority, no written protests or petitions for intervention were received, and no public witnesses appeared at the hearing.

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, Section 9, Subparagraph (6), Colorado Revised Statutes (1963), as amended, the recommended decision of the Examiner is omitted for the reason that the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably requires that the Commission make this its initial decision.

FINDINGS OF FACT

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

1. The purpose of this application is to secure Commission approval for the proposed installation and maintenance of automatic flashing light railroad signals and bell at the grade crossing of Drake Road over the main line track at Milepost 71.78 in the City of Fort Collins, State of Colorado, and for an allocation of the costs for signal devices and installation in accordance with the provisions of 115-4-6, CRS 1963, as amended, relating to financial assistance through the Commission Grade Crossing Protection Fund.

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

3. No one appeared to intervene or to protest the granting of the authority as requested.

4. The parties, namely, the Colorado and Southern Railway Company and the City of Fort Collins, have entered into an Agreement for the proposed signal work, and the application requests authorization to be granted in accordance with said Agreement.

5. Drake Road is an asphalt paved street having four lanes on the east side of the track and two lanes on the west side and will eventually become a four-lane road. This is an arterial roadway and a prime thoroughfare which, among other things, handles traffic to and from the Colorado State University stadium. School buses use Drake Road and the crossing to reach Blevins Junior High School. Use involves a mixed traffic flow of private automobiles, commercial vehicles, and construction vehicles, such as concrete mixer equipment moving to and from the new residential areas.

6. A vehicular count for a 24-hour period in the month of October reveals that there were 4,374 vehicles which made use of this crossing.

7. The present speed limit for trains at the crossing is 15 miles per hour. However, there is consideration it will be increased to 30 miles per hour. There are four scheduled freight trains plus two switch engines going by here each 24-hour period and no passenger trains.

8. Present protection at the crossing consists of two standard reflectorized railroad crossbuck signs supplemented with two red STOP signs placed by the City of Fort Collins.

9. Proposed signal devices to be placed near the roadway at each side of the track crossing will consist of a curbside mast with cantilever arm, said masts having reflectorized crossbuck signs and four red flasher lights, two of which will be directed toward Mason and Redwing

Streets, respectively, and said cantilever arms will have two sets of two red flasher lights directed against the flow of traffic. One signal mast will have a bell. Each mast will also have an overhead street illumination light. Track circuiting is designed to provide a minimum warning time of 22 seconds before the approach of a train from either direction, and be in conformance with standards of the Association of American Railroads. The circuiting will also connect to the industry track to the north to protect against excess flashing when that track is being used.

10. The Railway Company has material on hand for an early start on the track work, and it is expected that the City will receive the masts and cantilever spans in the very near future.

11. On the basis of the City budgeting and railroad planning there was agreement that allocation of costs for the new signal devices be: 10 percent to City of Fort Collins, 10 percent to the Colorado and Southern Railway Company, and the remainder, or 80 percent, from the Grade Crossing Protection Fund.

12. The Colorado and Southern Railway Company will provide all maintenance for the signal devices following installation with the cooperation of the City which will furnish a maintenance truck with elevating platform when necessary.

13. No part of the cost of the proposed signal devices would be paid from funds available under any federal or federal-aid highway act.

14. There is a sincere concern for public safety on the part of both the railroad and the City of Fort Collins, and the installation of signal devices as herein proposed would provide increased public safety for rail, vehicular, and pedestrian traffic at the crossing. Accidents may be prevented and the safety of the public promoted by the installation of automatic flasher signal devices and bell as proposed for the grade crossing.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. Such devices as herein contemplated are required so as to promote the public safety.
2. The order sought in the instant application should be granted and installation costs prorated as follows:
 - 10 percent to the City of Fort Collins;
 - 10 percent to the Colorado and Southern Railway Company;
 - 80 percent to the Commission Crossing Protection Fund.
3. Continuing maintenance work should be performed by the Colorado and Southern Railway Company at its own expense for the life of the crossing so protected and have the assistance of a City maintenance truck, when necessary, in accordance with Item 5 of the Agreement herein.
4. The signal devices and installation shall be in conformance with the current bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection.
5. As provided by 115-6-9 (6), CRS 1963, as amended, the authority sought in the instant application should be granted by initial decision of the Commission since due and timely execution of its functions imperatively and unavoidably so requires.

O R D E R

THE COMMISSION ORDERS:

1. That the Colorado and Southern Railway Company, upon the application of the City of Fort Collins, State of Colorado, be, and hereby is, authorized and directed to install, operate, and maintain standard automatic railroad flashing signals and bell at the Drake Road grade crossing over the Colorado and Southern Railway Company at

Milepost 71.78, City of Fort Collins, Colorado, in accordance with the plans and specifications which are incorporated into the record of this proceeding and which are hereby approved.

2. That the installation and maintenance of the signal devices shall be done by the Colorado and Southern Railway Company and the City of Fort Collins as set forth in the Agreement (Exhibit 1) entered into by the parties herein, which Agreement, by reference, is made a part hereof.

3. A fair, just and equitable distribution of the total cost of the installation of the proposed automatic railroad flashing light signals and bell shall be as follows:

- (a) The City of Fort Collins to pay 10 percent thereof to cover its share of benefits received from such installation. Upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering 10 percent shall be forwarded by the Colorado and Southern Railway Company to the City of Fort Collins, which bill shall be paid to the Colorado and Southern Railway Company within thirty (30) days of receipt thereof.
- (b) The Colorado and Southern Railway Company shall contribute out of its own funds 10 percent of the cost of said installations and shall thereafter maintain said signals and bell to cover its share of the benefits therefrom.
- (c) The remainder of the cost, or 80 percent, shall be paid out of the Commission Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of the actual cost and a bill covering such 80 percent shall be forwarded by the Colorado and Southern Railway Company to

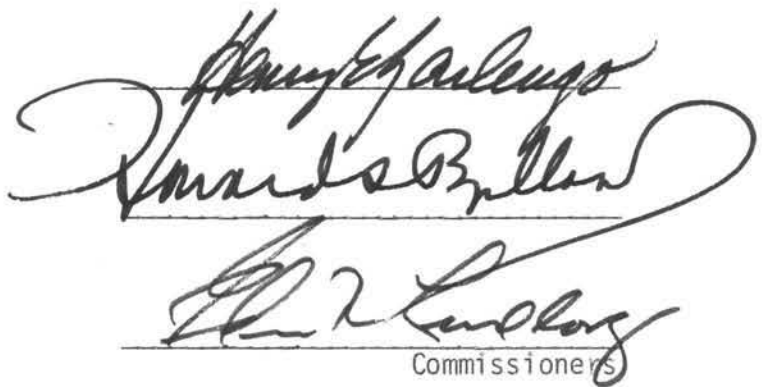
the Commission, which bill shall be paid within
thirty (30) days after receipt thereof.

4. 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 Crossing Protection.

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

6. That this Order shall become effective forthwith as the
initial decision of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

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

(Decision No. 76250)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
PLAINS OIL AND GAS INC.
Post Office Box 230
Sterling, Colorado 80751

AUTHORITY NO. M 14986

CASE NO. 6239-M-Ins.

November 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 9, 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.

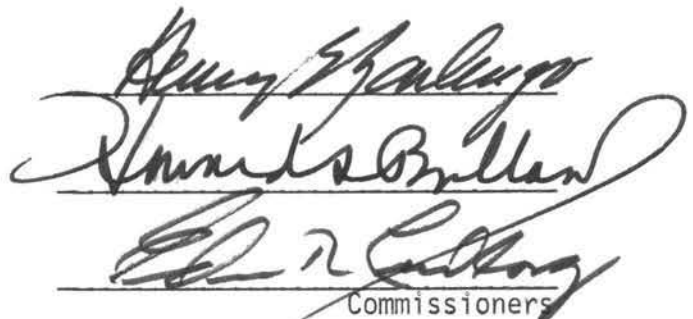
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 16th day of November, 1970

(Decision No. 76251)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MR. CAMILO CHAVARRIA)
305 North 2nd Street)
Lamar, Colorado 81052)

PERMIT NO. M-14439

November 18, 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 October 26, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76252)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRANCIS L. ROBERSON dba ROBERSON)
WRECKING, ROUTE 1, BOX 614,)
LA JUNTA, COLORADO 81050)

PERMIT NO. M-12936

November 18, 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.

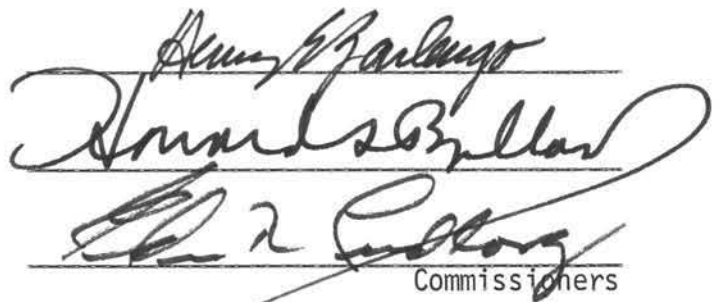
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76253)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KEITH L. RISING, CHRIS CUNNINGHAM)
& H. C. DAVIS dba COLORADO MUD AND)
SUPPLY COMPANY, 313 SOUTH FIFTH,)
LAMAR, COLORADO 81052)

PERMIT NO. M-9122

November 18, 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.

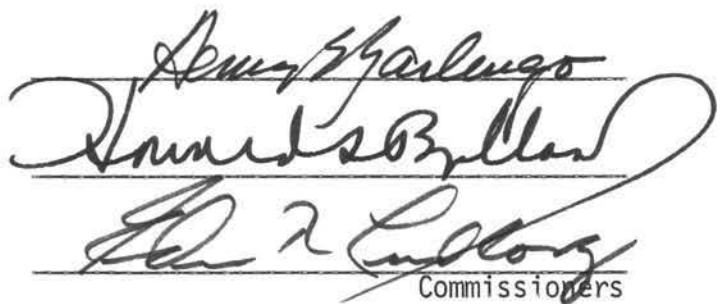
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 29, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76254)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HAYWORTH AND LYDON, INC.)
P.O. BOX 372)
GRAND JUNCTION, COLORADO 81502)

PERMIT NO. M-7473

November 18, 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.

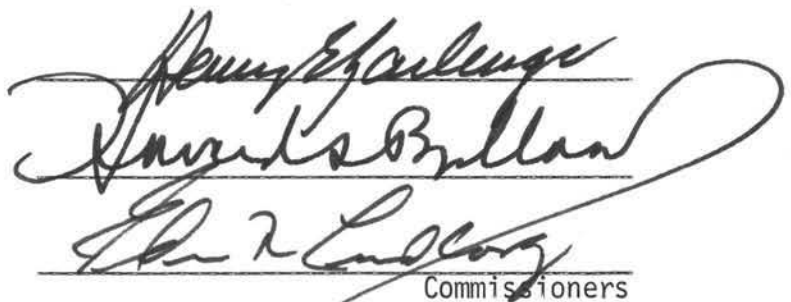
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 2, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76255)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROY AND FRANK SEABRY dba)
SEABRY BROTHERS)
204 WEST 6TH)
LEADVILLE, COLORADO 80461)

PERMIT NO. M-12

November 18, 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.

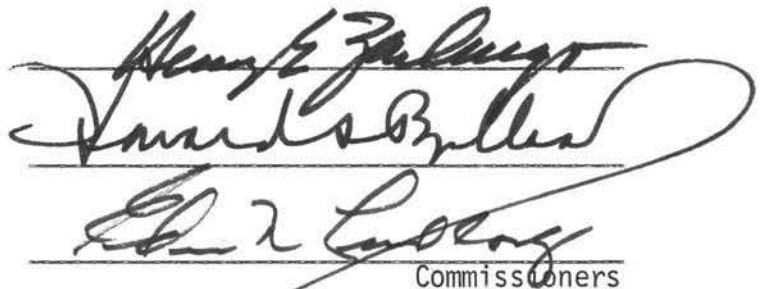
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 7, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES F. EINSPAHR dba)
EINSPAHR'S WELDERS SUPPLY)
470 NORTH 5TH ST.)
LARAMIE, WYOMING 82070)

PERMIT NO. M-6243

November 18, 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.

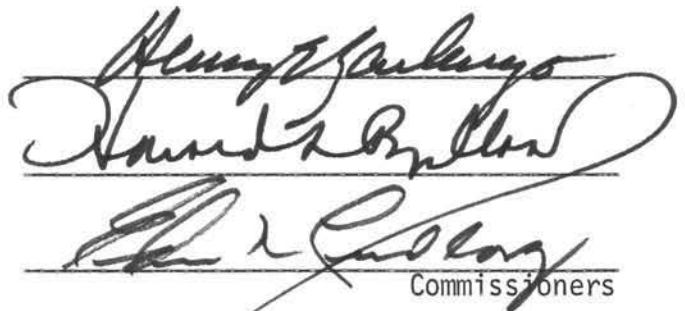
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 3, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76257)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN R. ARCHER)
ROUTE 1, BOX 98-C)
PINE, COLORADO 80470)

PERMIT NO. M-6354

November 18, 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.

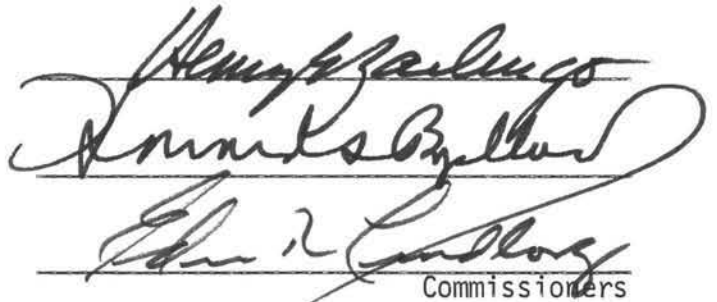
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 16, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

js

(Decision No. 76258)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES J. KEMP)
ROUTE 2, BOX 213)
DELTA, COLORADO 81416)

PERMIT NO. M-9617

November 18, 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 November 2, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PHILIPS INDUSTRIES INC.)
4509 SPRINGFIELD STREET")
DAYTON, OHIO 45431)

PERMIT NO. M-10708

November 18, 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.

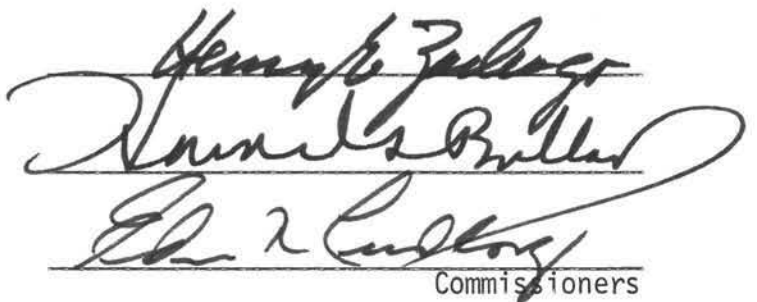
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 5, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD P. KANE)
ROUTE 1, BOX 14)
FOUNTAIN, COLORADO 80817)

PERMIT NO. M-14486

November 18, 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.

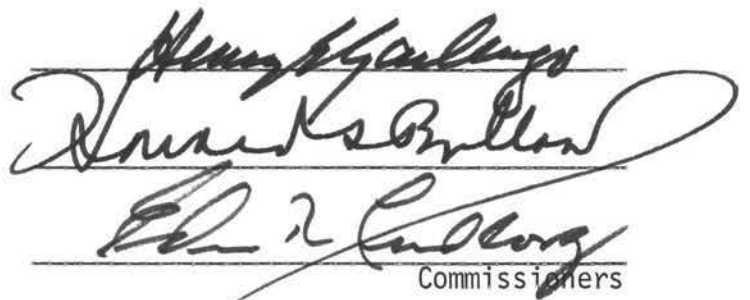
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 31, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1970,
js

(Decision No. 76261)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DEXTER AXLE COMPANY, INC.)
P.O. BOX 250,)
2030 SOUTH MAIN STREET,)
ELKHART, INDIANA)

PERMIT NO. M-15375)

November 18, 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.

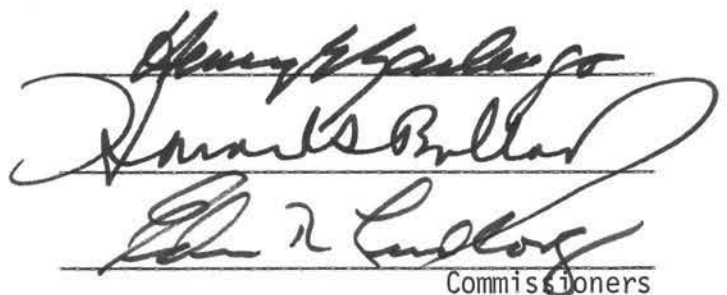
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 5, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76262)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LOUISE GACCETTA, EXECUTRIX OF)
ESTATE OF D. F. GACCETTA dba)
STAMISON PRODUCE CO.)
809 DENARGO MARKET)
DENVER, COLORADO 80216)

PERMIT NO. M-6242

November 18, 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.

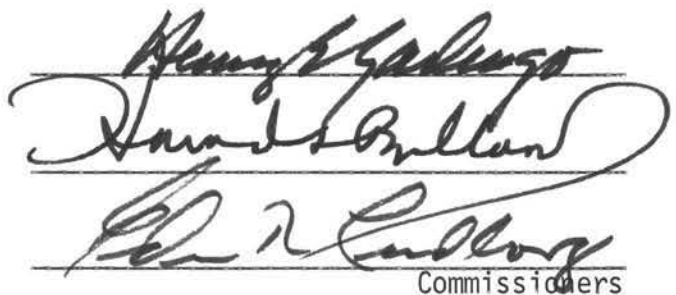
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 4, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CARDOX DIVISION OF CHEMETRON CORP.)
840 NORTH MICHIGAN AVENUE)
CHICAGO ILLINOIS)

PERMIT NO. M-353

November 18, 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.

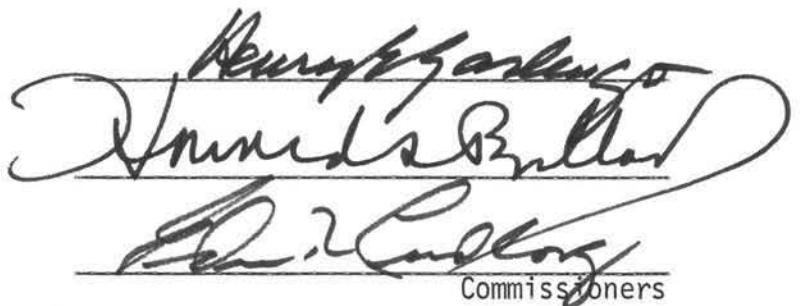
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 22, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76264)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ACME DELIVERY SERVICE, INC.)
4250 ONEIDA STREET)
DENVER, COLORADO 80217)

PERMIT NO. M-1999

November 18, 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.

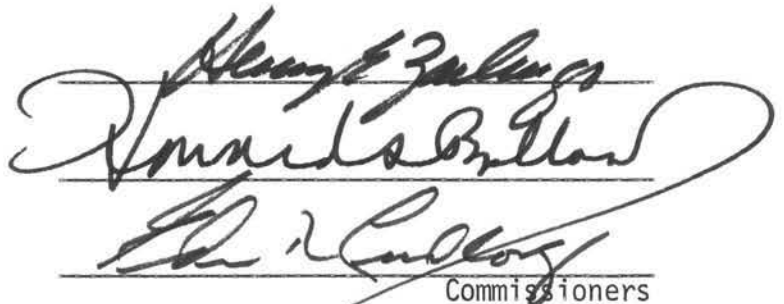
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 22, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1970,
js

(Decision No. 76265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
NATHAN LONDER dba)
AMERICAN MATTRESS MANUFACTURING CO.)
2144 LARIMER ST.)
DENVER, COLORADO 80202)

(PERMIT NO. M-4049)

November 18, 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.

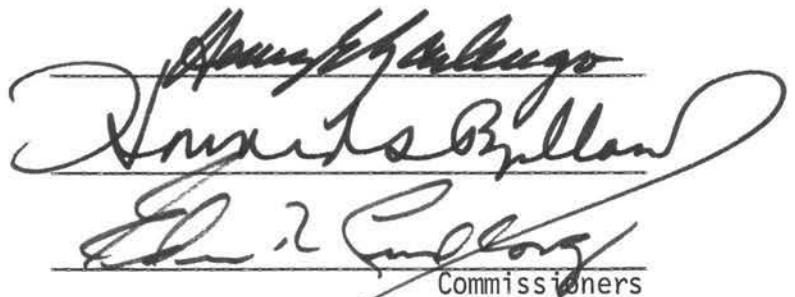
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 25, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SILT AUTOMOTIVE)
BOX 134)
SILT, COLORADO 81652)

PERMIT NO. M-7069

November 18, 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.

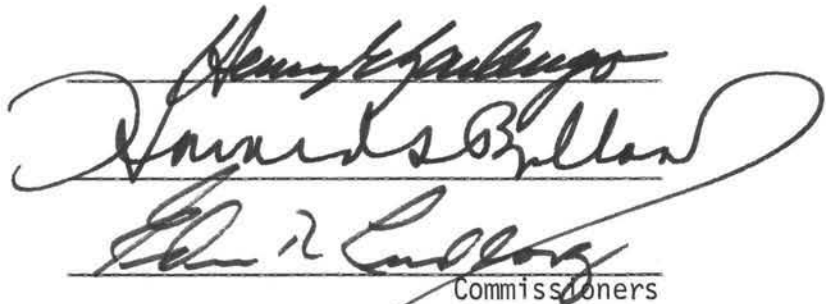
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 11, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76267)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
J. H. BEARLY ALFALFA MILLING CO., INC.)
ROUTE 2, BOX 130-A)
LONGMONT, COLORADO 80501)

PERMIT NO. M-6575

November 18, 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.

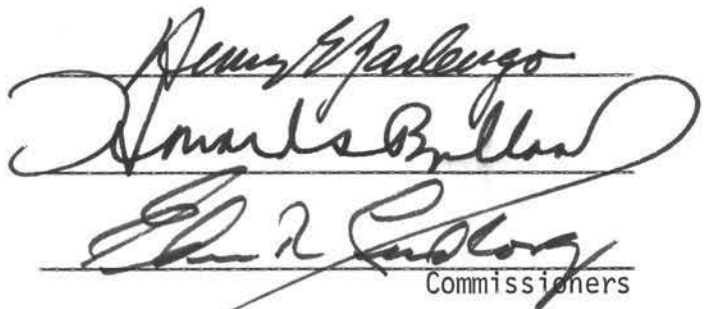
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76268)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GRAND JUNCTION FRUIT COMPANY &)
MOUNTAIN FROZEN FOODS, INC.)
930 WEST 7TH AVENUE)
DENVER, COLORADO)

PERMIT NO. M-6867

November 18, 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.

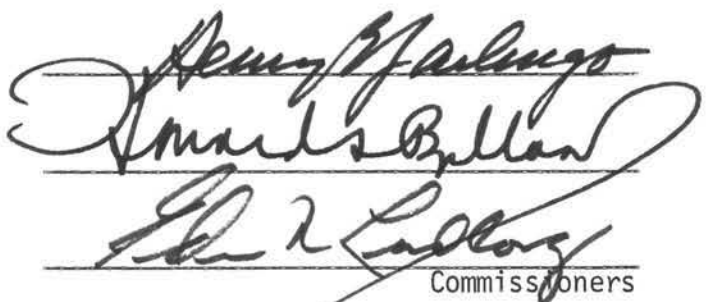
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 20, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 18th day of November, 1970,
js

(Decision No. 76269)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DiPAOLA FURNITURE AND APPLIANCE CO.)
317-19 West Main)
Trinidad, Colorado 81082)

PERMIT NO. M-13607

November 18, 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.

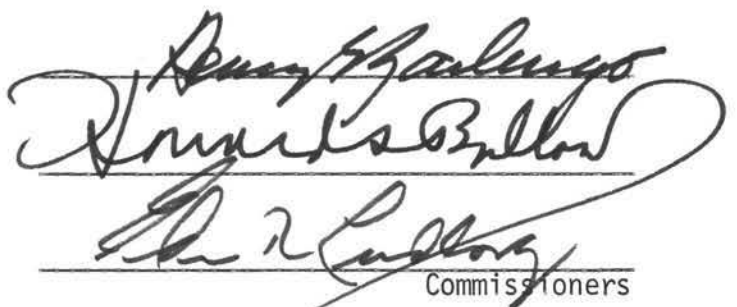
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 2, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76270)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DICKINSON GROCERY & TRAILER CAMP)
711 Webster)
Burlington, Colorado 80807)

PERMIT NO. M-11477

November 18, 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.

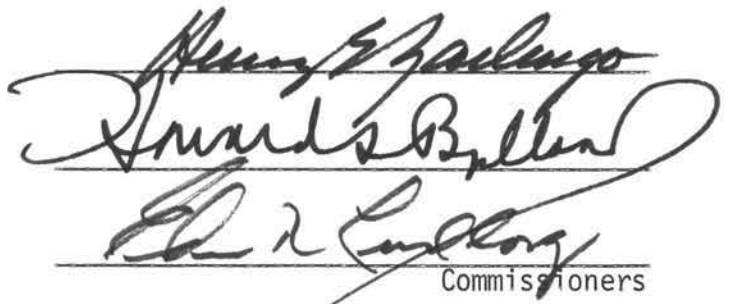
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 30, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CLARENCE L. HARR, 2720 MESA AVENUE,)	APPLICATION NO. 24436-PP
DURANGO, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A CONTRACT)	RECOMMENDED DECISION OF
CARRIER BY MOTOR VEHICLE FOR HIRE.)	CHRISTIAN O. IGENBERGS,
-----)	EXAMINER.

November 18, 1970

Appearances: Clarence L. Harr, Durango,
Colorado, pro se.

PROCEDURE AND RECORD

Under date of July 6, 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. 24436-PP 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 Blue Spruce Room, Court-house, Durango, Colorado, on October 22, 1970, at 9 a.m.

The application was called for hearing at the aforesaid time and place at which time Applicant moved to dismiss the application. Said Motion was granted by the Examiner.

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 moved at the hearing for the application to be dismissed and the Motion was granted by the Examiner.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 24436-PP should be dismissed.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

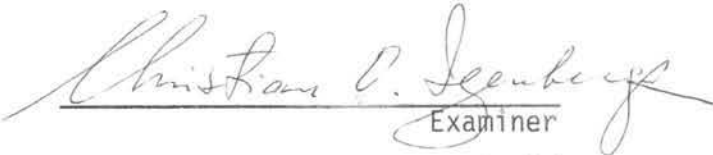
O R D E R

THE COMMISSION ORDERS:

1. That Application No. 24436-PP, being an application of Clarence L. Harr, 2720 Mesa Avenue, Durango, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, dismissed.
2. 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.
3. 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
rm/hj

(Decision No. 76272)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
NIAGARA CHEMICAL DIVISION)
423 18th St.)
Greeley, Colorado 80630)

PERMIT NO. M-1043

November 19, 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.

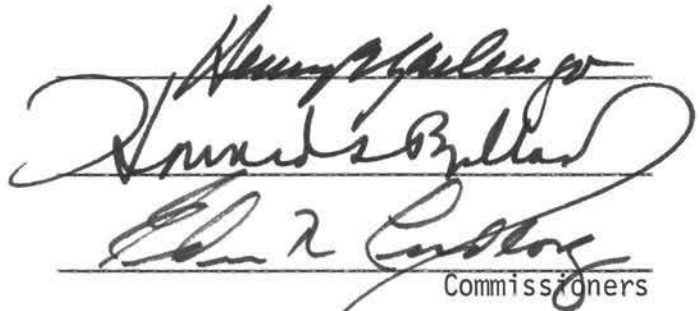
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 29, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76273)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LIGHT GRAIN AND MILLING CO., INC.)
140 So. Kansas Ave.)
Liberal, Kansas 67901)

PERMIT NO. M-1991

November 19, 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.

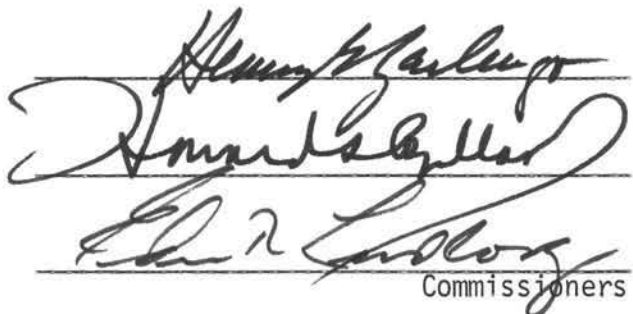
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 15, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76274)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SAM GILCHRIST APPLIANCES)
960 Main Avenue)
Durango, Colorado 81301)

PERMIT NO. M-2342

November 19, 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.

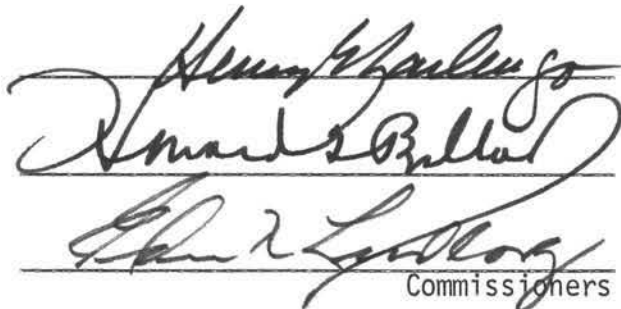
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76275)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ERNEST GROUSSMAN dba)
THE DENVER PIE CO.)
2800 Walnut St.)
Denver, Colorado 80205)

PERMIT NO. M-4125

November 19, 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.

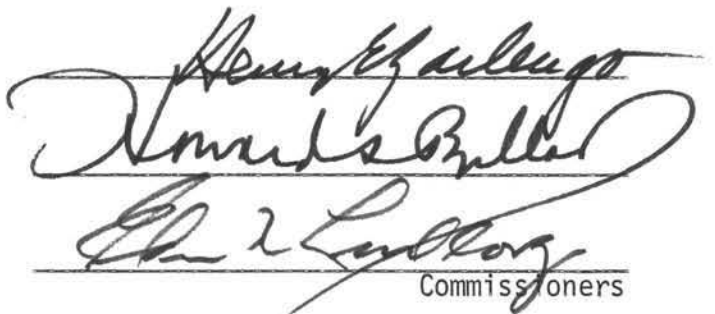
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 30, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
V. G. REGISTER dba)
REGISTER ELECTRIC)
215 North Front St.)
Sterling, Colorado 80751)

PERMIT NO. M-4596

November 19, 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.

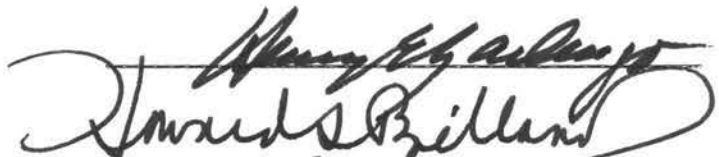
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

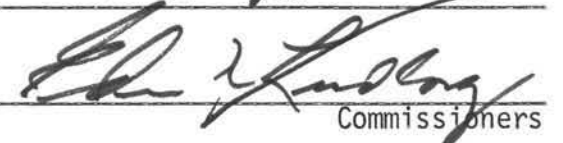
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 16, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CARROLL ROSS)
Route 2)
Akron, Colorado 80720)

PERMIT NO. M-4985

November 19, 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.

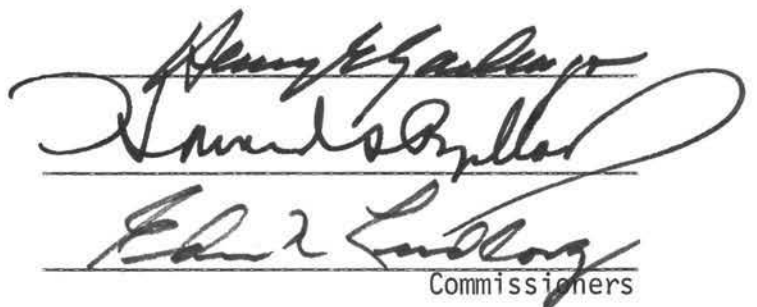
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 16, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970,
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
CHESTER W. STROUD dba)	
VILLAGE MARKET SALES)	<u>PERMIT NO. M-5756</u>
1465 So. Holly)	
Denver, Colorado 80223)	

November 19, 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.

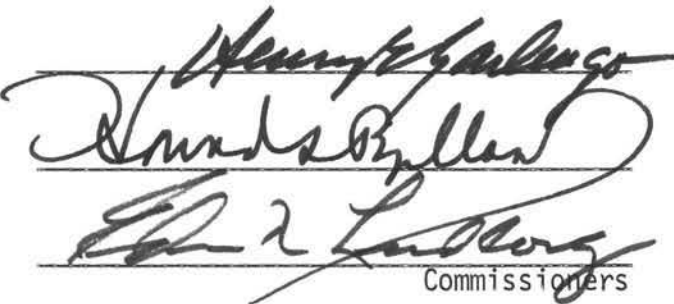
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 29, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOSEPH POINDEXTER dba)
J AND O ENTERPRISES)
1749 Joliet St.)
Aurora, Colorado 80010)

PERMIT NO. M-5926

November 19, 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.

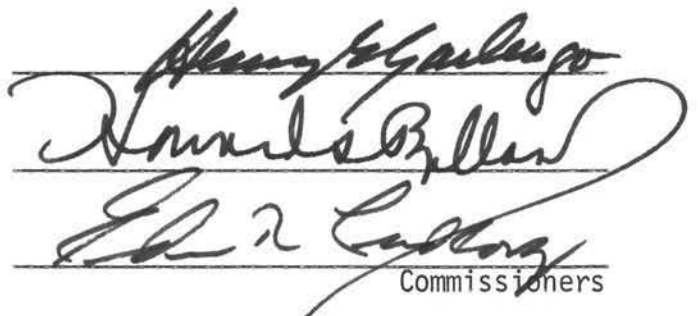
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 6, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76280)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ASPHALT PAVING COMPANY)
14802 West 44th Avenue)
Golden, Colorado 80401)

PERMIT NO. M-5980

November 19, 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.

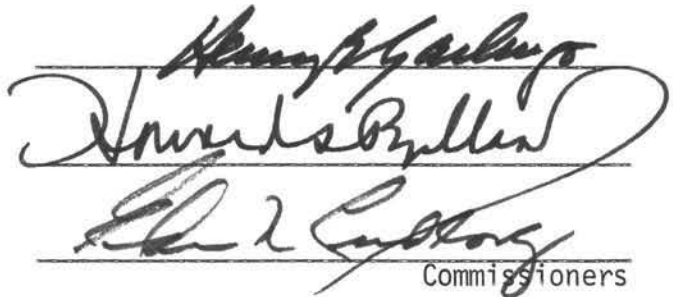
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 6, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76281)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PREMIUM CORP. OF AMERICA dba)
GOLD BOND STAMP CO. OF COLORADO)
6850 North Federal Blvd.)
Denver, Colorado 80221)

PERMIT NO. M-9118

November 19, 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.

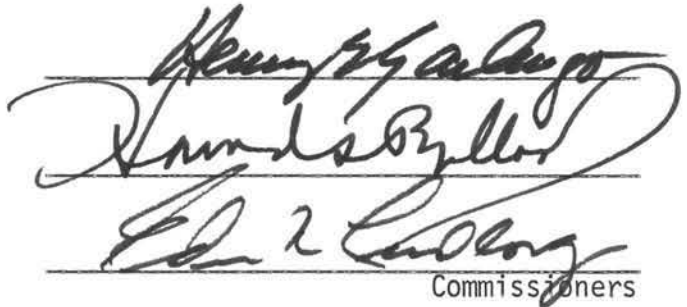
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 29, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76282)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT A. BELT)
Route 2, Box 210)
Montrose, Colorado 81144)

PERMIT NO. M-13149

November 19, 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.

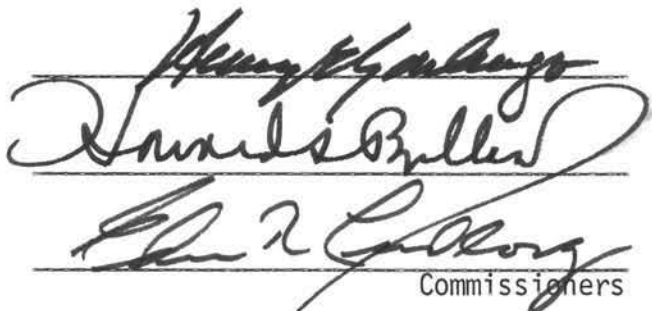
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 25, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76283)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EDWARD L. DUNBAR dba)
DUNBAR ELEVATOR CO.)
1223 23rd Avenue Ct.)
Greeley, Colorado 80630)

PERMIT NO. M-15511

November 19, 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.

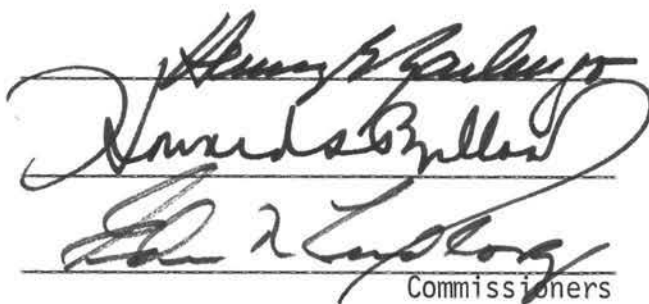
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 4, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRED E. WITZEL, d/b/a WITZEL)
TRUCK LINES, BURLINGTON, COLORADO)
80807)

AUTHORITY NO. 912

CASE NO. 65-AR

November 18, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 12, 1970, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to file its 1969 Annual Report with the Commission.

The records of the Commission now disclose that the Annual Report has been filed.

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

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]
Commissioners

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

(Decision No. 76285)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

JAMES OLDENETTEL)
4534 Wyandot Street)
Denver, Colo. 80211)

AUTHORITY NO. M 7502

CASE NO. 6046-M-Ins.

November 18, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 13, 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.

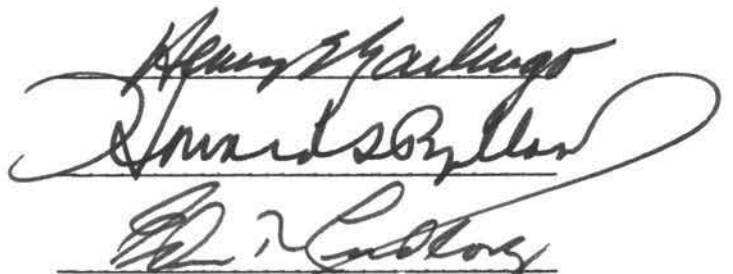
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 November, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE SHAFFER, 5127 ST. PAUL STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 3201)
TO DISPOSAL SYSTEMS CORPORATION,)
5820 WEST 56TH AVENUE, ARVADA,)
COLORADO.)

APPLICATION NO. 24567-Transfer
ORDER OF THE COMMISSION

November 19, 1970

Appearances: William Andrew Wilson, Esq., Denver,
Colorado, for Applicants.

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 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 George Shaffer, 5127 St. Paul Street, Denver, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3201 to Disposal Systems Corporation, 5820 West 56th Avenue, Arvada, 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. 3201 shall read and be as follows, to wit:

"Transportation of

Ash, trash, and other refuse

Between all points located within the City and County of Denver to designated and approved dumps and disposal places located within the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado."

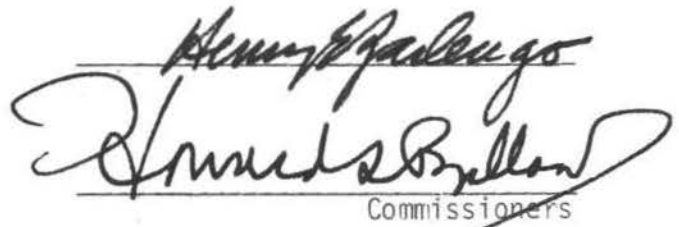
The said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado, this
19th day of November, 1970. jk

(Decision No. 76287)

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 AUTHORITY)
TO OPERATE AS A CLASS "A" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24560-PP

ORDER OF THE COMMISSION

November 19, 1970

Appearances: Leland Max Berringer, Burlington,
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 Leland Max Berringer, 707 1/2 Martin, Burlington, Colorado, be, and is hereby, authorized to operate as a class "A" contract carrier by motor vehicle for hire for the following:

"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; and Bethune, Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only The Rocky Mountain News."

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
19th day of November, 1970. jk

(Decision No. 76288)

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)
A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 24519-Extension
AND NECESSITY AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 1195 IN)
INTRASTATE AND INTERSTATE COMMERCE.)

November 19, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 21, 1970, the above-entitled application was filed with the Commission, and notice thereof was given on September 2, 1970.

On November 5, 1970, Goldstein Transportation and Storage, Inc., by and through its attorney Leslie R. Kehl, filed a Petition To Intervene And Protest.

On November 6, 1970, Applicant by and through its attorney R. B. Danks, filed its Motion To Strike Petition To Intervene by Goldstein Transportation and Storage, Inc.

The Commission finds and concludes that the Petition To Intervene was not timely filed and that no good cause has been shown for the delay; that the Petition To Intervene in the intrastate portion of the application should be denied as set forth in the Order following. The Commission also finds that the Motion To Strike Petition To Intervene filed by Applicant does not state any grounds upon which any part of the petition could be stricken and that the said Motion should be denied as set forth in the Order following.

O R D E R

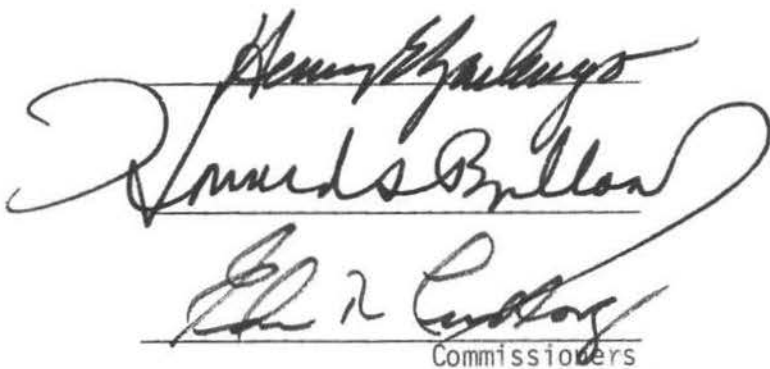
THE COMMISSION ORDERS THAT:

1. The Petition To Intervene of Goldstein Transportation and Storage, Inc., in the intrastate portion of the above-entitled application be, and hereby is, denied.

2. The Motion To Strike Petition To Intervene of Applicant, be and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
19th day of November, 1970. jk

(Decision No. 76289)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HANS WEIBEL AND MERVYN LAPIN, DOING)
BUSINESS AS "EAGLE COUNTY TRASH)
REMOVAL SERVICE," ROOM 105, MILLCREEK)
COURT BUILDING, VAIL, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24201

SUPPLEMENTAL ORDER

November 19, 1970

Appearances: Stewart H. Brown, Esq., Vail,
Colorado, for Applicants;
James W. Schroeder, Esq., Denver,
Colorado, for Leo J. Duran and
Pemaco, Inc., Protestants;
William A. Wilson, Esq., Denver,
Colorado, for Louis H. Gawart,
doing business as "Summit Disposal,"
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 12, 1970, Recommended Decision No. 75629 was submitted by Christian O. Igenbergs, Examiner.

On October 23, 1970, Protestants Leo J. Duran and Pemaco, Inc., by and through their attorneys Tweedy & Mosley, filed Exceptions to said Recommended Decision. By Decision No. 76194, dated November 4, 1970, the Commission overruled and denied the Exceptions of the Protestants.

On November 4, 1970, Applicants Hans Weibel and Mervyn Lapin, doing business as "Eagle County Trash Removal Service," by and through their attorney Stewart H. Brown, filed a Motion For Leave To File Brief In Reply to the Brief of Protestants which was attached to the said Exceptions.

Accordingly, the Commission finds that the Motion For Leave To File Brief In Reply to the Brief of Protestants filed by Applicants should also be denied, and that the following Order should be entered.


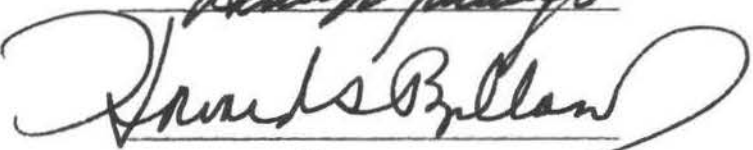

O R D E R

THE COMMISSION ORDERS THAT:

The Motion For Leave To File Brief In Reply to the Brief of Protestants filed by Applicants Hans Weibel and Mervyn Lapin, doing business as "Eagle County Trash Removal Service," be, and hereby is denied.

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
19th day of November, 1970. jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ARCHIE MATTHEWS)
3234 Ash Street)
Denver, Colorado 80205)

SUPPLEMENTAL ORDER

PERMIT NO. B-6181

November 19, 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.

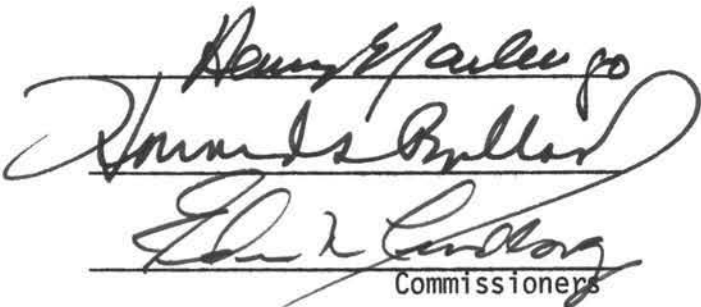
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of November 9, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76291)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
MELVIN E. MOORE
Box 191
Woodland Park, Colorado 80863

SUPPLEMENTAL ORDER
PERMIT NO. B-6991

November 19, 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.

