

(Decision No. 76370)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
W. D. SMITH, DOING BUSINESS AS "W. D.
SMITH TRUCK LINE," P. O. BOX 68,
DE QUEEN, ARKANSAS, FOR AUTHORITY
TO TRANSFER INTERSTATE OPERATING
RIGHTS TO W. D. SMITH TRUCK LINE,
INC., P. O. BOX 68, DE QUEEN, ARKANSAS.)

PUC NO. 4914-I - Transfer

December 1, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, W. D. Smith, doing business as "W. D. Smith Truck Line," De Queen, Arkansas, was granted a certificate of public convenience and necessity, being PUC No. 4914-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holder now seeks authority to transfer said PUC No. 4914-I to W. D. Smith Truck Line, Inc., De Queen, Arkansas.

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

O R D E R

THE COMMISSION ORDERS:

That W. D. Smith, doing business as "W. D. Smith Truck Line," De Queen, Arkansas, be, and hereby is, authorized to transfer all right,

title and interest in and to PUC No. 4914-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to W. D. Smith Truck Line, Inc., De Queen, Arkansas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zurlungo
Donald S. Butler
Edna R. Zurlungo
Commissioners

Dated at Denver, Colorado, this
1st day of December, 1970.

vjr

(Decision No. 76371)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
KEITH MORCH, SANFORD, COLORADO, FOR)	
AUTHORITY TO TRANSFER PERMIT NO.)	APPLICATION NO. 24215-PP-Transfer
B-6409 TO ALFONSO F. MESTAS, 1105)	<u>SUPPLEMENTAL ORDER</u>
ROSS AVENUE, ALAMOSA, COLORADO.)	

December 1, 1970

Appearances: Keith Morch, Sanford, Colorado, pro se;
Alfonso F. Mestas, Alamosa, Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 24, 1970, Recommended Decision No. 75450 of Christian O. Igenbergs, Examiner, was issued, authorizing Keith Morch, Sanford, Colorado, to transfer Permit No. B-6409 to Alfonso F. Mestas, Alamosa, Colorado.

The requirements which are a condition precedent to transfer of said permit upon our records were never complied with, and therefore the records of the Commission show that said operating rights are the property of Keith Morch, Sanford, Colorado.

The Commission states and finds that Decision No. 75450 should be set aside and the records of the Commission show that Keith Morch, Sanford, Colorado, is the owner of said Permit No. B-6409, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 75450, dated July 24, 1970, authorizing transfer of Permit No. B-6409 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 Keith Morch, Sanford, Colorado, is the owner of said Permit No. B-6409.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zaulinger
Donald S. Brubaker
Edna R. Zaulinger
Commissioner

Dated at Denver, Colorado, this
1st day of December, 1970.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF }
ABRAHAM HOFFMAN, DOING BUSINESS }
AS "HOFFMAN TRUCK LINE," ROUTE 3, }
McCOOK, NEBRASKA. }

PUC NO. 1786-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 authority to change his trade name from Hoffman Truck Line to Hoffman Enterprises in the conduct of operations under PUC No. 1786-I.

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

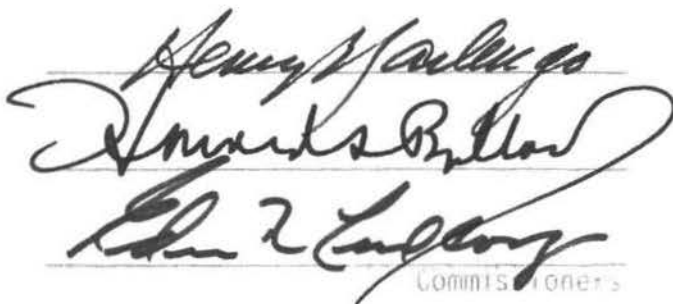
ORDER

THE COMMISSION ORDERS:

That Abraham Hoffman, doing business as "Hoffman Truck Line," be, and hereby is, authorized to conduct operations under the trade name and style of Abraham Hoffman, doing business as "Hoffman Enterprises," in the conduct of operations under PUC No. 1786-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.

vjr

(Decision No. 76373)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MELVIN HICKOX AND KEITH E. KELLER,)
DOING BUSINESS AS "H & K TRUCKING,")
2811 WEST CUCHARRAS STREET, COLORADO)
SPRINGS, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 24483-PP

SUPPLEMENTAL ORDER

December 1, 1970

Appearances: C. Lee Goodbar, Jr., Esq.,
Colorado Springs, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 28, 1970, the Commission entered Decision No. 75741 in the above-styled application, granting to Applicants herein a Class "B" permit to operate as a contract carrier by motor vehicle for hire.

Said Applicants have failed to comply with requirements set forth in said Decision No. 75741 having failed to file certificate of insurance covering public liability and property damage.

The Commission states and finds that, inasmuch as Applicants have not fulfilled requirements set forth in Decision No. 75741, operating rights granted thereby should be revoked as set forth in the Order following.

O R D E R


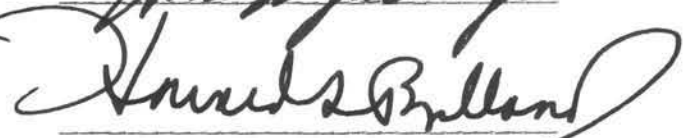

THE COMMISSION ORDERS:

That operating rights granted to Melvin Hickox and

Keith E. Keller, doing business as "H & K Trucking," Colorado Springs, Colorado, by Decision No. 75741, dated August 28, 1970, be, and the same hereby are, revoked, for failure of Applicants to comply with requirements set forth in said Decision No. 75741.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
1st day of December, 1970. jk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLENN KOEPPEN, 9833 WEST 53RD PLACE,)
ARVADA, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23697-PP
SUPPLEMENTAL ORDER

November 30, 1970

Appearances: Glenn Koeppen,
Arvada, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 27, 1969, the Commission entered Decision No. 73210 in the above-styled application, granting to Applicant herein a Class "B" permit to operate as a private carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 73210 having failed to file tariff and certificate of insurance covering public liability and property damage.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 73210 operating rights granted thereby should be revoked as set forth in the Order following.


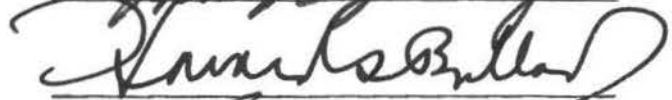
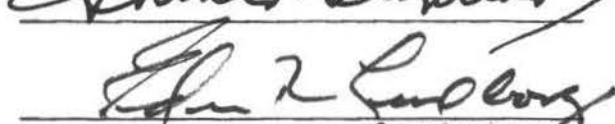
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Glenn Koeppen, Arvada, Colorado, by Decision No. 73210, dated June 27, 1969, be, and the same hereby are, revoked, for failure of Applicant to comply with requirements set forth in said Decision No. 73210.

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

(Decision No. 76375)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 24229-PP-
LEROY E. SCHNELL, ROUTE 1, BOX 7,)	<u>Extension</u>
HENDERSON, COLORADO, FOR AUTHORITY TO)	
EXTEND OPERATIONS UNDER PERMIT NO. B-6462.)	<u>SUPPLEMENTAL ORDER</u>

December 1, 1970

Appearances: David W. Sarvas, Esq.,
Lakewood, Colorado,
for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 24, 1970, Recommended Decision No. 75449 of Christian O. Igenbergs, Examiner, was issued in the above-styled application, granting to Applicant authority to extend operations under Permit No. B-6462.

Said Applicant has failed to comply with requirements set forth in said Decision No. 75449 having failed to file a tariff covering said extended authority.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 75449, extended operating rights granted thereby should be revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That extended operating rights under Permit No. B-6462 granted to Leroy E. Schnell, Henderson, Colorado by Decision No. 75449,

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. 75449.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Paulsen
Howard S. Bullen
John A. Paulsen
Commissioners

Dated at Denver, Colorado, this
1st day of December, 1970. jk

(Decision No. 76376)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 5438

November 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 14, 1970, by Decision No. 75853 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. 5438, 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. 76377)

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

December 1, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, The Greyhound Corporation, 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 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.

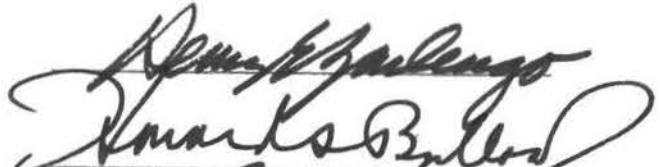


O R D E R

THE COMMISSION ORDERS:

That The Greyhound Corporation, be, and the same hereby is, 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 1st day of December, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATIONS 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 A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A MOTOR VEHICLE)
COMMON CARRIER FOR HIRE.)

APPLICATION NO. 24638

APPLICATION NO. 24649

December 1, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 27, 1970, Application No. 24638 was filed with the Commission, and notice thereof was given on October 28, 1970.

On November 6, 1970, Application No. 24649 was filed with the Commission and notice thereof was given on November 12, 1970.

On November 13, 1970, Colorado Cartage Company, Inc., by its attorney, Edward T. Lyons, Jr., filed its Protest to Application No. 24638 and on November 17, 1970, filed its Protest to Application No. 24649.

On November 17, 1970, Murph's Express, Inc., by and through its attorneys Stockton and Lewis, filed its Protest to Applications No. 24638 and No. 24649.

On November 24, 1970, Applicants by and through their attorney Herbert M. Boyle, filed its Petition To Strike Protests of Colorado Cartage Company, Inc. and Murph's Express, Inc. in the above-entitled applications.

The Commission finds that Applicants' Petition To Strike Protest contains no showing why it should be granted and that it should therefore be denied.