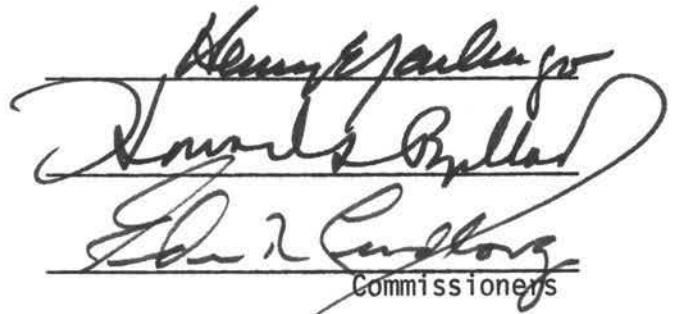
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of July 25, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76292)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DORSEY D. TEMPLETON & JAMES JIMESON)
dba J & T HAULING)
1126 Norwood Avenue)
Colorado Springs, Colorado 80906)

SUPPLEMENTAL ORDER

PERMIT NO. B-7114

November 19, 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.

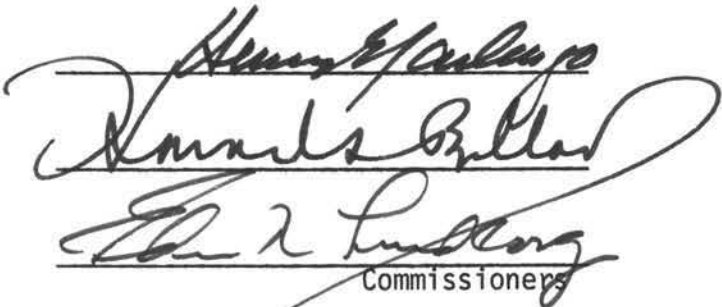
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of August 10, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76293)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LEWIS F. GREGG)
741 S. First St.)
Montrose, Colorado 81401)

SUPPLEMENTAL ORDER

PERMIT NO. B-6979

November 19, 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.

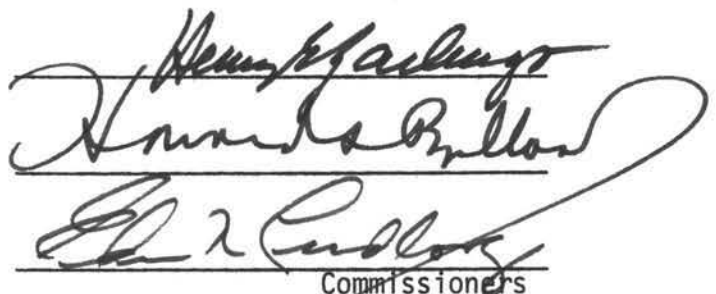
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of February 20, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970,
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Roy W. Slocum)
2019 Southgate Road)
Apt. # 39)
Colorado Springs, Colorado 80900)

PERMIT NO. B-4761

November 19, 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.

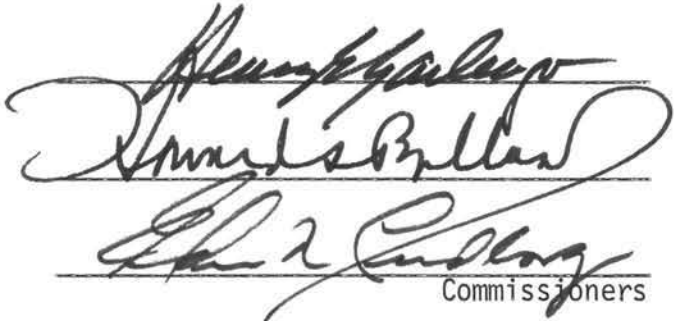
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 17, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No.76295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LESTER E. HARDING dba)
HARDING BROS. SAND & GRAVEL)
3105 No. Arcadia) PERMIT NO. B-5256
Colorado Springs, Colorado 80907)

November 19, 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.

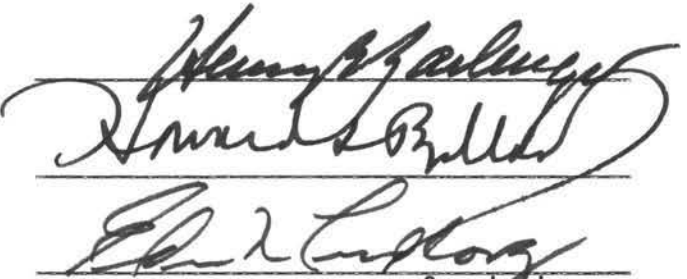
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 16, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of November, 1970.
js

(Decision No. 76296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ALLEN W. BLAKE)
1221 10th Street)
Greeley, Colorado 80631)

PUC NO. 7828-I

November 20, 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 5, 1970 to and including April 5, 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 20th day of November, 1970.
js

(Decision No. 76297)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT F. DUNN)
1301 Dallas Street)
Aurora, Colorado 80010)

PERMIT NO. B-4461

November 20, 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 Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

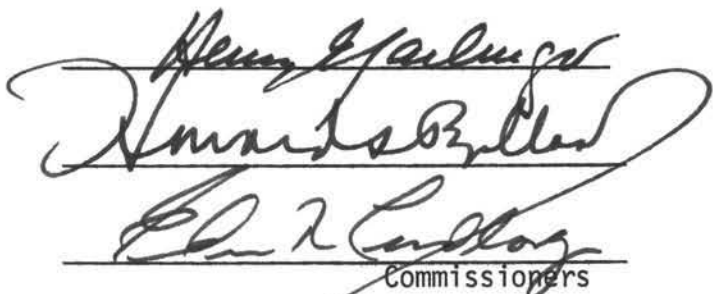
The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of August 19, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 20th day of November, 1970.

js

(Decision No. 76298)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MAX ADAMS)
16790 West 63rd Place)
Golden, Colorado 80401)

PERMIT NO. B-5533

November 20, 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.

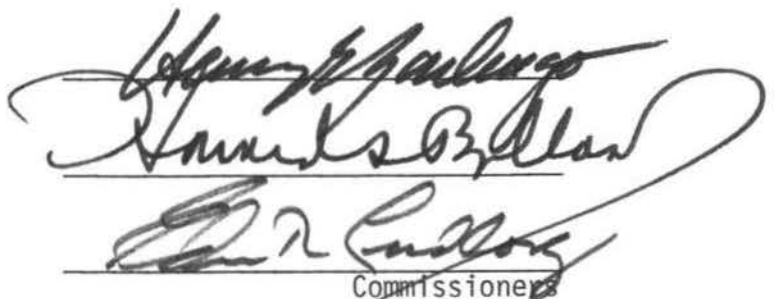
ORDER

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 16, 1970 to and including April 16, 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 20th day of November, 1970.

is

(Decision No. 76299)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MAHLON GATES)
625 Legion St.)
Craig, Colorado 81626)

PERMIT NO. B-4676

November 20, 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.

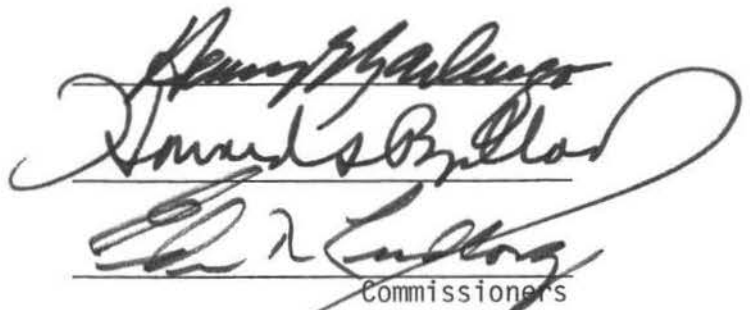
O R D E R

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 30, 1970 to and including April 30, 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 20th day of November, 1970.
js

(Decision No.76300)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN A. CUVELIER dba)
JOHN'S EXPRESS)
2256 So. Lindley Court.)
Denver, Colorado 80219)

PUC NO. 3593

November 20, 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 2, 1970 to and including April 2, 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 20th day of November, 1970.

is

(Decision No.76301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAM C. GOTTE)
1824 Elm Ave.)
Canon City, Colorado 81212)

PERMIT NO. B-6644 & I

November 20, 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.

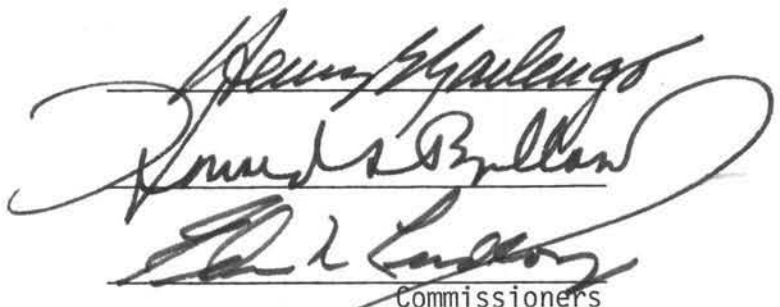
O R D E R

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 20, 1970 to and including April 20, 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 20th day of November, 1970.
js

(Decision No. 76302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HENRY J. SEABORN JR.)
2410 Race)
Denver, Colorado 80205)

PERMIT NO. B-5630

November 20, 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.

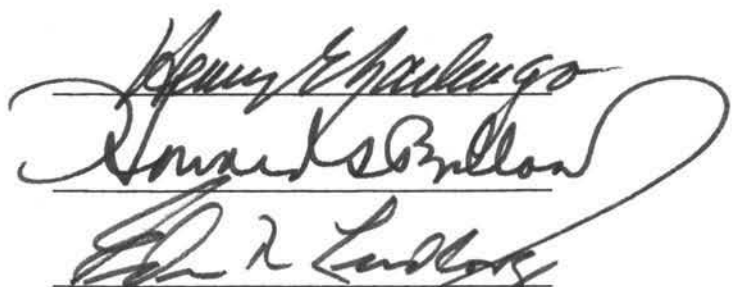
O R D E R

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 28, 1970 to and including April 28, 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 20th day of November, 1970.
is

(Decision No. 76303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: AIR CARRIER OPERATION OF)
R. H. McPherson, dba)
DELTA AIR TAXI SERVICE)
Blake Air Field)
Delta, Colorado 81416)

AC-52

November 20, 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.

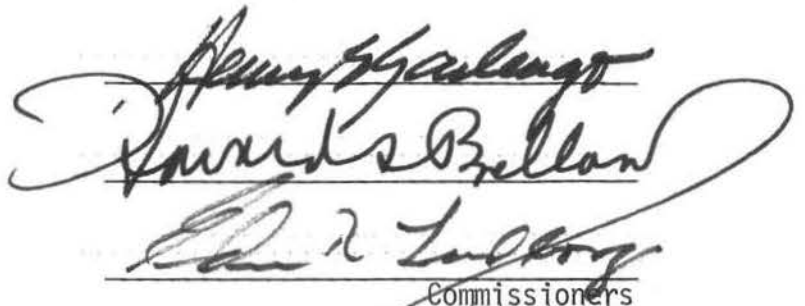
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 20, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 20th day of November, 1970.
js

(Decision No. 76304)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EDWARD L. DUNBAR, dba)
DUNBAR ELEVATOR CO.)
1223 23 Ave. Ct.)
Greeley, Colorado 80630)

PUC NO. 4113-I

November 20, 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.

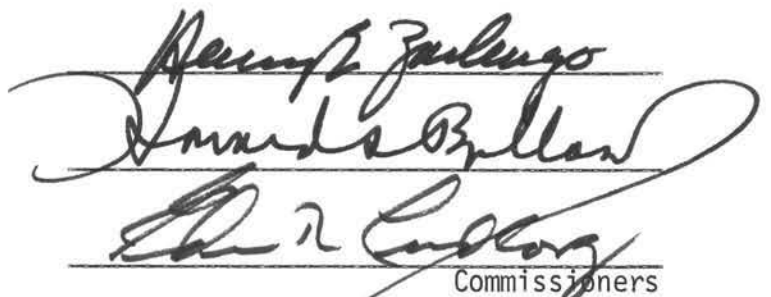
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 4, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 20th day of November, 1970.

js

(Decision No. 76305)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN GYPSUM, CORP.)
210 Harrison Street)
Fort Lupton, Colorado,)

Complainant,)

vs.)

DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY,)
1531 Stout Street)
Denver, Colorado,)

and)

BURLINGTON NORTHERN INC.)
200 Union Depot)
Denver, Colorado,)

Respondents.)

CASE NO. 5383

DECISION OF THE COMMISSION

November 20, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Complainant;
Royce D. Sickler, Esq., Denver,
Colorado, for Respondent,
Denver and Rio Grande Western
Railroad Company;
W. L. Peck, Esq., Denver, Colorado,
for Respondent, Burlington
Northern Inc.;
Christian O. Igenbergs, Esq., Denver,
Colorado, for the Staff of the
Commission;
Ralph H. Knull, Denver, Colorado, and
Lawrence C. Abdoo, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

The above-captioned case comes before the Commission on
Exceptions filed by Respondents to the Recommended Decision of Henry
E. Zarlengo, Chairman, being Decision No. 74251, dated January 29, 1970.
Respondents' Exceptions were filed April 24, 1970, within the time

allowed by Decision No. 74370, dated February 17, 1970. Complainant filed no exceptions even though the relief it sought was not prescribed in the Recommended Decision.

Respondents concurred with the statement set forth in the Recommended Decision reciting the pleadings and evidence. The Commission hereby adopts such statement with minor elaboration and it is set forth in Appendix A attached thereto and made a part of this Decision.

Upon review of the transcript of testimony and the exhibits in conjunction with the Exceptions filed by the Respondents, the Commission rejects the Findings of Fact and Recommended Order and Requirements of Chairman Zarlengo in his Recommended Decision and, upon the entire record in this case, the Commission makes its Findings of Fact and orders thereon as hereinafter set forth.

FINDINGS OF FACT AND CONCLUSIONS

1. Complainant in the instant case is "Rocky Mountain Gypsum, Corp." and such correction has been made in the case caption herein.

2. During the course of the proceeding "Burlington Northern Inc." became the successor corporation to Respondent Chicago, Burlington & Quincy Railroad Company and the case caption in this instant has also been corrected accordingly.

3. The evidence of record presented by Complainant does not provide any facts which could be used to establish that the rate contended for, i.e., \$3.00 per ton, as more specifically set forth in Appendix A, is a just and reasonable rate nor does it show that any rate higher than \$3.00 per ton is an unjust and unreasonable rate.

4. Complainant failed to establish by any evidence the allegations regarding the rate involved by its complaint. The tariffs which were officially noticed are somewhat similar as to commodities, routes and distances, but the rates contained in Tariff 7493-B cannot be used for comparative purposes because such rates are for the movement of coal

by unit-trains, not gypsum by way-trains. Evidence in the record, not disputed by Complainant, shows that the cost of operating way-trains is higher than the cost of operating unit-trains. Sand and gravel tariffs relate to movements which are not similar.

5. Respondents' Exhibit 6 (sponsored by Witness Olsen) shows rate relationships by use of ICC 17000-11-A Formula which are scale rates for gypsum in effect for the interstate movement of gypsum where no point-to-point commodity rates are otherwise applicable. Application shows that for the mileage involved in the instant proceeding on a joint line haul, the rate of gypsum if moved by formula rates would be a rate between \$4.39 (120% of formula) and \$4.69 (131% of formula) at the Ex Parte 223 level. Evidence disclosed that there are rates published at scale level and it is indicated that at least some gypsum is moved on those rates.

6. Exhibit 7 (sponsored by Respondents' Witness Halpin) -- based on the use of Rail Form A for Region VI and Region VIII -- takes into consideration out-of-pocket, constant and fully distributed costs for the transportation involved in this proceeding. The application of costs is made for the year 1967 and shows the fully distributed costs to be 403.6 cents per ton. When rounded off and converted to dollars, the fully distributed cost is \$4.04 per ton.

7. Even though Exhibit 7 is not a "cost study" of each and every cost for the railroads involved, it is a basic cost average formula regularly applied by the Interstate Commerce Commission in rate cases and sets forth averages in the two regions in which both of the rail carriers operate. Since the exhibit was not otherwise controverted or objected to as material to the final determination in this Case, we find that \$4.04 is the fully distributed cost of Respondents at Ex Parte 223 level. The difference between the existing rate (\$4.17) at Ex Parte 223 level and what we find to be the fully distributed costs (\$4.04), that is, \$0.13, is not an unjust or an unreasonable amount for

return on investment and profit to the Respondents.

8. We therefore find and conclude that the existing rate of \$4.17 at the Ex Parte 223 level has been justified by the Respondents and that it is a just and reasonable rate at such level for moving the commodity involved in this proceeding between the points stated by the Respondents in a joint-line movement.

9. Since justification of reasonableness of the rate we determined is based upon costs for the year 1967 at the Ex Parte 223 level, Respondents are entitled to the application of subsequent Ex Parte increases on the commodity gypsum granted by this Commission subsequent to the year 1967 which at this time includes increases granted by Ex Parte 256 and Ex Parte 259-B.

10. That the herein instant proceeding (Case No. 5383) should be vacated and dismissed.

An appropriate order will be entered.

O R D E R

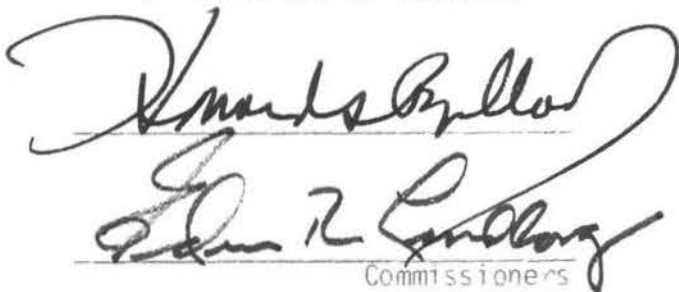
THE COMMISSION ORDERS:

That Case No. 5383 be, and hereby is, vacated and dismissed.

That jurisdiction is retained by this Commission to make such further order or orders as may be deemed necessary in the premises.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO DISSENTING

CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

Reference is made to the complete Recommended Decision heretofore entered wherein the facts are stated and the reasons set out for the rendering of said Recommended Decision. It is my opinion that the exceptions should be overruled and denied and said Decision should be the Decision of the Commission and any contrary decision is arbitrary, capricious and without support either in fact or in law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

Dated at Denver, Colorado,
this 20th day of November, 1970.
hj

APPENDIX A

On November 6, 1968, the within Complaint was filed with this Commission whereby the Complainant (hereinafter referred to as "Rocky Mountain Gypsum") alleged, inter alia, that Respondents, Denver and Rio Grande Western Railroad Company (hereinafter referred to as "Rio Grande") and Chicago, Burlington and Quincy Railroad Company (hereinafter referred to as "Burlington") have refused to establish a just and reasonable, non-discriminatory commodity rate for shipments by Complainant of gypsum, mine-run, in bulk, in open-top side-dump railroad freight cars, not protected by tarpaulin or other protective covering from Range, Colorado, to Medbery, Colorado. Complainant prays that this Commission enter an order requiring Respondents to file and maintain until further notice in appropriate rate tariffs a rate filing at three dollars (\$3.00) per two thousand (2000) pounds for shipments of the above commodity in the aforesaid manner, subject to the following conditions:

- (a) The minimum weight shipper per car shall be 70 tons;
and
- (b) Applies only when 20,000 tons or more are tendered during a calendar year; except shall apply during calendar year 1969 if 10,000 tons or more are tendered during that calendar year.

The Commission, on November 8, 1968, issued its Order to Satisfy or Answer to the Respondents allowing twenty (20) days for Answer to the Complainant. Respondents moved for an extension of time within which to answer and said Motion was denied by the Commission by Decision No. 72229, dated November 27, 1968. An Answer was thereafter timely filed by Respondents and copies of said Answer were served upon the attorneys for the Complainant.

The Commission set the Complaint for hearing on December 30, 1968, at 10 a.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, with proper notice to all interested parties.

On December 9, 1968, Respondent Rio Grande published Amendment 5 to Freight Tariff 6372-L, to become effective January 9, 1969, thus publishing a rate for shipments of gypsum. Said publication established this rate at four and 17/100 dollars (\$4.17), subject to the increase contained in ICC Ex Parte 256, instead of the three dollars (\$3.00) requested by Complainant.

On December 16, 1968, Complainant petitioned this Commission for a suspension of the aforesaid Amendment No. 5 to Freight Tariff 6372-L of the Rio Grande.

After careful consideration of the Petition for suspension of each and every allegation thereof, the Commission denied said Petition by Decision No. 72358, dated December 27, 1968.

The herein Complaint was first heard at the aforesaid time and place by Chairman Henry E. Zarlengo, to whom the subject matter had been duly assigned for hearing.

The following witnesses testified in substance and to the effect as follows:

Russell S. Pugh -- that he is an attorney for Rocky Mountain Gypsum; and that the said company holds title to gypsum deposits in Eagle County near Range, Colorado.

Othel Kirby -- that he is secretary of Complainant, Rocky Mountain Gypsum; that Complainant owns gypsum deposits near Range, Colorado, suitable as an additive in the manufacture of cement; that said deposits contain three to five million tons of gypsum of a ninety-nine percent (99%) pure grade; that he believes he would have a market for the gypsum by selling it to the Rocky Mountain Cement Company at their plant near Medbery, Colorado; that the top delivery price for which the gypsum could be sold to said company at the aforesaid location at Medbery, Colorado, is four and 85/100 dollars (\$4.85) per two thousand (2,000) pounds; that the mining, loading and overhead expenses for two thousand (2,000) pounds of gypsum are estimated to be one and 85/100 dollars (\$1.85), thus leaving three

dollars (\$3.00) as the maximum rate Complainant could afford to pay for the transportation of gypsum from Range to Medbery, Colorado; that transportation by truck is available, but the cost for same is so high as to be economically prohibitive; that the deposits of gypsum owned by Complainant are located approximately two and one-half (2½) miles from the railway siding of Respondent, Rio Grande, at Range, Colorado, but at the present there is no ramp at said siding to permit the loading of gypsum into rail cars; that he has asked Respondents to establish a freight rate for movements of gypsum from Range to Medbery, Colorado; that shipments of said gypsum would be twenty thousand (20,000) tons annually, except in the year 1969, when it would be ten thousand (10,000) tons; that Respondents agreed to submit to the Colorado-Utah-Wyoming Committee a rate of three dollars (\$3.00) for shipments of gypsum as requested by Complainant; that said rate of three dollars (\$3.00) was not published but that instead Respondents published a rate of four and 17/100 dollars (\$4.17) by Amendment 5 to Freight Tariff 6372-L; and that at the freight rate as published and specified in the aforesaid Amendment 5, Complainant cannot move any gypsum from Range to Medbery, Colorado because the rate is too high.

Upon request of Complainant, official notice was taken of Rate Tariffs as follows:

DRGW 6448-E; DRGW 6372-L; DRGW 5024-F; DRGW 7493-B, Supplement 5; CWU 12-C, Item 5360, page 237; CWU 12-C, Supplement 46, Item 7285-C, page 18.

DRGW Tariff 6448-E is an index of freight tariffs and not helpful for our purposes; DRGW 6372-L is, of course, the tariff which contains the published rate of four and 17/100 dollars (\$4.17); DRGW 5024-F is a mileage tariff; Supplement No. 5 to DRGW Tariff 7493-B is the tariff for shipments of coal from the northwestern part of the State to the Cherokee power plant of the Public Service Company of Colorado. The remaining tariffs relate to sand and gravel rates.

After Complainant rested its case, Respondents moved to dismiss the Complaint and, in support of the Motion, presented testimony by Larry Schumaker, Controller of Rocky Mountain Cement Company.

Witness Schumaker testified in substance and to the effect as follows: that he is Controller of Rocky Mountain Cement Company; that the said Company will be in the business of manufacturing cement at a location near and east of Lyons, Colorado; that the said Company has negotiated a contract to purchase gypsum from sources other than Complainant; that said Company presently holds a five-year lease to mine gypsum at a quarry of U. S. Gypsum 45 miles north of Lyons, Colorado, and has considered gypsum deposits near Larkspur, Colorado; and that gypsum would be transported from the U. S. Gypsum quarry to the plant near Lyons by truck.

At the conclusion of the testimony of Witness Schumaker, Respondents again moved to dismiss on the grounds that: (1) Complainant has not shown that the three dollar (\$3.00) rate as requested is just and reasonable; (2) Complainant has not shown that the existing four and 17/100 dollar (\$4.17) rate is unjust and unreasonable; (3) Complainant has not shown a present need for the movement of shipments; and that (4) Rocky Mountain Cement Company has obtained a supply of gypsum from other sources.

Complainant argued that the commodity could not move under the existing rate on file; and that Complainant had presented evidence of railroad rates in other Colorado areas for similar commodities.

Chairman Zarlengo took the Motion to Dismiss under advisement and ordered Respondents to file a brief within fifteen (15) days, with Complainant having ten (10) days thereafter to answer.

The Commission, after careful consideration of the record and the argument contained in the briefs, by Decision No. 72893 dated April 24, 1969 denied Respondents' Motion to Dismiss and set the hearing to be resumed and continued at 10 a.m. on June 10, 1969 in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

The hearing was resumed at the aforesaid time and place before Chairman Henry E. Zarlengo.

The following witnesses testified in substance and to the effect as follows:

Richard E. Davis -- that he is Assistant Chief Transportation Officer of Respondent Rio Grande and that he is sponsoring Respondent's Exhibits numbered 1, 2, 3 and 4.

Respondent's Exhibit No. 1 purports to be a system map of the Rio Grande; Exhibit No. 2, a map of the Rio Grande trackage at Range, Colorado; Exhibit No. 3, a profile of the Rio Grande system at Range, Colorado; and Exhibit No. 4, a profile of the Rio Grande system from Orestad, Colorado to Denver, Colorado.

The witness further testified that the shipments of gypsum as proposed by Complainant would have to be made by "way-trains", not "unit-trains"; that freight cars of the proper type are not located in the vicinity of Range, Colorado, but would have to come from Denver, Pueblo, Salt Lake City or Grand Junction; that the cost of a suitable ramp to be built at Range, Colorado, would be approximately three thousand five hundred dollars (\$3,500) and that the Rio Grande would have to acquire additional land rights to build the ramp; that the switching at Range, Colorado would be likely to tie up some mainline traffic, which said traffic consists of 13 to 15 trains within any 24-hour period; that the costs of operating "way-trains" are higher than the costs of operating "unit-trains", because the former are slower and the crews accumulate more overtime; and that when "way-trains" are used to transport gypsum, the costs are the same as for "way-trains" of coal; that the movements of coal under Rio Grande Traiff 7493-B are movements not of "way-trains" but of "unit-trains".

Respondents' Exhibits numbered 1, 2, 3 and 4 were admitted into evidence.

William C. Carter -- that he is Terminal Superintendent in Denver for Respondent Burlington; that Medbery, Colorado, is located on the Burlington rail line approximately eight (8) miles east of Lyons, Colorado;

that the interchange of the proposed shipments would take place in Denver; that the Burlington moves freight trains from Denver to Medbery, Colorado, on Mondays, Wednesdays and Fridays; and that no additional trains would be needed should the proposed gypsum movements materialize.

Vern E. Haas -- that he is Assistant Manager of Pricing of the Rio Grande and is sponsoring Respondent's Exhibit No. 5. Respondent's Exhibit No. 5 purports to be a typewritten statement of the testimony of Witness Haas. Respondent's Exhibit No. 5 was objected to by Complainant and was denied admission into evidence.

Witness Haas testified to the effect that the present rate for the proposed movement of gypsum as published in Amendment 5 to Rio Grande Tariff 6372-L is four and 17/100 dollars (\$4.17), subject to ICC Ex Parte 256, thus being, in effect, four and 17/100 dollars (\$4.17) plus the Ex Parte 256 increase.

Frank T. Olsen -- that he is Assistant Manager of Commerce for Respondent Burlington and is sponsoring Respondent's Exhibit No. 6. Respondent's Exhibit No. 6 purports to be a multi-page typewritten statement of Witness Olsen, together with seven (7) printed appendices containing various comparisons of distances and rates for the transportation by rail of gypsum in Colorado and neighboring states at the ICC Docket 17000-11-A scale level. Witness Olsen further testified that one of the purposes of presenting Exhibit No. 6 is to compare gypsum rates with ICC sand and gravel rates, as there is substantial similarity in the transportation of the two commodities; that the so-called Formula 17000-11-A was used for this purpose; that in Colorado a 121 to 131 percent sand and gravel rate is used for gypsum under the above Formula; that in applying Formula 17000-11-A to mine-run gypsum movements from Range to Medbery, Colorado the return would be between four and 39/100 dollars (\$4.39) and four and 69/100 dollars (\$4.69); and that he had not made an investigation of actual costs for the movement of gypsum as proposed by Complainant but rather

used Formula 17000-11-A as the basis for costs in the Western Trunk Line Area which does not include Mountain territory.

Respondent's Exhibit No. 6 was admitted into evidence.

Thomas J. Halpin -- that he is Assistant Director of the Executive Committee, Western Railroad Traffic Association, Division of Costs and Economics, and is sponsoring Respondent's Exhibit No. 7. Respondent's Exhibit No. 7 purports to be a pro-forma statement showing out-of-pocket, constant and fully distributed costs for mine-run gypsum rock shipments moving in open railroad gondola cars, having tare weight of 26.45 tons, moving from Range to Medbery, Colorado, based on Regions VI and VIII, year 1967, with single line unit costs further adjusted to include the cost of one interchange.

Witness Halpin further testified that he has studied the costs of the gypsum movements as proposed by Complainant; that a rate at a fully distributed cost level for said movement would be \$4.036; that said costs do not include costs for weighing, the line-haul from Range to Dotsero, Colorado, and increases in costs since 1967; that a return on investment has not been included in said rate; and that a four percent (4%) return on fixed investment should be considered and added to the fully distributed costs.

Respondent's Exhibit No. 7 was admitted into evidence.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE H. HARRIS, ROUTE 1, BOX 109,)
HESPERUS, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24433-PP
RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

November 23, 1970

Appearances: Wayne H. Harris, Hesperus,
Colorado, pro se.
Frank J. Anesi, Esq.,
Durango, Colorado, for
Clifford C. DeLuche,
Protestant.

PROCEDURE AND RECORD

Under date of July 6, 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 Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on July 21, 1970, was granted such temporary authority.

The Commission assigned No. 24433-PP to the application for permanent authority. Pursuant to law, the Commission designated Christain 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 Blue Spruce Room, Courthouse, Durango, Colorado, on October 22, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Wayne H. Harris testified in support of the application.

Official notice was taken of the following documents on file with the Commission, to-wit: Equipment List, Financial Statement, Insurance Documents, Map of Area, Designation of Agent, and Customer List.

At the conclusion of Applicant's testimony, counsel for Protestant moved to dismiss the application on the grounds that Applicant had not established a need for the service and that Protestant, a common carrier, does hold authority to supply the services as needed. The Motion was taken under advisement by the Examiner and is hereby denied.

Clifford C. DeLuche and Lamar Holloway testified for Protestant.

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 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 an individual.
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. The United States Forest Service invites bids annually for the removal of ash, trash, and refuse from campgrounds within certain areas of the National Forests located within the State of Colorado. Among others, bids are solicited for the removal and transportation of ash, trash, and refuse in the Pine District of the San Juan National Forest, namely, the Vallecito Campground, Pine River Campground, Mid Mountain Campground, Aspen Point Campground, Pine Point Campground, North Canyon Campground, Graham Creek Campground, Old Timers Campground, and four unnamed campgrounds in the area of Pound Creek, Waldner Creek and Transfer Park to a designated landfill at Bayfield, Colorado. Both Applicant and Protestant have, in the past, and, in the future intend to bid for such transportation services, the low bidder receiving the contract for the above-described transportation services which last for about 11 weeks during the summer season.

5. The service is needed and is definitely in the public interest.

6. Applicant has sufficient equipment which he shall use in performing the transportation services applied for, 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.

9. Applicant is amply insured.
10. If Applicant succeeds in being low bidder, he will have a contract with the United States Forest Service.
11. There is a future and special need for the service of Applicant.
12. 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.
13. 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 Protest should be, and hereby is, dismissed.
2. 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.
3. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter 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 Wayne H. Harris, Route 1, Box 109, Hesperus, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

Ash, trash, and other refuse

From the following-named U.S. Forest Campgrounds located within the Pine District of the San Juan National Forest:

- a. Vallecito Campground
- b. Pine River Campground
- c. Mid Mountain Campground
- d. Aspen Point Campground
- e. Pine Point Campground
- f. North Canyon Campground
- g. Graham Circle Campground
- h. Old Timers Campground
- i. Four (4) unnamed campgrounds within the area of Pound Creek, Waldner Creek, and Transfer Park

to designated and approved dumps and disposal sites located within the County of La Plata, State of Colorado.

RESTRICTION:

All transportation service to be rendered hereunder shall be for one customer only, viz: United States Department of Agriculture, Forest Service";

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, 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. 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.

6. 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

* * *

RE: HAND TO HAND SIGNATURE
SERVICE

CASE NO. 1585

November 24, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 20, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed Original Page No. 78-A, setting forth provisions applicable to "Hand to Hand Signature Service" requested by shipper or his agent, to its Local and Joint Class and Commodity Rates Tariff No. 12-B, Colorado PUC No. 19, scheduled to become effective December 7, 1970.

In support of the publication set forth in Appendix "A" attached hereto, the Chief of Tariff Bureau states the matter was approved for printing and filing with this Commission by the governing rate committee during its October 13th meeting.

One of the petitioners represents that Tariff 12-B is lacking this provision. It admits that perhaps such an item would not be applied very often. However, his Company has experienced a request for this service. It required eight (8) signatures from the time shipment was in its possession until receipted by the consignee at time of delivery.

The weight of the shipment was 23 pounds, revenue derived was \$4.25 (minimum charge) from origin to destination. The time involved was not determined. However, it is felt when a situation like this is requested, a provision and a charge should be assessed against the shipper or his agent to compensate the carrier for this special service. Petitioner also represents that in tariff of the Rocky Mountain Motor Tariff Bureau similar provisions are in effect.

No protests have been filed with the Commission objecting to this publication.

Since the provisions appear to represent just, fair and reasonable rates, charges and provisions, the Commission states and finds that: --

An Order should be entered prescribing the provisions in Appendix "A" attached hereto under the provisions of Rule 19-B 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, Findings and Appendix "A" be, and are hereby, made a part hereof.
2. That the rates and charges as amended and set forth in Appendix "A" of this Order 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 December 7, 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 all call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.
6. That on and after December 7, 1970, except as noted, all contract carriers by motor vehicle operating in competition with any motor vehicle common carriers 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.

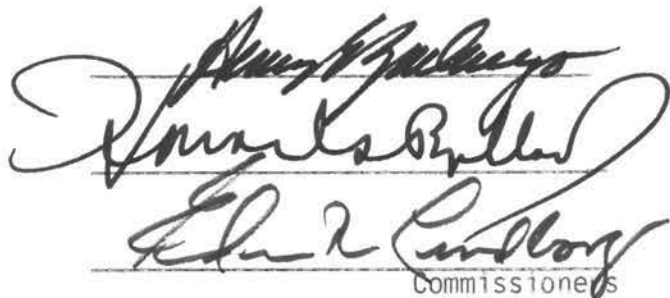
7. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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



Commissioners

Dated at Denver, Colorado, this
24th day of November, 1970. av

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
LOCAL AND JOINT CLASS AND COMMODITY RATES

TARIFF NO. 12-B, COLORADO PUC No. 19

SCHEDULED TO BECOME EFFECTIVE DECEMBER 7, 1970

ITEM	RULES AND REGULATIONS APPLICATION
<u>ORIGINAL PAGE 78-A</u>	
345	<p><u>HAND TO HAND SIGNATURE SERVICE:</u></p> <p>(1) <u>DEFINITION:</u> "HAND TO HAND SIGNATURE SERVICE" MEANS THAT EACH PERSON WHO HANDLES A SHIPMENT (PHYSICALLY OR OTHERWISE), WHEREON THIS SERVICE IS REQUESTED, WILL SIGN A WRITTEN RECORD OR RECEIPT, WHILE SUCH SHIPMENT IS IN POSSESSION OF THE CARRIER OR HIS AGENT, AND CARRIER OR HIS AGENT WILL SECURE SIGNATURE FOR SUCH WRITTEN RECORD OR RECEIPT FROM CONSIGNEE OR HIS AGENT.</p> <p>(2) <u>ANNOTATION, SPECIAL MARKINGS, AND FORM REQUIRED:</u></p> <p>(A) SHIPPER OR HIS AGENT MUST PLACE AND SIGN THE FOLLOWING ANNOTATION ON THE BILL OF LADING: <u>HAND TO HAND SIGNATURE SERVICE REQUESTED</u> DATE _____ SIGNED _____ BY _____ TITLE _____</p> <p>(B) EACH PACKAGE OR PIECE MUST BE PLAINLY MARKED: <u>HAND TO HAND SIGNATURE SERVICE REQUESTED</u></p> <p>(C) SHIPPER OR HIS AGENT MUST FURNISH A FORM AS SET FORTH IN NOTE 1 BELOW IN SUFFICIENT NUMBER TO ALLOW ONE COPY FOR THE CARRIER OR HIS AGENT, AND ONE COPY TO BE SENT BY THE CARRIER TO THE PARTY THE SHIPPER DESIGNATES ON THE FORM IN THE SPACE PROVIDED. THE EXACT FORMAT OF THE FORM SET FORTH IN NOTE 1 NEED NOT BE FOLLOWED PROVIDING THE SUBSTITUTE FORM CONTAINS ALL OF THE INFORMATION REQUIRED WITH SUFFICIENT SPACE FOR SIGNATURES, AND IN SUBSTANTIALLY THE SAME FORM.</p> <p>(3) WHEN THE BILL OF LADING IS ANNOTATED, THE PACKAGES OR PIECES MARKED, AND A FORM FURNISHED, AS SET OUT ABOVE, CARRIER OR HIS AGENT WILL REQUIRE EACH PERSON IN ITS EMPLOY, SUCH AS PICKUP AND DELIVERY DRIVER, DOCKMEN, HOSTLER AND ROAD DRIVER, WHO HANDLES THE SHIPMENT (PHYSICALLY OR OTHERWISE) TO SIGN PERSONALLY THE FORM DESCRIBED IN (2) (C) ABOVE, AND WILL SECURE SIGNATURE IN THE SPACE PROVIDED ON THE FORM FROM THE CONSIGNEE OR HIS AGENT AT TIME OF DELIVERY. UPON COMPLETION OF DELIVERY, CARRIER WILL, BY FIRST CLASS MAIL, SEND ONE COMPLETED COPY OF THE FORM TO THE PARTY DESIGNATED AND WILL RETAIN A DUPLICATE COPY WITH ITS DELIVERY RECEIPT.</p> <p>(4) <u>BASIS OF CHARGES:</u> IN ADDITION TO ALL RATES AND CHARGES FOR TRANSPORTATION, SHIPMENTS ON WHICH "HAND TO HAND SIGNATURE SERVICE" IS PROVIDED AT SHIPPER'S REQUEST WILL BE SUBJECT TO A CHARGE OF 25 CENTS FOR 100 POUNDS WITH A MINIMUM CHARGE PER SHIPMENT OF \$5.25 AND A MAXIMUM CHARGE PER SHIPMENT OF \$15.75.</p> <p>NOTE 1: HAND TO HAND SIGNATURE FORMS TO BE FURNISHED BY SHIPPERS SHOULD RESEMBLE THE FOLLOWING:</p> <p align="center"><u>HAND TO HAND SIGNATURE SERVICE</u></p> <p>DESCRIPTION OF SHIPMENT: SHIPPER: _____</p> <p>CONSIGNEE: _____</p> <p>DESCRIPTION: NOTICE: HAND TO HAND SIGNATURE SERVICE IS REQUIRED FROM THE TIME THE SHIPMENT LEAVES THE HANDS OF THE CONSIGNOR UNTIL ITS DELIVERY TO THE CONSIGNEE.</p> <p>I, THE UNDERSIGNED, HAVE HANDLED (PHYSICALLY OR OTHERWISE) THE SHIPMENT ABOVE DESCRIBED: (SIGN BOTH COPIES)</p> <p>SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____</p> <p>CONSIGNEE: NAME _____ SIGNATURE _____ TITLE _____</p> <p>NOTICE TO DELIVERING CARRIER: UPON COMPLETION AT TIME OF DELIVERY, MAIL ONE COPY TO: NAME _____ ADDRESS _____ CITY & STATE _____</p>

/ DENOTES ADDITION

♦ DENOTES INCREASE

(Decision No. 76308)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BULK TRANSPORTERS, INC., FOR RELIEF)
FROM SECTION 395.3 (a) and (b) -)
HOURS OF SERVICE OF DRIVERS - OF THE)
COMMISSION'S RULES AND REGULATIONS)
GOVERNING COMMON CARRIERS BY)
MOTOR VEHICLE.)

APPLICATION NO. 24660-Waiver

IN THE MATTER OF THE APPLICATION OF)
BULK TRANSPORTERS, INC., FOR RELIEF)
FROM SECTION 395.3 (a) and (b) -)
HOURS OF SERVICE OF DRIVERS - OF THE)
COMMISSION'S RULES AND REGULATIONS)
GOVERNING CONTRACT CARRIERS BY MOTOR)
VEHICLE.)

APPLICATION NO. 24661-PP-Waiver

November 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 5, 1970 Bulk Transporters, Inc., filed two applications requesting that it be relieved from compliance with the provisions of Section 395.3 (a) and (b) of the Rules and Regulations Governing Common and Contract Carriers by Motor Vehicle.

The Commission by Decision No. 76078 adopted in substantial part Sections 390 through 398 of The U. S. Department of Transportation Motor Carrier Safety Regulations. Provision was made whereby Common and Contract Carriers by Motor Vehicle engaged in the transportation of livestock would be exempt from complying with Section 395.3 (b) if it were shown that compliance would create a hardship.

Mr. Frederic A. Bethke, President of Bulk Transporters, Inc., appeared and testified at the hearing held on August 6, 1970 in Case No. 5176 and Case No. 5177 wherein the Commission heard evidence concerning the adoption of the U. S. Department of Transportation Motor Carrier Safety Regulations. Mr. Bethke testified concerning the operations of his company and the resultant adverse effect on it that compliance with the hours of service limitation set forth in Part 395.3 (a) and (b) would have. Official notice is hereby taken of the said hearing record.

The Commission states and finds that the testimony given by Mr. Bethke at the hearing held on August 6, should be considered, and that Bulk Transporters, Inc., should be granted relief from complying with said Section 395.3 (a) and (b) of the Commission's Safety Regulations Governing Common and Contract Carriers by Motor Vehicle, without further hearing.

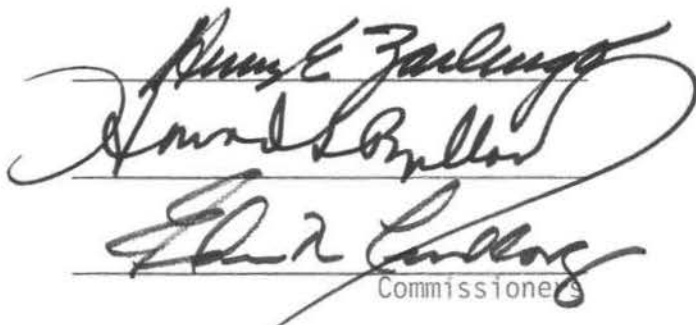
O R D E R

THE COMMISSION ORDERS:

That Bulk Transporters, Inc., be, and hereby is, relieved of complying with Section 395.3 (a) and (b) of the Safety Regulations Governing Common and Contract Carriers by Motor Vehicle, as promulgated by Decision Nos. 76080 and 76078, respectively, until January 1, 1972.

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 November, 1970.
js

(Decision No. 76309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES AND)
REGULATIONS GOVERNING COMMON)
CARRIERS BY MOTOR VEHICLE.)

CASE NO. 5176
SUPPLEMENTAL ORDER

November 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 75129, dated June 26, 1970, the Commission instituted an investigation into the matter of safety regulations governing common carriers by motor vehicles. On October 16, 1970, the Commission issued its Decision No. 76080 in which it revoked Rules 17, 19, 20, 21, 23 and 25 of the present Rules and Regulations Governing Common Carriers by Motor Vehicle and, in their place, with some modification, adopted, promulgated and approved Parts 390 through 398, inclusive, of the U.S. Department of Transportation Motor Carrier Safety Regulations in effect on January 1, 1970, and published in Title 49 of the Code of Federal Regulations (D.O.T. Regulations).

On November 5, 1970, Bulk Transporters, Inc., by and through its attorney David E. Driggers, filed a Petition For Reconsideration of said Decision No. 76080.

The Commission finds that Bulk Transporters, Inc., petitioner herein, has also filed Application No. 24660-Waiver, seeking relief identical with that sought in this Petition, which Application has been granted by Commission Decision No. 76308, thereby rendering the matter moot; and that therefore Petition For Reconsideration by Bulk Transporters, Inc., should be denied.

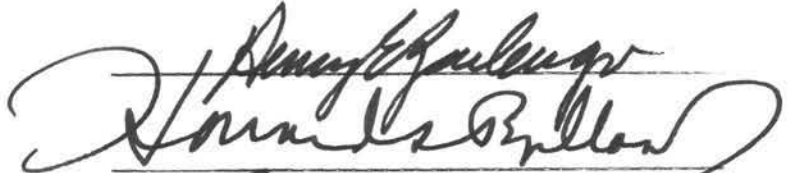
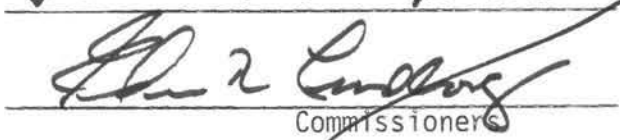
O R D E R

THE COMMISSION ORDERS THAT:

That Petition For Reconsideration of Decision No. 76080 by
Bulk Transporters, Inc., be, and hereby is, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1970.

js

(Decision No. 76310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES)
AND REGULATIONS GOVERNING)
CONTRACT CARRIERS BY MOTOR)
VEHICLE.)