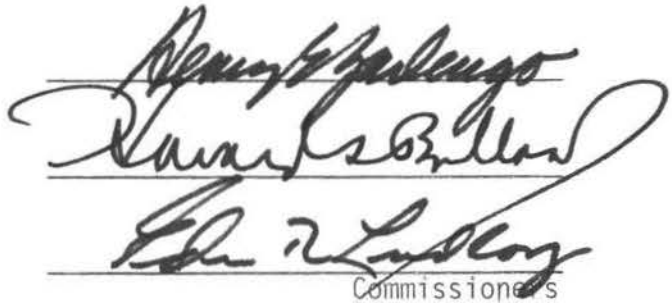
O R D E R

THE COMMISSION ORDERS:

That Applicants' Petition To Strike Protest of Colorado Cartage Company, Inc. and Murph's Express, 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 1st day of December, 1970.
js

(Decision No. 76379)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF JOE)
PADILLA, DOING BUSINESS AS "MILE HI)
DISPOSAL SERVICE," P. O. BOX 704,)
EDGEMONT BRANCH, GOLDEN, COLORADO.)

PUC NO. 3384

December 1, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Joe Padilla, doing business as "Mile Hi Disposal Service," owner and operator of PUC No. 3384, herein seeks authority to encumber said Certificate to The First National Bank in Golden to secure payment of an indebtedness in the sum of \$4,898.88, in accordance with the certain terms and conditions set forth in copies of the note and Security Agreement-Financing Statement dated November 6, 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 ORDERS:

That Joe Padilla, doing business as "Mile Hi Disposal Service," be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 3384 to The First National Bank in Golden, to secure

payment of an indebtedness in the sum of \$4,898.88, 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

Benjamin F. Paulengo
Chairman
John J. G. [unclear]
Commissioner

Dated at Denver, Colorado,
this 1st day of December, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

December 2, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

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

O R D E R

THE COMMISSION ORDERS:

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

W. P. Adams, Route 1, Rockville, Missouri 64780

Ralph & Walter Baker, General Delivery, Delta, Colorado 81416

L. E. Barnes dba L. E. Barnes Distributing Co., 8th Avenue, Sanford, Arizona 85546

W. G. Barrett, 1505 F Avenue, Lawton, Oklahoma 73501

Barrier Chemicals, Inc., Route 515, Box 288, Vernon, New Jersey 07462

Clarence L. Bellew dba C. L. Bellew & Sons, 1008 Woodlawn, Canon City, Colorado 81212

Cornelius Bragg, 615 North Corona, Colorado Springs, Colorado 80903

Richard M. Brossard, East Y, Box 1424, Cortez, Colorado 81321

Consolidated, Gifford, Matthews, Inc., 1010 Sixth Ave., North Nashville, Tennessee 37219

Convey-All Corporation, 210 W. Longview Ave., Mansfield, Ohio 44905

Cree Coaches, Division of Sterling Salem Corp. dba Cree Coaches, M 119 North, Marcellus, Michigan 49067

Garland D. Howard dba D & H Salvage Company, 5505 Pinto, Amarillo, Texas 79106

Dexter Axle Company, Inc., 4509 Springfield St., Dayton, Ohio 45431

Richard T. Dressel, 8301 East 19th Ave., Denver, Colorado 80220

Emil Einspahr dba Einspahr Truck Line, Route 3, Haxtun, Colorado 80731

Empiregas Inc. of Evergreen, Box 303, Lebanon, Missouri 65536

Gordon A. England, 1107 30th St. Road, Greeley, Colorado 80631

Jno. B. Stephens, Jr., dba E-Tex Packing Company, P.O. Box 1178, Mt. Pleasant, Texas 75455

Alvin, Tom & R. L. Farmer dba R. L. Farmer & Sons, Box 58, Placerville, Colorado 81430

F. A. Faucette, Sanford, Colorado 81151

Fort Scott Iron & Metal Inc., P.O. Box 767, Fort Scott, Kansas 66701
Frank J. Herrera, General Delivery, Monte Vista, Colorado 81144
Ruby V. Hiler, Route 2, Box 484, Baxter Road, Pueblo, Colorado 81001
Don & Jerry Hollon, 417 W. Tierra Blanca, Clovis, New Mexico 88101
Jimmie Louis Holloway, Box 526, Aspen, Colorado 81611
International Cold Storage Co., Inc., 2307 So. Oliver, Wichita, Kansas 67218
K. Wayne Smith & Lawrence K. Jex dba J & S Motor Sales, 1724 Vine St.,
Salt Lake City, Utah 84121
Henry & Jesse Karler dba Karler Packing Co., P.O. Box 1005, Albuquerque,
New Mexico 87103
Lyle T. McNeill, Box 222, Crested Butte, Colorado 81224
Mid-America Container Corporation, 10001 Industrial Blvd., Lenexa, Kansas
66215
William Charles Miller dba Millers Coal, Route 4, Box 249, Montrose, Colorado
81401
Richard A. Moore, 290 - 31 $\frac{1}{4}$ Road, Grand Junction, Colorado 81501
C. L. Hooker dba O K Trailer Co., 915 So. 4th St., Chickasha, Oklahoma 73018
Gumesindo R. Perales, P.O. Box 183, Grand Junction, Colorado 81501
Charles Petersmo, 3618 E. Vintah, Apt. 3, Colorado Springs, Colorado 80909
Joseph S. Salazar, 1448 Knox Court, Denver, Colorado 80204
Lourn L. McLain dba Sand Hill Lake Auto Salvage, Route 1, Box 282, Fort
Lupton, Colorado 80621
Lloyd J. Tolpingrud, Route 2, Box 236, Cheraw, Colorado 81030
Ben J. Vallejos, 1516 Hayes, Trinidad, Colorado 81082
Ernest R. Velez, P.O. Box 22, Eagle, Colorado 81631
Winner Boats, Inc., First and Pickett, Dickson, Tennessee 37055