CASE NO. 5177
SUPPLEMENTAL ORDER

November 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 75130, dated June 26, 1970, the Commission instituted an investigation into the matter of safety regulations governing contract carriers by motor vehicles. On October 16, 1970, the Commission issued its Decision No. 76078 in which it revoked Rules 16, 24, 27 and 28 of the present Rules and Regulations Governing Contract Carriers by Motor Vehicle and, in their place, with some modification, adopted, promulgated and approved Parts 390 through 398, inclusive, of the U.S. Department of Transportation Motor Carrier Safety Regulations in effect on January 1, 1970, and published in Title 49 of the Code of Federal Regulations (D.O.T. Regulations).

On November 5, 1970, Bulk Transporters, Inc., by and through its attorney David E. Driggers, filed a Petition for Reconsideration of said Decision No. 76078.

The Commission finds that Bulk Transporters, Inc., petitioner herein, has also filed Application No. 24661-PP-Waiver, seeking relief indential with that sought in this Petition, which Application has been granted by Commission Decision No. 76308, thereby rendering the matter moot; and therefore Petition For Reconsideration by Bulk Transporters, Inc., should be denied.

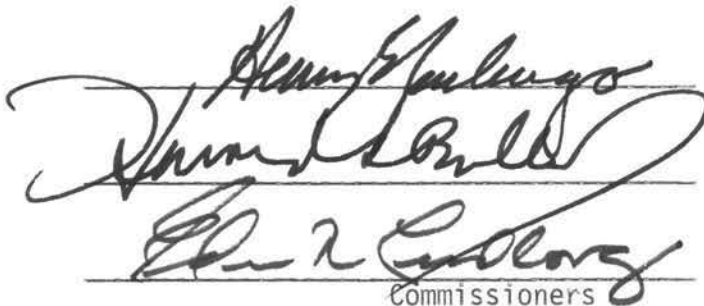
O R D E R

THE COMMISSION ORDERS THAT:

The Petition For Reconsideration of Decision No. 76078 by Bulk Transporters, Inc., be, and hereby is, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1970.

js

(Decision No. 76311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BIG VALLEY STAGE LINES, INC., BOX 121, WINTER PARK, COLORADO, FOR TEMPORARY AUTHORITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE.	}	APPLICATION NO. 24643-TA <u>ORDER GRANTING TEMPORARY AUTHORITY</u>
--	---	---

November 23, 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.

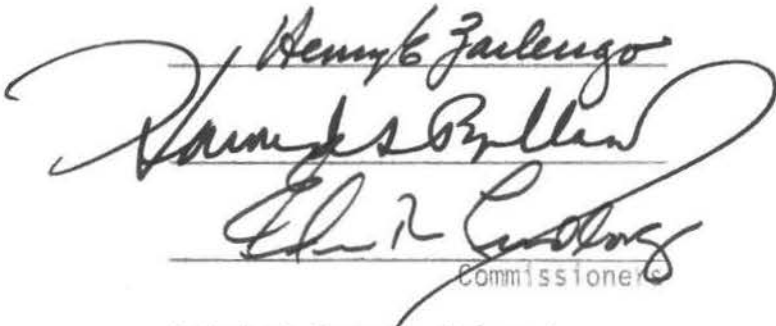
It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

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


Commissioner

Dated at Denver, Colorado,
this 23rd day of November, 1970.

(Decision No. 76311)
November 23, 1970

APPENDIX

Application No. 24643-TA

Big Valley Stage Lines, Inc.
Box 121
Winter 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 - Common

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier by motor vehicle with authority as follows:

"Transportation -- on schedule -- of

Passengers and their baggage

Between Tabernash, Colorado and the main (south) entrance of the Winter Park Ski Area, Colorado over U.S. Highway 40 serving all intermediate points and the off route points located within one (1) mile of said highway."

(Decision No. 76312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD N. BURDIEK, 8935 WEST 20TH)
AVENUE, LAKEWOOD, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24662-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 23, 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 Donald N. Burdiek, 8935 West 20th Avenue, Lakewood, Colorado, be and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing November 23, 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 one hundred fifty (150) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred fifty (150) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted as follows:

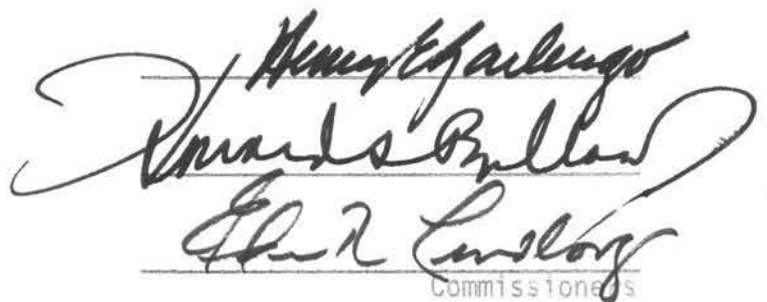
- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time";

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 23rd day of November, 1970.

cj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
POUDRE VALLEY RURAL ELECTRIC ASSOCI-)
ATION, INC., 220 EAST OLIVE STREET,)
FORT COLLINS, COLORADO, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A PUBLIC)
UTILITY DISTRIBUTING ELECTRIC ENERGY)
IN PORTIONS OF THE COUNTIES OF)
LARIMER, WELD, AND BOULDER, STATE OF)
COLORADO.)

APPLICATION NO. 19574-Amended

IN THE MATTER OF THE APPLICATION OF)
HOME LIGHT AND POWER COMPANY, A COR-)
PORATION, 810 NINTH STREET, GREELEY,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
OPERATE AS A PUBLIC UTILITY, IN THE)
DISTRIBUTION OF ELECTRICAL ENERGY IN)
THE COUNTY OF WELD, STATE OF COLORADO.)

APPLICATION NO. 19606-Amended

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
A CORPORATION, 550 FIFTEENTH STREET,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A PUBLIC UTILITY IN)
THE DISTRIBUTION OF ELECTRICAL)
ENERGY IN PORTIONS OF THE COUNTIES)
OF LARIMER, WELD, AND BOULDER, STATE)
OF COLORADO.)

APPLICATION NO. 20356
As assigned by Commission Order

POUDRE VALLEY RURAL ELECTRIC ASSOCI-)
ATION, INC., A CORPORATION,)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)

Complainant,

CASE NO. 5234

vs.

HOME LIGHT AND POWER COMPANY,)
A CORPORATION,)
810 NINTH STREET)
GREELEY, COLORADO, and)

PUBLIC SERVICE COMPANY OF COLORADO,)
A CORPORATION,)
550 FIFTEENTH STREET)
DENVER, COLORADO,)

Defendants.

RECOMMENDED DECISION OF
GIRTS KRUMINS
EXAMINER

- - - - -
November 24, 1970
- - - - -

Appearances: John P. Thompson, Esq., Denver, Colorado,
and
Warren H. Price, Esq., Loveland, Colorado,
for Poudre Valley Rural Electric
Association, Inc.;
Joseph F. Nigro, Esq., Denver, Colorado,
and
Bernard Houtchens, Greeley, Colorado,
for Home Light and Power Company;
Donald D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;
James D. Grundy, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled applications were originally filed and heard in 1963 and on April 22, 1964, Decision No. 62653 was entered by the Commission. On July 24, 1964, a Supplemental Order (Decision No. 63362) amending said Decision No. 62653 was issued. Subsequently, the said Decision was appealed to the Courts and the decision was affirmed in part and reversed in part by the Supreme Court of Colorado in The Public Utilities Commission, et al., vs. Home Light and Power Company, et al., 163 Colo. 72, 428 P.2d 928, hereinafter sometimes referred to as the Home Light Case.

Following the mandate in the Home Light Case, the Commission by Decision No. 73822 ordered the parties to state their claims and to provide certain information to the Commission in exhibit form. Ultimately, after due and proper notice to all parties, the matters were set for hearing as follows: Claims and disputes by the Poudre Valley Rural Electric Association, Inc. (Poudre Valley) and Home Light and Power Company (Home Light) to commence at 10 a.m. on March 18, 1970, in the Commission's hearing room at Denver, Colorado; claims and disputes by Poudre Valley and Public Service Company of Colorado (Public

Service) to commence at 10 a.m. on May 18, 1970, in the Commission's hearing room at Denver, Colorado. At said times and places, the matters were duly heard by Girts Krumins, an employee of the Commission, who was appointed Examiner in these proceedings pursuant to law. On March 18, 1970, a stipulation was filed by Poudre Valley and Home Light resolving the claims and disputes between such parties and on April 3, 1970, Decision No. 74654, it being the Recommended Decision of the Examiner, was entered. In said Decision No. 74654, which has since become the decision of the Commission, the said stipulation of said Poudre Valley and Home Light was accepted and approved pending the final Order in this proceeding.

At the hearing commencing May 18, 1970, concerning the claims and disputes between Poudre Valley and Public Service, the following exhibits were offered and ruled upon as follows:

Poudre Valley Exhibits

Exhibits Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 - Admitted.

Public Service Company Exhibits

Exhibits A, B, C, D, E, F, G, K, L, M, N, O, P, and Q - Admitted.

Exhibits H, I, J, H-1, I-1, and J-1 - Withdrawn.

Exhibits H-2, I-2, and J-2 - Admitted.

Exhibits R and S - Rejected.

Official Notice was taken of Decisions Nos. 62653, 63362, and 73899. The Examiner on his own motion has also taken official notice of Decision No. 73820.

The matters were heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5392, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332, and No. 5387. Separate decisions will be issued in Cases No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5392, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332, and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceedings together with his recommended decision and order.

PRELIMINARY DISCUSSION

The matters before the Examiner in this phase of the proceeding consist primarily of the determination of a proper allocation and certification of territory classified as so-called "Category 4" pursuant to the Supreme Court's opinion in The Public Utilities Commission, et al., vs. Home Light and Power Company, et al., 163 Colo. 72, 482 P.2d 928, hereinafter sometimes referred to as the Home Light Case. In the same Home Light Case the cause was remanded to the District Court with directions to refer the matter back to the Public Utilities Commission to amend its order in conformity with the views expressed therein, and if it deems such necessary, to hold further evidentiary hearings.

By Decision No. 73822, the Commission found that further evidentiary hearings were necessary and further ordered the parties to file certain information in exhibit form that would be essential in determining the matter. This order of the Commission did not, of course, limit the parties from introducing any and all other evidence that they would deem appropriate and should be considered as only outlining the bare essentials that should be before the Commission. Among other things, the parties were ordered to describe the areas that each claimed to be in Category 4 and indicate the lines, facilities, customers, and dates of construction and service that constitute their basis for such claims.

In the first instance, it is, of course, necessary to consider and determine what factual situation must exist before the territory must be classified as Category 4. The matter before the Commission involves solely Category 4 territory and none other. Before examining the claims of the parties as to what territory constituted Category 4, some thought must be given as to its definition.

The Supreme Court used the following language in describing Category 4:

"The most confusing and complicated parts of the territory in question are the areas where the electric lines of more than one competing utility are intermingled. In parts of these areas competing lines cross one another, run closely parallel to one another, or are hopelessly intermingled. The P.U.C. decision seems to have awarded each such area to the utility having the most existing service in the area (what might be called the "pre-dominant" utility.) Having decided to whom each area should be certificated, the P.U.C. decision then utilizes three different solutions for handling the lines of the non-certificated utilities in these areas: (1) Some of the lines were allowed to remain and the non-certificated utility was allowed to continue to serve its then existing customers. All new customers were to be served by the certificated utility, and if either (a) a change of the service being rendered, or (b) a change of ownership of the property served by the non-certificated utility should occur, then the certificated utility would take over serving that customer. (2) Service on some of the lines was ordered to be discontinued immediately. The non-certificated utility might then, at its option: (a) retain the lines in place for transmission and feeder purposes, or (b) remove the lines for salvage purposes, or (c) sell the lines to the certificated utility at "net book" value. (The P.U.C. decision defined "net book" value as original cost less claimed depreciation -- as shown by the books of the utility concerned.) (3) Some of the lines were ordered to be sold immediately to the certificated utility at "net book" value. We must first decide whether the initial decision to award each such area was correct, and if so, whether the various methods of disposing of the lines belonging to non-certificated utilities were correct."

It is clearly stated in the opinion that three methods for handling the lines of the non-certificated utility were used in these areas. The Examiner, therefore, has been compelled to reject the contention of Poudre Valley herein that only the "buy and sell" areas fall into Category 4.

A further analysis indicates that a Category 4 area may be created when (1) an actual crossing of the lines occurs, (2) lines are running closely parallel (such as, for instance, across the road from each other), and (3) lines are "hopelessly intermingled," it is necessary

to apply a theory of mutual exclusion, since if an area is in either Category 1, 2, 3, or 5, it could not possibly be in Category 4 and vice versa. In describing Category 3, the Supreme Court said:

"The third category of territory involves areas where existing lines of more than one utility are in the area, but where such lines do not actually meet or cross one another. The general effect of the P.U.C. decision in such areas was to divide the remaining territory between the competing lines so as to pre-serve the status quo. (Where lines enter a section of land from the opposite sides, the decision generally divides the section in half. Where one company's lines had entered three out of four of the quarter sections and a line of a second utility had entered the fourth quarter section, the section was divided on that basis, etc.) (Emphasis added.)

Public Service and Home Light take the position that such territories should have been certificated exclusively to them since they were generally first in such overall areas in point of time. They argue that Poudre Valley was only enabled to enter such areas without opposition because Poudre Valley did not become a public utility, and so was not subject to regulation by the P.U.C., until the passage in 1961 of what is now C.R.S. 1963, 115-1-3(2). The P.U.C. and Poudre Valley contend that Poudre Valley did nothing illegal in building lines into these uncertificated territories prior to 1961, and that since Poudre Valley is now a public utility it stands on an equal footing with all other public utilities offering electric service in the area. With this latter position we generally agree.

We have already held that a rural electric association may not expect to have a service area carved out for it from areas already certificated to other utilities. Public Serv. Co. v. Public Util. Comm., 142 Colo. 135, 350 P.2d 543, cert. denied, 364 U.S. 820, 81 S.Ct. 53, 5 L.Ed.2d 50. In such areas "it must find its place from among the places that remain." In the instant case, however, we are talking about "the places that remain." While Poudre Valley should properly be limited to serving its then members and customers in prior certificated areas, yet, as to unserved and uncertificated areas it now stands on the same footing as any other public utility. Public Util. Comm. v. City of Loveland, 87 Colo. 556, 289 P. 1090. A utility having a prior certificate covering a neighboring territory has the legal authority to expand into unserved and uncertificated territory. It appears, however, that the P.U.C. took this expansion authority into account along with all of the other factors involved and we cannot say that it abused its discretion in this regard. As to the category of territory now being discussed, the P.U.C. has divided the areas in an attempt to allow each utility to maintain its present customers and to have its fair share of any expansion room that still remains. While

this may not be entirely satisfactory to all the parties, it was not an abuse of discretion. Ephraim Freightways, Inc., v. Public Util. Comm., supra. The parts of the P.U.C. decision covering areas where the existing electric lines are not actually intermingled or crossing should have been affirmed."

In light of the foregoing, it is not possible for the Examiner to find that the lines are hopelessly intermingled in any area where the status quo was actually preserved, that is, if division of territory is made in such a manner that no line or customer of one utility is actually located in territory certificated to another, then the lines cannot be construed to be hopelessly intermingled; and the converse may equally be true. The contention of Public Service that it should now be allocated all territory within one-half to three-quarters of a mile of any one of its lines must therefore be rejected, as must be the claims of both utilities for large areas where no lines exist at all.

The inevitable result of the foregoing considerations is, of course, that the big bulk of the respective areas claimed as Category 4 by either utility are, in fact, not in Category 4.

Counsel for both Poudre Valley and Public Service appear to agree, and it is the Examiner's opinion and finding, that Poudre Valley became a public utility by an Act of the Legislature effective April 22, 1961. As of that date, Poudre Valley had the same status as Public Service which had been a public utility at least since the passage of the original Public Utilities Law in 1913. Accordingly, when evaluating which utility was first providing complete and adequate service in the area, such priority must be determined on the basis of the date when service was first commenced by such utility except that Poudre Valley cannot acquire a priority dating earlier than April 22, 1961.

A further problem arises in finding what constitutes an "area" that is adequately and completely served by any given line or facility. Generally speaking, it would appear from the evidence that it would be

reasonable to assume that any electric line could give complete and adequate service to adjoining territory a distance of at least one-half to three-quarter miles from such line. Even such a rule, however, without considering particular details or circumstances is completely ambiguous unless one can determine whether one-half or three-quarters of a mile is appropriate. Furthermore, it is quite evident that the area to be completely and adequately served from any given line depends on the nature of the territory involved as well as the line. The evidence offered by the parties does not permit such determination with utmost precision. Accordingly, the Examiner was compelled for all the reasons outlined above to fall back somewhat upon a definition of Category 3 areas and the Court's approval of the way the Commission handled these areas--that is, even in Category 4 areas, the determination of the "area" that was adequately and completely served by the utility must be affected as far as the extent is concerned by the status quo. It would appear that if the preservation of the status quo rather than the theory of the predominant utility were used in those areas, the rights of the parties under applicable rules of law would not be violated. In some areas, however, an attempt to preserve the status quo would result in such gerrymandering of the area as to create rather than eliminate duplication and actually place a burden on the utilities. In those areas the priority acquired by providing lines capable of furnishing complete and adequate service must prevail in a larger area. In other words, the Examiner has based his Findings on the principle that "an area" is not necessarily a section, a quarter-section, a one-sixteenth of a section, or a number of sections of land, but that each situation must be judged on its own particular circumstances and merits as shown by the evidence. Particularly, natural obstacles, geography, municipal boundaries and platted subdivisions must be considered in determining the amount of territory

that constitutes "an area". The Findings herein are based on all those considerations wherever applicable.

In the Findings to follow the term "intermingling" has been used to denote the status of facilities that characterize Category 4 territory, that is, crossing, meeting, paralleling, touching, or running closely together of the lines of the utilities involved. It should be noted that in many instances the maps placed in evidence by Poudre Valley and Public Service do not agree as to location of geographical features with respect to section lines. The Findings of the Examiner are based on the best analysis of the evidence recognizing that slight discrepancies can occur when measured against actual conditions. Furthermore, the scale of the maps in evidence does not always permit exact location of lines within any particular quarter-section or a smaller subdivision of a section. It must be realized, of course, that the location of lines as shown on the maps has not been exactly surveyed in all instances and discrepancies are possible anyway. Accordingly, a certain amount of discretion has been necessary to determine the proper division of the territory in accordance with the decision of the Supreme Court in the Home Light Case.

Also, in the Findings to follow, the territorial claims have been grouped geographically for convenience only, and no particular significance is intended by describing any territory as part of the "Boulder Area", the "Niwot Area", or any other grouping.

Another determination that must now be made by the Commission in accordance with the Home Light Case involves the disposition of certain facilities and customers of a utility that are located in territory certificated to another utility. As far as the areas in dispute between Home Light and Poudre Valley are concerned, the stipulation of the two parties provides that the non-certificated utility may continue service to its existing customers at such locations until a

substantial change in the character of the load occurs. With respect to the disputes between Public Service and Poudre Valley there is, of course, no stipulation. Public Service proposes a disposition similar to that contained in the stipulation of Home Light and Poudre Valley. Poudre Valley, however, proposes several different solutions depending on the type of area involved, as follows:

1. In the Third Category areas originally certificated to Poudre Valley where no intermingling of lines occurs, Public Service Company should be ordered to remove facilities that it has constructed since 1963; it may continue to serve all of its pre-1963 service locations until there is a change in the nature of the service that is being rendered at which time Poudre Valley is to accede to that service location. If there has been a change in the nature of service since January 1, 1963, Poudre Valley is to accede now.

2. As to the Fourth Category areas, Poudre Valley suggests two types of solution: (A) In areas which were certificated Utility A in 1964 and are now re-certificated to Utility A, the facilities and customers of Utility B should be handled in the same manner as under 1 above; (B) In areas that were certificated to Utility A in 1964 and are now certificated to Utility B, Utility A be permitted to retain any service facilities built since January 1, 1963, until such time as the nature of the service changes at which time Utility B would accede to that service location. If the nature of service at any such Utility A service location has already changed, Utility B would accede to that service location immediately.

In considering the positions of the parties under the Home Light Case and other applicable law, one must conclude that none of the proposals are unqualifiedly acceptable. It is, of course, true that by stipulation and mutual agreement many reasonable arrangements can be made by the parties whereby the public interest is protected.

The Commission, however, does not have precisely the same options available to it as it must consider the property rights of the parties as well as due process of law. Accordingly, the Commission is in no position to permit the retention of customers which were unlawfully connected in the first place. The question as to what extensions of service and facilities a utility may lawfully make is not necessarily simple. CRS 1963, 115-5-1, is determinative:

"115-5-1. New construction--extension.--(1) No public utility shall begin the construction of a new facility, plant, or system, or of any extension of its facility, plant, or system, without first having obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction. Sections 115-5-1 to 115-5-4 shall not be construed to require any corporation to secure such certificate for an extension within any city and county or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory, either within or without a city and county or city or town, contiguous to its facility, or line, plant, or system, and not theretofore served by a public utility providing the same commodity or service, or for an extension within or to territory already served by it, necessary in the ordinary course of its business. If any public utility, in constructing or extending its line, plant, or system shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, after hearing, may make such order prohibiting such construction or extensions or prescribing such terms and conditions for the location of the lines, plants, or systems affected, as to it may seem just and reasonable."

One may only conclude that an extension of facilities may be lawful if:

1. A certificate of public convenience and necessity therefor has been obtained;
2. An extension is made within an area already served by a public utility, or in an area contiguous to its service territory which is not theretofore served by another public utility providing the same commodity of service;
3. Feeder and transmission lines are extended to territory already served by a utility.
4. Extension was made before becoming a public utility.

In this context it is impossible to conclude that the date of January 1, 1963, has any particular significance, as on that date no certificates of public convenience and necessity were outstanding to either utility as far as the territory in question is concerned.

Furthermore, with respect to the areas as to which the 1964 Commission decision was reversed by the Supreme Court, there can be no possible way to conclude that any kind of an "interim" certificate was obtained by either utility. If in those areas the original utility is now re-certificated, then the date of the certificate may very well relate back to the date the original Commission decision became final; but the utility which is not now re-certificated cannot thereby possibly have acquired any additional rights for the interim period. Any construction done in reliance on a certificate under litigation is done at the utility's (and not necessarily its ratepayers') own risk. See The Western Colorado Power Company, et al., v. Public Utilities Commission, et al., 159 Colo. 262, 411 P.2d 785, wherein the Court said:

"FOURTH. Does the fact that the Hayden plant has already been completed require an affirmance of the judgment of the trial court?"

(11) The answer is 'No.' The court is aware that the Hayden plant is now constructed. This fact, however, cannot subvert the legal principles upon which our decision is based nor be allowed to defeat the doctrine of regulated monopoly to which Colorado subscribes. It is clear that both Colorado-Ute and the REA, its financing association (who was not before the Commission) recognized that construction of the Hayden plant during litigation was attended with substantial risk, and they engaged in such activity with full knowledge of the possible consequences. . . ."

". . . When litigation in accordance with the statutes and procedures of the state in question is in progress, it needs no citation of authority to establish that consent of the state authority to the construction has not been obtained. . . ."

In this recommended decision each utility will be permitted to continue service to its customers in the area certificated to another utility until substantial change in the nature of the service occurs,

provided the extension of service was lawfully made. This is the only method approved by the Supreme Court in the Home Light Case in dealing with facilities of a utility in areas now certificated to another utility. It may appear that the Examiner is avoiding the issue of determining which specific extensions of service have been lawfully made. However, it must be pointed out that the matters before the Commission at this time involve only the determination of how the original Commission decision must be amended in conformance with the mandate of the Supreme Court in the Home Light Case. It does not open for consideration the lawfulness (or lack thereof) of all the acts of the utilities that may be involved, particularly in those areas where the original Commission decision has been affirmed and is already final. In other words, the entire case is not being tried over again.

Furthermore, there are some thirteen Complaints before the Commission involving this very issue. While these Complaints were heard on a consolidated record with the re-certification proceeding, considerable specific evidence was introduced with respect to each such Complaint. It would not appear proper to dispose of similar instances that also could have been made subject of complaint without such complaint having been filed, nor the particular specific evidence having been heard. It is also pointed out that CRS 1963, 115-1-5(2), gives the Commission the discretionary power to eliminate duplication, or to otherwise define the conditions of rendering service; accordingly, it is not mandatory that each and every instance of unlawful intrusion into another utility's territory be determined and disposed of in this proceeding. The parties have the perfect right to file such additional complaints as they believe are necessary, as well as to agree to an exchange, transfer, or trade of facilities and customers, subject to the approval of the Commission. It is not unreasonable to expect that the utilities involved, in considering their public responsibilities, may well come to reasonable agreements in this respect.

FINDINGS OF FACT

1. Poudre Valley is a Colorado corporation engaged in the business of purchase, distribution and sale of electrical energy as a public utility under the jurisdiction of this Commission. It originally commenced operations as a cooperative furnishing electrical energy to its members. It became a public utility by Act of the Legislature, CRS 1963, 115-1-3(2), as of April 22, 1961, but prior to that date was not a public utility.

2. Public Service Company of Colorado is a Colorado corporation engaged, inter alia, in the generation, transmission, distribution and sale of electrical energy as a public utility under the jurisdiction of this Commission. Public Service or its predecessors have been a public utility before, and at all times since the organization of Poudre Valley.

3. Home Light is a Colorado corporation engaged in the business of purchase, distribution and sale of electrical energy as a public utility under the jurisdiction of this Commission and it or its predecessors have operated as a public utility before, and at all times since, the organization of Poudre Valley.

4. The subject matter of this proceeding is to implement the decision of the Supreme Court in the Home Light Case. By Decision No. 62653 as amended by Decision No. 63362, the Commission certificated to each of the three above-mentioned utilities certain exclusive areas in northern Colorado. The said Supreme Court decision affirmed in part and reversed in part the said Commission decision. As far as allocation of territory is concerned, the Commission decision was reversed with respect to the so-called Category 4 territory as defined by the Supreme Court and as further quoted in the discussion hereinabove.

5. The size and extent of "an area that is completely and adequately served" by any line or facility of any utility cannot be uniformly

defined, and different sizes and shapes must be, and hereby are, determined to be applicable to different factual situations. As a standard, an area of up to four square miles (or two miles square) has been used herein in situations where the territory involved is traversed by main distribution feeders extending beyond the area. "Main Distribution Feeders" as used herein applies only to the lines of that utility which would thereby acquire a priority by adequately and completely serving the area. No consideration in this context has been given to the nature of the distribution lines of the utility which did not acquire any priority in that area in any event.

6. Generally, a standard of an area consisting of one square mile had been used to determine the size and extent of the applicable area that is completely and adequately served in situations where the distribution lines in question that might create a priority of service, terminate or dead-end within the area, except that areas of less than one square mile have been used as a standard where the use thereof would preserve the status quo and not place any customer of a utility having priority in territory certificated to another utility.

7. The standards described in Findings Nos. 5 and 6 above are determined to be appropriate, reasonable and proper in this case because of the nature of the business of electric distribution. Main distribution feeders are generally designed for service in a larger area and extensions up to one mile can be made providing capacity for most distribution loads without a prohibitive burden upon prospective customers because of the application of the extension policy. To apply another standard under these circumstances would result in unreasonable gerrymandering of the areas to the extent that instead of protecting the property rights of the utility involved, an undue burden would be placed on such utilities by compelling them to construct, operate and maintain uneconomical distribution systems. Accordingly, the two-mile square standard has been utilized

except where any part of the area of any size would be located more than one mile from the particular feeder line in question. On the other hand, the one-square mile standard combined with the status quo standard is most appropriate where dead-ended systems are involved because of the very nature of the electrical distribution system and the area that can be properly developed with such a system.

8. The Boulder Area.

A. This area is located generally north of the City of Boulder and includes all or part of Sections 1 through 3, 6 through 18, and 20 to 24, Township 1 North, Range 70 West and Sections 18 and 19, Township 1 North, Range 69 West. This area was originally certificated to Public Service and is now claimed by Poudre Valley (Sections 4, 5, the NW quarter of Section 3 and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 9, Township 1 North, Range 70 West, have been also claimed by Poudre Valley but are conceded by Public Service.)

B. The main part of this area is traversed by two Public Service distribution feeders, one extending along the highway to Lyons, another extending along the highway to Niwot. These feeders date back to at least 1959. These feeders or extensions therefrom traverse or adjoin portions of Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 20 and 21. Dead-end distribution lines of Public Service predating 1961 are also found in Sections 23, 24, and 13, all in Township 1 North, Range 70 West. Likewise, Public Service distribution lines are located and provide service in Sections 18 and 19, Township 1 North, Range 69 West. Accordingly, with exception of Section 14, and the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 22, Township 1 North, Range 70 West, Public Service was the first public utility to completely

and adequately serve this area. On the other hand, Poudre Valley was the first utility completely and adequately serving Section 14, and the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 22, Township 1 North, Range 70 West.

C. All of the area described in this Finding is Category 4 area and the lines of the two utilities are intermingled and often crossing. It is appropriately the four-square mile standard that has been utilized in this Finding as any other standard would result in an untenable result of gerrymandering.

9. The Niwot Area.

A. This area consists of all or part of Sections 24, 25, 26, 35 and 36, Township 2 North, Range 70 West. Section 36 and a small area in the SE corner of Section 35 was originally certificated to Public Service and are now claimed by Poudre Valley while the converse is true in portions of the other sections.

B. The only intermingling of lines occurs in the S $\frac{1}{2}$ of Section 35. A Public Service line constructed in 1959 along the C&S railroad ROW crossed a 1941 Poudre Valley line along the south section line of said Section 35. Public Service was the first public utility completely and adequately serving the said S $\frac{1}{2}$ of Section 35 and it should be certificated to Public Service.

C. All the remaining territory in this area is not Category 4 territory as no intermingling takes place and therefore beyond the scope of this proceeding, so was properly assigned to one of the utilities in the original Commission decision.

10. The Lyons Area.

A. This area can best be described as lying north of the north township line of Township 1 North along the Lyons highway

up to and including the Town of Lyons. In this area, all or part of Sections 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, Township 3 North, Range 70 West, Sections 5, 6, 7, 8, 18, 19, 30, 31, 32 and 29, Township 2 North, Range 70 West, Sections 25, 26, 35, 36, Township 3 North, Range 71 West, Sections 1, 2, 3, 10, 11, 12, 13, 15, 22, 23, 24, 25 and 26, Township 2 North, Range 71 West, are involved, some having been certificated to Poudre Valley and now being claimed by Public Service and vice versa.

B. The only crossing and intermingling of lines occurs along the Lyons highway where Public Service completed a feeder line to the Town of Lyons in November of 1961. In 1959 a portion of this line had been constructed in or adjacent to Sections 30 and 31, Township 2 North, Range 70 West, and Section 25, Township 2 North, Range 71 West. Since this portion of the line was constructed prior to April 22, 1961, Public Service was the first public utility to completely and adequately serve the above-named three sections regardless of which standard in determining the size of territory is used.

C. In the remainder of the area, as originally certificated by the Commission, all the Category 4 areas where intermingling occurs, had been allocated to the utility first adequately serving the area, i.e., Poudre Valley. Poudre Valley's lines in this area generally predate 1961.

D. Some of the territory now claimed by Public Service in this area was not certificated to either utility and therefore beyond the scope of this proceeding.

E. All of the territory not specifically described but claimed by Poudre Valley in this proceeding in the Lyons area is not Category 4, as no intermingling or crossing of lines occurs. The original certification as affirmed by the Supreme Court cannot therefore be changed.

11. The Longmont Area.

A. This area includes portions of the S $\frac{1}{2}$ of Sections 1 and 2 and portions of Sections 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 27, 28, 35 and 36, Township 3 North, Range 69 West, and Sections 18 and 19, Township 3 North, Range 68 West. All of the territory involved in this proceeding in this area has now been claimed by Public Service and no claims by Poudre Valley are involved.

B. Some of the territory now claimed by Public Service was not certificated to any utility in the original Commission decision and therefore is beyond the scope of this proceeding.

C. Except for portions of Sections 14 and 23, Township 3 North, Range 69 West, no intermingling takes place in the contested areas and the status quo has been preserved. The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14 and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 23 is Category 4 territory. In the said territory, Public Service has lines predating 1940; it was the first public utility providing complete and adequate service and it should be certificated therein.

D. In all other respects, no change from the original Commission decision is necessary; the territory now claimed by Public Service is either not Category 4 or Poudre Valley was the first public utility providing complete and adequate service.

12. The Berthoud Area.

A. This area includes portions of the E $\frac{1}{2}$ of Township 4 North, Range 69 West, as well as portions in the N $\frac{1}{2}$ of Section 1, and N $\frac{1}{2}$ of Section 2, Township 3 North, Range 69 West, and portions of Sections 25, 26, 34, 35 and 36, Township 5 North, Range 69 West. All the claims in this area are by Public Service and none by Poudre Valley.

B. In Section 10 and portions of Sections 2 and 11, Township 4 North, Range 69 West, which were certificated to Poudre Valley and are now claimed by Public Service, the lines of the two utilities are intermingled and said sections are in Category 4. Public Service in 1950 constructed a line along the E½ of Section 2, Township 4 North, Range 69 West, and subsequently completed a line more or less along the center line of Sections 10 and 11, completing this line in 1959. There are also several laterals of Public Service by this line. Several pre-1961 laterals from these lines have also been constructed by Public Service. The main Poudre Valley lines in these sections are found along the east lines of Sections 2 and 11 in the E½ of Section 11 and along the East line of Section 10, touching, meeting or crossing the said Public Service lines. It is the Finding herein that Public Service was the first public utility to complete and adequately serve the said sections and whatever portion was previously not certificated to Public Service should now be so certificated.

C. Intermingling also occurs in Section 36, Township 5 North, Range 69 West, where the lines of the two utilities practically meet in the E½ of the section. Public Service has been serving a number of customers in that portion of the E½ of Section 36, Township 5 North, Range 69 West, lying west of U. S. Highway 287 By-Pass since before 1940, and it is the Finding herein that Public Service was the first public utility to completely and adequately serve the area and it should be certificated to Public Service.

D. In the N $\frac{1}{2}$ of Section 14, Township 4 North, Range 69 West, no crossing of lines of the two utilities occurs and the exact location of lines cannot be determined because of the scale of maps introduced into evidence. It does appear, however, that the lines of the two utilities are sufficiently close together as to constitute intermingling and therefore it is the Finding that this territory is in Category 4. Public Service initially extended into the N $\frac{1}{2}$ of this section in 1960 and therefore is the first public utility in the area providing complete and adequate service and should be certificated therein.

E. In Sections 15 and 22, Township 4 North, Range 69 West, the lines are also intermingled and the S $\frac{1}{2}$ of Section 15 and the N $\frac{1}{2}$ of Section 22, Township 4 North, Range 69 West, is Category 4 territory. Public Service originally extended service to this area in 1938 and is the first public utility providing complete and adequate service therein. Accordingly, the S $\frac{1}{2}$ of Section 15 and the N $\frac{1}{2}$ of Section 22 should be certificated to Public Service.

F. All of the remaining territory in the Berthoud area claimed by Public Service is either not Category 4 at all, as no intermingling occurs, or where intermingling does occur, Poudre Valley was the first public utility adequately and completely serving the area and/or the division of territory as originally made by the Commission is appropriate under the decision in the Home Light Case.

13. The Big Thompson Area West of Loveland.

A. This area includes Sections 4 and 5 and parts of Section 15, 16, 17, Township 5 North, Range 69 West. These areas have now been claimed by Public Service; there are no claims by Poudre Valley.

B. The only intermingling of lines in this area occurs in Section 16, Township 5 North, Range 69 West, and this section is Category 4 territory. Public Service constructed the line into this area in 1941 from a 1926 line along Highway 34 at the north end of the section. Accordingly, it is the Finding herein that Public Service was the first public utility to completely and adequately serve said Section 16 and it should be certificated to Public Service.

C. The other territory claimed by Public Service in this area is not Category 4 as there is no intermingling of lines and no change from the previous Commission decision is required.

14. The Area East of Loveland.

A. This area includes all parts of Sections 11, 12, 13, 14, 20 and 21, Township 5 North, Range 68 West.

B. In this area, Public Service in 1929 extended a line along the south section lines of Sections 11 and 12. In the $S\frac{1}{2}$ of said Sections, Public Service has been serving customers since 1929. The lines of the two utilities either cross or come very closely together at the point where the Greeley-Loveland Ditch crosses the road between said Sections 11 and 12. Accordingly, it is the Finding herein that the $S\frac{1}{2}$ of Section 11 and the $S\frac{1}{2}$ of Section 12, Township 5 North, Range 68 West, is Category 4 territory; Public Service was the first public utility to completely and adequately serve the area and that it should be certificated to Public Service.

C. The other territory included in this Findings is not Category 4 territory as no intermingling occurs and the original Commission decision should not be changed.

15. Area North of Loveland.

A. This area includes portions of Sections 22, 23, 25, 26, 27 and 35, Township 6 North, Range 69 West, and portions of Sections 29 and 30, Township 6 North, Range 68 West. This territory consists solely of claims of Public Service. No additional territory has been claimed by Poudre Valley.

B. None of this area is Category 4 territory. No intermingling occurs in the areas claimed by Public Service and the original certification should remain.

16. The Johnstown Area.

A. This area includes all parts of Sections 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34, 35, Township 5 North, Range 67 West, portions of Sections 5, 6, 7, and 18, Township 4 North, Range 67 West, and portions of Sections 1, 4, 8, 9, 11, 14, 15, 16, 17, 23, 24, and 26, Township 4 North, Range 68 West.

B. In 1936 Public Service extended the line from Johnstown northerly in or adjoining Sections 33, 28, 21, 27, and 22, Township 5 North, Range 67 West. Subsequent construction by Poudre Valley along the south side of said Sections 21 and 22 intermingles with this line. Accordingly, it is the Finding herein that Public Service was the first public utility to completely and adequately serve Sections 21, 22, 27, 28, and 33, Township 5 North, Range 67 West. These sections constitute Category 4 territory, lines being intermingled, and the same should be certificated to Public Service. Additionally, in 1938 Public Service extended from the line described herein into

into the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 5 North, Range 67 West. This area likewise should be considered as part of the general Category 4 area described herein and certificated to Public Service.

C. Intermingling also occurs in Section 35, Township 5 North, Range 67 West. Public Service originally constructed lines in this area in 1947 and subsequently in 1959 extended it into the area now claimed by it which was originally certificated to Poudre Valley. Accordingly, it is the Finding herein that that part of said Section 35 lying south of the Greeley-Loveland Ditch is Category 4 territory and Public Service is the first utility to completely and adequately serve that portion of the section and it should be certificated to Public Service.

D. All other territory claimed by Public Service in this area is not Category 4 territory as no intermingling occurs within it, and no change from previous Commission decision is required.

17. The Windsor Area.

A. This area includes portions of Sections 26, 35 and 36, Township 7 North, Range 67 West, portions of Sections 1, 2, 9, 10, 11, 12, 13, 14, 15, 19, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, and 35, Township 6 North, Range 67 West.

B. The principal intermingling occurs in Section 22, Township 6 North, Range 67 West, where a main feeder line of Poudre Valley constructed in 1940 northeasterly along the Great Western Railroad tracks crossed a pre-1932 main distribution feeder of Public Service running southeasterly along the Colorado and Southern Railroad tracks. Pre-1940 laterals from the Public Service feeder line previously

described extend into Sections 14, 15, 22, and 23, Township 6 North, Range 67 West. Accordingly, it is the Finding herein that Public Service was the first public utility to completely and adequately serve Sections 14, 15, 22, and 23, Township 6 North, Range 67 West, and that all of the said sections should be certificated to it. The original certification should be amended to include those portions of the said sections previously certificated to Poudre Valley in the territory certificated to Public Service.

C. The lines of the two utilities are also intermingled at the SW corner of Section 1, Township 6 North, Range 67 West. A Public Service feeder line was extended in 1935 along the west section line of Sections 1, 12, and 13 of said Township and Range. Several laterals from this feeder by Public Service extend into Sections 1, 2, 11, 12, and 14. Among them, in 1937, Public Service extended along the north section line of said Section 12 to serve a customer in said section. Other laterals date back to 1951, 1941 and earlier. Poudre Valley in 1958 paralleled this line crossing the aforementioned Public Service feeder line at the SW corner of said Section 1. This 1935 Public Service feeder line serves the Town of Severance in Section 36, Township 7 North, Range 67 West, and an extension therefrom along the south section line of said Section 36 made in 1935 and further extended in 1944 either crosses or practically touches Poudre Valley line from the east constructed in 1940 to the south quarter corner of said Section 36. Accordingly, it is the Finding herein that the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 36, Township 7 North, Range 67 West, the $E\frac{1}{2}$ of Section 1, and $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 2, the $SW\frac{1}{4}$ of Section 11 and the $E\frac{1}{2}$ of Section 12, Township 6 North, Range 67 West, when considered as one area together with

the other portions of these sections already certificated to Public Service, constitute a Category 4 area in which the lines of the two competing utilities are intermingled; that Public Service was the first public utility to completely and adequately serve this area and it should be certificated to Public Service.

D. Another point of intermingling of the lines of the two utilities occurs in the $S\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 35, Township 6 North, Range 67 West. Public Service extended the line into this area in 1935 and has been serving a customer there since that year. This line was crossed by Poudre Valley in 1940 at a point approximately a quarter of a mile south of the north section line of said Section 35. Accordingly, it is the Finding herein that Public Service was the first public utility completely and adequately serving that part of Section 35, Township 6 North, Range 67 West, which it now claims, i.e., the $S\frac{1}{2}$ of the $NW\frac{1}{4}$ and that portion of the $SW\frac{1}{4}$ lying north of the Cache La Poudre River.

E. All other territory claimed by Public Service in this area is not Category 4 territory as no intermingling of lines occurs and the previous Commission decision cannot be disturbed.

18. The Timnath Area.

A. This area includes all or part of the following sections as now claimed by Public Service: In Township 7 North, Range 67 West, Sections 18, 19, 20, 29, 30, 31, 32; in Township 6 North, Range 67 West, Sections 5 and 6; in Township 7 North, Range 68 West, Sections 2, 4, 9, 10, 11, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 33, 34, 35, and 36;

in Township 6 North, Range 68 West, Sections 1, 2, 3, 11, 12, 13. Territory now claimed by Poudre Valley in this area includes certain portions of Sections 15, 16, 20, 21, 22, 28, Township 7 North, Range 68 West.

B. Most of this area is either traversed by or abuts a main distribution feeder of Public Service connecting the Windsor and Timnath substations, portions of which were built as early as 1928 and most of it prior to 1932. A Public Service distribution feeder from the Timnath substation to the Town of Timnath constructed in 1925 also traverses a small portion of this area. Additionally, a number of pre-1940 laterals by Public Service extend into the various sections described herein as do other pre-1961 distribution lines of Public Service. It is the express Finding herein that the following area was completely and adequately served by Public Service prior to Poudre Valley becoming a public utility and should now be certificated to Public Service: In Township 7 North, Range 67 West, the $W\frac{1}{2}$ of Section 18, all of Section 19, the $S\frac{1}{2}$ of Section 20, the $W\frac{1}{2}$ of Section 29, all of Section 30, all of Section 31, the $W\frac{1}{2}$ of Section 32; in Township 6 North, Range 67 West, the $NW\frac{1}{4}$ of Section 5, $N\frac{1}{2}$ of Section 6; in Township 7 North, Range 68 West, the $S\frac{1}{2}$ of Section 13, the $S\frac{1}{2}$ and $NW\frac{1}{4}$ of Section 14, the $SW\frac{1}{4}$ of Section 11, the $S\frac{1}{2}$ of Section 10, the $SE\frac{1}{4}$ of Section 9, all of Section 15, 16, $E\frac{1}{2}$ of Section 17, Sections 22, 23, 24, 25, the $S\frac{1}{2}$ of Section 27. All the other territory claimed by Public Service in this area is not Category 4 and the previous certification to Poudre Valley should not be changed.

C. All of the territory claimed by Poudre Valley in this area to the extent it is Category 4 has been completely and adequately served by Public Service prior to 1961.

19. The Area South of Fort Collins.

A. This area includes Sections 31 and 32, Township 7 North, Range 68 West, previously certificated to Public Service and now claimed by Poudre Valley. It also includes portions of Sections 4, 6, 8, 9, 16, and 17, Township 6 North, Range 68 West; portions of Sections 1, 2, and 11, Township 6 North, Range 69 West, and portions of Sections 27, 28, 32, 33, 34 and 35, in Township 7 North, Range 69 West, all of which with the exception of the SE $\frac{1}{4}$ of Section 28 and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 33 have been claimed by Public Service.

B. Sections 31 and 32, Township 7 North, Range 68 West, are surrounded by pre-1940 lines of Public Service, some of which date back to at least 1924. This area should remain certificated to Public Service which was the first utility to completely and adequately serve it.

C. All the remaining territory in this area is not Category 4 as no intermingling occurs and such territory is beyond the scope of this proceeding.

20. The Area West of Fort Collins.

A. This area includes all or part of Sections 1, 2, 11, 12, 13, and 14, Township 7 North, Range 70 West, and portions of Sections 7 and 18, Township 7 North, Range 69 West. All this area was originally certificated to Poudre Valley and now is claimed by Public Service.