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of December, 1970.

hj

(Decision No. 76381)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: AIR CARRIER OPERATIONS OF PEASE-HAMILTON)
HELICOPTERS, INC., 1517 DENVER CLUB BUILDING,)
DENVER, COLORADO)

PUC NO. ACH-50
PUC NO. ACH-54

December 2, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder, together with a conformed copy of a Certificate of Amendment issued by the State of Colorado, requesting that the name of Pease-Hamilton Helicopters, Inc. be changed to Heli-Lift, Inc., in the conduct of operations under PUC No. ACH-50 and PUC No. ACH-54.

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 Pease-Hamilton Helicopters, Inc., be, and hereby is, authorized to change its corporate name to Heli-Lift, Inc., in the conduct of operations under PUC No. ACH-50 and PUC No. ACH-54, 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
2nd day of December, 1970.

hj

(Decision No. 76382)

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. 24317-PP-
DENVER, COLORADO, FOR AUTHORITY TO)	<u>Transfer</u>
TRANSFER PERMIT NO. A-329 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.)	

December 1, 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-329 from Ringsby Truck Lines, Inc., to Harp Transportation Line, Inc., doing business as "Harp Transportation Line."

The Commission assigned No. 24317-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. 24317-PP-Transfer was heard on a joint record with Applications No. 24316-Transfer and 24318-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-329, which is the subject of this proceeding.

2. This Permit, A-329, 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-329, 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. 24317-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

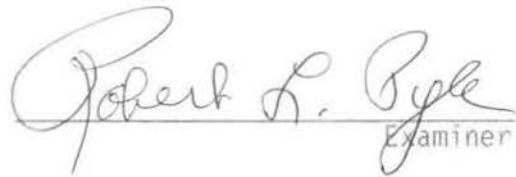
O R D E R

THE COMMISSION ORDERS:

1. That Application No. 24317-PP-Transfer, being an application to transfer Permit No. A-329 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

(Decision No. 76383)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE WESTERN COLORADO POWER COMPANY,)
1407 WEST NORTH TEMPLE STREET, P. O.)
BOX 899, SALT LAKE CITY, UTAH, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY IN THE CITY OF DURANGO,)
LA PLATA COUNTY, COLORADO.)

APPLICATION NO. 24561

DECISION OF THE COMMISSION

December 1, 1970

Appearances: Robert Gordon, Esq., Salt Lake City, Utah;
R. Frank McKelvey, Esq., Durango, Colorado,
for Applicant;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application of Western Colorado Power Company, hereinafter designated Applicant, was filed on September 18, 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 Durango, County of La Plata, Colorado, for the distribution and sale of electric power and energy.

After due and proper notice to all interested parties, the aforesaid application was set for hearing on November 23, 1970, at 10 a.m. in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the application was heard by Commissioners Henry E. Zarlengo and Howard S. Bjelland, 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 exhibit was offered and admitted into evidence:
Exhibit No. 1, a copy of Ordinance No. 1115 of the City of Durango.

FINDINGS OF FACT

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

1. The Western Colorado Power Company, 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, at various points within the State of Colorado, and the furnishing of electric service in the City of Durango, 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 July 21, 1970, the voters of the City of Durango, by a vote of 761 for and 17 against, approved the grant of an electric franchise to Applicant as set forth in Ordinance No. 1115. A copy of said franchise together with copies of supporting documents was attached to the application as Exhibit No. 1.

5. The said franchise is for a term of 20 years and provides for a franchise consideration to be paid to the city monthly in the amount of five percent (5%) of "adjusted gross revenues" (revenues from sale of electric power and energy within the city less revenues from such sales to industrial customers after adjustment for net write-off of uncollectible accounts and bill corrections).

6. Applicant now distributes electric power and energy in the city which it secures from its interconnected generating and transmission system. Applicant will continue to utilize its existing electric facilities and any additions thereto in furnishing such service to the City of Durango, 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 in said City of Durango. Applicant serves about 3,590 electric customers in the city which has a population of 10,319 according to the preliminary 1970 census.

8. Applicant is financially, physically and otherwise capable and qualified to provide electric service to the inhabitants of the City of Durango, and public convenience and necessity require, and will require, the exercise by The Western Colorado Power Company of the franchise rights granted to it as set forth in said Ordinance No. 1115 of the City of Durango.