B. At the time of the original certification, neither utility had any lines in this area. The lines of the two

utilities are not now and were not at any time intermingled. Accordingly, this is not Category 4 territory, and as such is beyond the scope of this proceeding.

21. The Bellvue Area.

A. This area includes portions of Sections 10, 13, 14, 15, 22, 23, 24, 26, 27, and 36, Township 8 North, Range 70 West, and portions of Sections 18, 19 and 20, Township 8 North, Range 69 West. All of this area involves claims by Public Service. No claims of Poudre Valley are involved.

B. The only intermingling of lines in this area occurs in Section 14 and Section 24, Township 8 North, Range 70 West. The Public Service facilities in these areas date back to 1937 and 1938. Parallel Poudre Valley facilities in Sections 14 and 24 were constructed in 1950. Accordingly, it is the Finding herein that Public Service was the first public utility to completely and adequately serve all of Section 24 and all of Section 14 except that portion of the SW $\frac{1}{4}$ of Section 14 lying south of the said Cache La Poudre River and certification should be made on that basis.

C. All other territory in this area is not Category 4 as no intermingling occurs.

22. The Area Northeast of Fort Collins.

A. This area includes all or parts of Sections 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, Township 8 North, Range 69 West; portions of Sections 1, 2, 3, 4, 12, 13, Township 7 North, Range 69 West; a portion of Section 30, Township 8 North, Range 68 West, and portions of Sections 5, 6, 7, 8, 18 of Township 7 North, Range 68 West. Portions of Sections 25 and 36, Township 8 North, Range 69 West, are now claimed by Poudre Valley while the remainder of the area is claimed by Public Service.

B. Poudre Valley now claims certain portions of Sections 36 and 25, Township 8 North, Range 69 West, while Public Service claims others in the same sections. This territory is traversed by a Public Service line predating 1930. The lines of the two utilities meet, cross or intermingle in many locations in the $W\frac{1}{2}$ of Section 25 and all of Section 36. Accordingly, Public Service was the first public utility to completely and adequately serve the $W\frac{1}{2}$ of said Section 25 and all of Section 36 and a change in certification should be made accordingly.

C. Intermingling of lines of the two utilities occurs in Section 35, Township 8 North, Range 69 West, and in the area adjoining to the SW corner of Section 26, Township 8 North, Range 69 West. A Public Service line constructed in 1937 traverses or abuts portions of Section 35, the $S\frac{1}{2}$ of Section 26, the SE corner of Section 27, and the NE corner of Section 34, all in Township 8 North, Range 69 West. Accordingly, Public Service was the first public utility to completely and adequately serve the said Sections 35 and 36, the $S\frac{1}{2}$ of said Section 26, the $SE\frac{1}{4}$ of Section 27 and the $NE\frac{1}{4}$ of Section 34; such area is Category 4 and should now be certificated to Public Service.

D. The lines of Poudre Valley and Public Service meet and are intermingled adjoining the west section line of Section 2, Township 7 North, Range 69 West. Public Service facilities were installed before 1920 while Poudre Valley dates back to 1948. Accordingly, it is the Finding herein that Public Service was the first public utility to completely and adequately serve that portion of Section 3, Township 7 North, Range 69 West, lying north of the Cache La Poudre

River, and the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 2 of said Township and Range. The enumerated portions of said sections are Category 4 and should now be certificated to Public Service.

E. Further intermingling in this area occurs in Sections 5 and 8, Township 7 North, Range 68 West. A line constructed by Public Service in 1916 along the center line of said sections is crossed by a 1941 Poudre Valley line near the S $\frac{1}{4}$ corner of Section 5 and is further paralleled by Poudre Valley lines dating back to 1950 in both sections. Accordingly, it is the Finding herein that all of Sections 5 and 8 are Category 4 territory and Public Service was the first public utility to completely and adequately serve those sections and that the portions of those sections not previously certificated to Public Service should be so certificated.

F. The remaining portions of this area not specifically discussed herein are either (1) not Category 4 in that no intermingling or crossing of lines occurs; or (2) were not certificated to either Poudre Valley or Public Service in the previous decision, and are therefore beyond the scope of this proceeding.

23. The Wellington Area.

A. The Wellington area includes small portions of a number of sections now claimed by Public Service not previously included in any other area as described in these Findings and located in Townships 8 and 9 North, Ranges 68 and 67 West.

B. The only intermingling of lines in this area occurs along the west section line of Section 28, Township 9 North, Range 68 West, where a Public Service line constructed in 1937 is paralleled by a 1941 line of Poudre Valley. Since 1937 Public Service has served customers in both Sections 29 and 28. Accordingly, it is the Finding herein that the $N\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 28 and the $E\frac{1}{2}$ of the $E\frac{1}{2}$ of Section 29 are the Category 4 areas wherein lines are intermingled; Public Service was the first public utility to completely and adequately serve these areas and they should now be certificated to Public Service.

C. In all the other territory in the Wellington area as described above and claimed by Public Service no intermingling occurs and the area is not in Category 4, and therefore beyond the scope of this proceeding.

24. By Decision No. 73820 the Commission has already found that the Eastman-Kodak Company area as hereinafter described is Category 4 and issued a certificate of public convenience and necessity to Public Service. This decision is now under appeal. Accordingly, consideration of that area is beyond the scope of this proceeding and will not be certificated to either utility herein. The Eastman-Kodak area consists of the $S\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}$ of Section 26; the $E\frac{1}{2}SE\frac{1}{4}$ of Section 27; the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 27; the $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ of Section 27; the $NE\frac{1}{4}NE\frac{1}{4}$ of Section 34; and the $N\frac{1}{2}NW\frac{1}{4}$ of Section 35, all located in Township 6 North, Range 67 West, 6th P.M., Weld County, Colorado, in the State of Colorado.

25. Poudre Valley and Home Light have entered into a stipulation as to how Category 4 areas involved in a dispute between the two utilities should be divided. Said stipulation was accepted and approved by Commission Decision No. 74654, which decision is incorporated herein by reference. Public convenience and necessity requires that the areas in dispute between Poudre Valley and Home Light be certificated to the two utilities on the basis of said stipulation.

26. Public convenience and necessity requires, in accordance with the Supreme Court decision in the Home Light Case, and in accordance with the Findings herein, that the territory found to be in Category 4, as described in the said Home Light Case, be certificated to each utility as set forth in the Order to follow.

27. In accordance with the said Home Light Case, each utility should continue to serve its customers located in an area now certificated to another utility until such time as there is a substantial change in the nature of the service providing that the extension to serve these customers was lawfully made.

The Examiner concludes that Commission Decision Nos. 62653 and 63362 should be amended as set forth in the Order to follow; that such amendment is in conformance with the decision of the Supreme Court in the Home Light Case; and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Home Light and Power Company be, and it hereby is, granted a Certificate of Public Convenience and Necessity to render electric service in the following Townships, Ranges and Sections, or parts thereof, east of a North-South line, hereinafter sometimes referred to as the "stipulated division line between Poudre Valley and Home Light," as said line is defined on pages 1 to 5 inclusive of Exhibit No. 1 hereto, excepting those areas defined as Enclaves A, B, C, D, E and F on pages 6 to 19 inclusive, of said Exhibit No. 1, which Enclaves are to be served by Poudre Valley Rural Electric Association, Inc., in accordance with the "Stipulation" between the parties admitted into evidence at the hearing held on March 18, 1970:

Township 9 North, Range 67 West and Range 66 West;

Township 8 North, Range 67 West and Range 66 West;

Township 7 North, Range 67 West and Range 66 West;

Township 6 North, Range 67 West and Range 66 West;

Township 5 North, Range 67 West and Range 66 West, except the SW $\frac{1}{4}$ of Section 36 in Township 5 North, Range 67 West;

Township 4 North, Range 67 West, that portion of the E $\frac{1}{2}$ of Section 1, north of the Big Thompson River;

Township 4 North, Range 66 West, Sections 1 to 36 inclusive;

Township 3 North, Range 66 West, N $\frac{1}{2}$ of Section 1; NE $\frac{1}{4}$ of Section 2;

Township 9 North, Range 65 West, Sections 19, 20, 21; S $\frac{1}{2}$ of Section 25, S $\frac{1}{2}$ of Section 26, S $\frac{1}{2}$ of Section 27, Sections 28 to 36 inclusive;

Township 8 North, Range 65 West; Sections 1 to 36 inclusive;

Township 7 North, Range 65 West; Sections 1 to 36 inclusive;

Township 6 North, Range 65 West; Sections 1 to 36 inclusive;

Township 5 North, Range 65 West; Sections 1 to 36 inclusive;

Township 4 North, Range 65 West; Sections 1 to 36 inclusive;

Township 3 North, Range 65 West; N $\frac{1}{2}$ of Sections 3, 4, 5 and 6 inclusive;

Township 8 North, Range 64 West; Sections 7, 8, 9, Sections 16 to 21 inclusive and Sections 28 to 33 inclusive;

Township 7 North, Range 64 West; Sections 1 to 36 inclusive;

Township 6 North, Range 64 West; Sections 1 to 36 inclusive;

Township 5 North, Range 64 West; Sections 1 to 36 inclusive;

Township 4 North, Range 64 West; Sections 1 to 36 inclusive;

Township 3 North, Range 64 West; Sections 1 to 5 inclusive; $E\frac{1}{2}E\frac{1}{2}$ of Sections 6, 7, 18, 19, 30, 31; Sections 8 to 17 inclusive; Sections 20 to 29 inclusive; Sections 32 to 36 inclusive;

Township 2 North, Range 64 West; Sections 1 to 5 inclusive; $E\frac{1}{2}E\frac{1}{2}$ of Section 6;

Township 9 North, Range 63 West; $S\frac{1}{2}$ of Section 25; all of Section 36;

Township 8 North, Range 63 West; Sections 1, 12, 13, 24, 25 and 36;

Township 7 North, Range 63 West; Sections 1 to 36 inclusive;

Township 6 North, Range 63 West; Sections 1 to 12 inclusive; Sections 14 to 23 inclusive; Sections 26 to 35 inclusive;

Township 5 North, Range 63 West; Sections 5, 6, 7 and 8; Sections 17 to 23 inclusive; Sections 26 to 35 inclusive;

Township 4 North, Range 63 West; Sections 2 to 11 inclusive; Sections 17 to 20 inclusive; Sections 29 to 32 inclusive;

Township 3 North, Range 63 West; Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32;

Township 2 North, Range 63 West; Sections 5 and 6;

Township 9 North, Range 62 West; $SW\frac{1}{4}$ of Section 27; $S\frac{1}{2}$ of Sections 28, 29, 30; all of Sections 31, 32, 33; $W\frac{1}{2}$ of Section 34;

Township 8 North, Range 62 West; $W\frac{1}{2}$ of Sections 3, 10, 15, 22, 27; $S\frac{1}{2}$ of Sections 34, 35, 36; $NW\frac{1}{4}$ of Section 34; all of Sections 4 to 9 inclusive; Sections 16 to 21 inclusive; Sections 28 to 33 inclusive;

Township 7 North, Range 62 West; $N\frac{1}{2}$ of Section 1; $N\frac{1}{2}$ and the $SW\frac{1}{4}$ of Section 2; Sections 3 to 10 inclusive; $W\frac{1}{2}$ and the $SE\frac{1}{4}$ of Section 11; $S\frac{1}{2}$ of Section 12; Sections 13 to 24 inclusive; Sections 26 to 33 inclusive; $W\frac{1}{2}$ of Section 34;

Township 6 North, Range 62 West; $W\frac{1}{2}$ of Sections 3 and 10; all of Sections 4 to 9 inclusive;

Township 8 North, Range 61 West; $S\frac{1}{2}$ of Section 31;

Township 7 North, Range 61 West; $N\frac{1}{2}$ of Section 6, $S\frac{1}{2}$ of Section 7, $S\frac{1}{2}$ of Section 8, all of Sections 17, 18, 19 and 20.

2. Public Service Company of Colorado be, and it hereby is, granted a certificate of public convenience and necessity to render electric service within the following described area:

In Township 3 North, Range 71 West:

$S\frac{1}{2}$ of Sections 25 and 26; all of Sections 27, 28, 31 to 36 inclusive;

In Township 2 North, Range 71 West:

Sections 1 to 10, inclusive, $N\frac{1}{2}$ of Sections 11 and 12, 15 to 22, inclusive; $S\frac{1}{2}$ of Section 23; $SW\frac{1}{4}$ of Section 24; Sections 25 to 36, inclusive;

In Township 8 North, Range 70 West:

$S\frac{1}{2}$, $NE\frac{1}{4}$ of Section 11; all of Section 12; $W\frac{1}{2}$ of Section 13; Section 14 except $SW\frac{1}{4}$ south of Cache La Poudre River; $S\frac{1}{2}$, $NE\frac{1}{4}$ of Section 23; all of Section 24; all of Section 25; $N\frac{1}{2}$ of Section 26; $E\frac{1}{2}$ of Section 36;

In Township 7 North, Range 70 West:

$E\frac{1}{2}$ of Section 1;

In Township 3 North, Range 70 West:

$NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ of Section 19; $S\frac{1}{2}$ of Section 30; Section 31; $W\frac{1}{2}W\frac{1}{2}$ of Section 32; $SW\frac{1}{4}$ of Section 29;

In Township 2 North, Range 70 West:

Sections 36; $S\frac{1}{2}$ of Section 35; $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}$ of Section 25; $S\frac{1}{2}SW\frac{1}{4}$ of Section 29; Section 30; Section 31; $N\frac{1}{2}NW\frac{1}{4}$ of Section 32; $NW\frac{1}{4}$ of Section 7; $W\frac{1}{2}$ and the $E\frac{1}{2}$ of Section 6 lying west of the road right-of-way;

In Township 1 North, Range 70 West:

Sections 1, 2; $E\frac{1}{2}$ and $SW\frac{1}{4}$, Section 3; Sections 6, 7, 8; all of Section 9 except the $N\frac{1}{2}$ of the $NE\frac{1}{4}$; Sections 10 to 13; Sections 15 to 21; $S\frac{1}{2}$ and $S\frac{1}{2}$ of $N\frac{1}{2}$, Section 22; Sections 23 and 24;

In Township 8 North, Range 69 West:

$SW\frac{1}{4}$ of Section 16; $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$ of Section 17; $S\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$ of Section 19, $E\frac{1}{2}$, $SW\frac{1}{4}$ of Section 20; $W\frac{1}{2}$ of Section 21; $W\frac{1}{2}$ of Section 25; $S\frac{1}{2}$ of Section 26; $SE\frac{1}{4}$ of Section 27; $W\frac{1}{2}$ of Section 28; Sections 29, 30, 31 and 32; $W\frac{1}{2}W\frac{1}{2}$ of Section 33; $NE\frac{1}{4}$ of Section 34; Sections 35 and 36;

In Township 7 North, Range 69 West:

All of Section 2 outside city limits of Fort Collins; the $E\frac{1}{2}$ and the $S\frac{1}{2}SW\frac{1}{4}$ of Section 3; $SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$ of Section 4; Sections 5 and 6, portions of 7, 18, 19 and 30 east of the north-south line through the center of Horse Tooth Reservoir; Sections 8 and 9; Sections 10, 16 and 22 outside the city limits of Fort Collins; Sections 17, 20, and 21; the following sections outside the city limits of Fort Collins: $W\frac{1}{2}$ of Section 23, $SE\frac{1}{4}$ of Section 24; Section 25; Section 26; $N\frac{1}{2}$, $E\frac{1}{2}SE\frac{1}{4}$ of Section 27; $N\frac{1}{2}$, $SE\frac{1}{4}$ of Section 28; Section 29; $N\frac{1}{2}NE\frac{1}{4}$ of Section 33; $NE\frac{1}{4}NE\frac{1}{4}$ of Section 34; $E\frac{1}{2}$, $N\frac{1}{2}NW\frac{1}{4}$ of Section 35; Section 36;

In Township 6 North, Range 69 West:

$N\frac{1}{2}$ of Section 1; $NE\frac{1}{4}$ of Section 2; $W\frac{1}{2}$ of Section 23; $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$ of Section 25; $NW\frac{1}{4}$, $SW\frac{1}{4}$ north and east of railroad tracks, $SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ of Section 26; E-3/4 of Section 35, except that portion heretofore certificated to the City of Loveland; and all of Section 36 outside certificated area of City of Loveland;

In Township 5 North, Range 69 West:

Sections 8 and 9; Section 16; $N\frac{1}{2}$ of Section 17; $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ of Section 25; $E\frac{1}{2}$ of Section 26 east of the Colorado & Southern Railroad tracks; $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ of Section 35; Section 36 west of U.S. Highway 287 By-Pass;

In Township 4 North, Range 69 West:

Sections 2, 10 and 11; $S\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 13; Section 14; $S\frac{1}{2}$ of Section 15, $N\frac{1}{2}$ of Section 22; $NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$ of Section 23, $NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ of Section 24; $W\frac{1}{2}W\frac{1}{2}$ of Section 25; $E\frac{1}{2}E\frac{1}{2}$ of Section 26; $E\frac{1}{2}E\frac{1}{2}$ of Section 35; $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$ of Section 36;

In Township 3 North, Range 69 West:

$SE\frac{1}{4}SE\frac{1}{4}$ of Section 10; $N\frac{1}{2}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}$ of Section 11; $N\frac{1}{2}$, $SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ of Section 12; $SW\frac{1}{4}$, $W\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 14; $E\frac{1}{2}E\frac{1}{2}$ of Section 15; $SE\frac{1}{4}$ of Section 21; $E\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}$ of Section 22; $SW\frac{1}{4}$, $NW\frac{1}{4}$ of Section 23; $E\frac{1}{2}SE\frac{1}{4}$ of Section 24; $E\frac{1}{2}E\frac{1}{2}$ of Section 25; $W\frac{1}{2}$ of Section 26; $N\frac{1}{2}$ of Section 27; $SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$ of Section 35; $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}$, $S\frac{1}{2}N\frac{1}{2}$ of Section 36;

In Township 9 North, Range 68 West:

$SW\frac{1}{4}$, $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ of Section 28, $E\frac{1}{2}$ of $E\frac{1}{2}$, Section 29; Section 33; $SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ of Section 34;

In Township 8 North, Range 68 West:

$S\frac{1}{2}$, $NE\frac{1}{4}$ of Section 1; $S\frac{1}{2}$ of Section 2; $S\frac{1}{2}$, $NW\frac{1}{4}$ of Section 3; $E\frac{1}{2}$ of Section 4; $E\frac{1}{2}$ of Section 9, Sections 10 to 15, inclusive; $SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}$ of Section 16; $SE\frac{1}{4}SE\frac{1}{4}$ of Section 19; $S\frac{1}{2}$, $NE\frac{1}{4}$ of Section 20; Sections 21 to 29, inclusive; $S\frac{1}{2}$, $NE\frac{1}{4}$ of Section 30; Sections 31 to 34, inclusive; $N\frac{1}{2}$ of Section 35; $N\frac{1}{2}$ of Section 36;

In Township 7 North, Range 68 West:

$W\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of Section 2, Section 3; $E\frac{1}{2}$, $N\frac{1}{2}NW\frac{1}{4}$ of Section 4; Section 5, $N\frac{1}{2}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}$ of Section 6; $SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ of Section 7; Section 8, $E\frac{1}{2}$ of Section 9; Section 10; $SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$ of Section 11; $S\frac{1}{2}$ of Section 13; $S\frac{1}{2}$, $NW\frac{1}{4}$ of Section 14; Section 15; Section 16; Section 17; $E\frac{1}{2}$ of Section 18; Sections 19, 20, 21, 22, 23, 24, 25; $S\frac{1}{2}$ of Section 27; Sections 28, 29, 30, 31, 32; $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$ of Section 33; that portion of Section 34 north and east of the Poudre River; $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$ of Section 35; $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ of Section 36;

In Township 6 North, Range 68 West:

$S\frac{1}{2}$ of Section 1; $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$ of Section 2; $W\frac{1}{2}$ of Section 4; $E\frac{1}{2}$, $NW\frac{1}{4}$ of Section 5; $N\frac{1}{2}$ of Section 6; $NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$ of Section 12; $S\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$ of Section 30; Sections 31 to 35, inclusive;

In Township 5 North, Range 68 West:

Sections 2 to 5, inclusive; $E\frac{1}{2}$ of Section 6; $E\frac{1}{2}$ of Section 7; Sections 8, 9, 10; $S\frac{1}{2}$ of Section 11; $S\frac{1}{2}$ of Section 12; $N\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$ of Section 13; $N\frac{1}{2}$ of Section 14; Section 15; Section 16; $N\frac{1}{2}$, $SE\frac{1}{4}$ of Section 17; $NE\frac{1}{4}$ of Section 18; that part of $SW\frac{1}{4}$ of Section 19 outside City of Loveland certificated area;

In Township 4 North, Range 68 West:

$S\frac{1}{2}$ of Section 1; $S\frac{1}{2}$ of Section 2; $S\frac{1}{2}$ of Section 3; $E\frac{1}{2}SE\frac{1}{4}$ of Section 4; $S\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ of Section 8, $S\frac{1}{2}$, $E\frac{1}{2}NE\frac{1}{4}$ of Section 9; Section 10; $N\frac{1}{2}$, $W\frac{1}{2}SW\frac{1}{4}$ of Section 11; $N\frac{1}{2}$ of Section 12; $W\frac{1}{2}NW\frac{1}{4}$ of Section 14; $N\frac{1}{2}$ of Section 15; $N\frac{1}{2}$ of Section 16; $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ of Section 17; $S\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$ of Section 24; Section 25; $S\frac{1}{2}$ of Section 32; $S\frac{1}{2}$ of Section 33; $W\frac{1}{2}$ of Section 34.

In Township 3 North, Range 68 West:

$E\frac{1}{2}$ of Section 6; Section 7; $E\frac{1}{2}$ of Section 18; $S\frac{1}{2}$, $NE\frac{1}{4}$ of Section 19; $N\frac{1}{2}$ of Section 30;

In Township 8 North, Range 67 West:

Sections 6 and 7;

In Township 7 North, Range 67 West:

$W\frac{1}{2}$ of Section 18; Section 19; $S\frac{1}{2}$ of Section 20; $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 26; $W\frac{1}{2}$ of Section 29; Sections 30 and 31; $W\frac{1}{2}$ of Section 32; $SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$ of Section 35; $SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ of Section 36;

In Township 6 North, Range 67 West:

Section 1; $E\frac{1}{2}$ and $E\frac{1}{2}$ of $W\frac{1}{2}$ of Section 2; $W\frac{1}{2}$ of Section 5; Section 6; Section 7; $W\frac{1}{2}$, $SE\frac{1}{4}$ of Section 8, $S\frac{1}{2}SW\frac{1}{4}$ of Section 9; $E\frac{1}{2}$ and $SW\frac{1}{4}$ of Section 11; Section 12; $W\frac{1}{2}$ of Section 13; Section 14; Section 15; Section 16; Section 17; Section 18; $E\frac{1}{2}$ of Section 19; Section 20; Section 21; Section 22; Section 23; $W\frac{1}{2}W\frac{1}{2}$ of Section 24; $N\frac{1}{2}N\frac{1}{2}$ of Section 26; $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$ of Section 27; $NW\frac{1}{4}$ of Section 28; Section 29; $E\frac{1}{2}$ of Section 30; $S\frac{1}{2}$ of $NW\frac{1}{4}$ and $SW\frac{1}{4}$ north of Cache La Poudre River in Section 35;

In Township 5 North, Range 67 West:

Sections 21, 22, 27, 28, and 33; $SE\frac{1}{4}SE\frac{1}{4}$ of Section 29; $SE\frac{1}{4}$ of Section 34; Section 35 south of the Greeley-Loveland Ditch; $SW\frac{1}{4}$ of Section 36.

In Township 4 North, Range 67 West:

$W\frac{1}{2}$, $E\frac{1}{2}$ south of the Big Thompson River in Section 1; Section 2; Section 3; Section 4; $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$ of Section 5; $SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$ of Section 6; $N\frac{1}{2}$, $SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ of Section 7; Section 8; $E\frac{1}{2}$ of Section 12; $E\frac{1}{2}$ of Section 13; Section 17; $E\frac{1}{2}$ of Section 18; Section 19; $W\frac{1}{2}$, $N\frac{1}{2}NE\frac{1}{4}$ of Section 20; $E\frac{1}{2}$ of Section 24; $E\frac{1}{2}$ of Section 25; $W\frac{1}{2}$ of Section 29; Section 30; $E\frac{1}{2}$ of Section 36;

In Township 3 North, Range 67 West:

$NE\frac{1}{4}$ of Section 1;

In Township 3 North, Range 66 West:

$NW\frac{1}{4}$ of Section 2; $N\frac{1}{2}$ of Section 3; $N\frac{1}{2}$ of Section 4; $N\frac{1}{2}$ of Section 5; $N\frac{1}{2}$ of Section 6;

In Township 3 North, Range 65 West:

Section 1, $N\frac{1}{2}$ of Section 2; all of Sections 12, 13, 24, 25, 36;

In Township 3 North, Range 64 West:

$W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$ of Sections 6, 7, 18, 19, 30 and 31;

In Township 2 North, Range 65 West:

Section 1;

In Township 2 North, Range 64 West:

$W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$ of Section 6;

In Township 2 North, Range 69 West:

$E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$ of Section 18; $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$ of Section 19; all of Sections 30 and 31;

In Township 1 North, Range 69 West:

Sections 18 and 19

3. Poudre Valley Rural Electric Association, Inc., be,
and hereby is, granted a certificate of public convenience and necessity to
render electric service within the following described area:

In Township 9 North, Range 75 West:

Sections 25, 26, 35, 36;

In Township 8 North, Range 75 West:

Sections 1 to 4, inclusive; Sections 9 to 16, inclusive;

In Township 10 North, Range 74 West:

Sections 1, 12, 13, 24, 25, 36;

In Township 9 North, Range 74 West:

Sections 1, 12, 13, 24 to 36, inclusive;

In Township 8 North, Range 74 West:

Sections 1 to 18, inclusive;

In Township 10 North, Range 73 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 73 West:

Sections 1 to 36, inclusive;

In Township 8 North, Range 73 West:

Sections 1 to 18, inclusive;

In Township 12 North, Range 72 West:

Sections 32 to 36, inclusive;

In Township 11 North, Range 72 West:

Sections 1 to 5, inclusive; E $\frac{1}{2}$ of Section 8; Sections 9 to
15, inclusive; E $\frac{1}{2}$ of Section 16; Sections 23 to 26, in-
clusive; Sections 35 and 36;

In Township 10 North, Range 72 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 72 West:

Sections 1 to 36, inclusive;

In Township 8 North, Range 72 West:

Sections 1 to 18, inclusive; Sections 23 to 26, inclusive;
Sections 35 and 36;

In Township 7 North, Range 72 West:

Sections 1, 2, 11, 12;

In Township 12 North, Range 71 West:

Sections 31 to 36, inclusive;

In Township 11 North, Range 71 West:

Sections 1 to 36, inclusive;

In Township 10 North, Range 71 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 71 West:

Sections 1 to 36, inclusive;

In Township 8 North, Range 71 West:

Sections 1 to 36, inclusive;

In Township 7 North, Range 71 West:

Sections 1 to 36, inclusive;

In Township 6 North, Range 71 West:

Sections 1 to 36, inclusive;

In Township 5 North, Range 71 West:

Sections 13 to 36, inclusive;

In Township 4 North, Range 71 West:

Sections 1 to 36, inclusive;

In Township 3 North, Range 71 West:

Sections 1 to 11, inclusive; Sections 14 to 24,
inclusive; $N\frac{1}{2}$ of Sections 25 and 26; all of Sections
29 and 30;

In Township 2 North, Range 71 West:

$S\frac{1}{2}$ of Sections 11 and 12; all of Sections 13, 14;
 $N\frac{1}{2}$ of Section 23; $N\frac{1}{2}$, $SE\frac{1}{4}$ of Section 24;

In Township 12 North, Range 70 West:

Sections 19 to 23, inclusive, in Colorado; Sections 26 to 35, inclusive;

In Township 11 North, Range 70 West:

Sections 2 to 11, inclusive; Sections 14 to 23, inclusive; Sections 25 to 36, inclusive;

In Township 10 North, Range 70 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 70 West:

Sections 1 to 36, inclusive;

In Township 8 North, Range 70 West:

Sections 1 to 10, inclusive; NW $\frac{1}{4}$ of Section 11; E $\frac{1}{2}$ of Section 13; SW $\frac{1}{4}$ of Section 14 south of Cache La Poudre River; Sections 15 to 22, inclusive; NW $\frac{1}{4}$ of Section 23; S $\frac{1}{2}$ of Section 26; Sections 27 to 35, inclusive; W $\frac{1}{2}$ of Section 36;

In Township 7 North, Range 70 West:

W $\frac{1}{2}$ of Section 1; Sections 2 to 36, inclusive;

In Township 6 North, Range 70 West:

Sections 1 to 36, inclusive;

In Township 5 North, Range 70 West:

Sections 16 to 36, inclusive;

In Township 4 North, Range 70 West:

Sections 1 to 36, inclusive;

In Township 3 North, Range 70 West:

Sections 1 to 6, inclusive; N $\frac{1}{2}$ of Section 7, N $\frac{1}{2}$ of Section 8; Sections 9 to 15, inclusive; N $\frac{1}{2}$ of Section 16; S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19; S $\frac{1}{2}$, NW $\frac{1}{4}$ of Section 20; S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24; Section 28; E $\frac{1}{2}$, NW $\frac{1}{4}$ of Section 29; N $\frac{1}{2}$ of Section 30; E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 32; Section 33; W $\frac{1}{2}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 34; SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 35; W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 36;

In Township 2 North, Range 70 West:

Sections 2, 3, 4, 5; E $\frac{1}{2}$ of Section 6 east road right-of-way; SW $\frac{1}{4}$, E $\frac{1}{2}$ of Section 7; Sections 8 to 11, inclusive; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12; Sections 13 to 24, inclusive; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25; Sections 26 to 28, inclusive; E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 29; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ of Section 32; Sections 33 and 34; N $\frac{1}{2}$ of Section 35;

In Township 1 North, Range 70 West:

The NW $\frac{1}{4}$ of Section 3; Sections 4 and 5; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 9; Section 14; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 22;

In Township 11 North, Range 69 West:

Sections 25 to 36, inclusive;

In Township 10 North, Range 69 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 69 West:

Sections 1 to 36, inclusive;

In Township 8 North, Range 69 West:

Sections 1 to 15, inclusive; E $\frac{1}{2}$, NW $\frac{1}{4}$ of Section 16; W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 17; Section 18; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 19; NW $\frac{1}{4}$ of Section 20; E $\frac{1}{2}$ of Section 21; Sections 22, 23, 24; E $\frac{1}{2}$ of Sec. 25; S $\frac{1}{2}$ of Section 26; W $\frac{1}{2}$ and NE $\frac{1}{4}$ of Section 27; E $\frac{1}{2}$ of Section 28; E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 33; W $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 34;

In Township 7 North, Range 69 West:

N $\frac{1}{2}$ of Section 1 outside city limits of Fort Collins; N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4; portions of Sections 7, 18, 19 and 30 lying west of north-south line through center of Horse Tooth Reservoir; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of Section 28; Sections 31 and 32; S $\frac{1}{2}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33; Section 34, except the NE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35;

In Township 6 North, Range 69 West:

Sections 3 to 10, inclusive; Sections 15 to 22, inclusive; Sections 27 to 34, inclusive; S $\frac{1}{2}$ of Section 1, W $\frac{1}{2}$, SE $\frac{1}{4}$ of Section 2; Sections 11, 12, 13, 14; E $\frac{1}{2}$ of Section 23; Section 24; N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25; NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ south and west of railroad tracks in Section 26; W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 35.

In Township 5 North, Range 69 West:

Sections 4 and 5; Section 15 south of Big Thompson River; S $\frac{1}{2}$ of Section 17; Sections 19, 20, 21, 22; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25; S $\frac{1}{2}$ of Section 26 west of Colorado & Southern Railroad; S $\frac{1}{2}$, NW $\frac{1}{4}$ of Section 27; Sections 28 to 34, inclusive; NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35; east of U. S. Highway 287 By-Pass in Section 36;

In Township 4 North, Range 69 West:

Section 1; Sections 3 to 9, inclusive; Section 12;
 $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ of Section 13; $N\frac{1}{2}$ of Section 15;
Sections 16 to 21, inclusive; $S\frac{1}{2}$ of Section 22; $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$,
 $SW\frac{1}{4}SE\frac{1}{4}$ of Section 23; $E\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ of Section 24;
 $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$ of Section 25; $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$ of Section 26; Sections
27 to 34, inclusive; $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$ of Section 35; $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$,
 $E\frac{1}{2}SW\frac{1}{4}$, $E\frac{1}{2}$ of Section 36;

In Township 3 North, Range 69 West:

Sections 1 to 9, inclusive; $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of
Section 10; $S\frac{1}{2}SE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$ of Section 11; $S\frac{1}{2}SW\frac{1}{4}$ of Section 12;
Section 13; $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$ of Section 14; $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$ of Section 15;
Sections 16 to 18, inclusive; $NE\frac{1}{4}$ of Section 21; $NW\frac{1}{4}$,
 $W\frac{1}{2}NE\frac{1}{4}$ of Section 22; $E\frac{1}{2}$ of Section 23; $N\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$ of
Section 24; $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$ of Section 25; $E\frac{1}{2}$ of Section 26;
 $N\frac{1}{2}NE\frac{1}{4}$ of Section 35; $N\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$ of Section 36;

In Township 2 North, Range 69 West:

$W\frac{1}{2}W\frac{1}{2}$ of Section 18; $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$ of Section 19;

In Township 12 North, Range 68 West:

Sections 22, 23, 24 in Colorado; Sections 25, 26, 27, 34, 35
and 36;

In Township 11 North, Range 68 West:

Sections 1, 2, 3, 10 to 15, inclusive; 22 to 36, inclusive;

In Township 10 North, Range 68 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 68 West:

Sections 1 to 27, inclusive; $NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$
of Section 28, $W\frac{1}{2}$, $W\frac{1}{2}$ of $E\frac{1}{2}$ of Section 29; Sections 30 to
32, inclusive; $E\frac{1}{2}$, $N\frac{1}{2}NW\frac{1}{4}$ of Section 34; Sections 35 and 36;

In Township 8 North, Range 68 West:

$NW\frac{1}{4}$ of Section 1; $N\frac{1}{2}$ of Section 2; $NE\frac{1}{4}$ of Section 3; $W\frac{1}{2}$ of
Section 4; Sections 5 to 8, inclusive; $W\frac{1}{2}$ of Section 9;
 $W\frac{1}{2}$, $W\frac{1}{2}NE\frac{1}{4}$ of Section 16; Sections 17 and 18; $N\frac{1}{2}$, $SW\frac{1}{4}$,
 $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 19; $NW\frac{1}{4}$ of Section 20; $NW\frac{1}{4}$ of
Section 30; $S\frac{1}{2}$ of Section 35; $S\frac{1}{2}$ of Section 36;

In Township 7 North, Range 68 West:

Section 1, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$, $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of Section 2; $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$ of
Section 4; $S\frac{1}{2}SE\frac{1}{4}$ of Section 6; $NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$ of Section 7;
 $NW\frac{1}{4}$, $SW\frac{1}{4}$ of Section 9; $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$, $SE\frac{1}{4}$ of Section 11; Section
12; $N\frac{1}{2}$ of Section 13; $NE\frac{1}{4}$ of Section 14; Section 26; $N\frac{1}{2}$ of
Section 27; $E\frac{1}{2}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ of Section 33; that portion of
Section 34 south and west of the Poudre River; $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$,
 $S\frac{1}{2}SE\frac{1}{4}$ of Section 35; $N\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $E\frac{1}{2}$ of Section 36;

In Township 6 North, Range 68 West:

$N\frac{1}{2}$ of Section 1; $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ of Section 2; Section 3; $E\frac{1}{2}$ of Section 4; $SW\frac{1}{4}$ of Section 5; $S\frac{1}{2}$ of Section 6; Sections 7 to 11, inclusive; $SW\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$ of Section 12; Sections 13 to 29, inclusive; $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$ of Section 30; Section 36;

In Township 5 North, Range 68 West:

Section 1; $N\frac{1}{2}$ of Section 11; $N\frac{1}{2}$ of Section 12; $S\frac{1}{2}$, $S\frac{1}{2}N\frac{1}{2}$, $NE\frac{1}{4}NE\frac{1}{4}$ of Section 13; $S\frac{1}{2}$ of Section 14; $SE\frac{1}{4}$ of Section 19; Section 20, except the $NW\frac{1}{4}NW\frac{1}{4}$; Sections 21 to 36, inclusive;

In Township 4 North, Range 68 West:

$N\frac{1}{2}$ of Section 1; $N\frac{1}{2}$ of Section 2; $N\frac{1}{2}$ of Section 3; $W\frac{1}{2}$, $W\frac{1}{2}E\frac{1}{2}$, $E\frac{1}{2}NE\frac{1}{4}$ of Section 4; Sections 5, 6, 7; $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$ of Section 8; $NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$ of Section 9; $SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ of Section 11; $S\frac{1}{2}$ of Section 12; Section 13; $S\frac{1}{2}$, $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ of Section 14; $S\frac{1}{2}$ of Section 15; $S\frac{1}{2}$ of Section 16; $S\frac{1}{2}$, $W\frac{1}{2}NW\frac{1}{4}$ of Section 17; Sections 18 to 23, inclusive; $NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$ of Section 24; Sections 26 to 31, inclusive; $N\frac{1}{2}$ of Section 32; $N\frac{1}{2}$ of Section 33;

In Township 3 North, Range 68 West:

$W\frac{1}{2}$ of Section 6; $W\frac{1}{2}$ of Section 18; $NW\frac{1}{4}$ of Section 19;

In Township 12 North, Range 67 West:

Sections 19 to 24, inclusive in Colorado; Sections 25 to 36, inclusive;

In Township 11 North, Range 67 West:

Sections 1 to 36, inclusive;

In Township 10 North, Range 67 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 67 West:

Sections 1 to 35, inclusive;

In Township 8 North, Range 67 West:

Sections 2 to 5, inclusive; Sections 8 to 36, inclusive;

In Township 7 North, Range 67 West:

Sections 1 to 11 and 14 to 17, inclusive; $E\frac{1}{2}$ of Section 18; $N\frac{1}{2}$ of Section 20; Sections 21 to 25, inclusive; $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ of Section 26; Sections 27, 28, 33 and 34; $E\frac{1}{2}$ of Section 29; $E\frac{1}{2}$ of Section 32; $W\frac{1}{2}$, $NE\frac{1}{4}NE\frac{1}{4}$ of Section 35; $N\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ of Section 36; those portions of Sections 12 and 13 lying West of the stipulated division line between Poudre Valley and Home Light;

In Township 6 North, Range 67 West:

W $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 2; Sections 3 and 4; E $\frac{1}{2}$ of Section 5; NE $\frac{1}{4}$ of Section 8; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 9; Section 10; NW $\frac{1}{4}$ of Section 11; E $\frac{1}{2}$ of Section 13; W $\frac{1}{2}$ of Section 19; those portions of Sections 24, 25 and 36 lying west of the stipulated division line between Poudre Valley and Home Light, except W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 24; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 26; W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27; NE $\frac{1}{4}$, S $\frac{1}{2}$ of Section 28; W $\frac{1}{2}$ of Section 30; Sections 31 to 33, inclusive; all except the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34; E $\frac{1}{2}$, SW $\frac{1}{4}$ south of Cache La Poudre River in Section 35;

In Township 5 North, Range 67 West:

Sections 1 to 20, inclusive; Sections 23 and 24; Section 26; all except SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29; Sections 30 to 32, inclusive; N $\frac{1}{2}$, SW $\frac{1}{4}$ of Section 34; Section 35 north of the Greeley-Loveland Ditch; those portions of the E $\frac{1}{2}$ and NW $\frac{1}{4}$ of Section 36 lying west of the stipulated division line between Poudre Valley and Home Light;

In Township 4 North, Range 67 West:

W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 6; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 7; W $\frac{1}{2}$ of Section 18;

In Township 12 North, Range 66 West:

Portion of Section 19 in Colorado; Sections 30 to 34, inclusive;

In Township 11 North, Range 66 West:

Sections 3 to 36, inclusive;

In Township 10 North, Range 66 West:

Sections 1 to 36, inclusive;

In Township 9 North, Range 66 West:

Sections 1 to 19, inclusive; in addition that part of the township lying west of the stipulated division line between Poudre Valley and Home Light;

In Township 8 North, Range 66 West:

That portion of the township lying west of the stipulated division line between Poudre Valley and Home Light;

In Township 7 North, Range 66 West:

That portion of the township lying west of the stipulated division line between Poudre Valley and Home Light;

In Township 6 North, Range 66 West:

That portion of the township lying west of the stipulated division line between Poudre Valley and Home Light;

In Township 5 North, Range 66 West:

That portion of the township lying west of the stipulated division line between Poudre Valley and Home Light;

In Township 11 North, Range 65 West:

Sections 7, 8, 9, 16 to 21, inclusive; Sections 28 to 33, inclusive;

In Township 10 North, Range 65 West:

Sections 4 to 9, inclusive; Sections 16 to 21, inclusive.

Additionally, areas defined as Enclaves A, B, C, D, E, and F, as set forth in Exhibit 1 hereto on pages 6 to 19 thereof, inclusive, which Exhibit is hereby incorporated herein by reference.

4. Each utility be, and hereby is, authorized to continue to serve its existing customers lawfully connected which are located in an area certificated to another utility until a substantial change in the nature of the service occurs. A change of ownership by itself shall not be considered a substantial change in the nature of the service.

5. Except as stated in paragraph 4 hereof, the certificates of public convenience and necessity granted hereby shall be exclusive certificates to each utility to render electric service in the area allocated to it and that this Decision and Order shall constitute such certificates therefor.

6. This Decision shall not be construed to prevent any utility from constructing, maintaining or operating any facilities located in an area certificated to another utility which are or may be used for feeder or transmission purposes only, nor to require any utility to sell or transfer its facilities to another utility.

7. Decisions No. 62653 and No. 63362 be, and hereby are, amended and modified in conformity to the Findings and Order herein and that in case of conflict, this Decision shall prevail.

8. Case No. 5234, having become moot, be, and hereby is, dismissed.

9. This Decision shall become effective as of the day that it becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "Aris Brumins", written over a horizontal line.

Examiner
vjr/lts

EXHIBIT NO. 1

DESCRIPTION OF BOUNDARIES
BETWEEN
HOME LIGHT & POWER CO.
AND
POUDRE VALLEY RURAL ELECTRIC ASSN., INC.

CONTENTS

East-West Boundary

Area A Enclave

Area B Enclave

Area C Enclave

Area D Enclave

Area E Enclave

Area F Enclave

EAST - WEST BOUNDARY

The following is a legal description of the west, north-south boundary line separating lands to be furnished electric service by the Poudre Valley Rural Electric Association and Home Light and Power Co.

Beginning at the NE Section Corner of Section 12, T 9 N, R 66 W, and continuing along the east line of Section 12, to the SE Section Corner;

thence along the east line of Section 13, T 9 N, R 66 W, between the NE Section Corner and the SE Section Corner of Section 13;

thence along the north line of Section 24, T 9 N, R 66 W, from the NE Section Corner to the NW Section Corner of Section 24;

thence along the north line of Section 23, T 9 N, R 66 W, from the NE Section Corner to the NW Section Corner of Section 23;

thence along the north line of Section 22, T 9 N, R 66 W, from the NE Section Corner to the NW Section Corner of Section 22;

thence along the north line of Section 21, T 9 N, R 66 W, from the NE Section Corner to the NW Section Corner of Section 21, thence along the west line to the W 1/4 Corner of Section 21;

thence along the east-west center line of Section 20, T 9 N, R 66 W, from the east 1/4 corner to the center 1/4 corner, thence south along the NS center line of Section 20 from the center 1/4 corner to the S 1/4 corner;

thence along the NS center line of Section 29, T 9 N, R 66 W, from the N 1/4 corner to the center 1/4 corner, thence west along the EW center line of Section 29 from the center 1/4 corner to the W 1/4 corner;

thence along the EW center line of Section 30, T 9 N, R 66 W, from the E 1/4 corner to the W 1/4 corner, thence south along the west line of Section 30 to the SW Section Corner;

thence along the north line of Section 36, T 9 N, R 67 W, from the NE Section Corner to the NW Section Corner thence south along the west line of Section 36 from the NW Section Corner to the SW Section Corner;

thence along the west line of Section 1, T 8 N, R 67 W, from the NW Section Corner to the SW Section Corner, thence east along the south line of Section 1, from the SW Section Corner, to the SE Section Corner;

thence along the south line of Section 6, T 8 N, R 66 W, from the SW Section Corner to the SE Section Corner;

thence along the south line of Section 5, T 8 N, R 66 W, from the SW Section Corner to the SE Section Corner;

thence along the west line of Section 9, T 8 N, R 66 W, from the NW Section Corner to the West 1/4 corner, thence along the EW center line of Section 9, to the center 1/4 corner, thence along the NS center line of Section 9, from the center 1/4 corner to the S 1/4 corner;

thence along the north-south center line of Section 16, T 8 N, R 66 W, from the N 1/4 corner to the S 1/4 corner;

thence along the NS center line of Section 21, T 8 N, R 66 W, south from the north 1/4 corner to the west 1/4 corner of the SE 1/4, thence east along the north line of S 1/2 of the SE 1/4 of Section 21 to the east 1/4 corner of SE 1/4, thence south along the east line of Section 21, from the E 1/4 corner of SE 1/4 south to the south east Section Corner;

thence along the west line of Section 27, T 8 N, R 66 W, from the NW Section Corner, south 900 feet more or less, thence east 1100 feet along an EW line, thence along a NS line 4420 feet to the south line of said Section 27;

thence along a north-south line in Section 34, T 8 N, R 66 W, from a point 1100 feet east of the NW Section Corner to the south line of said Section 34, thence east to the S 1/4 corner SW 1/4;

thence along a north-south line in Section 3, T 7 N, R 66 W, from the N 1/4 corner of the NW 1/4 to the center of the SW 1/4 of Section 3, thence along the north line of the south half of the SW 1/4 of Section 3, from the center of the south-west quarter to the north-south center line of said Section 3, thence along the north-south center line of Section 3 from the E 1/4 corner of the SW 1/4 to the S 1/4 corner of said Section 3;

thence along the NS center line of Section 10, T 7 N, R 66 W, from the N 1/4 corner south to the E 1/4 corner of NW 1/4 of said Section 10, thence along the south line of N 1/2 of NW 1/4 of Section 10, from E 1/4 corner of NW 1/4 to the W 1/4 corner of NW 1/4;

thence along the south line of the N 1/2 of the NE 1/4 of Section 9, T 7 N, R 66 W, from E 1/4 corner of NE 1/4 to the W 1/4 corner of NE 1/4, thence along the north-south center line of said Section 9, from the W 1/4 corner of NE 1/4 to center 1/4 corner, thence along the east-west center line of Section 9, from center 1/4 corner to W 1/4 corner;

thence along the east-west center line of Section 8, T 7 N, R 66 W, from E 1/4 corner to center 1/4 corner, thence along the north-south center line of Section 8, from the center 1/4 corner to W 1/4 corner of SE 1/4, thence along the north line of the S 1/2 of the SW 1/4 of Section 8, from E 1/4 corner of the SW 1/4 to the W 1/4 corner of the SW 1/4;

thence along the north line of the S 1/2 of the SE 1/4 of Section 7, T 7 N, R 66 W, from E 1/4 corner of the SE 1/4 to the W 1/4 corner of SE 1/4, thence along the north-south center line of Section 7, from the W 1/4 corner of the SE 1/4 to the center 1/4 corner, thence along the east-west center line through Section 7, from the center 1/4 corner to the west 1/4 corner;

thence along the east-west center line through Section 12, T 7 N, R 67 W, from E 1/4 corner to N 1/4 corner of SE 1/4, thence along a north-south line through Section 12, from N 1/4 corner of SE 1/4 to the S 1/4 corner of SE 1/4 of Section 12;

thence along a north-south line through Section 13, T 7 N, R 67 W, from N 1/4 corner of NE 1/4 to the S 1/4 corner of NE 1/4, thence along an east-west center line through Section 13, from the S 1/4 corner of the NE 1/4 to the E 1/4 corner of Section 13;

thence along an east-west center line through Section 18, T 7 N, R 66 W, from the W 1/4 corner to the E 1/4 corner;

thence along an east-west center line through Section 17, T 7 N, R 66 W, from W 1/4 corner to E 1/4 corner;

thence along an east-west center line through Section 16, T 7 N, R 66 W, from the W 1/4 corner to the center 1/4 corner, thence continued along the north-south center line, through Section 16, from the center 1/4 corner to W 1/4 corner of NE 1/4, thence along the North line of S 1/2 of the NE 1/4 of Section 16, from the W 1/4 corner of the NE 1/4 to the E 1/4 corner of the NE 1/4;

thence along the north line of the S 1/2 of the NW 1/4 Section 15, T 7 N, R 66 W, from the W 1/4 corner of the NW 1/4 to the center of the NW 1/4, thence south along a north-south line in Section 15, from the center of the NW 1/4 to the S 1/4 corner of SW 1/4;

thence along the north line of Section 22, T 7 N, R 66 W, from the N 1/4 corner of the NW 1/4 to the NW Section Corner;

thence along the north line of Section 21, T 7 N, R 66 W, from the NE Section Corner to the N 1/4 corner of the NE 1/4, thence along a north-south line in Section 21, from the N 1/4 corner of the NE 1/4 to the S 1/4 corner of the NE 1/4, thence along the east-west center line in Section 21, from S 1/4 corner of the NE 1/4 westerly 3500 feet more or less and thence south to the south line of said Section 21;

thence along a north-south line commencing 600 feet east of the NW Section Corner of Section 28, T 7 N, R 66 W, and continuing 1000 feet more or less in a southerly direction thence continuing west on an east-west line 650 feet more or less to the west boundary of said Section 28;

thence along an east-west line across Section 29, T 7 N, R 66 W, to the west line of Section 29, thence continuing west a distance of 1000 feet more or less into Section 30, T 7 N, R 66 W, thence south a distance of 2100 feet, more or less, thence east a distance of 600 feet, more or less, easterly into Section 29, thence south 2100 feet, to the south line of said Section 29, thence continuing east along the south line of Section 29, a distance of 700 feet more or less to the S 1/4 corner of SW 1/4 of said Section 29;

thence along a north-south line in Section 32, T 7 N, R 66 W, from the N 1/4 corner of the NW 1/4 to the S 1/4 corner of the NW 1/4, thence continuing along an east-west center line in Section 32, from the S 1/4 corner of the NW 1/4 to the W 1/4 corner, thence along the north-south line of Section 32, from the W 1/4 corner to the SW Section Corner;

thence along the east-west line of Section 6, T 6 N, R 66 W, from the NE Section Corner westerly 600 feet more or less, thence south to the east-west center line of the NE 1/4, thence west to the north-south center line of Section 6, thence south on the north-south center line to the S 1/4 corner;

thence along the north-south center line of Section 7, T 6 N, R 66 W, from the N 1/4 corner to the center 1/4 corner, thence westward along the east-west center line of Section 7, to the west 1/4 corner, thence along the west boundary of Section 7, from the W 1/4 corner south to the SW Section Corner, thence continuing along the south boundary of Section 7, T 6 N, R 66 W, eastward from the SW Section Corner to the S 1/4 corner of SW 1/4;

thence along the north-south line in Section 18, T 6 N, R 66 W, from the N 1/4 corner of NW 1/4 to the S 1/4 corner of NW 1/4, thence along the east-west center line in Section 18, eastward from the S 1/4 corner of NW 1/4 to the S 1/4 corner of the NE 1/4, thence south to the center of the SE 1/4 and thence east to the E 1/4 corner of the SE 1/4, thence south along the east line of Section 18 to the south-east Section Corner of said section;

thence along the east line of Section 19, T 6 N, R 66 W, from the NE Section Corner south to the E 1/4 corner, thence westward along the east-west center line of Section 19, from the E 1/4 corner to the N 1/4 corner of the SW 1/4, thence north from the N 1/4 corner of the SW 1/4 to the center of the NW 1/4, thence west to the W 1/4 corner of the NW 1/4 all in said Section 19;

thence along the north line of the S 1/2 of the NE 1/4, and the north line of the S 1/2 of the NW 1/4 of Section 24, T 6 N, R 67 W, from the E 1/4 corner of the NE 1/4 west to the center of the NW 1/4, thence south along a north-south line between the center of the NW 1/4 and the S 1/4 corner of the SW 1/4 all in said Section 24;

thence along a north-south line in Section 25, T 6 N, R 67 W, between N 1/4 corner of NW 1/4 and S 1/4 corner of SW 1/4 all in said Section 25;

thence along the north-south line of Section 36, T 6 N, R 67 W, between the N 1/4 corner of the NW 1/4 and the S 1/4 corner of the SW 1/4 all in said Section 36;

thence along the NS line in Section 1, T 5 N, R 67 W, beginning at the N 1/4 corner of the NW 1/4 continuing south to the east-west center line of Section 1, thence easterly along said east-west center line a distance of 3400 feet more or less, thence south along a north-south line a distance of 1200 feet, more or less, thence east to a point 300 feet more or less, north of the E 1/4 corner of the SE 1/4;

thence along an east-west line through Section 6, T 5 N, R 66 W, from a point 300 feet more or less, north of the W 1/4 corner of SW 1/4 to a point 300 feet more or less, north of the E 1/4 corner of the SE 1/4;

thence along an east-west line through Section 5, T 5 N, R 66 W, from a point 300 feet more or less, north of the W 1/4 corner of SW 1/4 to the north-south center line of the SW 1/4, thence south along the north-south line to the S 1/4 corner of the SW 1/4 all in said Section 5;

thence along a north-south line in Section 8, T 5 N, R 66 W, from the N 1/4 corner of the NW 1/4 to the center of the SW 1/4, thence along an east-west line from the center of the SW 1/4 to the E 1/4 corner of SE 1/4;

thence along an east-west line in Section 9, T 5 N, R 66 W, from W 1/4 corner of SW 1/4 to the center of the SE 1/4, thence along a north-south line from the center of the SE 1/4 to the S 1/4 corner of the SE 1/4;

thence along a north-south line in Section 16, T 5 N, R 66 W, from the N 1/4 corner of NE 1/4 to the S 1/4 corner of the NE 1/4, thence easterly on an east-west line from the S 1/4 corner of the NE 1/4 to the E 1/4 corner;

thence along the east-west center line of Section 15, T 5 N, R 66 W, from the W 1/4 corner easterly 650 feet, more or less, thence south 2150 feet, more or less, on a north-south line, thence south-easterly along the Loveland and Greeley Ditch to the S 1/4 corner;

thence along the north-south center line of Section 22, T 5 N, R 66 W, from N 1/4 corner to the center 1/4 corner, thence west along the east-west center line to the N 1/4 corner of the SW 1/4, thence south along a NS line from the N 1/4 corner of the SW 1/4 to the S 1/4 corner of SW 1/4;

thence along the north line of Section 27, T 5 N, R 66 W, from the N 1/4 corner of the NW 1/4 to the NW Section Corner;

thence along the north line of Section 28, T 5 N, R 66 W, from the NE Section Corner to the N 1/4 corner of the NW 1/4, thence continued along a north-south line from the N 1/4 corner of the NW 1/4, to the S 1/4 corner of the NW 1/4, thence along an east-west line from the S 1/4 corner of the NW 1/4 to the W 1/4 corner;

thence along the east-west center line of Section 29, T 5 N, R 66 W, from the E 1/4 corner to the center 1/4 corner, thence south along the north-south center line from the center 1/4 corner to a point 800 feet, more or less, south on said center line, thence west to a point on the west line of Section 29, thence north 2300 feet, more or less, along the west line of Section 29;

thence along an east-west line in Section 30, T 5 N, R 66 W, from a point 1140 feet, more or less, south of the north-east Section Corner, extending 1300 feet, more or less, westerly, thence north 1140 feet, more or less, to the north line of Section 30, thence along the north line of Section 30, to the NW Section Corner;

thence along the north line of Section 25, T 5 N, R 67 W, from the NE Section Corner to the NW Section Corner, thence south along the west line of said Section 25, from the NW Section Corner to the SW Section Corner, continued, thence east along the south line of Section 25, for a distance of 3450 feet, more or less;

thence along a north-south line 1750 feet, more or less, west of the north-east Section Corner of Section 36, T 5 N, R 67 W, for a distance of 1640 feet, more or less, thence west 950 feet, more or less, on an east-west line to the north-south center line, thence south 1000 feet more or less, to the center 1/4 corner, thence west along the east-west center line of Section 36, to the west 1/4 corner on the west line of Section 36, thence south along the west line to the south-west Section Corner;

AREA A

The following is the legal description of a line enclosing an area within T 6 N, R 64 W; T 6 N, R 63 W; T 7 N, R 65 W; T 7 N, R 64 W; T 7 N, R 63 W; T 8 N, R 65 W; and T 8 N, R 64 W; which is served by the Poudre Valley Rural Electric Association:

Commencing at the N 1/4 corner of the NE 1/4 of Section 8, T 6 N, R 64 W, and continuing along a NS line to the S 1/4 corner of the NE 1/4 thence east along the EW center line of Section 8, to the E 1/4 corner;

thence east along the EW center line of Section 9, T 6 N, R 64 W, to the center 1/4 corner, thence north along the NS center line of Section 9, 1900 feet, more or less, thence east 2640 feet, more or less, to the east line of Section 9;

thence along an EW line beginning 740 feet more or less, south of the NW Section Corner of Section 10, T 6 N, R 64 W, extending 2640 feet more or less, to the NS center line of Section 10, thence south along the NS center line of Section 10, to the S 1/4 corner of said section;

thence along the NS center line of Section 15, T 6 N, R 64 W, from the N 1/4 corner to the center 1/4 corner of said Section 15, thence east along the E W center line from the center 1/4 corner to the E 1/4 corner of said Section 15;

thence along the EW center line of Section 14, T 6 N, R 64 W, to the S 1/4 corner of the NW 1/4, thence north on a NS line between the S 1/4 corner of the NW 1/4 and the N 1/4 corner of the NW 1/4 in said Section 14;

thence north along a NS line in Section 11, T 6 N, R 64 W, from the S 1/4 corner of the SW 1/4 to the N 1/4 corner of the NW 1/4 in said Section 11;

thence north along a NS line in Section 2, T 6 N, R 64 W, from the S 1/4 corner of the SW 1/4 to the center of the SW 1/4, thence east along an EW line between the center of the SW 1/4 and the center of the SE 1/4, thence north along a NS line from the center of the SE 1/4 to the N 1/4 corner of the SE 1/4, thence east from the N 1/4 corner of the SE 1/4 to the E 1/4 corner, all in said Section 2;

thence along the EW center line in Section 1, T 6 N, R 64 W, from the W 1/4 corner to the E 1/4 corner;

thence along the EW center line in Section 6, T 6 N, R 63 W, from the W 1/4 corner to the E 1/4 corner;

thence along the EW center line in Section 5, T 6 N, R 63 W, from the W 1/4 corner to the E 1/4 corner;

thence along the EW center line in Section 4, T 6 N, R 63 W, from the W 1/4 corner to the east 1/4 corner, thence north along the east line of Section 4, from the E 1/4 corner to the NE Section Corner all in said Section 4;

thence north along the east line of Section 33, T 7 N, R 63 W, from the SE Section Corner to the NE Section Corner;

thence north along the east line of Section 28, T 7 N, R 63 W, from the SE Section Corner to the NE Section Corner;

thence east along the south line of Section 22, T 7 N, R 63 W, from the SW Section Corner to the SE Section Corner;

thence east along the south line of Section 23, T 7 N, R 63 W, from the SW Section Corner to the S 1/4 corner, thence north along the NS Center line, to the center 1/4 corner, thence east on the EW center line from the center 1/4 corner to the E 1/4 corner, all in Section 23;

thence east along the EW center line in Section 24, T 7 N, R 63 W, from the W 1/4 corner to the center 1/4 corner thence north on the NS center line from the center 1/4 corner to the N 1/4 corner all in Section 24;

thence along the NS center line in Section 13, T 7 N, R 63 W, from the S 1/4 corner to the N 1/4 corner;

thence along the NS center line in Section 12, T 7 N, R 63 W, from the S 1/4 corner to the N 1/4 corner, thence west along the north line of Section 12 from the N 1/4 corner to the NW Section Corner, all in Section 12;

thence along the east line of Section 2, T 7 N, R 63 W, from the SE Section Corner to the NE Section Corner, thence west along the north line of Section 2, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 3, T 7 N, R 63 W, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 4, T 7 N, R 63 W, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 5, T 7 N, R 63 W, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 6, T 7 N, R 63 W, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 1, T 7 N, R 64 W, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 2, T 7 N, R 64 W, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 3, T 7 N, R 64 W, from the NE Section Corner to the NW Section Corner;

thence north along the east line of Section 33, T 8 N, R 64 W, from the SE Section Corner to the NE Section Corner;

thence north along the east line of Section 28, T 8 N, R 64 W, from the SE Section Corner to the E 1/4 corner, thence west along the EW center line of Section 28, from the E 1/4 corner to the W 1/4 corner;

thence west along the east-west center line of Section 29, T 8 N, R 64 W, from the E 1/4 corner to the W 1/4 corner;

thence west along the east-west center line of Section 30, T 8 N, R 64 W, from the E 1/4 corner to the W 1/4 corner;

thence west along the east-west center line in Section 25, T 8 N, R 65 W, from the E 1/4 corner to the west 1/4 corner;

thence north along the east line of Section 26, T 8 N, R 65 W, from the E 1/4 corner to the E 1/4 corner of NE 1/4, thence west on a east-west line between the E 1/4 corner of NE 1/4 and the center of the NW 1/4, thence south on a north-south line from center of NW 1/4 to the S 1/4 corner of SW 1/4, all in Section 26;

thence south from the N $\frac{1}{4}$ corner of NW $\frac{1}{4}$ of Section 35, T 8 N, R 65 W, to the S $\frac{1}{4}$ corner of the NW $\frac{1}{4}$, thence east along the east-west center line of said Section 35, to the N $\frac{1}{4}$ corner of the SE $\frac{1}{4}$, thence south along a north-south line from the N $\frac{1}{4}$ corner of the SE $\frac{1}{4}$ to the S $\frac{1}{4}$ corner of SE $\frac{1}{4}$, thence east along the south line of said Section 35 from S $\frac{1}{4}$ corner of SE $\frac{1}{4}$ to the SE Section Corner;

thence south along the west line of Section 1, T 7 N, R 65 W, from the NW Section Corner to the W $\frac{1}{4}$ corner of the NW $\frac{1}{4}$, thence east along an east-west line from the W $\frac{1}{4}$ corner of the NW $\frac{1}{4}$ to the E $\frac{1}{4}$ corner of the NW $\frac{1}{4}$, thence south along the NS center line of Section 1, from the E $\frac{1}{4}$ corner of the NW $\frac{1}{4}$ to the S $\frac{1}{4}$ corner all in said Section 1;

thence south along the NS center line in Section 12, T 7 N, R 65 W, from the N $\frac{1}{4}$ corner to the center $\frac{1}{4}$ corner, thence east along the EW center line of Section 10, from the center $\frac{1}{4}$ corner to the E $\frac{1}{4}$ corner;

thence east on the EW center line of Section 7, T 7 N, R 64 W, from the W $\frac{1}{4}$ corner to the center $\frac{1}{4}$ corner, thence south on the NS center line of Section 7 from the center $\frac{1}{4}$ corner to the S $\frac{1}{4}$ corner;

thence south on the NS center line of Section 18, T 7 N, R 64 W, from the N $\frac{1}{4}$ corner to the S $\frac{1}{4}$ corner of said Section 18;

thence south on the NS center line of Section 19, T 7 N, R 64 W, from the N $\frac{1}{4}$ corner to the S $\frac{1}{4}$ corner thence east along the south line of Section 19, to the S $\frac{1}{4}$ corner of SE $\frac{1}{4}$;

thence south along a NS line in Section 30, T 7 N, R 64 W, from the N $\frac{1}{4}$ corner of NE $\frac{1}{4}$ to the S $\frac{1}{4}$ corner of NE $\frac{1}{4}$, thence east along the EW center line of Section 30, a distance of 800 feet more or less, thence south to the south line of Section 30, a distance of 2640 feet more or less;

thence south on a north-south line in Section 31, T 7 N, R 64 W, commencing on the north line of Section 31, a distance of 300 feet more or less, west of the NE Section Corner of Section 31, and extending south 2200 feet on a north-south line in the NE $\frac{1}{4}$ of said Section 31, thence east a distance of 300 feet more or less to a point 400 feet more or less north of the E $\frac{1}{4}$ corner;

thence along an EW line 400 feet more or less north of the center line of Section 32, T 7 N, R 64 W, from the W section line to the E section line;

thence along an east-west line 400 feet, more or less, north of the EW center line of Section 33, T 7 N, R 64 W to a point 400 feet more or less, north of the south $\frac{1}{4}$ corner of the NW $\frac{1}{4}$; thence south to the S $\frac{1}{4}$ corner of the SW $\frac{1}{4}$ of said Section 33;

thence along a NS line in Section 4, T 6 N, R 64 W, from the N $\frac{1}{4}$ corner of the NW $\frac{1}{4}$ to a point 400 feet, more or less, north of the center of the NW $\frac{1}{4}$ thence west along an east-west line to the west line of said Section 4;

thence along an east-west line in Section 5, T 6 N, R 64 W, from the east section line to a point 400 feet more or less, north of the center of the NE $\frac{1}{4}$, thence south to the S $\frac{1}{4}$ corner of the SE $\frac{1}{4}$, all in said Section 5, being the point of beginning.

AREA B

The following is the legal description of a line enclosing an area within T 6 N, R 64 W, served by Poudre Valley Rural Electric Association.

Commencing at the W 1/4 corner of the NW 1/4 of Section 35, T 6 N, R 64 W, and continuing south along the west line of said Section 35, to the SW Section Corner thence east along the south line to a point 300 feet more or less west of the S 1/4 corner of SE 1/4, thence north along a NS line to the N line of said Section 35;

thence north along a NS line in Section 26, T 6 N, R 64 W, from a point 300 feet more or less west of the S 1/4 corner of SE 1/4 to the N section line;

thence north 3700 feet along a NS line in Section 23, T 6 N, R 64 W from a point 300 feet more or less west of the S 1/4 corner of SE 1/4, thence west along an east-west line to a point on the west section line 1500 feet, more or less, south of the NW corner of said Section 23;

thence west along an east-west line in Section 22, T 6 N, R 64 W, from a point 1500 feet, more or less, south of the NE corner to a point on the NS center line of the NE 1/4 thence south to the South 1/4 corner of the SE 1/4 of said Section 22;

thence south from the north 1/4 corner of the NE 1/4 of Section 27, T 6 N, R 64 W, to the S 1/4 corner of the SE 1/4 of said Section 27;

thence south from the N 1/4 corner of the NE 1/4 of Section 34, T 6 N, R 64 W, to the center of the NE 1/4, thence east to the E 1/4 corner of the NE 1/4 of said Section 34 which is the point of beginning.

AREA C

The following is the legal description of a line enclosing an area within T 4 N, R 63 W, and T 5 N, R 63 W, served by Poudre Valley Rural Electric Association:

Commencing at the SW Section Corner of Section 11, T 4 N, R 63 W, and continuing east along the south line of said Section, from the SW corner to the SE corner of the Section, thence north along the east line of the Section from the SE Section Corner to the NE Section Corner all in said Section 11;

thence north along the east line of Section 2, T 4 N, R 63 W, from the SE corner to the NE corner of said Section 2;

thence north along the east line of Section 35, T 5 N, R 63 W, from the SE Section Corner to the NE Section Corner of said Section 35;

thence north along the east line of Section 26, T 5 N, R 63 W, from the SE Section Corner to the NE Section Corner of said Section 26;

thence north along the east line of Section 23, T 5 N, R 63 W, from the SE Section Corner to the NE Section Corner, thence west along the north line of Section 23, from the NE Section Corner to the NW Section Corner all in said Section 23;

thence west along the north line of Section 22, T 5 N, R 63 W, from the NE Section Corner to the NW Section Corner;

thence west along the north line of Section 21, T 5 N, R 63 W, from the NE Section Corner to the NW Section Corner;

thence north along the east line of Section 17, T 5 N, R 63 W, from the SE Section Corner to the NE Section Corner, thence west along the north line of Section 17 from the NE Section Corner to the NW Section Corner all in said Section 17;

thence west along the north line of Section 18, T 5 N, R 63 W, from the NE Section Corner to the N 1/4 corner of the NW 1/4, thence south along a NS line in Section 18 from the N 1/4 corner of the NW 1/4 to the south 1/4 corner of the SW 1/4 all in said Section 18;

thence south along a NS line in Section 19, T 5 N, R 63 W, from the N 1/4 corner of the NW 1/4 to the S 1/4 corner of the SW 1/4;

thence south along a NS line in Section 30, T 5 N, R 63 W, from the N 1/4 corner of the NW 1/4 to the S 1/4 corner of the SW 1/4;

thence south along a NS line in Section 31, T 5 N, R 63 W, from the N 1/4 corner of the NW 1/4 to the S 1/4 corner of the NW 1/4, thence east along the EW center line of said Section to the center 1/4 corner, thence south along the NS center line of said Section to the S 1/4 corner, thence west 500 feet more or less, along the south line all in said Section 31;

thence south along a NS line in Section 6, T 4 N, R 63 W, from the N 1/4 corner along the NS center line to the S 1/4 corner of Section 6;

thence south along the North South center line in Section 7, T 4 N, R 63 W, from the N 1/4 corner to the center 1/4 corner, thence along the EW center line of said Section to the E 1/4 corner, all in said Section 7;

thence along the EW center line of Section 8, T 4 N, R 63 W, from the W 1/4 corner to the center 1/4 corner, thence north along the NS center line of said Section 8, from the center 1/4 corner to the N 1/4 corner, thence east along the north line of said Section to the NE Section Corner all in said Section 8;

thence east along the south line of Section 4, T 4 N, R 63 W, from the SW Section Corner to the SE Section Corner;

thence east along the south line of Section 3, T 4 N, R 63 W, from the SW Section Corner to the S 1/4 corner;

thence south along the NS center line of Section 10, T 4 N, R 63 W, from the N 1/4 corner to the S 1/4 corner, thence east along the south line of said Section from the S 1/4 corner to the SE Section Corner of said Section 10, being the point of beginning.

AREA D

The following is the legal description of a line enclosing an area within T 4 N, R 65 W, T 4 N, R 64 W, T 5 N, R 64 W, and T 5 N, R 65 W.

Commencing at the SW Section Corner of Section 35, T 4 N, R 65 W, and continuing east along the south line of said Section from the SW Section Corner to the SE Section Corner in said Section 35;

thence east along the south line of Section 36, T 4 N, R 65 W, from the SW Section Corner to the SE Section Corner in said Section 36;

thence east along the south line of Section 31, T 4 N, R 64 W, from the SW Section Corner to the SE Section Corner in said Section 31;

thence east along the south line of Section 32, T 4 N, R 64 W, from the SW Section Corner to the SE Section Corner in said Section 32;

thence east along the south line of Section 33, T 4 N, R 64 W, from the SW Section Corner to the S 1/4 corner, of the SW 1/4, thence north along the NS line from the S 1/4 corner of the SW 1/4 to the N 1/4 corner of the NW 1/4 in said Section 33;

thence north along a north-south line in Section 28, T 4 N, R 64 W, from the S 1/4 corner of SW 1/4 to the N 1/4 corner of SW 1/4 thence east along the EW center line from the N 1/4 corner of SW 1/4, to the center 1/4 corner, thence north along the north-south center line from the center 1/4 corner, to the N 1/4 corner all in said Section 28;

thence north along the NS center line of Section 21, T 4 N, R 64 W, from the S 1/4 corner to the W 1/4 corner of the SE 1/4 thence east along the south line of the N 1/2 of the SE 1/4, from the W 1/4 corner of SE 1/4 to the E 1/4 corner of SE 1/4 all in said Section 21;

thence east along the south line of the N 1/2 of the SW 1/4 of Section 22, T 4 N, R 64 W, from the W 1/4 corner of SW 1/4 to the center of the SW 1/4 thence north on a NS line from the center of the SW 1/4 to the N 1/4 corner of the NW 1/4 all in said Section 22;

thence north on a NS line in Section 15, T 4 N, R 64 W, from the S 1/4 corner of the SW 1/4 to the N 1/4 corner of the NW 1/4 all in Section 15;

thence north on a NS line in Section 10, T 4 N, R 64 W, from the S 1/4 corner of the SW 1/4 to the center of the SW 1/4, thence east along an EW line from the center of the SW 1/4 to the E 1/4 corner of SE 1/4 all in Section 10;

thence east along an EW line in Section 11, T 4 N, R 64 W, from the W 1/4 corner of SW 1/4 to the center of SW 1/4, thence north along a NS line from the center of the SW 1/4 to the N 1/4 corner of the NW 1/4 all in Section 11;

thence north on north-south line in Section 2, T 4 N, R 64 W, from S 1/4 corner of SW 1/4 to the center of the SW 1/4, thence east along the south line of the north half of the SW 1/4 and the south line of the north half of the south-east quarter of Section 2 from the center of the SW 1/4 a distance of 2900 feet more or less, thence north on a NS line 2050 feet more or less, thence west on an east-west line 2340 feet more or less to a north-south line, thence north on said line 1750 feet more or less to the north line of said Section 2;

thence north 1350 feet more or less on a NS line parallel to the west line of Section 35, T 5 N, R 64 W, commencing at a point 1750 feet east of the SW Section Corner, thence west 450 feet more or less to the center of the SW 1/4, thence north on a NS line 2780 feet more or less, to the center of the NW 1/4, thence east 3200 feet more or less, thence north 1050 feet more or less, to the north section line, thence east 650 feet more or less along the north section line to the NE Section Corner all in said Section 35;

thence along the south line of Section 25, T 5 N, R 64 W, from the SW Section Corner to a point 3600 feet more or less east of said Section Corner, thence north 3850 feet more or less along a NS line, thence west 3600 feet more or less along an east-west line to the west 1/4 corner of the NE 1/4 all in said Section 25;

thence along an east-west line, in Section 26, T 5 N, R 64 W, from the E 1/4 corner of the NE 1/4 to the center of the NW 1/4; thence north along a north-south line from the center of the NW 1/4 to the N 1/4 corner of the NW 1/4 in said Section 26;

thence along a diagonal line 1450 feet long, more or less in Section 23, T 5 N, R 64 W, commencing at a point on the south line of said Section, 1280 feet more or less east of the SW Section Corner, and terminating on the west line of said section at a point 900 feet more or less north of the SW Section Corner all in said Section 23;

thence along a projection of the said diagonal line in Section 23, T 5 N, R 64 W, in to Section 22, T 5 N, R 64 W, a distance of 750 feet more or less, to a north-south line 700 feet more or less, west of the east line of said Section, thence north along said NS line a distance of 1050 feet more or less to the center line of the Union Pacific Railroad right-of-way, thence along said Union Pacific Railroad right-of-way a distance of 4100 feet more or less to a NS line, thence north along said NS line 2000 feet more or less, to an EW line, thence along said EW line 600 feet more or less, to the west section line, to a point 560 feet more or less, south of the NW Section Corner all in said Section 22;

thence west 1400 feet more or less, along an EW line commencing at a point 500 feet more or less, south of the NE Section Corner of Section 21, T 5 N, R 64 W, thence south 3550 feet more or less, along a NS line, 1400 feet more or less, west of the east line of said Section, thence west 4000 feet more or less, along an EW line 1200 feet more or less, north of the south section line all in said Section 21;

thence west 1300 feet more or less, on an EW line 1200 feet more or less north of the south line of Section 20, T 5 N, R 64 W, thence south on a NS line 1200 feet more or less to the south 1/4 corner of SE 1/4 in said Section 20;

thence south 2800 feet more or less, in Section 29, T 5 N, R 64 W, on a NS line 1300 feet more or less, west of the east section line, thence west 2400 feet along an EW line 2400 feet more or less, north of the south section line, thence north 2700 feet more or less along a NS line to the north line of said Section, said NS line being 1550 feet east of the west line all in said Section 29;

thence north along a NS line 1550 feet more or less, east of the west line of Section 20, T 5 N, R 64 W, from the south line of said Section to a point 2600 feet more or less, on the line, thence south-west along the Union Pacific Railroad right-of-way on a diagonal line to the west line of said Section to a point 2100 feet more or less, north of the SW Section Corner all in said Section 20;

thence on a diagonal south west line along the Union Pacific Railroad right-of-way 5500 feet more or less in Section 19, T 5 N, R 64 W, from a point 2100 feet more or less north of the south-east Section Corner to a point 200 feet north of the SW Section Corner all in said Section 19;

thence on a diagonal line along the Union Pacific Railroad right-of-way from a point 200 feet north of the SE Section Corner of Section 24, T 5 N, R 65 W, to a point 600 feet west of the SE corner of said Section 24;

thence on a projection of the aforementioned south-west diagonal line along the Union Pacific Railroad right-of-way in Section 24, T 5 N, R 65 W, into Section 25, T 5 N, R 65 W, to a point on the west line of said Section 1800 feet south of the NW Section Corner, all in said Section 25;

thence on a projection of the aforementioned south-west diagonal line along the Union Pacific Railroad right-of-way in Section 25, T 5 N, R 65 W, into Section 26, T 5 N, R 65 W, from the east line of Section 26, a distance along the line of 700 feet more or less to a NS line 650 feet west of the east line of said section, thence south on said line a distance of 3200 feet more or less to the south section line, all in Section 26;

thence south on a NS line 650 feet west of the east section line of Section 35, T 5 N, R 65 W, from the north line of said Section, to the EW center line of said section, thence west along the EW center line to the W 1/4 corner, thence north along the west section line to a point 800 feet south of the NW Section Corner all in said Section 35;

thence west along an EW line 800 feet more or less south of the north line of Section 34, T 5 N, R 65 W, from the east line of Section 34, a distance of 3600 feet more or less, thence north along a NS line 800 feet more or less to the north line of said section, thence west along the north line of said Section to the NW Section Corner all in said Section 34;

thence west along the south line of Section 28, T 5 N, R 65 W, from the south-east Section Corner a distance of 2150 feet more or less, to a NS line, thence north along a NS line 1000 feet more or less north of the south line of said Section to an east-west line, thence west on an east-west line 3230 feet more or less to the west line of said Section, thence north along the west line of said Section 1640 feet more or less, to the W 1/4 corner all in said Section 28;

thence west along the EW center line of Section 29, T 5 N, R 65 W, from the E 1/4 corner a distance of 1000 feet more or less to the center line of the South Platte River, thence southwesterly along the center line of the South Platte River a distance of 2500 feet more or less to a NS line of said Section, thence south along the NS line a distance of 1500 feet more or less to a point on the south line of the section, a distance of 2300 feet more or less east of the SW corner of said Section 29;

thence south on a NS line in Section 32, T 5 N, R 65 W, from a point 2300 feet east of the NW corner, a distance of 1600 feet more or less, thence east along an EW line 720 feet more or less, thence south on a NS line a distance of 350 feet more or less, thence east on an EW line a distance of 2000 feet more or less to the east section line, thence south along the east section line a distance of 600 feet more or less to the E 1/4 corner all in said Section 32;

thence east on the EW center line of Section 33, T 5 N, R 65 W, from the W 1/4 corner to the E 1/4 corner all in Section 33;

thence east on the EW center line of Section 34, T 5 N, R 65 W, from the W 1/4 corner to the center 1/4 corner, thence south on the NS center line of said section from the center 1/4 corner to the S 1/4 corner, thence east along the south section line from the S 1/4 corner to the SE Section Corner all in said Section 34;

thence south along the west line of Section 2, T 4 N, R 65 W, from the NW Section Corner to the SW Section Corner, all in Section 2;

thence south along the west line of Section 11, T 4 N, R 65 W, from the NW Section Corner to the W 1/4 corner all in Section 11, thence west along the EW Center line of Section 10, T 4 N, R 65 W, from the E 1/4 corner to the N 1/4 corner of the SW 1/4, thence south along a NS line from the N 1/4 corner of the SW 1/4 to the S 1/4 corner of SW 1/4 all in said Section 10;

thence south along a NS line in Section 15, T 4 N, R 65 W, from the N 1/4 corner of the NW 1/4, south 3550 feet more or less, to an east-west line 1750 feet more or less, north of the south section line, thence east along said line 3900 feet more or less, to the east section line, thence north 2250 feet more or less along the east section line, to E 1/4 corner of the NE 1/4 all in said Section 15;

thence east along an east-west line in Section 14, T 4 N, R 65 W, from the W1/4 corner of the NW 1/4 4400 feet more or less, to a NS line, thence south along said NS line 4000 feet more or less to the south section line, thence west along the south section line, 1750 feet more or less to the S 1/4 corner all in said Section 14;

thence south along the NS center line of Section 23, T 4 N, R 65 W, from the N 1/4 corner to the center 1/4 corner, thence west along the EW center line of said Section to the W 1/4 corner all in said Section 23;

thence west along the EW center line of Section 22, T 4 N, R 65 W, a distance of 660 feet more or less, thence south along a NS line in said Section a distance of 2640 feet more or less, to the south line of said Section 22;

thence south along a NS line in Section 27, T 4 N, R 65 W, from a point 660 feet west of the north-east Section Corner to the South line of Section 27;

thence south along a NS line in Section 34, T 4 N, R 65 W, from a point 660 feet west of the NE Section corner to the south section line, thence east along the south line of Section 34, to the SE Section Corner all in said Section 34, being the point of beginning.

A R E A E

The following is the legal description of a line enclosing an area within T 5 N, R 65 W, and T 5 N, R 64 W, served by Poudre Valley Rural Electric Association.

Commencing at the SE Section Corner of Section 4, T 5 N, R 64 W, and continuing west along the south line of said Section to the S 1/4 Corner of the SE 1/4, thence north along the north-south center line of the SE 1/4 to the center of the SE 1/4, thence west to the west 1/4 corner of the SW 1/4 of said Section 4;

thence west along an EW line in Section 5, T 5 N, R 64 W, from the E 1/4 corner of the SE 1/4 to the west 1/4 corner of the SW 1/4 of said Section 5;

thence west in Section 6, T 5 N, R 64 W, along the east-west center line of the SE 1/4 660 feet more or less, thence along a NS line 1320 feet south to the south line, all in said Section 6;

thence south in Section 7, T 5 N, R 64 W, along a NS line 660 feet more or less, west of the east line of said Section, from the north line of Section 7, to the south line of Section 7, all in said Section 7;

thence south in Section 18, T 5 N, R 64 W, along a NS line 660 feet more or less, west of the east line of said Section, 1320 feet more or less, south from the north line of said Section 18, thence west along an east-west center line of the N 1/2 of Section 18, to the W 1/4 corner of the NW 1/4 of said Section 18;

thence west in Section 13, T 5 N, R 65 W, along the EW Center Line of the NE 1/4 from the east 1/4 corner of the NE 1/4 to the center of the NE 1/4, thence north to the north 1/4 corner of the NE 1/4 of said Section 13;

thence north in Section 12, T 5 N, R 65 W, along the north-south center line of the E 1/2 of said Section, a distance of 3060 feet more or less, to the center line of the South Platte River, thence in a south-west direction a distance of 2800 feet more or less, along the center line of the South Platte River, thence 1550 feet more or less, west along an east-west line to the west line of said Section which line is 2040 feet more or less, north of the south line of Section 12;

thence west along an EW line in Section 11, T 5 N, R 65 W, 2040 feet more or less, north of the south line of said Section, from the east line of said Section west 4750 feet more or less, thence south on a NS line in said Section 2040 feet more or less to the south line of said Section, thence west along the south line of said Section 550 feet more or less, to the SW Section Corner all in Section 11;

thence west along the north line of Section 15, T 5 N, R 65 W, from the NE Section Corner to the N 1/4 corner of the NE 1/4, thence south along a NS line 1320 feet more or less west of the east line of said Section, a distance of 2150 feet more or less, thence west along an east-west line in Section 15, 2150 feet more or less, south of the north line of the Section, to the point of intersection with the NS center line of said Section, thence south on the NS center line a distance of 2200 feet more or less, to the center of the South Platte River, thence southwesterly along the river a distance of 1600 feet, more or less, to the S 1/4 corner of the SW 1/4 of said Section 15;

thence from the N 1/4 corner of the NW 1/4 of Section 22, T 5 N, R 65 W, along the South Platte River in a southwesterly direction to a point on the west line of said Section 1140 feet more or less, south of the NW Section Corner, such point being the center line of the South Platte River all in Section 22;

thence along the center line of the South Platte River in Section 21, T 5 N, R 65 W, from a point 1140 feet more or less, south of the NE Section Corner to the W 1/4 corner of the SE 1/4, thence east to the E 1/4 corner of the SE 1/4 of said Section 21;

thence east along the east-west center line of the S 1/2 of Section 22, T 5 N, R 65 W, to the center of the SE 1/4 of Section 22, then south along the NS center line of the SE 1/4 660 feet, thence east 1320 feet along an EW line 660 feet north of the south line of Section 22, to the east line of said Section;

thence east 1050 feet along an EW line 660 feet north of the south line of Section 23, T 5 N, R 65 W, thence north along a north-south line to the north line of said Section 23;

thence north on a NS line 1050 feet east of the SW corner of Section 14, T 5 N, R 65 W, a distance of 1950 feet more or less to the center line of the South Platte River, thence southeasterly along the center line of the South Platte River a distance of 1500 feet more or less, thence northeasterly along the center line of the South Platte River a distance of 1700 feet more or less, to a NS center line through the center of the SE 1/4, thence south on said center line a distance of 360 feet more or less, thence east along an east-west line 1980 feet more or less, north of the south line of Section 14 a distance of 1320 feet more or less, to the east line of said Section 14;

thence east along the east-west line 1980 feet more or less, north of the south line of Section 13, T 5 N, R 65 W, from the west line to the east line of said Section 13;

thence east along the east-west line 1980 feet north of the south line of Section 18, T 5 N, R 64 W, from the west line to the east line, of said Section, thence South on the East line of Section 18, a distance of 660 feet to the E 1/4 corner of the SE 1/4 all in Section 18;

thence east along an east-west line in Section 17, T 5 N, R 64 W, from the W 1/4 corner of SW 1/4 to the E 1/4 corner of SE 1/4 all in said Section 17;

thence east along an east-west line in Section 16, T 5 N, R 64 W, from the W 1/4 corner of SW 1/4 to the center of the SW 1/4, thence north along a NS line a distance of 660 feet more or less, thence east a distance of 3960 feet more or less along an east-west line 1980 feet more or less, north of the south line of Section 16 to the east line of said Section 16;

thence east 1550 feet more or less along an east-west line in Section 15, T 5 N, R 64 W, to a NS line extending north 900 feet more or less, to the center of the South Platte River, thence 2200 feet more or less, north-east along the center line of the South Platte River and 2800 feet south-east along the center line of the South Platte River to the point of intersection with the east line of said Section, 3450 feet more or less, north of the SE Section Corner all in Section 15;

thence south-east along the center line of the South Platte River in Section 14, T 5 N, R 64 W, from a point 3450 feet more or less, north of the SW Section Corner a distance of 1800 feet more or less, to the EW center line of said Section, thence east along the EW center line 1320 feet more or less, to the center of said Section, thence north along the NS center line of said Section 1320 feet more or less, from the center 1/4 corner to the W 1/4 corner of the NE 1/4, thence east along the EW center line of the NE 1/4 of said Section 1640 feet more or less, to a NS line, thence north 1320 feet more or less, along said NS line to the north section line all in Section 14;

thence north along a NS line in Section 11, T 5 N, R 64 W, 1620 feet more or less, to an EW line, thence west along an east-west line 4300 feet more or less, to a point on the west section line 1620 feet more or less north of the SW corner of said Section 11;

thence west along an EW line in Section 10, T 5 N, R 64 W, to the north-south center line of the SW 1/4, thence north to the N 1/4 corner of the NW 1/4, thence west to the NW corner of said Section 10, which is the point of beginning.

AREA F

The following is the legal description of a line enclosing an area within T 4 N, and T 5 N, R 66 W, served by Poudre Valley Rural Electric Association.

Commencing at a point on the west line of Section 4, T 4 N, R 66 W, on the Union Pacific Railroad right-of-way 1000 feet more or less, north of the SW Section Corner, thence easterly along the Union Pacific Railroad right-of-way a distance of 2700 feet more or less, to the center of the South Platte river, thence northeasterly following the south channel of the South Platte River a distance of 3,500 feet more or less, to the east line of Section 4;

thence continuing easterly 400 feet more or less, along the South Platte River into Section 3, T 4 N, R 66 W, thence north 2800 feet more or less, to a point on the north section line 350 feet east of the north-west corner of said Section 3;

thence north 300 feet into Section 34, T 5 N, R 66 W, thence west 350 feet more or less, to the west section line of said Section 34;

thence west on an east-west line 300 feet north of the south line of Section 33, T 5 N, R 66 W, a distance of 2600 feet more or less, to the center of the Big Thompson River, thence south-westerly along the Big Thompson River to the south line of said Section 33;

thence from a point on the north line of Section 4, T 4 N, R 66 W, 1500 feet more or less, east of the NW corner along the Big Thompson River to a point on the west line of said Section 4, 2000 feet more or less, south of the NW corner, thence south along the west line of said Section, a distance of 2300 feet to the Union Pacific Railroad right-of-way which is the point of beginning.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOE TORRES AND VINCENT ORNELAS,)
DOING BUSINESS AS "TORRES-ORNELAS,")
P. O. BOX 592, AURORA, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24664-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 23, 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 emer-
gency 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 Joe Torres and Vincent Ornelas, doing busi-
ness as "Torres-Ornelas," P. O. Box 592, Aurora, Colorado, be, and are
hereby, granted emergency temporary authority for a period of fifteen (15)
days commencing November 23, 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 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;

RESTRICTIONS: This emergency temporary authority is restricted as follows:

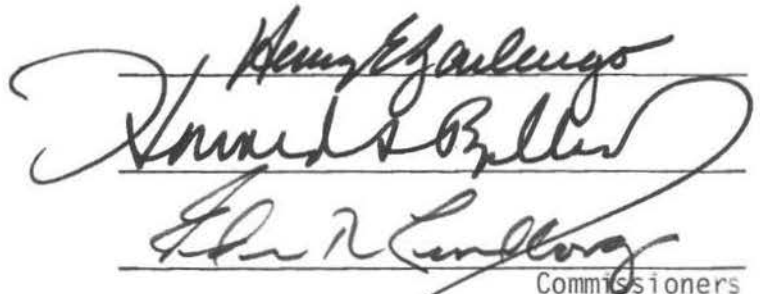
- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time";

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 Applicants have 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
23rd day of November, 1970.

vjr

(Decision No. 76315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF CHARLES H. CUSHMAN, 1110 15TH)	
AVENUE, LONGMONT, COLORADO, FOR	)	<u>APPLICATION NO. 24612-PP-Transfer</u>
AUTHORITY TO TRANSFER CONTRACT)	
CARRIER PERMIT NO. B-7067 TO	)	<u>ORDER OF THE COMMISSION</u>
CUSHMAN, INC., 1110 15TH AVENUE,)	
LONGMONT, COLORADO.)	