O R D E R

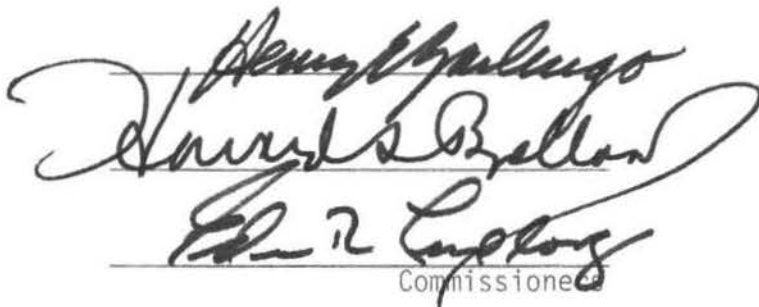
THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be, and hereby is, granted to The Western Colorado Power Company to exercise franchise rights granted to Applicant by Franchise Ordinance No. 1115 of the City of Durango in accordance with the terms of said franchise ordinance, and 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 utilities as now exist or as the same may hereafter be amended or changed pursuant to law.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1970.
js

(Decision No. 76384)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOWARD A. VAGNEUR, DOING BUSINESS AS)
"SNOW CAT UNLIMITED," BOX 128,)
WOODY CREEK, COLORADO, FOR AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24579

ORDER OF THE COMMISSION

December 1, 1970

Appearances: Howard A. Vagneur, Woody Creek,
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 the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter ordered;

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

IT IS ORDERED, That Howard A. Vagneur, doing business as "Snow Cat Unlimited," Box 128, Woody Creek, Colorado, be, and is hereby, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the following:

"Transportation of

Passengers

Between all points located within an area comprised of Pitkin County, State of Colorado.

RESTRICTION: This Certificate is restricted to the use of over-the-snow vehicles."

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

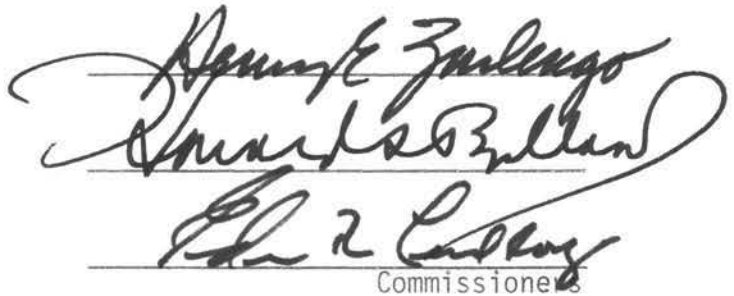
That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission within twenty days from date hereof.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN W. BURBACH, 1702 SOUTH GARFIELD,)	
DENVER, COLORADO, FOR AUTHORITY TO)	
TRANSFER CERTIFICATE OF PUBLIC CON-)	APPLICATION NO. 24611-Transfer
VENIENCE AND NECESSITY PUC NO. 3208)	
TO JAMES E. BRIMMERMAN, DOING)	ORDER OF THE COMMISSION
BUSINESS AS "BRIMMERMAN AND SON)	
DISPOSAL," 1742 HAVANA, AURORA,)	
COLORADO.)	
- - - - -)	

- - - - -
December 2, 1970
- - - - -

Appearances: William Andrew Wilson, 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 John W. Burbach, 1702 South Garfield, 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. 3208 to James E. Brimmerman, doing business as "Brimmerman and Son Disposal," 1742 Havana, Aurora, 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. 3208 shall read and be as follows, to wit:

"Transportation of

Ash, trash, and refuse

From all points within the City and County of Denver, Colorado, to designated and approved dumps and disposal sites 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 of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by 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 2nd day of December, 1970.

JS

(Decision No. 76386)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LITTLE PERCENT INC.)

426 E. MAIN)

BOX 2003)

ASPEN, COLORADO 81611)

AUTHORITY NO. 1681

CASE NO. 2445-H-Ins.

November 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 23, 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.

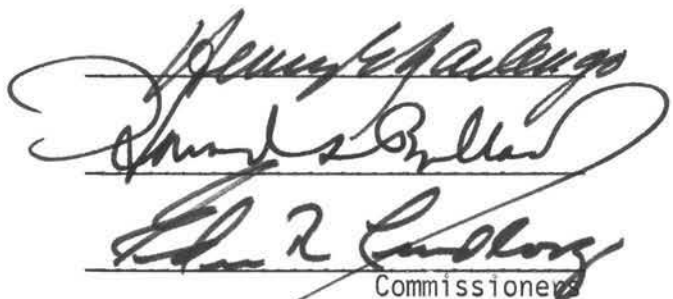
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 30th day of November 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM 240, CHARGES ON LESS-
THAN-TRUCKLOAD SHIPMENTS NOT TO
EXCEED CHARGES ON BASIS OF
MINIMUM WEIGHTS

CASE NO. 1585

November 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 22, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed 4th Revised Page No. 72 to its Local and Joint Class and Commodity Rates Tariff No. 12-B, Colorado PUC No. 19, setting forth changes to Item 240, scheduled to become effective November 27, 1970, eliminating the complete item and referring to Item 595 of the National Motor Freight Classification No. A-11, Colorado PUC No. 8, for application of the provisions contained therein.

The current provisions are as follows:

RULES AND REGULATIONS	
Item	Application
240	CHARGES ON LESS-THAN-TRUCKLOAD SHIPMENTS NOT TO EXCEED CHARGES ON BASIS OF MINIMUM WEIGHTS: When the charges based on the higher rate and the actual weight (but not less than the minimum weight specified for the higher rate) exceeds the charge based on the lower rate and actual weight (but not less than the minimum weight specified for the lower rate) the latter charge will apply.

The Chief of Tariff Bureau advises the Commission that:

- Both Item 240 of Tariff 12-B and Item 595 of the Classification cover the same subject and it would appear that there is no need for both items.
- In choosing to cancel Item 240 and to apply Classification Item 595, we did so because the wording of provisions to apply on Colorado

intrastate traffic would then be uniform with that in other areas.

3. This change results in neither an increase nor a reduction in charges.

The current provisions in the National Motor Freight Classification A-11, Colorado PUC No. 8, are as follows:

Item 595

MAXIMUM CHARGES

Sec. 1. In no case shall the charge for any shipment from and to the same points, via the same route of movement, be greater than the charge for a greater quantity of the same commodity in the same shipping form and subject to the same packing provisions at the rate and weight applicable to such greater quantity of freight.

Sec. 2. Where alternating truckload classes and minimum weights are provided in this classification, charges shall be the lowest that can be computed, either by use of the applicable less than truckload class at actual or authorized estimated weight, or by use of any of the truckload classes subject to the truckload minimum weight (or actual quantity shipped if greater) provided for such class.

Since the changes appear to represent uniformity in the application of the maximum charges within Colorado and to other areas, the Commission states and finds that: --

1. An Order shall be entered prescribing the provisions set forth in the statement hereof and 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 and Findings of Fact be, and are hereby, made a part hereof.

2. That the rules and provisions as amended, and set forth in the Statement of this Order, shall be the prescribed 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 November 27, 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 November 27, 1970, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" contract carriers shall be subject to the penalty rule of twenty (20) percent.

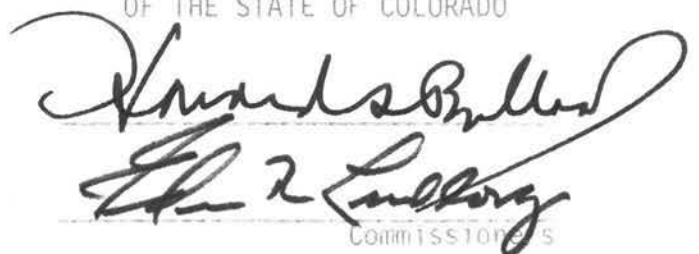
7. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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



Commissioner

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Dated at Denver, Colorado, this
27th day of November, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CURNOW TRANSPORTATION COMPANY, 3445)
FOX STREET, DENVER, COLORADO, FOR A)
CLASS "A" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23588-PP

December 2, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 23, 1970, Recommended Decision No. 76151 was issued by Examiner Robert L. Pyle. Said Recommended Decision generally discusses numerous issues of general applicability, including many policy and legal issues which have been raised by the Commission during the last decade involving contract carriers.

On November 10, 1970, the Contract Carriers' Conference, one of the Conferences of the Colorado Motor Carriers Association, on behalf of its members: Jim Chelf, Inc., Viking Logging and Construction Co., doing business as Statewide Trucking Co., and Ashton Trucking Co. by their attorney, John J. Conway, Esq.; and Thacker Bros. Transportation, Inc., and Miller Bros., Inc., by their attorney, John H. Lewis, Esq., filed with the Commission a "Petition to Intervene and for Extension of Time to File Exceptions," and their said Petition states that the Recommended Decision of Examiner Pyle decided the policy and legal issues contrary to the interest of contract carriers generally and the Petitioners specifically. Said

Petition also states that counsel for the Applicant, Curnow Transportation Company, does not object to the granting of the Petition to Intervene and for Extension of Time to File Exceptions, and that counsel for Curnow Transportation Company has ordered a transcript of the proceedings before the Examiner but the same cannot be timely certified to the Commission and that, therefore, he has asked the Commission to grant him an extension of time within which to file the transcript and exceptions thereto.

Rule 10 C of the Rules of Practice and Procedure Before the Public Utilities Commission of the State of Colorado provides that "Intervening petitions and proof of service thereof to all other parties of record, will be filed with the Commission within the time specified in the notice given. If no personal notice is given, intervening petitions and proof of service thereof must be filed with the Commission at least five (5) days prior to the date set for hearing. If an untimely filing is made the petitioner must state a substantial reason for such delay, otherwise such petition will not be considered." The essence of the Rule is that normally a petition to intervene should be filed with the Commission at least five days prior to date set for hearing. In this case, the Petition to Intervene was not received by the Commission until 18 days after the issuance of the Recommended Decision by the Hearing Examiner. The Petition to Intervene does not comply with the aforesaid Rule inasmuch as it fails to state a substantial reason for the delay in filing the Petition to Intervene. In fact, the Petition does not state any reason for the delay in filing the Petition with the Commission, and, accordingly, the Petition must be denied.

In view of the foregoing discussion as to why the Petition to Intervene must be denied, it is not necessary to discuss the second part of the Petition, namely, for an extension of time to file exceptions since the denial of the Petition to Intervene renders the Petition for Extension of Time to File Exceptions moot.