November 25, 1970

Appearances: Donald Macy, Esq., Denver,
Colorado, for Applicants.

It appearing, That by Order of the Commission dated October 15, 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 H. Cushman, 1110 15th Avenue, Longmont, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7067 to Cushman, Inc., 1110 15th Avenue, Longmont, 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-7067 shall read and be as follows, to-wit:

"Transportation of

- (1) Dry commercial fertilizer in bags or in sacks, and farm products (including grass sod)

Between all points within an area comprised of the Counties of Boulder, Adams, Larimer, and Weld, State of Colorado, and to and from said points from and to points located within the State of Colorado.

RESTRICTION: Item No. 1 of this Permit is restricted as follows:

- (a) Against the transportation of livestock, bulk milk, and dairy products.
 - (b) To serving not more than ten (10) customers at any one time.
- (2) Dry commercial fertilizer in bulk

From Longmont and Loveland, Colorado, to farms located within the State of Colorado.

RESTRICTION: Item No. 2 of this Permit is restricted to serving one customer only, viz: Pure Gas and Chemical Company."

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 25th day of November, 1970.

js

(Decision No. 76316)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ACCURATE DELIVERY SERVICE, INC.,)
5598 BROADWAY, DENVER, COLORADO.)

PUC NO. 3450
PUC NO. 3450-I

November 25, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Accurate Delivery Service, Inc., owner and operator of PUC No. 3450 and PUC No. 3450-I, by its Petition seeks authority to encumber said Certificate to Paul A. Royal to secure payment of an indebtedness in the sum of \$30,150.00 in accordance with the certain terms and conditions as set forth in copies of the Security Agreement and Financing Statement, dated April 14, 1970, and properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code. It is requested that said Order approving the encumbrance be made nunc pro tunc as of April 14, 1970, being the actual date that the obligation was undertaken.

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

ORDER

THE COMMISSION ORDERS:

That Accurate Delivery Service, Inc., be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 3450 and PUC No. 3450-I to Paul A. Royal, to secure payment of an indebtedness in the sum of \$30,150.00 as set forth in the Statement preceding which is made a part of this Order by reference.

That this Order shall become effective, nunc pro tunc, as of
the 14th day of April, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 25th day of November, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND J. HENRY, BOX 505, JOHNSTOWN,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 24407-PP-Transfer
PERMIT NO. A-577 TO RICHARD McVAUGH,)
BOX 375, JOHNSTOWN, COLORADO.)
-----)

IN THE MATTER OF THE APPLICATION OF)
RAYMOND J. HENRY, BOX 505, JOHNSTOWN,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 24408-PP-Transfer
PERMIT NO. B-4446 TO RICHARD McVAUGH,)
BOX 375, JOHNSTOWN, COLORADO.)
-----)

RE: MOTOR VEHICLE OPERATIONS OF)
RAYMOND J. HENRY, BOX 505, JOHNSTOWN,) PERMIT NO. A-577
COLORADO.)
-----)

SUPPLEMENTAL ORDER

December 1, 1970

Appearances: Raymond J. Henry, Johnstown,
Colorado, pro se;
Richard McVaugh, Johnstown,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 31, 1970, the Commission entered Decision No. 75509 authorizing Raymond J. Henry, Johnstown, Colorado, to transfer Permit No. A-577 and Permit No. B-4446 to Richard McVaugh, Johnstown, Colorado, and that upon acceptance of the transfer Contract Carrier Permit No. A-577 was to be transformed and converted to that of a Class "B" permit.

The requirements which are a condition precedent to transfer of said permits upon our records were never complied with, and the records of the Commission show that said operating rights are the property of Raymond J. Henry, Johnstown, Colorado.

The Commission states and finds that Decision No. 75509, dated July 31, 1970, should be vacated and set aside as set forth in the Order following.

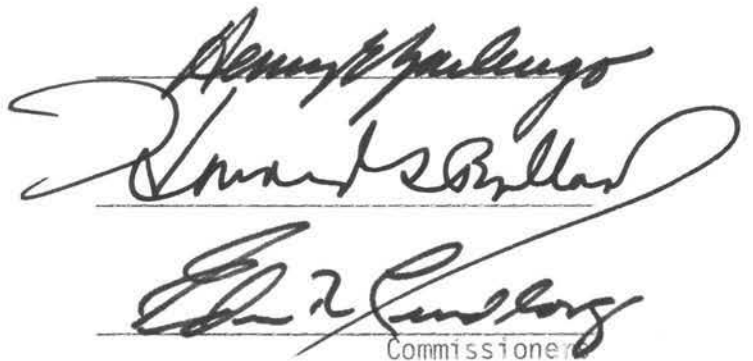
O R D E R

THE COMMISSION ORDERS:

That Decision No. 75509, dated July 31, 1970, be, and the same hereby is, vacated, set aside, and held for naught in its entirety, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that Raymond J. Henry, Johnstown, Colorado, is the owner of Permit No. A-577 and Permit No. B-4446.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado, this
1st day of December, 1970. jk

(Decision No. 76318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CITY OF FORT COLLINS FOR AUTHORITY)
TO INSTALL GRADE CROSSING PROTECTION)
DEVICES AT DRAKE ROAD, FORT COLLINS,)
COLORADO, AND MILEPOST 71.78 OF THE)
COLORADO AND SOUTHERN RAILWAY COMPANY.)

APPLICATION NO. 23569

SUPPLEMENTAL ORDER

November 27, 1970

Appearances: Arthur E. March, Esq.,
Fort Collins, Colorado,
Assistant City Attorney
for Applicant, City of
Fort Collins.
W. L. Peck, Esq., Denver,
Colorado, General Attorney
for Colorado and Southern
Railway Company.
J. L. McNeill, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Under date of November 17, 1970, the Commission entered its Decision No. 76249 granting the above-designated application and authorizing and directing the installation, operation, and maintenance of standard automatic railroad flashing signals and bell at the Drake Road grade crossing over the Colorado and Southern Railway Company trackage at Milepost 71.78 in the City of Fort Collins, State of Colorado, in accordance with the plans and specifications as set forth in Exhibit No. 1 which was incorporated into the record of the proceeding.

Although said Exhibit clearly specified the expenditures involved, through inadvertence, the Decision itself did not set forth said expenditures and in order to be complete, this Supplemental Order is issued.

O R D E R

THE COMMISSION ORDERS:

That the estimated cost for installation of the device is \$15,166 with an additional expenditure of \$919 for crossing improvements which is to be paid by the Colorado and Southern Railway Company. The distribution of the total estimated cost for signal installation (\$15,166) would, pursuant to the previous Decision of the Commission, be as follows:

The City of Fort Collins \$ 1,517

Colorado and Southern Railway Company 1,517

(Plus the additional expenditure of
\$919 for crossing improvements)

The Highway Crossing Protection Fund 12,132.

Other than as set forth in this Supplemental Order, said Decision No. 76249 shall be and remain in full force and effect.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
27th day of November, 1970.

js

(Decision No. 76319)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
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, FOR AUTHORITY)
TO TRANSFER PUC NO. 3798 TO WELLS FARGO)
ARMORED SERVICE CORPORATION (A WHOLLY)
OWNED SUBSIDIARY OF BAKER INDUSTRIES,)
INC.), 210 BAKER STREET NORTHEAST,)
P. O. BOX 4313, ATLANTA, GEORGIA.)

APPLICATION NO.
24606-Transfer

IN THE MATTER OF THE APPLICATION OF)
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, FOR AUTHORITY)
TO TRANSFER PERMIT NO. B-958 AND PERMIT)
NO. B-958-1 TO WELLS FARGO ARMORED)
SERVICE CORPORATION (A WHOLLY OWNED)
SUBSIDIARY OF BAKER INDUSTRIES, INC.),)
210 BAKER STREET NORTHEAST, P. O. BOX)
4313, ATLANTA, GEORGIA.)

APPLICATION NO.
24607-PP-Transfer

IN THE MATTER OF THE APPLICATION OF)
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, FOR AUTHORITY)
TO TRANSFER PERMIT NO. B-5540 TO WELLS)
FARGO ARMORED SERVICE CORPORATION (A)
WHOLLY OWNED SUBSIDIARY OF BAKER)
INDUSTRIES, INC.), 210 BAKER STREET)
NORTHEAST, P. O. BOX 4313, ATLANTA,)
GEORGIA.)

APPLICATION NO.
24608-PP-Transfer

November 24, 1970

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Transferors;
James C. Perrill, Esq., Denver,
Colorado, for Transferee.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-captioned applications were called up for hearing on November 20, 1970, at the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, notice of which hearing was duly given pursuant to law. The matters were heard by Chairman Henry E. Zarlengo, to whom the matters had been duly assigned for hearing.

As of the date of the hearing no written objections or protests were filed nor did anyone appear to object or protest thereto.

It was moved that the applications be consolidated in one hearing and it appearing, and the Commission so finds, that the issues are substantially the same and that the rights of the parties will not be prejudiced by such procedure, it was ordered that said motion be granted.

During the course of the hearing eight exhibits were offered in evidence to which no objections were made and the same were received.

Ted P. Rinker testified in substance and to the effect on behalf of the Transferors that the senior partners desire to retire and to turn over the operations to younger personnel; that the Transferee will actually be a stronger and more viable concern and is actually structured to give even better service to the public than by the Transferors; that the services being rendered, which he described generally, require special features of operation; that the facilities which will be used are the "only facilities of this type in Colorado"; that there are no liens or encumbrances against the authorities or the equipment; that if the transfers should be granted no Colorado authority will be retained by the Transferors.

Melvin E. Baillet also testified in support of the transfers in substance and to the effect that he is Vice President of, and General Counsel for, Wells Fargo Armored Service Corporation; that he is charged with the responsibility of supervising and bringing about transfers of authority and related business; that the personnel to be used by the

Transferee is experienced and know and will abide by, the rules of the Commission; that time is of the essence in completing the transfers as the purchase price is being held in abeyance and operations will not be undertaken until such transfers are made; that similar action has been instituted in four other states to bring about similar consolidation in such states.

Exhibit 1 constitutes the Agreement between the parties and the same is fair and equitable. Exhibit 2 is a list of the equipment being transferred. Exhibit 3 is a letter addressed to the Commission stating that no liens or encumbrances exist against Armored Motors Service. Exhibit 4 is a copy of Resolution of the Board of Directors approving and adopting an agreement dated April 15, 1970, relating to acquisition of assets. Exhibit 5 comprises a balance sheet, statement of income, a statement of consolidated earnings, and a statement of consolidated balance sheet of the interrelated companies. The Commission finds after consideration of the same and other evidence in the record that the Transferee is financially sound. Exhibit 6 is a copy of the Articles of Incorporation of the Transferee. Exhibit 7 is list of equipment involved. Exhibit 8 is an Order dated November 4, 1970, of the Interstate Commerce Commission approving the purchase of operating rights and properties and merger.

It was requested by Counsel that for purposes of carrying on its Colorado business the address of the Transferee to be used be 210 Baker Street Northeast, P. O. Box 4313, Atlanta, Georgia 30302, which request is granted and the captions amended to show the change.

The Commission finds that the Transferee is fit and proper and has sufficient equipment and experienced personnel to properly carry on the operations; that the Transferee is financially able to carry on the operations; that the transfers are compatible with the public interest, and that the transfers should be granted as set out in the following Order.

The Commission further 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 initial decision herein be made by the Commission as provided in CRS 1963, 115-6-9 (6), as amended.

O R D E R

THE COMMISSION ORDERS:

That the transfers of PUC No. 3798, Permit No. B-958, Permit No. B-958-I and Permit No. B-5540, to Wells Fargo Armored Service Corporation (a wholly owned subsidiary of Baker Industries, Inc.), 210 Baker Street Northeast, P. O. Box 4313, Atlanta, Georgia, be, and the same hereby are, ordered, subject to encumbrances against said operating rights, if any, approved by this Commission.

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

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 24th day of November, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY E. SHELTON, DOING BUSINESS AS)
"SHELTON TRUCKING," 5100 W.)
VIRGINIA, DENVER, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24665-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 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 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 Jerry E. Shelton, doing business as "Shelton Trucking," 5100 W. Virginia, Denver, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing November 24, 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 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 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


Commissioner

Dated at Denver, Colorado,
this 24th day of November, 1970.

cj

(Decision No. 76321)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORTHERN NATURAL GAS COMPANY, 2223)
DODGE STREET, OMAHA, NEBRASKA, FOR)
AN ORDER AUTHORIZING THE ISSUANCE)
OF 59,000 SHARES OF ITS COMMON)
STOCK, PAR VALUE \$10 PER SHARE.)

APPLICATION NO. 24647-Securities

November 24, 1970

Appearances: John A. Phillips, Esq.,
Phillips & Gresham,
Colorado Springs, Colorado,
Dean W. Wallace, Esq.,
Omaha, Nebraska,
for Applicant;
M. R. Garrison,
Denver, Colorado, and
James VanderWal,
Denver, Colorado, of
the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Northern Natural Gas Company (Applicant) filed Application No. 24647-Securities with this Commission on November 6, 1970. With such application, Applicant seeks authority of this Commission to issue 59,000 shares of its Common Stock, par value \$10 per share. The Common Stock proposed to be issued by Northern will be contributed to its wholly owned subsidiary, Northern Petrochemical Company, to be used in exchange for all of the issued and outstanding capital stock of Canton Containers, Inc. Said application was set for hearing after due notice to all interested parties, in compliance with the statutes of the State of Colorado and the rules and regulations of this Commission, at 9:00 o'clock a.m., Monday, November 23, 1970, in the Hearing Room,

Columbine Building, Denver, Colorado, and at such time and place was heard by the Commissioner, Howard S. Bjelland, to whom the matter was assigned pursuant to law.

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

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

Applicant is a Delaware corporation and a certified copy of the Certificate of Incorporation was filed with Application No. 24124-Securities and by reference made a part of this application. The principal office and address of Applicant is 2223 Dodge Street, Omaha, Nebraska 68102.

Since the proposed issue is not a public offering, approval of the Securities and Exchange Commission is not required.

Applicant owns and operates a pipeline system through which it transmits natural gas purchased principally in the States of New Mexico, Texas, Oklahoma and Kansas to points in the States of New Mexico, Colorado, Kansas, Nebraska, South Dakota, Iowa, Illinois, Minnesota, Wisconsin and Michigan, where such gas is either distributed locally through Applicant's Peoples Natural Gas Division or sold at town borders for consumption and resale by non-affiliated gas utilities and municipalities. Applicant and its subsidiaries also are engaged in the production, transportation and sale of liquefied petroleum gas, natural gasoline, helium and chemicals.

The authorized capital of Applicant is \$305,000,000, consisting of 15,000,000 authorized shares of Common Stock, par value \$10 per share, aggregate par value \$150,000,000; 1,500,000 authorized shares of Cumulative Preferred Stock, par value \$100 per share, aggregate par value \$150,000,000; and 5,000,000 authorized shares of Second Preferred Stock, par value \$1 per share, aggregate par value \$5,000,000. The exact

amount of Applicant's capital stock outstanding as of June 30, 1970 was 9,521,391 shares of Common Stock, par value \$10 per share, and 802,905 shares of Preferred Stock, par value \$100 per share.

A description and amount of long-term debt of Applicant outstanding as of June 30, 1970, and a summary of the principal provisions of the indentures under which such indebtedness was issued is contained in Exhibit 8, which was offered and admitted into evidence.

As of June 30, 1970, Applicant had outstanding short-term bank loans of \$35,700,000 and short-term commercial paper of \$30,200,000 and subsidiary companies had short-term loans of \$3,978,000.

Applicant proposes to issue 59,000 shares of its authorized but unissued Common Stock having a par value of \$10 per share, aggregate par value \$590,000 and contribute such stock to its wholly owned subsidiary, Northern Petrochemical Company. Northern Petrochemical Company is to exchange such stock for all of the issued and outstanding capital stock of Canton Containers, Inc., an Ohio corporation, located in Canton, Ohio. Canton Containers, Inc., is a firm engaged in the extrusion, conversion and printing of specialty packaging products, including polyethylene film.

The issuance of the Common Stock whose authorization is sought in this application has been approved by the Executive Committee of the Board of Directors of Applicant.

Applicant estimates that the cost of issuing the securities covered by this application will approximate \$3,000.

Applicant believes the issuance and sale of the securities sought in this application will be in the interest of its customers and Applicant, and consistent with the public interest.

Exhibits 1 through 8 were offered and admitted into evidence, which included actual balance sheet of Applicant and its subsidiaries at

June 30, 1970, actual income statement of Applicant and its subsidiaries for the twelve months ended June 30, 1970; statement of retained earnings of Applicant and its subsidiaries for the twelve months ended June 30, 1970, and actual and pro forma capital structure of Applicant and its subsidiaries at June 30, 1970.

The expected closing date is November 30, 1970.

In accordance with Chapter 115-1-4, Colorado Revised Statutes, 1963, a serial number must be placed upon securities for proper and easy identification.

FINDINGS OF FACT

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

1. Applicant, Northern Natural Gas Company, a Delaware corporation, is authorized to do business in the State of Colorado.
2. Applicant is a public utility in Colorado, as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.
3. This Commission has jurisdiction over the Applicant and the subject matter of this application.
4. The above and foregoing Statement is made a part of these Findings by reference.
5. The Commission is fully advised in the premises.
6. The proposed issuance by Applicant of 59,000 shares of its Common Stock, all as hereinbefore set forth, is reasonably required and necessary for Applicant's proper corporate financing in respect to the acquisition by its wholly owned subsidiary, Northern Petrochemical Company, of all the issued and outstanding capital stock of Canton Containers, Inc.
7. The proposed securities issuance is not inconsistent with the public interest; and the purpose or purposes thereof are permitted by law and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963, as amended.

8. 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 application should be granted and the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, Northern Natural Gas Company, be, and it hereby is, authorized and empowered to issue 59,000 shares of its \$10 par value Common Stock for the purpose of acquiring for its wholly owned subsidiary, Northern Petrochemical Company, all of the issued and outstanding capital stock of Canton Containers, Inc.

That within ninety (90) days after the issuance and delivery of the shares of Common Stock, Applicant shall file with the Commission a verified report showing the issuance of such securities and the cost and expenses incurred by Applicant incident to such issue and the journal entries reflecting such transaction on the books of the Applicant, accompanied by a new balance sheet.

That the securities issued hereunder shall bear on the face thereof a serial number for proper and easy identification and that within ninety (90) days from the issuance of the securities, Applicant shall make a verified report to this Commission of such serial numbers placed on such securities.

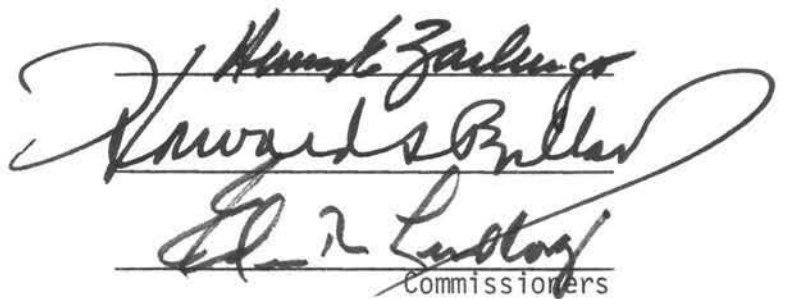
That nothing herein contained shall be construed to imply any recommendation or guarantee of, or any obligation with regard to, said securities on the part of the State of Colorado.

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 herein granted shall be executed 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), Colorado Revised Statutes, 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Three handwritten signatures of Commissioners are stacked vertically. The first signature is 'H. Z. Ziegler', the second is 'K. J. Butler', and the third is 'E. R. Luntz'. Each signature is written over a horizontal line.

Dated at Denver, Colorado,
this 24th day of November, 1970.
js

(Decision No. 76322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P. O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5258

RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association, Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed November 5, 1963, and an Order to Satisfy Or Answer within twenty (20) days was issued on November 19, 1963, and Answer by Respondent was filed on December 10, 1963.

After due and proper notice to all interested parties, the matter was set for hearing on May 18, 1970, at Denver, Colorado at which time and place the matter was duly heard by Girts Krumins, an employee of the Commission who was appointed Examiner pursuant to law. The matter was heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5259, No. 5283,

No. 5285, No. 5290, No. 5291, No. 5292, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.
2. Respondent has extended facilities to furnish electric energy to a customer located in Section 14, Township 1 North, Range 70 West, Boulder County, Colorado, in the State of Colorado.
3. At the time of said extension the territory involved was not certificated to any electric utility and such extension was lawful in all respects.

The Examiner concludes that the extension complained of being lawful, the Complaint should be dismissed and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Complaint in Case No. 5258 be, and hereby is, dismissed.
2. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
pvw

(Decision No. 76323)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)

Complainant,)

vs.)

PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)

Respondent.)

CASE NO. 5259

RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association, Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed November 5, 1963, and an Order to Satisfy Or Answer within twenty (20) days was issued on November 19, 1963, and Answer by Respondent was filed on December 10, 1963.

After due and proper notice to all interested parties, the matter was set for hearing on May 18, 1970, at Denver, Colorado, at which time and place the matter was duly heard by Girts Krumins, an employee of the Commission who was appointed Examiner pursuant to law. The matter was heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234,

No. 5258, No. 5283, No. 5285, No. 5290, No. 5291, No. 5292, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to a customer located in the West half of Section 34, Township 7 North, Range 69 West, Larimer County, Colorado, in the State of Colorado.

3. At the time of said extension the territory involved was not certificated to any electric utility and such extension was lawful in all respects.

The Examiner concludes that the extension complained of being lawful, the Complaint should be dismissed and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

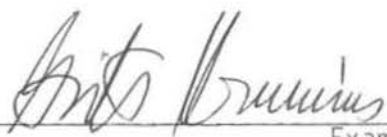
1. The Complaint in Case No. 5259 be, and hereby is, dismissed.

2. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5283
RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland
Colorado, for Poudre Valley
Rural Electric Association, Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed September 3, 1964, and
an Order to Satisfy Or Answer within twenty (20) days was issued on
September 3, 1964, and Answer by Respondent was filed on September 24, 1964.

After due and proper notice to all interested parties, the matter
was set for hearing on May 18, 1970, at Denver, Colorado, at which time
and place the matter was duly heard by Girts Krumins, an employee of
the Commission who was appointed Examiner pursuant to law. The matter
was heard on a consolidated record with Applications No. 19574-Amended,
No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259,

No. 5285, No. 5290, No. 5291, No. 5292, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to customers located in the East Half of Section 3, Township 7 North, Range 69 West of the 6th Principal Meridian, State of Colorado. At the time of said extension the area was certificated to Complainant by Decision No. 62653. Subsequently said Decision was appealed to the courts and was reversed with respect to this area. When Decision No. 76313 becomes effective, said Decision No. 62653 will be amended certifying the area to Respondent and render the Complaint moot with respect to this area.

3. Respondent also has extended facilities to furnish electric energy to certain customers located in the area described as follows: the South Half of the Northeast Quarter of Section 33, Section 34 except the Northeast Quarter thereof, all in Township 7 North, Range 69 West of the 6th Principal Meridian. This area at the time of extension was certificated to Complainant by said Decision No. 62653 and said decision has been affirmed by the Supreme Court with respect to this area. Accordingly, whatever customers in the area are served by Respondent from this extension cannot lawfully be so served.

4. The customers served by Respondent from an extension described in the preceding Finding should be served by Complainant without the requirement of a construction deposit or other application of the

extension policy. The consuming public should not be penalized by the disputes of utilities.

The Examiner concludes that Respondent should be ordered to cease and desist from serving customers from the area described in Finding No. 3 herein as set forth in the Following Order and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, ordered to cease and desist from serving any customers in the area described in Finding No. 3 hereof from and after such time as the Complainant has constructed the necessary facilities to provide service and written notice thereof has been given to Respondent specifying the date and time when service therefrom can be commenced. The two utilities shall coordinate their activities to the extent practicable and necessary to reduce customer inconvenience to a minimum.

2. Complainant be, and hereby is, ordered to install and construct the necessary facilities to provide service to the customers described in paragraph 1 hereof without requiring a construction deposit or otherwise applying its extension policy to the end that such service be available not later than October 1, 1971.

3. This Order shall not be construed to require the Respondent to remove any of its lines or facilities that may be used for feeder or transmission purposes.

4. Respondent shall charge the net loss involved in removing or abandoning facilities as the result of this Order to Account 435-Extraordinary deductions.

5. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
pvw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P.O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5291

RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association,
Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed March 19, 1965 and an Order to Satisfy Or Answer within twenty (20) days was issued on March 22, 1965, and Answer by Respondent was filed on April 12, 1965.

After due and proper notice to all interested parties, the matter was set for hearing on May 18, 1970 at Denver, Colorado, at which time and place the matter was duly heard by Girts Krumins, an employee of the Commission who was appointed Examiner pursuant to law. The matter was heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5292, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to certain customers located in the area described as follows: the South Half of the Southwest Quarter, the Southeast Quarter, the Southeast Quarter of the Northeast Quarter of Section 19; the North Half of Section 30, all in Township 3 North, Range 70 West of the 6th Principal Meridian. This area at the time of extension was certificated to Complainant by said Decision No. 62653 and said decision has been affirmed by the Supreme Court with respect to this area. Accordingly, whatever customers in the area are served by Respondent from this extension cannot lawfully be so served.

3. The customers served by Respondent from an extension described in the preceding Finding should be served by Complainant without the requirement of a construction deposit or other application of the extension policy. The consuming public should not be penalized by the disputes of utilities.

The Examiner concludes that Respondent should be ordered to cease and desist from serving customers from the area described in Finding No. 2 herein as set forth in the following Order and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, ordered to cease and desist from serving any customers in the area described in Finding No. 2 hereof from and after such time as the Complainant has constructed the necessary

facilities to provide service and written notice thereof has been given to Respondent specifying the date and time when service therefrom can be commenced. The two utilities shall coordinate their activities to the extent practicable and necessary to reduce customer inconvenience to a minimum.

2. Complainant be, and hereby is, ordered to install and construct the necessary facilities to provide service to the customers described in paragraph 1 hereof without requiring a construction deposit or otherwise applying its extension policy to the end that such service be available not later than October 1, 1971.

3. This Order shall not be construed to require the Respondent to remove any of its lines or facilities that may be used for feeder or transmission purposes.

4. Respondent shall charge the net loss involved in removing or abandoning facilities as the result of this Order to Account 435-Extraordinary deductions.

5. This Order shall become effective as of the date this Recommended Decision become the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
pvw

* * *

Respondent.

RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

PROCEDURE AND RECORD

After due and proper notice to all interested parties, the matter was set for hearing on May 18, 1970 at Denver, Colorado at which time and place the matter was duly heard by Girts Krumins, an employee of the Commission who was appointed Examiner pursuant to law. The matter was heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to certain customers located in the area described as follows: West One-Half, Southeast One-Fourth of Section 2; Sections 3 to 10 inclusive, all in Township 6 North, Range 69 West of the 6th Principal Meridian. The line complained of begins at the Southwest Corner of Section 3, Township 6 North, Range 69 West of the 6th Principal Meridian in Larimer County, and runs East one and three-fourths mile along the south side of Section 3 and Section 2 to a point one-fourth mile from the Southeast Corner of Section 2, Township 6 North, Range 69 West of the 6th Principal Meridian, thence North one-half mile. This area at the time of extension was certificated to Complainant by said Decision No. 62653 and said decision has been affirmed by the Supreme Court with respect to this area. Accordingly, whatever customers in the area are served by Respondent from this extension cannot lawfully be so served.

3. The customers served by Respondent from an extension described in the preceding Finding should be served by Complainant without the requirement of a construction deposit or other application of the extension policy. The consuming public should not be penalized by the disputes of utilities.

The Examiner concludes that Respondent should be ordered to cease and desist from serving customers from the area described in Finding No. 2 herein as set forth in the following Order and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, ordered to cease and desist from serving any customers in the area described in Finding No. 2 hereof from and after such time as the Complainant has constructed the necessary facilities to provide service and written notice thereof has been given to Respondent specifying the date and time when service therefrom can be commenced. The two utilities shall coordinate their activities to the extent practicable and necessary to reduce customer inconvenience to a minimum.

2. Complainant be, and hereby is, ordered to install and construct the necessary facilities to provide service to the customers described in paragraph 1 hereof without requiring a construction deposit or otherwise applying its extension policy to the end that such service be available not later than October 1, 1971.

3. This Order shall not be construed to require the Respondent to remove any of its lines or facilities that may be used for feeder or transmission purposes.

4. Respondent shall charge the net loss involved in removing or abandoning facilities as the result of this Order to Account 435-Extraordinary deductions.

5. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
pvw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P.O. Box 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5293

RECOMMENDED DECISION OF
GIRTS KRUMINS
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association,
Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed March 26, 1965 and an Order to Satisfy Or Answer within twenty (20) days was issued on March 26, 1965, and Answer by Respondent was filed on April 19, 1965.

After due and proper notice to all interested parties, the matter was set for hearing on May 18, 1970 at Denver, Colorado at which time and place the matter was duly heard by Girts Krumins, an employee of the Commission who was appointed Examiner pursuant to law. The matter was heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5292, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to customers located in the South Half of Section 11, Township 7 North, Range 68 West of the 6th Principal Meridian in Larimer County, Colorado. The line complained of involves the extension of service to two residences located in the Southwest One-Fourth of Section 11, Township 7 North, Range 68 West of the 6th Principal Meridian in Larimer County, Colorado. At the time of said extension the area was certificated to Complainant by Decision No. 62653. Subsequently said Decision was appealed to the courts and was reversed with respect to this area. When Decision No. 76313 becomes effective, said Decision No. 62653 will be amended certificating said Southwest One-Quarter of Section 11 to Respondent and render the Complaint moot.

The Examiner concludes that the Complaint should be dismissed and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Complaint in Case No. 5293 be, and hereby is, dismissed.
2. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
jk

(Decision No. 76328)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P.O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5299

RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association, Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed May 7, 1965 and an
Order to Satisfy Or Answer within twenty (20) days was issued on
May 7, 1965 and Answer by Respondent was filed on May 24, 1965.

After due and proper notice to all interested parties,
the matter was set for hearing on May 18, 1970 at Denver, Colorado at
which time and place the matter was duly heard by Girts Krumins, an
employee of the Commission who was appointed Examiner pursuant to law.
The matter was heard on a consolidated record with Applications No.
19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258,
No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5292 No. 5293,
No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to certain customers located in the area described as follows: Sections 2, 3, 4, and 5 of Township 2 North, Range 70 West of the 6th Principal Meridian in Larimer County, Colorado, and the West One-Half of Section 34, in Township 3 North, Range 70 West of the 6th Principal Meridian in Larimer County, Colorado. This area at the time of extension was certificated to Complainant by said Decision No. 62653 and said decision has been affirmed by the Supreme Court with respect to this area. Accordingly, whatever customers in the area are served by Respondent from this extension cannot lawfully be so served.

3. The customers served by Respondent from an extension described in the preceding Finding should be served by Complainant without the requirement of a construction deposit or other application of the extension policy. The consuming public should not be penalized by the disputes of utilities.

The Examiner concludes that Respondent should be ordered to cease and desist from serving customers from the area described in Finding No. 2 herein as set forth in the following Order and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, ordered to cease and desist from serving any customers in the area described in Finding No. 2 hereof from and after such time as the Complainant has constructed the necessary facilities to provide service and written notice thereof has been given to Respondent specifying the date and time when service therefrom can be commenced. The two utilities shall coordinate their activities to the extent practicable and necessary to reduce customer inconvenience to a minimum.

2. Complainant be, and hereby is, ordered to install and construct the necessary facilities to provide service to the customers described in paragraph 1 hereof without requiring a construction deposit or otherwise applying its extension policy to the end that such service be available not later than October 1, 1971.

3. This Order shall not be construed to require the Respondent to remove any of its lines or facilities that may be used for feeder or transmission purposes.

4. Respondent shall charge the net loss involved in removing or abandoning facilities as the result of this Order to Account 435-Extraordinary deductions.

5. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
pvw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5302
RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq.,
Denver, Colorado, and
Warren H. Price, Esq.,
Loveland, Colorado, for
Poudre Valley Rural Electric
Association, Inc.;
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Public Service Company
of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed June 15, 1965, and an Order to Satisfy or Answer within twenty (20) days was issued on June 16, 1965, and Answer by Respondent was filed on July 8, 1965.

After due and proper notice to all interested parties, the matter was set for hearing on May 18, 1970, at Denver, Colorado, at which time and place the matter was duly heard by Girts Krumins, an employee of the Commission who was appointed Examiner pursuant to law. The matter was heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5292, No. 5293, No. 5299, No. 5303, No. 5332, and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to certain customers located in the Northwest Quarter of Section 34 in Township 7 North, Range 69 West, of the 6th Principal Meridian in Larimer County, Colorado. The extension consists of pole line construction around the perimeter of the East Half of the Northwest Quarter of said Section and two lines running north and south through the middle of said area. This area at the time of extension was certificated to Complainant by said Decision No. 62653 and said decision has been affirmed by the Supreme Court with respect to this area. Accordingly, whatever customers in the area are served by Respondent from this extension cannot lawfully be so served.

3. The customers served by Respondent from an extension described in the preceding Finding should be served by Complainant without the requirement of a construction deposit or other application of the extension policy. The consuming public should not be penalized by the disputes of utilities.

The Examiner concludes that Respondent should be ordered to cease and desist from serving customers from the area described in Finding No. 2 herein as set forth in the following Order and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, ordered to cease and desist from serving any customers in the area described in Finding No. 2 hereof

from and after such time as the Complainant has constructed the necessary facilities to provide service and written notice thereof has been given to Respondent specifying the date and time when service therefrom can be commenced. The two utilities shall coordinate their activities to the extent practicable and necessary to reduce customer inconvenience to a minimum.

2. Complainant be, and hereby is, ordered to install and construct the necessary facilities to provide service to the customers described in paragraph 1 hereof without requiring a construction deposit or otherwise applying its extension policy to the end that such service be available not later than October 1, 1971.

3. This Order shall not be construed to require the Respondent to remove any of its lines or facilities that may be used for feeder or transmission purposes.

4. Respondent shall charge the net loss involved in removing or abandoning facilities as the result of this Order to Account 435-Extraordinary deductions.

5. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9(2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO)
Respondent.)

CASE NO. 5285
RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association, Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed November 16, 1964, and
an Order to Satisfy Or Answer within twenty (20) days was issued on
November 19, 1964, and Answer by Respondent was filed on November 30, 1964.

After due and proper notice to all interested parties, the
matter was set for hearing on May 18, 1970, at Denver, Colorado, at which
time and place the matter was duly heard by Girts Krumins, an employee
of the Commission who was appointed Examiner pursuant to law. The matter
was heard on a consolidated record with Applications No. 19574-Amended,
No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259,

No. 5283, No. 5290, No. 5291, No. 5292, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to customers located North of the Poudre River in the East Half of Section 3, Township 7 North, Range 69 West of the 6th Principal Meridian, State of Colorado. At the time of said extension the area was certificated to Complainant by Decision No. 62653. Subsequently said Decision was appealed to the courts and was reversed with respect to this area. When Decision No. 76313 becomes effective, said Decision No. 62653 will be amended certificating the area to Respondent and render the Complaint moot with respect to this area.

3. Respondent has extended facilities to furnish electric energy to certain customers located in the area described as follows: the East Half of Section 25, all of Section 24, all in Township 8 North, Range 69 West of the 6th Principal Meridian. This area at the time of extension was certificated to Complainant by said Decision No. 62653 and said decision has been affirmed by the Supreme Court with respect to this area. Accordingly, whatever customers in the area are served by Respondent from this extension cannot lawfully be so served.

4. The customers served by Respondent from an extension described in the preceding Finding should be served by Complainant without the requirement of a construction deposit or other application of the extension policy. The consuming public should not be penalized by the disputes of utilities.

The Examiner concludes that Respondent should be ordered to cease and desist from serving customers from the area described in Finding No. 3 herein as set forth in the following Order and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, ordered to cease and desist from serving any customers in the area described in Finding No. 3 hereof from and after such time as the Complainant has constructed the necessary facilities to provide service and written notice thereof has been given to Respondent specifying the date and time when service therefrom can be commenced. The two utilities should coordinate their activities to the extent practicable and necessary to reduce customer inconvenience to a minimum.

2. Complainant be, and hereby is, ordered to install and construct the necessary facilities to provide service to the customers described in paragraph 1 hereof without requiring a construction deposit or otherwise applying its extension policy to the end that such service be available not later than October 1, 1971.

3. This Order shall not be construed to require the Respondent to remove any of its lines or facilities that may be used for feeder or transmission purposes.

4. Respondent shall charge the net loss involved in removing or abandoning facilities as the result of this Order to Account 435-Extraordinary deductions.

5. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P. O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO)
Respondent.)

CASE NO. 5290
RECOMMENDED DECISION OF
GIRTS KRUMINS,
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association, Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed February 26, 1965, and
an Order to Satisfy Or Answer within twenty (20) days was issued on March
3, 1965, and Answer by Respondent was filed on March 24, 1965.

After due and proper notice to all interested parties, the matter
was set for hearing on May 18, 1970, at Denver, Colorado, at which time
and place the matter was duly heard by Girts Krumins, an employee of the
Commission, who was appointed Examiner pursuant to law. The matter was
heard on a consolidated record with Applications No. 19574-Amended,
No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259,

No. 5283, No. 5285, No. 5291, No. 5292, No. 5293, No. 5299, No. 5302, No. 5303, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to certain customers located in the area described as follows: Section 34 except the Northeast Quarter of the Northeast Quarter thereof, all in Township 7 North, Range 69 West of the 6th Principal Meridian. This area at the time of extension was certificated to Complainant by said Decision No. 62653 and said decision has been affirmed by the Supreme Court with respect to this area. Accordingly, whatever customers in the area are served by Respondent from this extension cannot lawfully be so served.

3. The customers served by Respondent from an extension described in the preceding Finding should be served by Complainant without the requirement of a construction deposit or other application of the extension policy. The consuming public should not be penalized by the disputes of utilities.

The examiner concludes that Respondent should be ordered to cease and desist from serving customers from the area described in Finding No. 2 herein as set forth in the following Order and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, ordered to cease and desist

from serving any customers in the area described in Finding No. 2 hereof from and after such time as the Complainant has constructed the necessary facilities to provide service and written notice thereof has been given to Respondent specifying the date and time when service therefrom can be commenced. The two utilities shall coordinate their activities to the extent practicable and necessary to reduce customer inconvenience to a minimum.

2. Complainant be, and hereby is, ordered to install and construct the necessary facilities to provide service to the customers described in paragraph 1 hereof without requiring a construction deposit or otherwise applying its extension policy to the end that such service be available not later than October 1, 1971.

3. This Order shall not be construed to require the Respondent to remove any of its lines or facilities that may be used for feeder or transmission purposes.

4. Respondent shall charge the net loss involved in removing or abandoning facilities as the result of this Order to Account 435-Extraordinary deductions.

5. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P.O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

VS.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5387

RECOMMENDED DECISION OF
GIRTS KRUMINS
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver, Colorado, and Warren H. Price, Esq., Loveland, Colorado, for Poudre Valley Rural Electric Association, Inc.; Donald D. Cawelti, Esq., Denver, Colorado, for Public Service Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed January 16, 1969 and an Order to Satisfy Or Answer within twenty (20) days was issued on January 20, 1969, and Answer by Respondent was filed on February 10, 1969.

After due and proper notice to all interested parties, the matter was set for hearing on May 18, 1970 at Denver, Colorado at which time and place the matter was duly heard by Girts Krumins, an employee of the Commission who was appointed Examiner pursuant to law. The matter was heard on a consolidated record with Applications No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5292, No. 5293, No. 5299, No. 5302, No. 5303 and No. 5332.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to a customer located in the East One-Half of the Northwest Quarter of Section 11, Township 4 North, Range 69 West of the 6th Principal Meridian in Larimer County, Colorado. At the time of said extension the area was certificated to Complainant by Decision No. 62653. Subsequently said Decision was appealed to the courts and was reversed with respect to this area. When Decision No. 76313 becomes effective, said Decision No. 62653 will be amended certificating the area to Respondent and render the Complaint moot.

The Examiner concludes that the Complaint should be dismissed and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Complaint in Case No. 5387 be, and hereby is, dismissed.

2. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

-3-

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC.)
P.O. BOX 2218)
220 EAST OLIVE STREET)
FORT COLLINS, COLORADO,)
Complainant,)
vs.)
PUBLIC SERVICE COMPANY OF COLORADO)
550 FIFTEENTH STREET)
DENVER, COLORADO,)
Respondent.)

CASE NO. 5332

RECOMMENDED DECISION OF
GIRTS KRUMINS
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association,
Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed September 28, 1966
and an Order to Satisfy Or Answer within twenty (20) days was issued
on September 28, 1966, and Answer by Respondent was filed on
October 17, 1966.

After due and proper notice to all interested parties,
the matter was set for hearing on May 18, 1970 at Denver, Colorado
at which time and place the matter was duly heard by Girts Krumins,
an employee of the Commission who was appointed Examiner pursuant to
law. The matter was heard on a consolidated record with Applications
No. 19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234,
No. 5258, No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5292,
No. 5293, No. 5299, No. 5302, No. 5303 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to customers located in the North One-Half of the Northeast Quarter of Section 16, Township 7 North, Range 68 West of the 6th Principal Meridian, State of Colorado. At the time of said extension the area was certificated to Complainant by Decision No. 62653. Subsequently said Decision was appealed to the courts and was reversed with respect to this area. When Decision No. 76313 becomes effective, said Decision No. 62653 will be amended certifying the area to Respondent and render the Complaint moot.

The Examiner concludes that the Complaint should be dismissed and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Complaint in Case No. 5332 be, and hereby is, dismissed.

2. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Examiner

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAMB CONSTRUCTION, INC., 229 PARK)
STREET, LYONS, COLORADO, FOR TEMP-)
ORARY AUTHORITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24625-TA
ORDER GRANTING TEMPORARY AUTHORITY

November 24, 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.

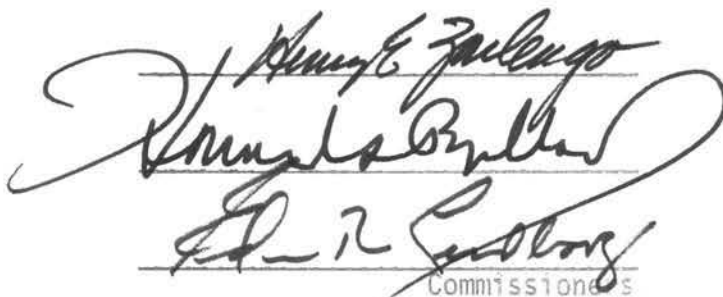
It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

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 24th day of November, 1970.
cj

(Decision No. 76334)
November 24, 1970

APPENDIX

Application No. 24625-TA

Lamb Construction, Inc.
229 Park Street
Lyons, 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 - Common

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier with authority as follows:

"Transportation of

Ash, trash, and other refuse

From all points located within the following described area: Commencing at a point on Colorado Highway No. 66, five (5) miles east of Lyons, Colorado; thence eastward along Colorado Highway No. 66 to its intersection with U.S. Highway No. 287; thence north along U.S. Highway No. 287 to the Larimer-Boulder County line; thence east along the Larimer-Boulder County line as extended, to a point five (5) miles west of Interstate Highway No. 25; thence south twelve (12) miles to a point on Colorado Highway No. 52; thence west along Colorado Highway No. 52, including the town of Dacono, to the County Line Road (separating Weld and Boulder Counties) designated as Boulder County Road north and south; thence north along said County Line Road to its junction with Colorado Highway No. 66; thence west along Colorado Highway No. 66 to the point of beginning; to designated and approved dumps and disposal sites located within the Counties of Boulder and Weld, State of Colorado.

RESTRICTION: This temporary authority is restricted against rendering transportation service within the following named towns:

- a) Frederick, Colorado;
- b) Firestone, Colorado;
- c) Dacono, Colorado;
- d) Erie, Colorado; and
- e) Mead, Colorado."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
POLLUTION CONTROL AND DISPOSAL, INC.
1200 South Royer
Colorado Springs, Colorado 80906

AUTHORITY NO. M 13110

CASE NO. 6230-M-Ins.

November 24, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 9, 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

Harry Parker
 James Butler
 H. R. Conkey
 Commissioner

Dated at Denver, Colorado,
this 24th day of November, 1970

(Decision No. 76336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC.
P.O. BOX 2218
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 FIFTEENTH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5303

RECOMMENDED DECISION OF
GIRTS KRUMINS
EXAMINER

November 24, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Poudre Valley
Rural Electric Association,
Inc.;
Donald D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado.

PROCEDURE AND RECORD

The above-entitled Complaint was filed June 15, 1965 and an
Order to Satisfy Or Answer within twenty (20) days was issued on
June 16, 1965, and Answer by Respondent was filed on July 8, 1965.

After due and proper notice to all interested parties, the
matter was set for hearing on May 18, 1970 at Denver, Colorado at
which time and place the matter was duly heard by Girts Krumins, an
employee of the Commission who was appointed Examiner pursuant to law.
The matter was heard on a consolidated record with Applications No.
19574-Amended, No. 19606-Amended, No. 20356, and Cases No. 5234, No. 5258,
No. 5259, No. 5283, No. 5285, No. 5290, No. 5291, No. 5292, No. 5293,
No. 5299, No. 5302, No. 5332 and No. 5387.

At the conclusion of the hearing, the matter was taken under advisement. The Hearing Examiner transmits herewith the record in the above proceeding together with his recommended decision and order.

FINDINGS OF FACT

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

1. Decision No. 76313, insofar as the facts stated therein are pertinent, be, and hereby is, incorporated herein by reference.