O R D E R

THE COMMISSION ORDERS:

1. That the Petition to Intervene and For Extension of Time to File Exceptions by The Contract Carriers' Conference, one of the Conferences of the Colorado Motor Carriers Association, on behalf of its members: Jim Chelf, Inc.; Viking Logging and Construction Co., doing business as Statewide Trucking Co.; Ashton Trucking Co.; Thacker Bros. Transportation, Inc.; and Miller Bros., Inc., is hereby denied.

2. 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 2nd day of December, 1970.

js

(Decision No. 76389)

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, MILL-)
CREEK COURT BUILDING, VAIL, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24201

SUPPLEMENTAL ORDER

December 2, 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, by Decision No. 75629, the Recommended Decision of Christian O. Igenbergs, Examiner, was entered in the above-entitled matter.

On October 23, 1970, Protestants Leo J. Duran and Pemaco, Inc., 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 filed a Motion For Leave To File Brief In Reply To The Brief of Protestants which was attached to the said Exceptions. On November 19, 1970, the Commission by Decision No. 76289, denied the said Motion For Leave To File Brief.

On November 24, 1970, Protestants Leo J. Duran and Pemaco, Inc., filed their Petition For Rehearing, Reconsideration Or Reargument.

The Commission states and finds that Protestants' Petition For Rehearing, Reconsideration Or Reargument does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Petition For Rehearing, Reconsideration Or Reargument filed on November 24, 1970 by Protestants Leo J. Duran and Pemaco, Inc., be, and hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 2nd day of December, 1970.

js

(Decision No. 76390)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LITTLE PERCENT, INC., A COLORADO)
CORPORATION, 426 EAST MAIN, ASPEN,)
COLORADO, FOR EMERGENCY TEMPORARY)
APPROVAL TO TRANSFER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 1681 TO ASPEN CAB COMPANY AND)
LITTLE PERCENT, INC., A LIMITED)
PARTNERSHIP, DOING BUSINESS AS "ASPEN)
CAB SERVICE COMPANY," 426 EAST MAIN,)
ASPEN, COLORADO.)

APPLICATION NO. 24678-Transfer-ETA
ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

December 1, 1970

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 1681 to the above-named Transferees.

It further appearing, That there is an immediate and urgent need for the emergency temporary approval herein sought, and,

It further appearing, That failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

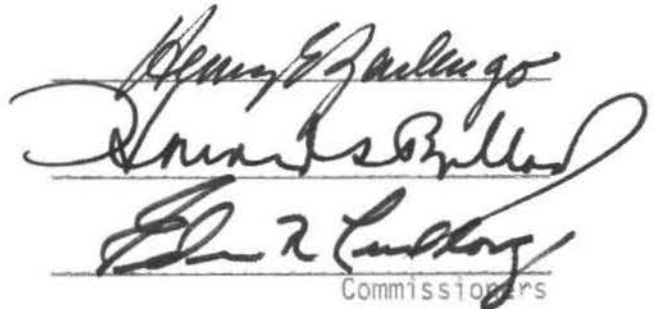
It is ordered, That Aspen Cab Company, a Colorado corporation, and Little Percent, Inc., a Colorado corporation, doing business as "Aspen Cab Service Company," a limited partnership, 426 East Main, Aspen, Colorado, be, and are hereby, granted emergency temporary approval for a period of fifteen (15) days commencing December 1, 1970, to operate under Certificate

of Public Convenience and Necessity PUC No. 1681; conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and 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 approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1970.
cj

(Decision No. 76391)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ROCKY MOUNTAIN NATURAL GAS COMPANY,
INC., FOR AUTHORITY TO SELL AND CON-
VEY TO TRANS-COLORADO PIPELINE COMPANY,
A DELAWARE CORPORATION, ITS PIPELINE
FACILITIES, RIGHTS OF WAY AND MISCEL-
LANEOUS EQUIPMENT CONSTRUCTED PURSUANT
TO DECISION NO. 71576 IN APPLICATION
NO. 23236 OF THIS COMMISSION AND FOR
AUTHORITY TO RELINQUISH ITS CERTIFI-
CATE OF PUBLIC CONVENIENCE AND
NECESSITY THEREIN ISSUED OR IN THE
ALTERNATE TO ASSIGN SAID CERTIFI-
CATE TO TRANS-COLORADO PIPELINE
COMPANY.

APPLICATION NO. 24615

IN THE MATTER OF THE APPLICATION OF
TRANS-COLORADO PIPELINE COMPANY TO
ACQUIRE A NATURAL GAS PIPELINE SYS-
TEM FROM ROCKY MOUNTAIN NATURAL GAS
COMPANY, INC., AND FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 24616

DECISION OF THE COMMISSION

December 2, 1970

Appearances: Grant E. McGee, Esq., Denver, Colorado,
and
Wynn M. Bennett, Jr., Esq., Denver, Colorado,
for Applicant, Rocky Mountain Natural
Gas Company, Inc.;
Walter W. Sapp, Esq., Colorado Springs, Colorado,
for Applicant, Trans-Colorado Pipeline
Company;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

On October 16, 1970, Rocky Mountain Natural Gas Company, Inc.,
hereinafter referred to as Rocky Mountain, filed with the Public Utilities
Commission of the State of Colorado its application identified above as
Application No. 24615. On the same date Trans-Colorado Pipeline Company,

hereinafter referred to as Trans-Colorado, filed with the Commission its application identified above as Application No. 24616. Upon due notice to all interested parties, the two applications were set for hearing on November 23, 1970, at 10 a.m. in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado. At the aforesaid time and place, the applications were called up for hearing and heard by the Commission.