2. Respondent has extended facilities to furnish electric energy to customers located West of the Colorado & Southern Railroad tracks in the South Half of Section 35, Township 2 North, Range 70 West of the 6th Principal Meridian, State of Colorado. At the time of said extension the area was certificated to Complainant by Decision No. 62653. Subsequently said Decision was appealed to the courts and was reversed with respect to this area. When Decision No. 76313 becomes effective, said Decision No. 62653 will be amended certificating the area to Respondent and render the Complaint moot.

The Examiner concludes that the Complaint should be dismissed and recommends that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Complaint in Case No. 5303 be, and hereby is, dismissed.

2. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission, if such be the case.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Examiner's 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 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 pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
pvw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF ERNEST C. STILLE, P. O. BOX 8,)	
DRAKE, COLORADO, FOR AUTHORITY TO)	APPLICATION NO. 24575-Transfer
TRANSFER CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC)	ORDER OF THE COMMISSION
NO. 4787 TO KENNETH C. SHAFER AND)	
LOIS A. SHAFER, DOING BUSINESS AS)	
"A-WAY RUBBISH REMOVAL," 2117)	
SOUTH ARTHUR, LOVELAND, COLORADO.)	

November 27, 1970

Appearances: John E. Kockenburger, Esq.,
Fort Collins, Colorado,
for Applicants.

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 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 Ernest C. Stille, P. O. Box 8, Drake, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 4787 to Kenneth C. Schafer and Lois A. Schafer, doing business as "A-Way Rubbish Removal," 2117 South Arthur, Loveland, 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. 4787 shall read and be as follows, to-wit:

"Transportation of

Ash, trash, and other refuse

From points in Larimer County as follows:

- a. The Big Thompson Watershed lying west of Loveland, Colorado, to the eastern limits of the Town of Estes Park, Colorado;
- b. The Poudre River Canyon and Poudre River Watershed from the boundary of Larimer County on the west and U.S. Highway 287 on the east;
- c. The Buckhorn Canyon Watershed located in Larimer County;
- d. The Horsetooth Reservoir, Carter Lake, Rattlesnake Reservoir, Flatiron Reservoir, including the shoreline and all territory and property located within one (1) mile of the high water lines of said reservoirs;
- e. That portion of Larimer County bounded by U.S. Highway 287 on the east, Colorado Highway 14 on the south, and Colorado-Wyoming state line on the north and the Larimer-Jackson County line on the west;

To regularly designated and approved dumps and disposal sites located within the County of Larimer, State of Colorado.

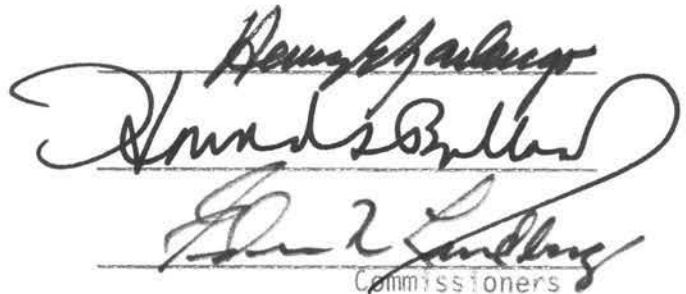
RESTRICTION: This Certificate is restricted against rendering transportation service within the city limits of Loveland, Fort Collins, and La Porte, Colorado."

The said transfer shall become effective only if and when, but not before, said Transferor and Transferees, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty 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 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 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 27th day of November, 1970.

JS

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF COMMUNITY AIRPARK ASSOCIATION,)	
INC., P. O. BOX 23, FORT COLLINS,)	APPLICATION NO. 24589-Transfer
COLORADO, FOR AUTHORITY TO TRANSFER)	
CERTIFICATE OF PUBLIC CONVENIENCE)	<u>ORDER OF THE COMMISSION</u>
AND NECESSITY PUC NO. AC-18 TO)	
VALLEY AIRPARK, INC., P. O. BOX)	
868, FORT COLLINS, COLORADO.)	

November 27, 1970

It appearing, That by Order of the Commission dated October 15, 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 air 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 Community Airpark Association, Inc., P. O. Box 23, Fort Collins, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. AC-18 to Valley Airpark, Inc., P. O. Box 868, Fort Collins, 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. AC-18 shall read and be as follows, to-wit:

"Transportation by airplane -- on call and demand -- of
Persons and property
Between all points in the State of Colorado.

RESTRICTIONS:

1. This authority is restricted to a base of operations at Fort Collins, Colorado, and further, no office or branch shall be established for the purpose of soliciting or developing business at any town or city other than Fort Collins, Colorado, and airports located within a ten-mile radius thereof.
2. Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carrier by air so operating on schedule between said points to be non-competitive therewith."

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


performed. Failure to file said written acceptance of the terms of this Order within thirty 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 27th day of November, 1970.

js

(Decision No. 76339)

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. TINKER, KENT D.)
SEBERN AND LEONARD L. DeLUE, INDI-)
VIDUALLY 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,)
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. 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 AUTH-)
ORITY TO TRANSFER PERTMI 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 BUSINESS AS)
"ARMORED MOTORS SERVICE," 970 YUMA)
STREET, DENVER, COLORADO)

APPLICATION NO. 24357-PP-Transfer

SUPPLEMENTAL ORDER

November 24, 1970

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 8, 1970, the Commission entered Decision No. 76041 in the above-entitled matters granting to Applicants the authority to transfer authority under Certificate of Public Convenience and Necessity PUC No. 3798 and Contract Carrier Permits B-958 and B-958-I, and B-5540.

It now appears that the Commission through inadvertance in setting forth the authority under Contract Carrier Permit No. B-958 and B-958-I, restricted Item No. 3 of said authority to the use of "armored cars and armed guards" rather than by "armored cars and armed guard or guards."

In view of the above and foregoing, the Commission states and finds that Decision No. 76041 should be amended as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

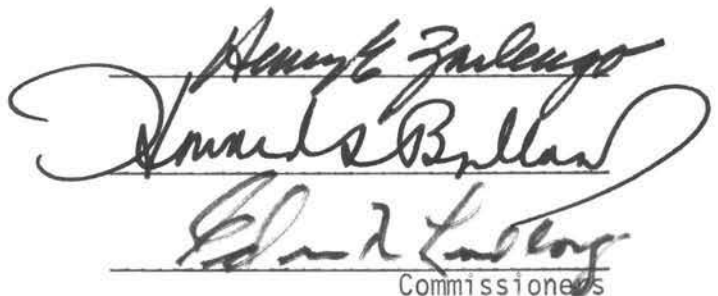
That Decision No. 76041 be, and the same hereby is, amended, nunc pro tunc, as of October 8, 1970, by striking therefrom the restriction of Item 3 as setforth under Contract Carrier Permit No. B-958 and B-958-I appearing on page 8 of said Decision and inserting in lieu thereof the following:

RESTRICTION:

Item 3 of this Permit is specifically restricted to the use of only armored cars and armed guard or guards.

That, except as herein amended, Decision No. 76041 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 24th day of November, 1970.

cj

(Decision No. 76340)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH J. STRAZISCAR, DOING BUSINESS)
AS "JOE STRAZISCAR TRUCKING," 819)
CHEYENNE BOULEVARD, COLORADO SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24311-PP

SUPPLEMENTAL ORDER

November 27, 1970

Appearances: Joseph J. Straziscar,
Colorado Springs, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 24, 1970, Recommended Decision No. 75447 of Christian O. Igenbergs, Examiner, was issued, in the above-styled application, granting to Applicant herein a Class "B" permit to operate as a contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 75447 having failed to file a tariff, issuance fee and certificate of insurance covering public liability and property damage coverage.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 75447, operating rights granted thereby should be revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Joseph J. Straziscar, doing business as "Joe Straziscar Trucking," Colorado Springs, Colorado, by Decision No. 75447, dated July 24, 1970, be, and the same hereby are,

revoked, for failure of Applicant to comply with requirements set forth in said Decision No. 75447.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1970.

js

(Decision No. 76341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TITO T. DE VARGAS, BOX 93, CENTER,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24277-PP

SUPPLEMENTAL ORDER

November 27, 1970

Appearances: Elizabeth A. Conour, Esq.,
Del Norte, Colorado for
Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 4, 1970, Recommended Decision No. 75535 of Christian O. Igenbergs, Examiner, was issued, in the above-styled application, granting to Applicant herein a Class "B" permit to operate as a contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 75535 having failed to file a certificate of cargo insurance.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 75535, operating rights granted thereby should be revoked as set forth in the Order following.


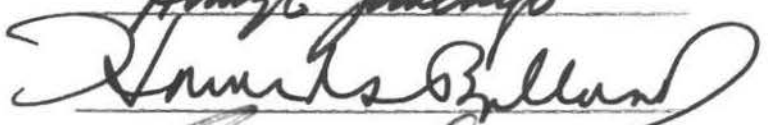
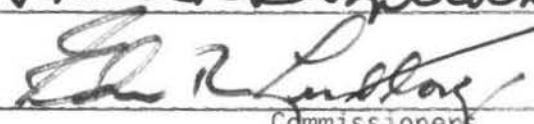
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Tito T. DeVargas, Center, Colorado, by Decision No. 75535, dated August 4, 1970, be, and the same hereby are, revoked, for failure of Applicant to comply with requirements set forth in Decision No. 75535.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1970.

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BUCK HORN, 511 SOUTH FIFTH STREET,)
LAMAR, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24143-PP
SUPPLEMENTAL ORDER

November 27, 1970

Appearances: Keith Tempel, Esq., Lamar,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 18, 1970, Recommended Decision No. 74923 of Christian O. Igenbergs, Examiner, was issued, in the above-styled application, granting to Applicant herein a Class "B" permit to operate as a contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 74923 having failed to file issuance fee, tariff and COD bond.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 74923, operating rights granted thereby should be revoked as set forth in the Order following.

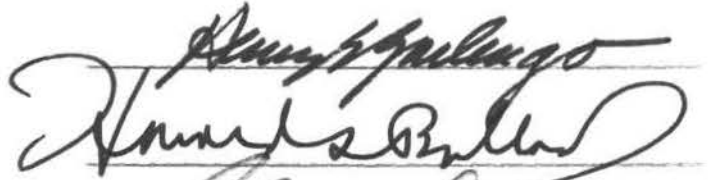

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Buck Horn, Lamar, Colorado, by Decision No. 74923, dated May 18, 1970, be, and the same hereby are, revoked, for failure of Applicant to comply with requirements set forth in said Decision No. 74923.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1970.

js

(Decision No. 76343)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RIO GRANDE MOTOR WAY, INC.)
1400 WEST 52ND AVENUE)
DENVER, COLORADO,)
 Complainant,)
)
vs.)
)
EPHRAIM FREIGHTWAYS, INC.)
1385 UMATILLA STREET)
DENVER, COLORADO,)
 Respondent.)

CASE NO. 5445

November 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1970, the Complaint in the above-entitled Case was filed by Rio Grande Motor Way, Inc., Complainant. An Order to Satisfy or Answer was issued to Ephraim Freightways, Inc., on November 16, 1970. On November 13, 1970, Respondent filed its Motion to Dismiss. No Answer has yet been filed.

The Commission has carefully considered Respondent's Motion to Dismiss and each and every allegation thereof and finds that the Motion should be denied; that Respondent should be ordered to file an Answer within ten (10) days from the effective date of this Order.


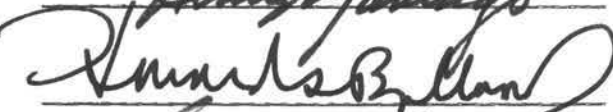
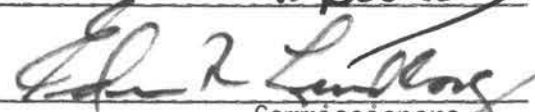
O R D E R

THE COMMISSION ORDERS:

1. That Respondent's Motion to Dismiss filed on November 13, 1970, be, and hereby is, denied.
2. That Respondent be, and hereby is, ordered to file an Answer herein within ten (10) days from the effective date of this Order.

3. That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1970.

js

(Decision No. 76344)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MOON LAKE ELECTRIC ASSOCIATION, INC.,)
A UTAH CORPORATION, VERNAL, UTAH, FOR)
AN ORDER AUTHORIZING THE ISSUANCE OF)
SECURITIES IN THE PRINCIPAL AMOUNT OF)
\$1,529,000 AND THE APPLICATION OF THE)
PROCEEDS THEREFROM FOR CERTAIN LAWFUL)
PURPOSES.)

APPLICATION NO. 24646-Securities

November 27, 1970

Appearances: John J. Flynn, Esq., Denver, Colorado,
and
R. Earl Dillman, Esq., Roosevelt, Utah,
for Applicant;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission;
M. R. Garrison, Jr., Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On November 6, 1970, Moon Lake Electric Association, Inc.
(hereinafter referred to as Moon Lake or Applicant), filed with the
Commission the above-entitled application for (1) authority to execute
a Mortgage Note for \$1,529,000 payable to the United States of America
bearing interest at the rate of two percent (2%) per annum and payable
within thirty-five (35) years after the date thereof; (2) execute an
Amendment dated September 28, 1970, to Amending Loan Contract dated
January 31, 1951, as amended, between Moon Lake Electric Association,
Inc., and the United States of America and setting a maximum which may
be borrowed at \$18,756,000.

The matter was set for hearing after due notice to interested
persons, firms or corporations on November 20, 1970, at 9 a.m. in the
hearing room of the Commission, 507 Columbine Building, 1845 Sherman

Street, Denver, Colorado. It was there heard by Hearing Examiner Robert L. Pyle to whom the matter was assigned pursuant to law.

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

Merrill J. Millett, General Manager of Moon Lake, testified in support of the application.

Exhibits 1 through 9B were offered and admitted into evidence.

At the conclusion thereof, the matter was taken under advisement.

DISCUSSION

BY THE COMMISSION:

The Applicant is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its member and non-member consumers on its lines in the Counties of Duchesne, Uintah, Wasatch and Daggett, State of Utah, and in the Counties of Moffat, Garfield and Rio Blanco, State of Colorado.

On April 19, 1951, upon acquisition of the Rangely Power and Light Company, Moon Lake received a Certificate of Public Convenience and Necessity from this Commission, Application No. 11041, Decisions Nos. 36530 and 36531; and since that time, it has operated as an electric utility in the State of Colorado. Subsequent to April 19, 1951, Moon Lake Electric Association, Inc., by Application No. 16387, Decision No. 50562, dated July 7, 1958, acquired the distribution system of Artesia Light and Power Company and by Application No. 16639, Decision No. 51824, dated March 4, 1959, obtained an area certificate in Colorado.

The Applicant's witness testified summarily as follows:

The subject loan has been approved by the Rural Electrification Administration and the Board of Directors of Moon Lake subject to the approval of this Commission. The loan funds sought to be approved herein will

be used by Applicant for improvements to its system; for the construction, completion, expansion and improvement of its properties; and the improvement and maintenance of its service; and other lawful purposes.

Mr. Merrill J. Millett, General Manager of Moon Lake, identified Applicant's Exhibit No. 1 as the form of amendment to the Amending Loan Contract dated September 28, 1970, as amended, between Moon Lake Electric Association, Inc., and the United States of America, and Exhibit No. 2 as the form of the proposed Mortgage Note made by Moon Lake Electric Association, Inc., to the United States of America.

Exhibit No. 4, Cost Estimates and Loan Budget, itemizes the cost of construction for which the proposed loan will be used, as follows:

Distribution

80.9	miles, single phase pole lines	\$273,248
33.15	miles, three phase pole lines	138,065
15	miles, new three phase tie-lines	61,500
7	miles, single phase to three phase conversion and line changes	18,380
	New substation at Tabiona - 1000 KVA	37,780
	New substation at Neola - 1000 KVA	54,203
	New substations at Roosevelt - 2-3750 KVA	74,304
2	substation sites	2,000
316	transformers and 388 meters to serve new customers	142,085
150	new transformers and 150 new meters to increase the capacity of existing consumer services	41,600
200	sets of service wires to increase the capacity of existing consumer service	35,000
48	devices -- sectionalizing equipment	19,800
16	regulators	48,000
	Engineering fees	<u>55,968</u>

Total Distribution \$1,001,933

Transmission:

7	miles new transmission line -- 69 KV (Tabiona)	80,500
1.25	miles new transmission line -- 69 KV (Ioka)	16,250
2.90	miles new transmission line -- 69 KV (Roosevelt)	23,200
	New substation at Ioka - 10/12.5 MVA	215,000
	69 KV switching - Roosevelt	129,000
	Roosevelt line tap switch	20,000
	Substation site procurement	1,000
	Right-of-way procurement	8,250
	Engineering fees	<u>33,867</u>

Total Transmission \$527,067

TOTAL \$1,529,000

Exhibit No. 4 was prepared by Moon Lake in cooperation with the Rural Electrification Administration. Applicant's witness stated that of the total loan of \$1,529,000 an estimated \$164,041 will be spent in the State of Colorado, as shown in Exhibit No. 5.

Exhibit No. 6 was identified as the Balance Sheet of Applicant as of September 30, 1970, and Exhibit No. 7 as its Statement of Operations for the nine months ending September 30, 1970.

The Balance Sheet shows that Applicant has cash funds on hand consisting of cash -- general funds of \$25,316, other investments of \$44,922, and temporary investments of \$369,544, for a total of \$439,782.

Advance payments to REA approximates \$299,000. With annual debt service being about \$708,000 per year, these advances represent less than six months' debt service.

The five-year Financial Forecast, Exhibit 8, which is consolidated for Moon Lake Electric Association, Inc., and Uintah Power & Light Co. through the year 1974 indicates that the payments on the subject loan will not unduly burden the Company. The projected Financial Forecast, on a cash basis, for the year 1970 (page 3 of Exhibit 8), indicates cash generation of \$877,184. After estimated debt service payments of \$708,685, a balance of \$168,499 remains. Similar substantial cash balances are indicated for subsequent years through 1974. Operating margins as shown by the Forecast are expected to increase from an estimated \$73,195 in 1970 to \$239,120 in 1974. This Forecast takes into account the new construction and loan payments as proposed in this application. The witness testified that previous forecasts of Applicant have proved to be quite accurate when compared to actual results. It is not contemplated that a rate increase will be necessary within the next four years. The Financial Forecast was based upon the requirements developed in the power requirement studies for Moon Lake Electric Association, Inc., and the Uintah Power & Light Co. as prepared by the Rural Electrification Administration in cooperation with Applicant, Exhibits 9-A and 9-B herein.

As of September 30, 1970, Moon Lake's equity was \$1,144,064 out of a total capitalization of \$13,270,926 or 8.62%. The tentative goal of Applicant is to obtain a 40% equity position.

Capital credits have not been refunded to members as of this time and there has been no definite policy established by Applicant in regard to the return of capital credits to members.

As of September 30, 1970, the number of services of Moon Lake was 4,365 including 757 idle services and the number of services for Uintah Power & Light Co. was 2,102 including 207 idle services.

The merger of Moon Lake and Uintah Power & Light Co. has not yet been consummated. However, a hearing for this purpose before the Utah Public Service Commission will be held on December 2, 1970, for approval of such merger.

FINDINGS OF FACT

From the record herein, the Commission finds that:

1. Applicant, Moon Lake Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, CRS 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 September 28, 1970, to the Amending Loan Contract between Moon Lake Electric Association, Inc., and the United States of America dated January 31, 1951, as amended, Applicant's Exhibit No. 1, should be authorized and approved.

7. The Mortgage Note payable to the United States of America designated Utah 8-AF Duchesne in the amount of \$1,529,000, 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, CRS 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 securities 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.

C O N C L U S I O N

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 Amendment dated September 28, 1970, to Amending Loan Contract between Moon Lake Electric Association, Inc., and the United State of America, dated January 31, 1951, Exhibit No. 1 herein, be, and the same hereby is, authorized and approved.

That the issuance of the Mortgage Note payable to the United States of America designated as Utah 8-AF Duchesne in the amount of \$1,529,000, Exhibit No. 2 herein, be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$1,529,000 herein, Moon Lake Electric Association,

Inc., shall file with this Commission one (1) conformed copy of such executed note and one (1) conformed copy of each of the documents made and entered into in connection herewith.

That the authorization and approval above granted to Moon Lake Electric Association, Inc., shall pertain only to expenditures of borrowed funds within the State of Colorado.

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

That the Commission 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
27th day of November, 1970.

vjr

(Decision No. 76345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAMB CONSTRUCTION, INC., 229 PARK)
STREET, LYONS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24625

November 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 16, 1970, Stanley R. Stafford, doing business as "Northern Trash Disposal" of Longmont, Colorado, and Bates & Sons, Inc., of Hygiene, Colorado, by their attorney William T. Secor, filed a Protest and Petition For Denial and Petition To Intervene in the above-captioned proceeding and caused copy of said Petition to be served by mail upon Applicant and Thomas W. Inman, attorney for Applicant.

The Commission states and finds that Applicants for intervention, Stanley R. Stafford, doing business as "Northern Trash Disposal," of Longmont, Colorado, and Bates & Sons, Inc., of Hygiene, Colorado, 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 Stanley R. Stafford, doing business as "Northern Trash Disposal" of Longmont, Colorado, and Bates & Sons, Inc., of Hygiene, Colorado, be, and hereby are, granted leave to intervene in the above-captioned proceeding.

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 27th day of November, 1970.

js

(Decision No. 76346)

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

November 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970, by Decision No. 75852 the Commission issued its Order To Show Cause and Notice of Hearing to the above-named utilities to introduce such evidence as is proper as to why the tariffs currently on file with the Commission do not comply with the modified rules requiring all electric utilities to file their deposit policies on or before July 1, 1970.

Subsequently the above-named 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 the hearing scheduled 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, should be vacated, and the Case dismissed, as set forth in the Order following.

O R D E R


THE COMMISSION ORDERS THAT:

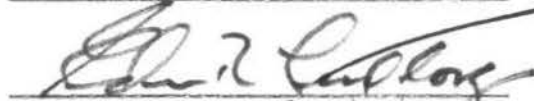
1. Case No. 5437, be, and hereby is, dismissed.

2. That the hearing scheduled for December 3, 1970, at 10:00 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and hereby is, vacated.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1970.

JS

(Decision No. 76347)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALLACE W. WRIGHT, BOX 277, ROUTE 2,)
DELTA, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-7033 TO)
RAYMOND E. SCHMALZ, ROUTE 2, BOX 108,)
DELTA, COLORADO.)

APPLICATION NO. 24384-PP-Transfer

SUPPLEMENTAL ORDER

November 30, 1970

Appearances: Wallace W. Wright, Delta,
Colorado, pro se.
Raymond E. Schmalz, Delta,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 6, 1970, the Commission entered Decision No. 75550, authorizing Wallace W. Wright, Delta, Colorado, to transfer Permit No. B-7033 to Raymond E. Schmalz, Delta, Colorado.

The requirements which are a condition precedent to transfer of said permit upon our records were never complied with, and the records of the Commission therefore show that said operating rights are the property of Wallace W. Wright, Delta, Colorado.

The Commission states and finds that Decision No. 75550, dated August 6, 1970, should be set aside as set forth in the Order following.

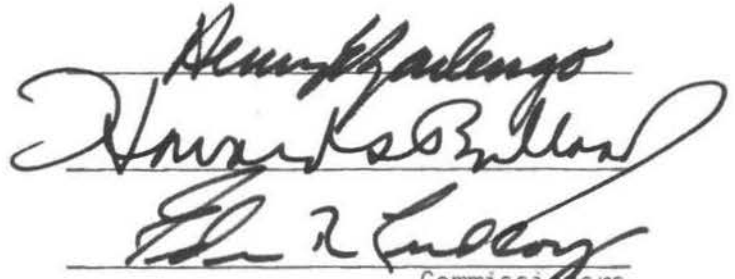
O R D E R

THE COMMISSION ORDERS:

That Decision No. 75550, dated August 6, 1970, be, and hereby is, vacated, set aside, and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that Wallace W. Wright, Delta, Colorado, is the owner of Permit No. B-7033.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
30th day of November, 1970.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF ADAN J.)
DOMINQUEZ, 2706 WEST MISTLETOE, SAN)
ANTONIO, TEXAS.)

PUC NO. 7289-I

November 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a request from the above-styled certificate-holder requesting to add the trade name of Dominquez Bros. Produce Co. in the conduct of operations under PUC No. 7289-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.

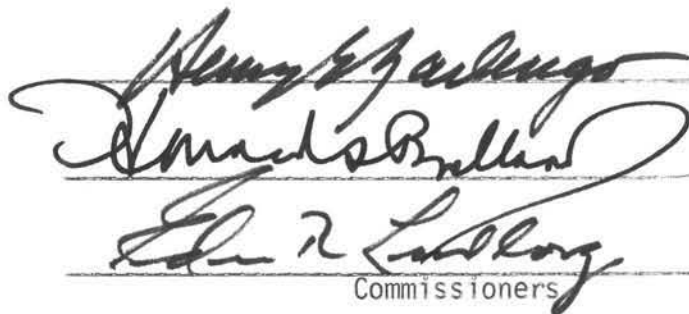
O R D E R

THE COMMISSION ORDERS:

That Adan J. Dominquez be, and hereby is, authorized to conduct operations under the trade name and style of Adan J. Dominquez, doing business as "Dominquez Bros. Produce Co.," in the conduct of operations under PUC No. 7289-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 30th day of November, 1970.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. R. REICHERT, DOING BUSINESS AS)
"REICHERT TRANSPORT," P. O. BOX 476,)
LOVELAND, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24354

November 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 19, 1970, Applicant by and through his attorneys, Gorsuch, Kirgis, Campbell, Walker and Grover, filed a Petition To Deny Notice Of Protest of Protestants Decker Trash Disposal Corp. No. 2, Best Way Disposal, Decker Disposal, Inc., Commerce Refuse Disposal, and Brite'N Best Rubbish Service, which protest was filed on November 18, 1970 in the above-captioned proceeding, and caused copies of said Petition to be served by mail upon William Andrew Wilson, attorney for Protestants.

After careful consideration of the said Petition and each and every allegation thereof, the Commission finds that said Petition should be denied.



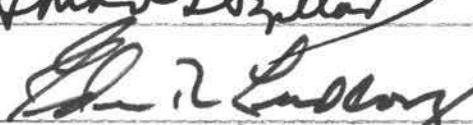
O R D E R

THE COMMISSION ORDERS:

That Petition of Applicant to Deny Notice of Protest of Protestants Decker Trash Disposal Corp. No. 2, Best Way Disposal, Decker Disposal, Inc., Commerce Refuse Disposal, and Brite'N Best Rubbish Service, be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 30th day of November, 1970.

js

(Decision No. 76350)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

BREDEHOEFT PRODUCE COMPANY, INC.)
P. O. BOX 7)
DECATUR, ARKANSAS 72722)

AUTHORITY NO. 6615-I

CASE NO. 2415-H-Ins.

November 25, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 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.

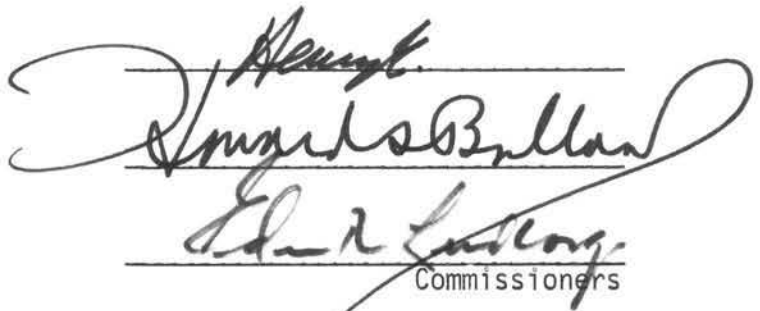
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 25th day of November, 1970

(Decision No. 76351)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM J. RIEKE, DOING BUSINESS AS	)	<u>APPLICATION NO. 24420-PP</u>
"CRESTED BUTTE AUTO RESCUE," BOX 121,)	
CRESTED BUTTE, COLORADO, FOR A CLASS	)	<u>RECOMMENDED DECISION OF</u>
"B" PERMIT TO OPERATE AS A CONTRACT	)	<u>CHRISTIAN O. IGENBERGS,</u>
CARRIER BY MOTOR VEHICLE FOR HIRE.	)	<u>EXAMINER.</u>

November 27, 1970

Appearances: None

PROCEDURE AND RECORD

Under date of June 25, 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. 24420-PP 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 District Court, Courthouse, Gunnison, Colorado, on November 18, 1970, at 10 a.m.

The application was called for hearing at the aforesaid time and place. No person appeared at the hearing in support of or to protest the granting of the authority petitioned for in the application. The subject matter was taken under advisement by the Examiner.

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. Neither Applicant nor any other person appeared at the hearing in support of the application.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 24420-PP should be dismissed.
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. 24420-PP, being an application of William J. Rieke, doing business as "Crested Butte Auto Rescue," Box 121, Crested Butte, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, dismissed.

2. 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.

3. 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

rw/hj

(Decision No. 76352)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LARRY T. SMITH)
3375 Glenarm Road)
Colorado Springs, Colo. 80909)

AUTHORITY NO. M 15374

CASE NO. 5945-M-Ins.

November 25, 1970

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.

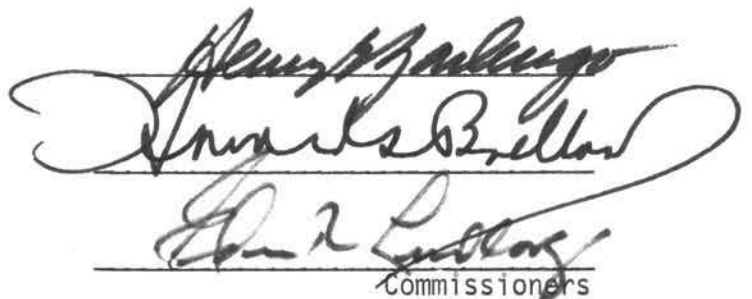
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 25th day of November, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COUNTY OF BOULDER FOR AUTHORITY TO)
OPEN A NEW GRADE CROSSING AND INSTALL)
GRADE CROSSING PROTECTION DEVICES AT) APPLICATION NO. 23357
55TH STREET, BOULDER COUNTY, AND)
MILEPOST 2465 OF THE UNION PACIFIC)
RAILWAY COMPANY.)

IN THE MATTER OF THE APPLICATION OF)
THE COUNTY OF BOULDER FOR AUTHORITY)
TO OPEN A NEW GRADE CROSSING AND)
INSTALL GRADE CROSSING PROTECTION) APPLICATION NO. 23357-
DEVICES AT COUNTY ROAD 45, BOULDER) Amended
COUNTY, AND MILEPOST 24.65 OF THE)
UNION PACIFIC RAILROAD COMPANY.)

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER.

November 27, 1970

Appearances: Joseph C. French, Esq.,
Boulder County Attorney,
Boulder, Colorado, and
Joseph F. Nigro, Esq.,
Denver, Colorado, Special Counsel,
Boulder County Board of Commissioners,
for Applicant;
Clayton D. Knowles, Esq.,
Denver, Colorado, and
R. C. Ellison, Assistant Signal
Supervisor, Denver, Colorado,
for Union Pacific Railroad
Company;
J. L. McNeill, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Initial application herein was filed on August 13, 1968; thereafter on August 10, 1970, an amended application was received entitled as above, containing additional exhibits and seeking similar authority for the opening of a new grade crossing for County Road 45, including installation of flashing light grade crossing signals, at Union Pacific Railroad Milepost 24.65 (Boulder

Branch), and asking that costs of the automatic signal protection be allocated on the basis of 10% to Union Pacific Railroad Company and that the balance be borne by Applicant County of Boulder.

The Commission assigned No. 23357 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 in the County Commissioners Room, Courthouse, Boulder, Colorado, on October 15, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

In considering preliminary matters, it was further verified that there were no public witnesses and no objections appear in the Commission file. Further, this application was consolidated for hearing with Application No. 24496, which application relates to installation of protective devices at Mileposts 23.83 and 24.38 of Union Pacific Boulder Branch Line, with a separate order to issue for each application.

Testimony in support of the application was given by the following:

Jim Yeager - County Commissioner - Boulder County,

Harold Short - Flat Iron Sand and Gravel Company, adjacent property owner,

William B. Barstow - County Engineer - Boulder County,

Gordon F. Hite - Industrial Engineer - Union Pacific Railroad Company,

Robert C. Ellison - Assistant Signal Engineer, Denver, Colorado - Union Pacific Railroad Company.

Applicant's exhibits as follows were tendered and admitted into evidence:

Exhibit A - (Part of Amended Application No. 23357)

Description of proposed crossing work - describes roadway construction for County Road 45 (Valley View Road) crossing construction, installation of signal devices and sharing of expenses on basis of -

1. Road and track work Boulder County 100%
2. Signals Boulder County 90% - UPRR 10%

Exhibit B -

Cost estimate of Union Pacific dated August 27, 1970,
for crossing work \$8,520, and Signal Devices \$16,800,
at County Road No. 45 - (Valley View Road) MP 24.65

Exhibit C - (Part of Amended Application No. 23357)

Traffic data - Vehicles, trains, school buses.

Exhibit G -

Boulder County Vicinity Map.

Shows roadways and railroad grade crossings for two
applications:

Application No. 23357 - Post Mile 24.65; County Road 45

Application No. 24496 - Post Mile 24.38; County Road 52
- Post Mile 23.83; County Road 39

(Note: "Post Mile" is the map designation for customary
"Milepost")

Exhibit H -

Boulder County Zoning and Circulation Map.

Large scale print to show above crossing locations,
nearby industries and land uses:

Application No. 23357 and

Application No. 24496.

No person appeared at the hearing to protest the granting of the
authority and no written protests or petitions for intervention were received.
In behalf of Applicant Boulder County, Special Counsel Nigro emphasized that
the instant roadway work and expenditures together with severe budget limita-
tions, indicate necessity for development of all possible economies that will
provide a safe and workable installation for Boulder County.

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. The purpose of this application is to secure Commission approval for the opening of a new highway-railroad grade crossing for the northward extension of Boulder County Road No. 45 over and across the single main track of the Union Pacific Railroad, Boulder Branch Line at Milepost 24.65, and to therewith also include the installation, operation, and maintenance of automatic flashing light grade crossing signals.

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

3. No one appeared at the hearing to intervene or to protest the granting of the authority as requested.

4. The parties herein have had various negotiations, correspondence, cost estimates, and proposals pertaining to plans and development of the proposed northward development of County Road No. 45, and the necessity to provide access and create a new grade crossing as noted:

Exhibit E - Right of Way description

Exhibit F - Plan to show location and details of new road construction and grade line over the railroad

Exhibit A - Description of crossing work and proposal to share expenses as follows:

1. Road and track work - Boulder County 100%
2. Signals - Boulder County 90%, UPRR 10%

5. County Road No. 45 is being developed as a significant part of the Boulder County Road system for present and future needs and has been gradually built and improved northward from Arapahoe Road (S.H. No. 7) which is a principal east-west traffic artery serving into Boulder, Colorado. Extending southward for a mile from Arapahoe Road, County Road No. 45 is locally known as 55th Street and makes a connection with Baseline Road. By using other connecting County roads, a motorist may continue south for an additional mile to the Boulder-Denver Toll Road.

6. In the past extensions of 55th Street northward from Arapahoe Road to North Boulder Creek, an existing private road and grade crossing over Colorado and Southern Railway serving Flat Iron Paving Company was converted to a public road and crossing as a part of the Main County Road No. 45. Future development plans (Exhibit H) include a northward continuation for some 3 1/2 miles from North Boulder Creek, crossing Valmont Road (County Road No. 52), thence on a northeasterly route south of the Boulder Municipal Airport to connect with Colorado Highway No. 119 - the diagonal highway serving to Longmont and the I.B.M. plant near Niwot.

7. Need for the continued extension of County Road No. 45 has been submitted to the Board of County Commissioners in the form of citizen complaints, traffic growth (Exhibit C) and objections of the adjacent property owner regarding unsafe conditions of the present detour-type facility.

8. Present construction of County Road No. 45 now ends at the south side of Boulder Creek. Motorists have therefore been using a private haulage road over the premises of Flat Iron Paving Company as a connection between the end of County Road No. 45 and Valmont Road in order to travel between southeast Boulder and the I.B.M. plant noted above. Public use of the private haulage road has been discontinued at request of the property owner to avoid conflict with large sand and gravel trucks of the private operation.

9. Current County Road program is for construction of a bridge across North Boulder Creek, completion of one-half mile of new gravel roadway to the Valmont Road and installation of a near right-angular grade crossing with flasher signals at the Union Pacific line.

10. In accordance with Exhibit A, proposed roadway over the railroad will handle two lanes of traffic, be on a slight downward slope to the north and be asphalt paved at 36 feet wide with 3 feet wide gravel shoulders.

11. New crossing construction will provide for removal of light weight 70 pound rail in the existing track, placement of new ballast and ties in the crossing area and installation of 133 pound welded rail with prefabricated hardwood timber panel crossing surface at 55 feet long across the new roadway. Estimated cost is \$8,520.

12. Proposed signals will consist of four flasher lights placed back to back and mounted on a curbside mast or post at the outside of the crossing on each roadway approach to the track. On the basis of only single lane traffic use in each direction, the curbside units will be adequate and proposed cantilever arms may be omitted as a cost reduction item. Track circuiting will provide a minimum warning time of 30 seconds before approach of a train from either direction over the crossing. Original estimated cost of labor and materials for proposed signal protection is \$16,800.

13. Union Pacific Boulder Branch is a switching spur extending southwesterly for some two miles from the proposed crossing to end of the line in the City of Boulder industrial area near 21st and Pearl Streets. There is no passenger operation on the line.

14. Carload freight and switching service is provided by one train, for two movements over the crossing daily except on Sundays. Signal protection is based on railroad operating speed of 15 miles per hour.

15. With the opening of County Road 45 as a through collector route to the Valmont Road, it is estimated that a traffic flow of some 2,000 vehicles per day will quickly develop. Proposed opening speed for the new road is to be 40 miles per hour.

16. Summary of estimated costs is made as follows:

ITEM	TOTAL COST	BOULDER COUNTY	UPRR
Reinforce trackage, crossing complete and fencing work:	\$ 8,520	(100%) \$ 8,520	-
Automatic railroad flashing signals	<u>16,800</u>	(90%) <u>15,120</u>	<u>\$1,680</u>
TOTALS	\$25,320	\$23,640	\$1,680

17. Ordering of materials for the new installations is a railroad function which is subject to Commission action for approval or changes of the proposed work. In the instant matter there was railroad acquiescence at the hearing to develop any possible cost economies in the items of: crossing construction; elimination of cattle guards and to simplify fencing; installation of standard curbside flashers without cantilever arms and overhead lights. Expedited handling of management approval, material ordering and signal installation was pledged in order to hasten early completion of the work as authorized.

18. Following installation, all maintenance work for the crossing and signal devices at an estimated cost of some \$800 per year will be performed by Union Pacific at railroad expense.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. Approval should be granted to Applicant County of Boulder for the proposed opening, establishment, construction, operation, and maintenance of a new public highway and grade crossing over the single track and right of way of Union Pacific Railroad, Boulder Branch Line at Milepost 24.65; said roadway being the northward extension of County Road 45 along the north-south section line between Sections 27 and 28, T 1 N, R 70 W of the 6th Principal Meridian, Boulder County, Colorado.

2. The public convenience, safety, and necessity will require the installation and operation of automatic crossing protection devices at the

proposed new grade crossing of County Road 45 over the Union Pacific Railroad Boulder Branch Line at said Milepost 24.65, near the City of Boulder, Boulder County, Colorado.

3. The order sought in the instant application should be granted and installation costs prorated as requested therein:

Railroad crossing signals (- 10% Union Pacific Railroad Company
(- 90% Boulder County

Crossing installation - 100% Boulder County

4. Continuing maintenance work for the crossing and signal devices shall be performed by Union Pacific at its own expense for the life of the new crossing installation.

5. The signal devices and installation shall be in conformance with the current bulletin of The Association of American Railroads' Joint Committee on Railroad Crossing Protection.

6. 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 Applicant, County of Boulder, State of Colorado, be, and hereby is, authorized and directed to open, establish, construct, operate, and maintain a new public highway and grade crossing over the single track and right of way of Union Pacific Railroad Company, Boulder Branch Line at Milepost 24.65; said roadway being the northward extension of County Road 45 along the north-south section line between Sections 27 and 28, T 1 N, R 70 W of the 6th Principal Meridian, Boulder County, Colorado. Estimated cost is \$8,520.

2. That the Union Pacific Railroad Company, upon the application of County of Boulder, State of Colorado, be, and hereby is, authorized and directed to install, operate, and maintain standard flashing light grade crossing protection devices at the new grade crossing of Boulder County Road 45 over the Boulder Branch Line single track at Milepost 24.65, near

the city of Boulder, Colorado; all in accordance with the plans and specifications which are incorporated into the record of this proceeding and are hereby approved. Estimated cost is \$16,800.

3. That costs for the new installations shall be prorated as follows:

Railroad Crossing signals(- 10% Union Pacific Railroad Company
(- 90% Boulder County

Crossing construction and
installation - 100% Boulder County

Upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering the above proration shall be forwarded by Union Pacific Railroad Company to Boulder County for payment.

4. 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 Crossing Protection.

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

6. 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.

7. 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 exception 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
rw/hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF LARRY LAWRENCE BRANSON, DOING)	
BUSINESS AS "BRANSON WELDING &)	APPLICATION NO. 24598-PP
MACHINE WORKS," BOX 584, PAGOSA)	
SPRINGS, COLORADO, FOR AUTHORITY)	ORDER OF THE COMMISSION
TO OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

November 30, 1970

Appearances: Larry Lawrence Branson,
Pagosa Springs, Colorado,
pro se.

It appearing, That by Order of the Commission dated October 15, 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 Larry Lawrence Branson, doing business as "Branson Welding & Machine Works," Box 584, Pagosa Springs, 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: Item Nos. 1 and 2 of this Permit are restricted as follows:

(a) Against town-to-town service;

(b) To serving not more than ten (10) customers at any one time.

(3) Finished lumber (including building logs)

From mills located at Pagosa Springs and Del Norte, Colorado, to all points located within the State of Colorado.

RESTRICTION: Item NO. 3 of this Permit is restricted to rendering transportation service for only the Wolf Creek Industries."

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

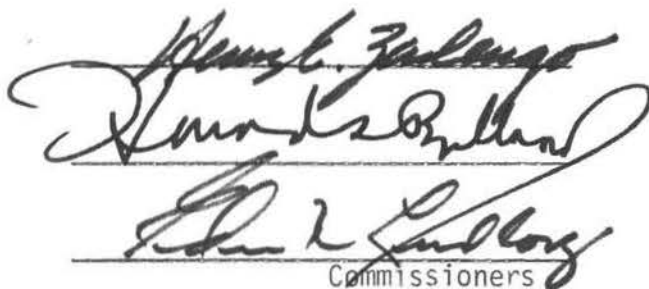
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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 30th day of November, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
TURNPIKE CONSTRUCTION COMPANY,)	APPLICATION NO. 24596-PP
155 COMMERCE STREET, BROOMFIELD,)	
COLORADO, FOR AUTHORITY TO OPERATE)	ORDER OF THE COMMISSION
AS A CLASS "B" CONTRACT CARRIER BY)	
MOTOR VEHICLE.)	

November 30, 1970

Appearances: Louis A. Morrone, Esq.,
Denver, Colorado,
for Applicant.

It appearing, That by Order of the Commission dated October 15, 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 Turnpike Construction Company, 155 Commerce Street, Broomfield, 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 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: 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.

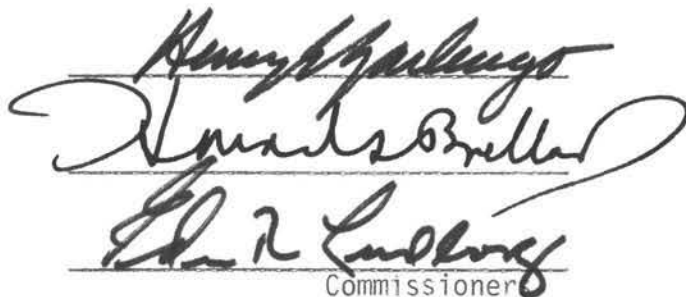
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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 30th day of November, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PITKIN COUNTY DEVELOPMENT CORPORATION,)	
P. O. BOX 120, 122 EAST DURANT STREET,	)	APPLICATION NO.
ASPEN, COLORADO, FOR AUTHORITY TO	)	<u>23786-Transfer</u>
TRANSFER PUC NO. AC-58 TO PONDEROSA)	
AVIATION, INC., DOING BUSINESS AS)	
"PONDEROSA AIRLINES, INC.," P. O.)	
BOX 309, STEAMBOAT SPRINGS, COLORADO.)	

IN THE MATTER OF THE APPLICATION OF)	
PITKIN COUNTY DEVELOPMENT CORPORATION,)	
P. O. BOX 120, 122 EAST DURANT STREET,)	
ASPEN, COLORADO, AND PONDEROSA	)	APPLICATION NO.
AVIATION, INC., DOING BUSINESS AS	)	<u>24175-Extension</u>
"PONDEROSA AIRLINES, INC.," P. O. BOX)	
309, STEAMBOAT SPRINGS, COLORADO, FOR)	
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AUTHORIZING EXTENSION OF)	
OPERATING RIGHTS UNDER PUC NO. AC-58.)	

SUPPLEMENTAL ORDER

EXTENSION OF TIME FOR
FILING EXCEPTIONS

November 30, 1970

Appearances: John J. Conway, Esq., Denver,
Colorado, for Applicants;
Robert S. Wham, Esq., Denver,
Colorado, for Rocky Mountain
Airways, Inc.;
Joseph F. Nigro, Esq., Denver,
Colorado, for Atlas Aircraft
Corporation;
William H. Nelson, Esq., Grand
Junction, Colorado, for Monarch
Aviation, Inc.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 2, 1970, the Recommended Decision of Henry E. Zarlengo, Chairman, 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 November 19, 1970, Protestant Atlas Aviation, Inc., and Protestant Rocky Mountain Airways, Inc., by and through their attorneys, Joseph F. Nigro and Robert S. Wham, respectively, filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decision of Chairman Zarlengo until twenty (20) days after the certification of the transcript by the reporter.

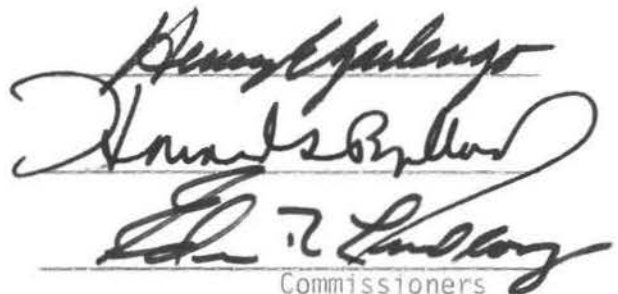
The Commission states and finds that said request is in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Protestants Atlas Aviation, Inc. and Rocky Mountain Airways, Inc., be, and hereby are, granted an extension of time within which to file exceptions to the Recommended Decision of Chairman Zarlengo until twenty (20) days after the certification of the transcript of the proceedings by the official reporter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES N. McCULLOUGH, BETTE J. McCULLOUGH,)	<u>APPLICATION NO. 24409-PP</u>
AND DELBERT HALE, 846 NORTH FIRST STREET,)	
MONTROSE, COLORADO, FOR A CLASS "B")	<u>RECOMMENDED DECISION OF</u>
PERMIT TO OPERATE AS A CONTRACT CARRIER)	<u>ROBERT L. PYLE, EXAMINER.</u>
BY MOTOR VEHICLE FOR HIRE.)	

November 27, 1970

Appearances: R. W. Johnston, Jr., Esq.,
Montrose, Colorado,
for Applicants.

PROCEDURE AND RECORD

Under date of May 29, 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. 24409-PP 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, Division 2, Courthouse Annex, Grand Junction, Colorado, on October 20, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

At the time the application was called for hearing, an Appearance was entered by Mr. Herbert M. Boyle, Attorney for Leonard DeLue, D. J. Sebern, T. W. Rinker, and Ted P. Rinker, doing business as "Armored Motors Service," in protest of the application. At that time, counsel for Applicants objected to the Appearance of said Protestants stating as grounds therefor that he had received no notice of the Protest. Mr. Boyle then stated for the record that he had given notice by mailing a copy of the

Protest to one George W. Woodard, Attorney at Law, 315 Edison Avenue, Alamosa, Colorado, whom he asserted was or had been the attorney for Applicants. Applicants' attorney, R. W. Johnston, Jr., having come into the case only the night before, did not question this assertion nor did the Examiner. However, it was later learned that the aforementioned Mr. Woodard of Alamosa, Colorado, was not nor ever had been the attorney of record for the Applicants and that serving the Protest upon said attorney was, in fact, no service at all and the Protest of Leonard DeLue, D. J. Sebern, T. W. Rinker, and Ted P. Rinker, doing business as "Armored Motors Service," be, and hereby is, dismissed.

Further, during the course of the hearing, Applicants submitted an oral stipulation which restricted their application to serving only The First National Bank of Montrose, Montrose, Colorado, and eliminating from the application the request to carry money or negotiable instruments of any nature. The stipulation was acceptable providing Applicants submitted a written stipulation in due course.

A written stipulation was later received wherein Applicants agreed to (1) limit their service to three (3) customers, (2) restricted against serving any and all financial institutions except The First National Bank of Montrose, Montrose, Colorado, and (3) restricted against transporting any monies to include currency and current negotiable instruments but not to include instruments which have been negotiated. This stipulation is found to be not acceptable for the reason that it is not clear and definite and would lend only to misinterpretation. Further, Applicants failed to present testimony to support the restricted application.

Applicants submitted a letter from The First National Bank of Montrose, Montrose, Colorado, which is accepted and which fulfills the requirement in support of the application for a portion of the authority requested, namely, "to transport confidential written material, cancelled checks, deposit slips, and computerized tapes and cards between Montrose, Colorado, and Grand Junction, Colorado, over U.S. Highway No. 50, for The First National Bank of Montrose, Montrose, Colorado".

Applicants further submitted as late-filed Exhibits a Partnership Agreement of the Applicants and a Financial Statement, both of which are received and made a part of this file.

James N. McCullough, an Applicant, testified on behalf of the Applicants in support of the application. The First National Bank of Montrose submitted correspondence in support 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. Applicants are a partnership, the partners being James N. McCullough, Bette J. McCullough, and Delbert Hale.
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. One of the Applicants, James N. McCullough, holds Certificate of Public Convenience and Necessity PUC No. 7762 which is irrelevant and immaterial to this proceeding.
4. The application, as amended by the Applicants and as further restricted by the Examiner, seeks authority to:

"transport as a contract carrier by motor vehicle for hire confidential written materials, cancelled checks, deposit slips, and computerized tapes and cards between Montrose, Colorado, and Grand Junction, Colorado, over U.S. Highway No. 50, for The First National Bank of Montrose, Montrose, Colorado."

5. The application was not protested.
6. Applicants have sufficient equipment which they shall use in performing the transportation services applied for, to-wit: One (1) IHC tractor.
7. Applicants have sufficient experience and net worth, both of which are ample and suitable for the operation of the authority applied for herein.
8. 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.
9. Applicants are amply insured.
10. There is a present and special need for the service of Applicants.
11. Applicants presently have a contract or contracts with their customer.
12. 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.
13. The authority sought by Applicants will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. 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.
2. The authority sought by Applicants 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 James N. McCullough, Bette J. McCullough, and Delbert Hale, 846 North First Street, Montrose, Colorado, be, and hereby are, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation -- on call and demand -- of

Confidential written material, cancelled checks, deposit slips, computerized tapes and cards

Between Montrose, Colorado, and Grand Junction, Colorado, over U.S. Highway No. 50, for The First National Bank of Montrose, Montrose, Colorado";

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.

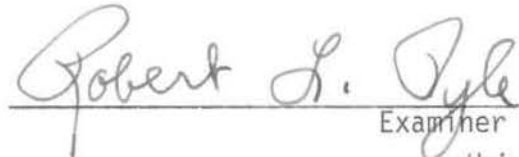
4. That the right of Applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

5. 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.

6. 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
rw/hj

(Decision No. 76358)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RINGSBY TRUCK LINES, INC., A NEBRASKA)	
CORPORATION, 3201 RINGSBY COURT,)	APPLICATION NO. 24318-PP-
DENVER, COLORADO, FOR AUTHORITY TO)	<u>Transfer</u>
TRANSFER PERMIT NO. A-347 TO HARP)	
TRANSPORTATION LINE, INC., A COLORADO)	RECOMMENDED DECISION OF
CORPORATION, DOING BUSINESS AS "HARP)	<u>ROBERT L. PYLE, EXAMINER.</u>
TRANSPORTATION LINE," MEEKER, COLORADO.)	

November 27, 1970

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicants.
Warren D. Braucher, Esq.,
Wheat Ridge, Colorado,
for Rio Grande Motor Way,
Inc., Protestant.
Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 29, 1970, Applicants filed the above-entitled application for authority to transfer Permit No. A-347 from Ringsby Truck Lines, Inc., to Harp Transportation Line, Inc., doing business as "Harp Transportation Line."

The Commission assigned No. 24318-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 hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on October 26, 1970, at 10 a.m. and was continued for hearing to be held in the District Court, Courthouse, Craig, Colorado, on October 27, 1970, at 9:30 a.m. The hearing was held at the aforesaid times and places.

Application No. 24318-PP-Transfer was heard on a joint record with Applications No. 24316-Transfer and 24317-PP-Transfer.

Exhibits numbered 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, and 16 were tendered and admitted into evidence. Exhibits numbered 7, 8, and 9 were tendered at the hearing but were rejected by the Examiner.

Eugene Hamilton, Traffic Manager of Transferor; Bern H. Harp, Manager and Secretary-Treasurer of Transferee; Robert H. Walker; Duane Dunnica; John Harding; Don R. Showalter; Jim Snyder; Tom Parks; Delbert Findley; Jarold Rohde; and Floyd Reid testified in support of the application. Wally Fletchinger testified in opposition 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. Transferor herein is the present owner and operator of Permit No. A-347, which is the subject of this proceeding.
2. This Permit, A-347, has not been operated in the past as a contract carrier authority and, in fact, it is Transferee's unquestionable intent to operate the authority in the future as a certificate of public convenience and necessity. Transferee frankly admitted that in the event this transfer is granted, it intends to and will solicit all possible business along the route and serve every possible member of the shipping public it can get as a customer.

3. In view of the decision in the Miller Bros. case, being Commission Decision No. 74249, dated January 28, 1970; the decision in the Jamieson Trucking case, being Commission Decision No. 76181, dated October 30, 1970; and the recommended decision of the Examiner in the Curnow case, being Commission Decision No. 76151, dated October 23, 1970, it is clear that contract authority, as contained in this Permit, cannot be operated as a certificate of public convenience and necessity and, therefore, said authority, Permit No. A-347, is not and would not, in the future, be in good standing with the Commission and its transfer would not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 24318-PP-Transfer 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. 24318-PP-Transfer, being an application to transfer Permit No. A-347 from Ringsby Truck Lines, Inc., a Nebraska corporation, 3201 Ringsby Court, Denver, Colorado, to Harp Transportation Line, Inc., a Colorado corporation, doing business as "Harp Transportation Line," Meeker, Colorado, be, and hereby is, denied.
2. 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.
3. 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
rw/hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF ODIN, INC., P. O. BOX 552,	)	APPLICATION NO. 24592-PP
STERLING, COLORADO, FOR AUTHORITY)	
TO OPERATE AS A CLASS "B" CONTRACT	)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

November 27, 1970

Appearances: Charles H. Sandhouse, Esq.,
Sterling, Colorado,
for Applicant.

It appearing, That by Order of the Commission dated October 15, 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 Odin, Inc., P. O. Box 552, Sterling, 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: Items No. 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials,

- (5) Farm products, natural fertilizer (in bulk),
and farm machinery

Between all points located within an area
comprised of the Counties of Sedgwick, Phillips,
Yuma, Logan, Washington, Weld, Morgan, and Adams,
State of Colorado.

RESTRICTION: Item No. 5 of this Permit is restricted
against the transportation of livestock, bulk
milk, and dairy products.

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 27th day of November, 1970.
js

(Decision No.76360)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION	)	APPLICATION NO.
OF LEE SAND & GRAVEL COMPANY,	)	<u>24429-PP-Extension</u>
P. O. BOX 178, 4020 YOUNGFIELD,)	
WHEAT RIDGE, COLORADO, FOR	)	RECOMMENDED DECISION OF
AUTHORITY TO EXTEND OPERATIONS	)	<u>CHRISTIAN O. IGENBERGS,</u>
UNDER PERMIT NO. B-7060.	)	<u>EXAMINER</u>

November 30, 1970

Appearances: Warren D. Braucher, Esq.,
Wheat Ridge, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of July 1, 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. 24429-PP-Extension 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 hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on October 21, 1970, at 10 a.m.

On August 10, 1970, a PETITION OF ASHTON TRUCKING COMPANY FOR LEAVE TO INTERVENE in the subject proceeding was received by the Commission. The aforesaid PETITION FOR LEAVE TO INTERVENE was denied by the Commission on August 21, 1970 (Decision No. 75726). On September 10, 1970, Ashton Trucking Company filed a PETITION FOR RECONSIDERATION OF ORDER DENYING INTERVENTION, which said PETITION was denied by the Commission on September 25, 1970 (Decision No. 75933).

The hearing was held as noticed.

Charles R. Eatchel, President of Applicant corporation, and Donald M. Smith, Administration Manager of Dewey Rocky Mountain Cement Company, testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application.

Applicant requested leave to make two (2) amendments to the application, namely, (1) a restriction of the proposed transportation of iron pyrite cinders for one customer, only, to-wit: The Dewey Rocky Mountain Cement Company of Lyons, Colorado, and, (2) transportation services to be rendered in transporting sand, gravel, dirt, stone, refuse, insulrock, and other road-surfacing materials to be restricted to not more than ten (10) customers at any one time. Both amendments, being restrictive in nature, were granted by the Examiner.

Exhibits numbered 1 and 2 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 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 presently holds authority from this Commission under Permit No. B-7060, which reads 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.

RESTRICTION:

Items numbered 1 through 4, inclusive, as above set forth, are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Cement (in bulk and sack)

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

RESTRICTION:

Restricted to service for only the Jefferson Transit Mix Company.

3. Applicant also holds authority from this Commission under Permit No. M-14208, which has no bearing on this application.

4. The authority to which extension is hereby sought, Permit No. B-7060, has been continually operated in the past and is presently in good standing with the Commission.

5. By this application, Applicant seeks to extend the authority under Permit No. B-7060 to include the following:

"Transportation of iron pyrite cinders from Allied Chemical Corporation, Denver, Colorado, to Dewey Rocky Mountain Cement Company, at Lyons, Colorado. Restriction: Restricted to service for one customer only, to-wit: Dewey Rocky Mountain Cement Company."

6. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.

7. Applicant corporation proposes to and will use equipment suitable and sufficient for the transportation services requested, to-wit: Two (2) bulker trucks and two (2) tractors.

8. Applicant corporation has sufficient experience and net worth, both 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 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. 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. Applicant has entered into special carriage contract with its customer.

12. There is presently no service as proposed by Applicant available in the area to which extension is sought.

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

14. 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 it 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 Lee Sand & Gravel Company, a Colorado corporation, P. O. Box 178, 4020 Youngfield, Wheat Ridge, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-7060 to read as follows:

"Transportation of iron pyrite cinders from Allied Chemical Corporation, Denver, Colorado, to Dewey Rocky Mountain Cement Company, at Lyons, Colorado. RESTRICTION: Restricted to service for one customer only, to-wit: Dewey Rocky Mountain Cement Company.

2. That henceforth the full and complete authority under 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.

RESTRICTIONS:

Items (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 (in bulk and sack)

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

RESTRICTION:

Item (5) of this Permit is restricted to service for only the Jefferson Transit Mix Company.

(6) Iron pyrite cinders

From Allied Chemical Corporation, Denver, Colorado, to Dewey Rocky Mountain Cement Company, Lyons, Colorado.

RESTRICTION:

Item (6) of this Permit is restricted to service for only the Dewey Rocky Mountain Cement Company."

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

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

6. 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.

7. 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

(Decision No. 76361)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EDDIE GALLEGOS, DOING BUSINESS)
AS "G & S SANITATION SERVICE,")
P. O. BOX 1957, FORT COLLINS,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERA-)
TIONS UNDER PUC NO. 4438.)

APPLICATION NO. 24121-Extension

November 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, filed with the Commission on December 15, 1969, Applicant seeks authority to extend operations under PUC No. 4438.

Said matter is still pending with no request for hearing.

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

O R D E R

THE COMMISSION ORDERS THAT:

The Application herein filed be, and hereby is, dismissed, unless written request for hearing shall be received by the Commission before the effective date of this Order.

This Order shall become effective ten (10) days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of November, 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
SUPPLEMENTAL ORDER

November 30, 1970

Appearances: Ervin Henry, Johnstown,
Colorado, pro se;
Richard McVaugh, Johnstown,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 8, 1970, the Commission entered Decision No. 76029, authorizing Ervin Henry, doing business as "Windsor Milk Lines," Johnstown, Colorado, to transfer Permit No. B-4617 to Richard McVaugh, Johnstown, Colorado.

The requirements which are a condition precedent to transfer of said permit upon our records were never complied with, and the records of the Commission show that said operating rights are the property of Ervin Henry, doing business as "Windsor Milk Lines," Johnstown, Colorado.

The Commission states and finds that said Decision No. 76029, dated October 8, 1970, should be vacated and set aside as set forth in the Order following.

O R D E R




THE COMMISSION ORDERS:

That Decision No. 76029, dated October 8, 1970, authorizing transfer of Permit No. B-4617, be, and the same hereby is, vacated, set aside, and held for naught, and that the Secretary of the Commission is

hereby directed to change the records of the Commission to show that Ervin Henry, doing business as "Windsor Milk Lines," Johnstown, Colorado, is the owner of said Permit No. B-4617.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1970.
js

(Decision No. 76363)

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;)
RYE TELEPHONE COMPANY, P. O. BOX.)
36, RYE, COLORADO; SUNFLOWER)
TELEPHONE COMPANY, INC., P. O.)
BOX 199, DODGE CITY, KANSAS.)

CASE NO. 5439

November 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970, by Decision No. 75854 the Commission issued its Order To Show Cause and Notice of Hearing to the above-named utilities to introduce such evidence as is proper as to why the tariffs currently on file with the Commission do not comply with the modified rules requiring all telephone utilities to file their deposit policies on or before July 1, 1970.

Subsequently the above-named utilities have withdrawn the tariff sheets involved and refiled them in accordance with the rules of the Commission regulating the service of telephone utilities.

Accordingly, the Commission finds that the hearing scheduled 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, should be vacated, and the Case dismissed, as set forth in the Order following.

O R D E R

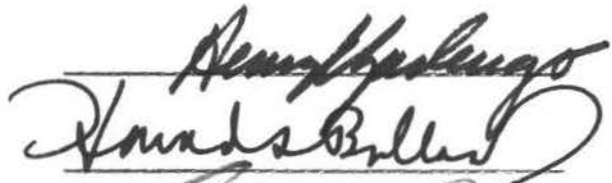
THE COMMISSION ORDERS:

1. That Case No. 5439, be, and hereby is, dismissed.

2. That the hearing scheduled for December 3, 1970, at 10:00 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and hereby is, vacated.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1970.

JS

(Decision No. 76364)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF D. ROBERT MUSGROVE, 2216 SOUTH)
KING, DENVER, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24469-PP
SUPPLEMENTAL ORDER

November 30, 1970

Appearances: D. Robert Musgrove,
Littleton, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 20, 1970, the Commission entered Decision No. 75653 in the above-styled application, granting to Applicant herein a Class "B" permit to operate as a contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 75653 having failed to pay the issuance fee.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 75653 operating rights granted thereby should be revoked as set forth in the Order following.


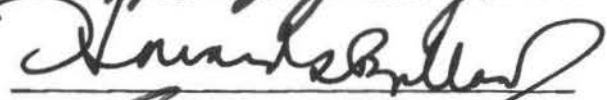
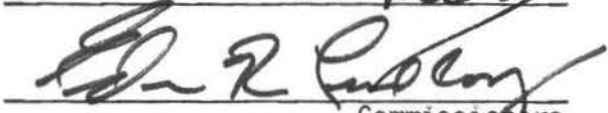
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to D. Robert Musgrove, Littleton, Colorado, by Decision No. 75653, dated August 20, 1970, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 75653.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of November, 1970.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
HOMER M. LYNCH DBA)
HOMER LYNCH TRUCKING)
6742 NO. 63RD STREET)
LONGMONT, COLORADO 80501)

AUTHORITY NO. 6631-I
CASE NO. 2436-H-Ins.

November 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 9, 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.

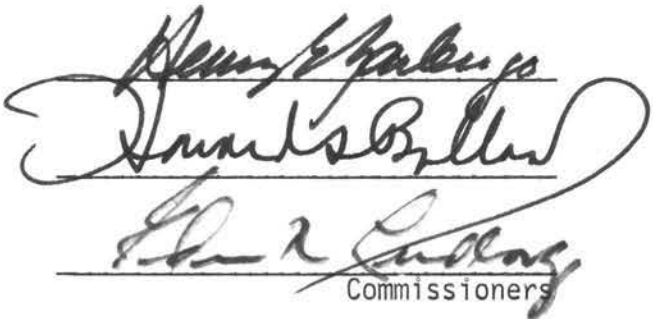
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 27th day of November, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROBERT HARRISON
816 SO. MARRS
AMARILLO, TEXAS 79104

CASE NO. 2441-H-Ins.

November 27, 1970

BY 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.

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.

Henry G. Gillingham
Howard B. Bell
E. A. C. C. C.
Commissioners

Dated at Denver, Colorado,
this 27th day of November, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. B. MONTGOMERY, INC., AN IOWA COR-)
PORATION, 5150 BRIGHTON BOULEVARD,)
DENVER, COLORADO, 80216, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24245

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER.

November 27, 1970

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant.
Leslie R. Kehl and Arthur R. Hauver, Esqs.,
Denver, Colorado, for North Eastern
Motor Freight, Inc.; Westway Motor Freight,
Inc.; Ward Transport, Inc.; Ruan Transport
Corporation; Groendyke Transport, Inc.; and
Petco, Inc. of Colorado, Protestants.
William M. Griffith, Esq., Denver,
Colorado, for Atwood Truck Line, Inc.,
Protestant.
Joseph F. Nigro, Esq., Denver, Colorado,
for Acme Delivery Service, Inc.; Amick
Transfer & Storage Co.; Bekins Van &
Storage Co.; Bonanza Moving & Storage;
Buehler Transfer; Colorado Cartage Company,
Inc.; Denver Moving & Storage; Duffy
Storage & Moving; G. I. Express; Gulf
Atlantic Warehouse Co.; Imperial Warehouse
Co.; Morgan Transfer; Johnson Storage &
Moving; Kamp Moving & Storage; Merchants
Transfer & Storage Co., Inc.; Murph's
Express, Inc.; Craig Montbello Warehouse
Corp.; Service Transfer; Thomas & Son
Transfer; United States Transfer & Storage
Co.; Weicker Transfer & Storage Co.;
Young Brothers Storage & Transfer; North
Denver Transfer; Colorado Transfer &
Storage, Inc.; and Tiller Moving & Storage,
Protestants.

PROCEDURE AND RECORD

Under date of March 12, 1970, Applicant filed the above-entitled
application with this Commission for authority as a common carrier by motor

vehicle in intrastate commerce on schedule in general transporting general commodities between the commercial zone of Denver, Colorado, and Julesburg, Colorado, serving intermediate and off-route points between Fort Morgan and Julesburg, Colorado.

The Commission assigned No. 24245 to the application.

The application was originally protested by all of the carriers for whom appearances are noted above.

On May 1, 1970, the Applicant restrictively amended its application so as to seek authority as set forth in detail in the Findings herein. Protests of Westway Motor Freight, Inc.; Ward Transport, Inc.; Ruan Transport Corporation; Groendyke Transport, Inc.; Petco, Inc. of Colorado; and Atwood Truck Line, Inc. were subsequently withdrawn. As to the Protest of Westway Motor Freight, Inc., said Protest was withdrawn upon the acceptance of the Stipulation which was admitted into evidence as Exhibit No. 24. This Stipulation provides as follows, to-wit:

"That the language 'in connection with said scheduled service', contained in the application herein, is intended by the applicant to convey exactly the same meaning as the following language: 'for purposes of rendering pick-up and delivery services only on shipments having a prior or subsequent movement on said carrier's line under this grant of authority.' "

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 hearing to be held in the District Court Room at Sterling, Colorado, commencing on July 27, 1970, at 10 a.m. Further hearings were held at Sterling, Colorado, and Denver, Colorado, and the matter was concluded on October 9, 1970.

At the calling of the case, all of those carriers listed above as represented by Joseph F. Nigro, Esq., failed to appear, and their Protests were dismissed. The application thus stands protested only by North Eastern Motor Freight, Inc.

The following witnesses appeared in support of the application:

Edward R. Driskell, William F. Hand, Donald Sherman, Ralph Nelms, H. E. Putnam, Virgil Matlack, Mark Foxhoven, Elmo Cook, Robert B. Kauffman, Herbert Martens, Vic Meline, Harold Hettinger, Owen A. Trimble, John Hradecky, William J. Artzer, Willard Inskeep, Pete Miller, C. W. Halsey, Donald Goering, Gilbert Bailey, Raymond Chaney, Tony Carabajal, and Bob Genty.

The following witnesses testified in protest of the application:

Gary Howie, George G. Hutchinson, Leon Goldfogel, Bill Wolfe, Steve Pozder, Jerome F. Marks, Paul McDonnell, Duane W. Pettyjohn, Oliver Kruger, Ron Kerchal, Frederick A. Rasmussen, Aureore Lucille Myers, Thomas V. Hastings, Andy Sparks, Mrs. Robert Walker, Robert C. Barnes, Edward Ruff, Robert L. Tiedgen, Larry Berg, Harold Tiedgen, Arthur L. Dittmar, and Jerry McMorris. The testimony of fifteen additional witnesses was stipulated in writing; this stipulation was received in evidence as Exhibit No. 31.

Exhibits 1, 2, 5 through 10, inclusive, 12, 13, 15, and 17 through 32 were admitted in evidence.

Following conclusion of the hearing, the 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 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 Iowa corporation; it is authorized to do business in Colorado. Copies of its Articles of Incorporation with all amendments thereto, and of its Certificate of Authority to do business in Colorado, are filed with the Commission. Its corporate officers are Roger C. Thorslund, President; Edward R. Driskell, Executive Vice-President; and George W. Plavec, Secretary-Treasurer.

2. By this application as finally amended, Applicant seeks authority to operate as a common carrier by motor vehicle in intrastate commerce, on schedule, for the transportation of

"GENERAL COMMODITIES, except livestock, used household goods and commodities in bulk in tank vehicles

Between Denver, Colorado and Julesburg, Colorado
Over U. S. Highway 6 and Interstate Highway 80S
from Denver to Sterling, Colorado; and over U. S.
Highway 138 and Interstate Highway 80S from
Sterling, to Julesburg, Colorado;

Serving as intermediate points all points on said
highways commencing at Fort Morgan and ending at
Julesburg, Colorado; and

Serving as off-route points, in connection with
said scheduled service, all points located within
five miles of Denver, points within five miles of
Fort Morgan, points within five miles of Julesburg,
and all points within five miles of that portion of
U. S. Highways 6 and 138 and Interstate Highway 80S
commencing at Fort Morgan and ending at Julesburg,
Colorado."

3. This Commission has jurisdiction over Applicant and the subject matter of this proceeding.

4. Applicant presently holds no authority from this Commission. Applicant holds Interstate Commerce Commission Certificate of Public Convenience and Necessity No. MC-123639, which in part authorizes operations involving Colorado points in interstate commerce, in addition to service in a substantial portion of the United States. In connection with its interstate service, Applicant maintains its headquarters at Denver, Colorado, where it has an office, garage, and dock facilities and performs pick up and delivery operations, interline and interchange operations, and maintains (in addition to administrative officials) accounting, dispatch, sales, maintenance, safety, rating and billing, and driver, dock and maintenance personnel. In connection with its interstate operations it presently serves Fort Morgan, Brush, Sterling, and Julesburg, and on occasion the smaller intermediate communities. It participates in all tariffs applicable to its interstate service, as well as the Colorado combination interstate-intrastate tariff which would be applicable if its present application is

granted. In its Denver pick up and delivery operation Applicant presently uses 7 city tractors, 3 trailers, 2 straight trucks and 2 pickup trucks; in its over-the-road operations involving Denver it utilizes 89 truck tractors and 121 trailers, in addition to trailers normally utilized in other parts of Applicant's system. At June 30, 1970, Applicant's assets totaled \$924,035, its capital stock \$75,000 and its retained earnings \$244,252. Its net profit before taxes for the first six months of 1970 was \$61,619. It is prepared and willing to study and abide by applicable laws, rules and regulations if granted authority. It proposes to operate two schedules per day five days per week in each direction Denver-Sterling and intermediate and off-route points; and one each way each day five days per week Sterling-Julesburg and intermediate and off-route points. It proposes at the outset to use an agency at Fort Morgan and at Sterling to have its own terminal and full-time personnel; it has made tentative arrangements for these. It has made a feasibility study to determine whether the proposed operation would be economically feasible and has determined that such an operation would be feasible when its present interstate operations, personnel, and facilities are considered.

5. The only Protestant is North Eastern Motor Freight, Inc. Its operating authority is Certificate No. 374, which as to the territory here involved authorizes service identical in all material respects to the authority which the Applicant seeks. North Eastern is one of a group of carriers operated under common management, commonly known as NW Transport. In addition to its operation in the Denver-Julesburg area, North Eastern operates in intrastate commerce to small communities north and west of Fort Morgan and Sterling, and in interstate commerce to Sidney, Nebraska, and Cheyenne, Wyoming. Other carriers in the family of which North Eastern is a member hold authority to serve other parts of Colorado, and between Denver and Salt Lake City, Utah. North Eastern has in certain areas, equipment, facilities and personnel which it alone utilizes; at Denver, all members of the family of carriers utilize equipment, personnel and facilities in common generally, although a small portion of the pick up and delivery

equipment and personnel at Denver are assigned to North Eastern's operation. North Eastern maintains terminals, equipment and personnel at Fort Morgan and Sterling, which are used only by North Eastern. North Eastern's time schedule provides for schedules to depart Denver for Wiggins, Fort Morgan and Sterling at 12:30 noon and 8 p.m.; North Eastern operates the noon schedule some days, not others, and not always at that time of day. The schedule provides for return to Denver from Sterling at 6:30 p.m. and 12:30 a.m.; the first vehicle actually leaves Sterling daily at about midnight. The schedule provides for one schedule each way, Sterling-Julesburg, departing Sterling at 6:45 a.m. and arriving back at Sterling at 3:45 p.m. The schedule is operated daily but it departs Sterling between 8 a.m. and 9 a.m. North Eastern's operating authority provides for scheduled service to points between Brush and Sterling; its time schedule, however, provides for service at these intermediate points "as required", and in fact they are served once or twice per week, not necessarily the same days each week. North Eastern's operating authority provides for scheduled service to off-route points within 5 miles of the highway, Wiggins to Julesburg; its time schedule does not refer to service to such points. North Eastern normally dispatches 6 vehicles per night from Denver to this area, two destined to Fort Morgan, the remaining four to Sterling. During July, 1970, North Eastern transported 2,407,000 pounds of freight between Denver and Sterling, and 1,378,000 pounds between Denver and Fort Morgan. Approximately one-half of this freight was intrastate freight; approximately 90% of the intrastate tonnage was less-than-truckload traffic. Normally one straight truck makes the trip Sterling-Julesburg daily. Freight for Brush is handled out of Fort Morgan terminal; freight for points beyond Sterling is handled out of the Sterling terminal. Vehicles out of Denver arrive at Fort Morgan commencing about 9 p.m. and at Sterling at about 10 p.m. Crews unload the freight off line-haul vehicles onto delivery vehicles commencing early next morning. Local delivery vehicles leave the Sterling terminal commencing about 8:15 a.m. and continue leaving until about 9 a.m. North Eastern's

revenue for its entire system for the first six months of 1970 totaled \$642,905, up \$112,000 from the comparable six months the preceding year; its operating income for the period was \$8,627, down \$2,747 from the comparable period the preceding year. North Eastern is party to an application pending before the Commission for increased rates and charges, and has obtained temporary increases since the period of those reports. No evidence was presented concerning revenues and operating income as to the Denver-Julesburg portion of North Eastern's operation.

6. The public witnesses who testified in support of the application testified concerning a variety of complaints. All complaints were quite detailed, and where there was documentary evidence relating to the complaint, it was in all instances produced. North Eastern refuses to accept flowers for transportation in cold weather. A flower shipper must therefore take his flowers to the Denver bus depot and the consignee must go to the depot at destination to obtain them. In addition to this inconvenience, these customers must pay higher cost by bus than by truck. North Eastern's service is unreliable; about one shipment in ten does not arrive next day, or arrives with part of the shipment missing. Because they cannot depend on a shipment's arrival, consignees make special trips to Denver to get that portion of their freight which they must have without fail. North Eastern's service is also resulting in unreasonably long transit times. The delays on 10% of the traffic have already been noted. Many delays go far beyond a day or so. It took four to fourteen days to receive a substantial number of shipments out of Denver at an intermediate service point on North Eastern's route. Julesburg freight left over when the truck is filled at Sterling is just left at Sterling until the next day. Consignees have difficulty even after their freight arrives at Sterling. Repair shops and parts houses, whose customers' equipment is useless until repaired, have repeatedly asked for early delivery; delivery instead is made at various times between 10 a.m. and 2 p.m. These consignees

consequently go to North Eastern's dock themselves to get their freight; even when it is there, the freight sometimes cannot be found; in some instances when it is found these consignees cannot get it because North Eastern cannot find the freight bill which the consignee must sign. Careless handling is also evident. Westbound shippers are having trouble getting North Eastern to pick up their outbound freight for Denver. Some consignees are being required to provide assistance in unloading their own freight. It is difficult to get damage and shortage claims settled. One company whose volume of traffic would permit it (1300 truckloads to Denver per year) has put on its own fleet of vehicles because of service difficulties with North Eastern; that company will not return to carriage for hire until a competitive carrier situation exists. Another, as a result of claims difficulties, now buys all it can from companies which deliver their merchandise in their own vehicles, even though it would prefer to get competitive prices and use for-hire carriage. The Chamber of Commerce arranged a meeting over a year ago, so that a selected group of businessmen could meet with North Eastern's management to air their complaints. A new manager was subsequently placed at the Sterling terminal. The new manager is more cooperative and conscientious than the former manager, and service has improved; however, the problems described above still exist.

7. Customers, though dissatisfied with North Eastern's service, must necessarily "get along" with North Eastern, for they have no other trucker available to handle their freight.

8. A number of public witnesses testified in opposition to the application. In general, these witnesses are presently satisfied with the service they receive from North Eastern, and probably would not change to Applicant if the application were granted.

9. The economy of Logan and Sedgwick Counties is moving upward in an irregular pattern, the short term trend being sometimes upward, sometimes downward. Although the short term trend is downward at present, retail

sales have, during the past ten years, averaged increases at the rate of 25% per year in the Sterling area, and disposable income and bank deposits have both increased substantially over the same ten year period.

10. Applicant is fit, willing, and able to perform the proposed service, and will comply with applicable laws, rules, and regulations, if granted the authority it seeks.

11. The existing service of North Eastern in the territory is substantially inadequate. Bearing in mind that the maximum distance involved (Denver-Julesburg) is but 185 miles, it would seem that the public should be able to rely on overnight service with all parts of a shipment delivered, more than 90% of the time. No explanation was given by North Eastern for its poor performance in this regard. Neither was any explanation given for the 4 to 14-day transit times to Atwood, a point only 7 miles from Sterling. North Eastern's management has paid little attention to service along this route, otherwise the failure to assemble all parts of a shipment, to associate the freight bills with the shipments, and the inability to deliver freight even at one's own destination dock would have been corrected. North Eastern admits that present delivery schedules are unsatisfactory -- too late in the day. The present work schedule, however, was instituted some months after the complaint meeting. Further indicative of management's lack of concern is the fact that its president did not know when delivery actually commences at Sterling, and admitted his company does not conform to its published time schedules to any of these points. Still further indication is in the company's testimony that whenever they get the freight to Atwood (even 14 days late) they consider it "next day". Even recognizing that flowers may be difficult to handle in cold weather, North Eastern's refusal to handle them rather than provide suitable equipment to pick them up, further indicates less than an eager desire to perform the service North Eastern has obtained authority to perform. North Eastern's abuse of its monopoly position to force the public to accept poor service was apparent in the testimony of a number of witnesses.

12. There were more than the normal amount of dissatisfied and concerned members of the shipping public as well as the Chamber of Commerce in the Sterling area. There was in fact a general pattern of "inadequacy of existing service". Further, there were indications at least of coercion and abusive practices by North Eastern which, up until now, was the only certificated scheduled carrier into the area. These inefficiencies and abuses by North Eastern could well be corrected by having a competitive carrier in the area and the public will most definitely benefit.

13. There are and will be adequate revenues to support the competitive service proposed by the Applicant. It appears present traffic is adequate, but in addition, additional traffic may be anticipated due to continued economic growth of the area, and from the attraction of traffic presently moving in proprietary carriage back to for-hire carriage. North Eastern is presently moving six vehicles into this territory on a normal day. Applicant's feasibility study shows that it can operate at a profit on two schedules per day. Applicant and North Eastern both have other operations which allow multiple use of existing facilities. It appears that such a division, if it occurs, will not drive North Eastern to the wall. North Eastern is selling off its interstate Sidney operation; this will require adjustments in North Eastern's operation at Sterling. North Eastern conceded it can make these adjustments and will have \$200,000 (the selling price) "to ease the pain". No explanation has been given why it could adjust to that loss of traffic, but could not adjust to competition from Applicant. Nor does it necessarily follow that Applicant would obtain all of its traffic at North Eastern's expense. The economy being one of long-term growth, additional total revenues can be anticipated. Even more significantly, the evidence shows that North Eastern has lost and continues to lose substantial traffic to proprietary carriage. The probability exists that the improvement of service through competition will return these revenues to for-hire carriage. The Beef Company alone moves 1,300 truck loads of meat to Denver per year, all in proprietary

carriage. Recognizing that all revenue involves costs of service, it nonetheless appears that recoupment of revenues lost to proprietary carriage offers substantial opportunities for a competing carrier situation here. The competition conceivably could actually improve North Eastern's financial situation. It must also be recognized that the Applicant is already a competitor serving in the territory on interstate traffic; any loss which might occur will therefore be minimized, as compared with the introduction of a totally new carrier.

14. Although the bulk of the public witness testimony relates to Sterling and Julesburg, there is evidence which relates to other points. The shipper of flowers, for instance, listed the customers in all communities along the route to whom he ships. North Eastern refuses it all, in cold weather. The failure to operate the noon schedule applies to all points eastward to Sterling. The failure to have any schedule applies to all off-route points. The "as required" limitation on service applies to both Morgan County (Hillrose) and Logan County (Merino and Atwood) communities.

15. The public convenience and necessity requires and will require the service proposed by the Applicant.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Protest of Protestant, North Eastern Motor Freight, Inc., should be, and hereby is, dismissed.
2. The authority, as amended, sought by Applicant 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 J. B. Montgomery, Inc., an Iowa corporation, 5150 Brighton Boulevard, Denver, Colorado, 80216, be, and hereby is, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the:

"Transportation -- on schedule -- of

GENERAL COMMODITIES, except livestock, used household goods and commodities in bulk in tank vehicles

Between Denver, Colorado, and Julesburg, Colorado,
Over U.S. Highway 6 and Interstate Highway 80S
from Denver to Sterling, Colorado; and over U. S.
Highway 138 and Interstate Highway 80S from
Sterling, to Julesburg, Colorado;

Serving as intermediate points all points on said
highways commencing at Fort Morgan and ending at
Julesburg, Colorado; and

Serving as off-route points, in connection with
said scheduled service, all points located within
five miles of Denver, points within five miles of
Fort Morgan, points within five miles of Julesburg,
and all points within five miles of that portion of
U. S. Highways 6 and 138 and Interstate Highway 80S
commencing at Fort Morgan and ending at Julesburg,
Colorado";

and this Order shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CON-
VENIENCE AND NECESSITY therefor.

2. That Applicant shall file tariffs of rates, rules and regulations
as required by the rules and regulations of this Commission.

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.

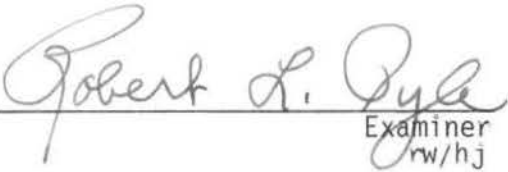
4. That this Order is subject to compliance by Applicant with all
present and future laws and rules and regulations of the Commission.

5. 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.

6. 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
rw/hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 - 15TH STREET, DENVER, COLORADO)
FOR AN ORDER GRANTING TO IT A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO EXERCISE FRANCHISE RIGHTS)
FOR THE PURPOSE OF FURNISHING ELECTRICAL)
ENERGY AND SERVICE, GASEOUS FUELS AND)
GAS SERVICE, AND TRANSPORTATION AND)
TRANSPORTATION SERVICE TO THE CITY OF)
BOULDER, BOULDER COUNTY, COLORADO AND)
ITS INHABITANTS AND TO DISTRIBUTE AND)
SELL GAS IN THE AREA CONTIGUOUS TO THE)
CITY.)

APPLICATION NO. 24566

December 2, 1970

Appearances: Lee, Bryans, Kelly & Stansfield
By Donald D. Cawelti, Esq.,
Denver, Colorado, for Applicant;
J. H. Ranniger, Denver, Colorado,
for Applicant;
C. J. Miller, Denver, Colorado, of
the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application of the Public Service Company of Colorado, hereinafter designated Applicant, was filed on September 11, 1970. By this application Applicant seeks an order from the Commission for a certificate of public convenience and necessity to exercise franchise rights in the City of Boulder, County of Boulder, State of Colorado, for the distribution and sale of electric power and energy, the distribution and sale of gas fuels or gaseous mixtures thereof and the furnishing of transportation and transportation service in said city, and to distribute and sell gas fuels or gaseous mixtures thereof in the area contiguous to the city.

After due and proper notice to all interested parties, the

aforesaid application was set for hearing on November 17, 1970, at 10 A.M. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the application was heard by Commissioner Henry E. Zarlengo, to whom the matter was duly assigned pursuant to law.

No protests or petitions to intervene in the application had been filed, nor did anyone appear at the hearing in opposition to said application.

The following exhibits were offered and admitted into evidence:

Application No. 24566 Exhibits A and B.

FINDINGS OF FACT

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

1. Public Service Company of Colorado, the Applicant herein, is a Colorado corporation, organized and existing under and by virtue of the laws of the State of Colorado.
2. The public utility operations of the Applicant, consisting primarily of the generation, purchase, transmission, distribution, and sale of electric power and energy, and the purchase, distribution and sale of gas at various points within the State of Colorado, and the furnishing of transportation service in the City of Boulder, and the subject matter of these proceedings are within the jurisdiction of this Commission.
3. A certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.
4. On August 4, 1970, the voters of the City of Boulder, by a vote of 8,452 to 1,149, approved the grant of a gas and electric and transportation franchise to Applicant as set forth in Ordinance No. 3595. A copy of said franchise, together with copies of supporting documents

was attached to the application as Exhibit A.

5. The said franchise is for a term of 20 years and provides for a franchise consideration to be paid to the city in the amount of three percent (3%) of the first \$10,000 each of gas and electric revenue from each customer at any one location annually, excepting street lighting revenue, and two percent (2%) of amounts over \$10,000 annually.

6. Applicant now distributes electric power and energy in the city which it secures from its interconnected generating and transmission system; Applicant distributes gas in the city which it purchases under long-term contract from the Western Slope Gas Company, a wholly-owned subsidiary; and Applicant furnishes transportation service in the city by means of its owned and operated bus system. Applicant will continue to utilize its existing electric, gas and transportation facilities and any additions thereto in furnishing such services to the City of Boulder, State of Colorado, in accordance with the terms of the franchise ordinance described hereinabove, which franchise ordinance is incorporated herein by reference.

7. No other public utility is in the business of distributing electric power and energy and gas or furnishing transportation service in said City of Boulder. Applicant serves 21,438 electric customers and 17,371 gas customers and transported 391,814 fares in 1969 in the city which has a population of 65,977 according to the preliminary 1970 census.

8. Applicant is financially, physically and otherwise capable and qualified to provide electric, gas, and transportation service to the inhabitants of the City of Boulder, and to supply gas service in the area contiguous to the city, and public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado of the franchise rights granted to it as set forth in said Ordinance No. 3595, of the City of Boulder and to distribute and sell gas in the area contiguous to the city.

CONCLUSION

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 the initial decision be made by the Commission as provided by CRS 1963, 115-6-9 (6), as amended.

O R D E R

THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be, and hereby is, granted to Public Service Company of Colorado to exercise franchise rights granted to Applicant by Franchise Ordinance No. 3595 of the City of Boulder in accordance with the terms of said franchise ordinance, to distribute and sell gas in the area contiguous to the city in accordance with its schedules of rates, classifications, rules and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission, and this Order shall constitute the CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.
2. Applicant shall continue its public utility operations in accordance with all rules, regulations and requirements of the Commission with respect to all electric, gas, and transportation utilities as now exist or as the same may hereafter be amended or changed pursuant to law.
3. The recommended decision of the Hearing Commissioner

be, and hereby is, omitted, and this Decision shall be the initial decision of the Commission as provided by CRS 1963, 115-6-9 (6).

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado, this
2nd day of December, 1970. jk

(Decision No. 76369)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SOUTHERN CANNING DIVISION, SMS)
INDUSTRIES, INC., P. O. BOX 728,)
HIGHLANDS, TEXAS.)

PUC NO. 4300-1

December 1, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder, requesting authority to change its corporate name to SMS Industries, Inc., from Southern Canning Division, SMS Industries, Inc., in the conduct of operations under PUC No. 4300-1.

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.

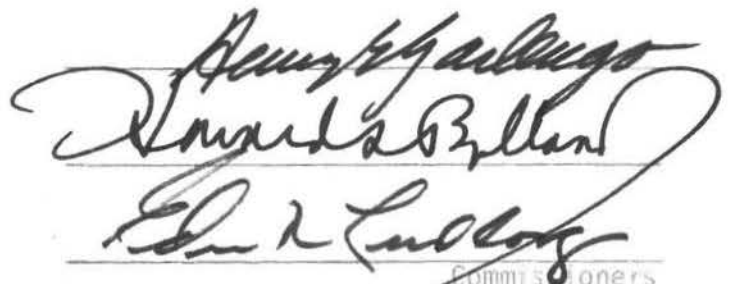
O R D E R

THE COMMISSION ORDERS:

That Southern Canning Division, SMS Industries, Inc., be, and hereby is, authorized to change its corporate name to SMS Industries, Inc., in the conduct of operations under PUC No. 4300-1, 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
1st day of December, 1970.

v.j.r.