Upon order of the Commission at that time entered, the hearing was consolidated on both applications on a joint record. Upon conclusion of the hearing the applications were taken under advisement by the Commission.

DISCUSSION

Applicant Rocky Mountain is a public utility incorporated under the laws of the State of Colorado, engaged primarily in the business of purchase, transmission, distribution and sale of natural gas in the State of Colorado. The subject matter of this application concerns the sale of certain pipeline facilities, rights of way, and miscellaneous equipment constructed pursuant to Decision No. 71576 of this Commission, and for authority to relinquish its certificate of public convenience and necessity to Trans-Colorado.

Applicant (Rocky Mountain) witnesses presented Exhibit No. 1 which is an agreement dated June 18, 1968, whereby Trans-Colorado agrees to purchase the pipeline at net book value on or not later than January 1, 1971. The pipeline is described to be a 10" pipeline extending from a point in the Andy's Mesa Unit in San Miguel County, Colorado, to a point on Rocky Mountain's 8" pipeline system near Delta, Colorado, and referred to as Andy's Mesa Pipeline. Exhibit No. 2 is a statement showing the net book value as of January 1, 1971, to be \$2,001,656.

Applicant Trans-Colorado witnesses presented Exhibits Nos. 1 and 2 which are the Articles of Incorporation and a Certificate to conduct business in Colorado.

Trans-Colorado, a Delaware corporation and a wholly-owned subsidiary of Colorado Interstate Corporation, is not presently under the jurisdiction of this Commission but will upon acquisition of the above-described pipeline become subject to such jurisdiction.

Funding of Trans-Colorado for the acquisition of this property will come from funds advanced by the parent company. The resulting capital structure of Trans-Colorado will be 40% common equity and 60% short-term debt.

Applicant Trans-Colorado seeks authority to acquire from Rocky Mountain, natural gas transmission facilities consisting of approximately 68.6 miles of 10" pipeline located in San Miguel, Montrose and Delta Counties in Colorado, and a gas purchase meter station at the southwest terminus of the pipeline and referred to as Andy's Mesa Pipeline, and the transfer of the existing Certificate of Public Convenience and Necessity now held by Rocky Mountain, for said pipeline.

By a contract dated June 18, 1968, Applicant Trans-Colorado agreed to purchase the Andy's Mesa Pipeline from Rocky Mountain on or before January 1, 1971, at net book value. Applicant proposes to perform its obligation to purchase said pipeline effective January 1, 1971, on which date the net book value is to be \$2,001,656. On the date of transfer Applicant Trans-Colorado will purchase the gas contained in the pipeline at a price of 17¢ per MCF, amounting to \$1,728. Rocky Mountain currently purchases from Trans-Colorado gas produced in the Andy's Mesa Field in San Miguel County, Colorado, which Rocky Mountain measures and transports to a point on its system near Delta, Colorado, through the Andy's Mesa Pipeline. Subsequent to its acquisition of the Andy's Mesa Pipeline, Trans-Colorado will continue to deliver natural gas produced in the Andy's Mesa Field to Rocky Mountain at Delta.

During the period beginning January 1, 1971, and extending through the term of the Agreement, Trans-Colorado agrees to sell and deliver and Rocky Mountain agrees to receive and pay for the following quantity of natural gas:

(a) Peak Day Quantity - To the extent available from Andy's Mesa Unit, estimated to be initially 8,951 MCF per day, all gas that Rocky Mountain shall request on any given day.

(b) Average Daily Quantity - To the extent available from Andy's Mesa Unit, an average daily quantity of 6,088 MCF per day during the first six months of the term of this Agreement, and thereafter such average daily quantity as may be agreed to by the parties.

Under the terms of the Agreement the price is to be 30¢ per MCF and to continue until such time as Trans-Colorado obtains additional supplies or other arrangements are made between the parties. Rocky Mountain agrees to operate and maintain the pipeline facilities for Trans-Colorado during this period.

Trans-Colorado controls certain gas reserves in the Southeast Lisbon Field and has agreed to diligently pursue negotiations to purchase additional quantities of gas in this area which may ultimately assist Rocky Mountain in the critical matter of long-term gas supply.

FINDINGS OF FACT

From the record herein the Commission finds as fact that:

1. Applicant Rocky Mountain is a Colorado corporation and a public utility subject to the jurisdiction of this Commission engaged in the business of purchase, transmission, distribution and sale of natural gas in various areas in the State of Colorado.

2. Applicant Trans-Colorado is a Delaware corporation authorized to conduct business in the State of Colorado and not presently under the jurisdiction of this Commission.

3. Applicant Trans-Colorado is a qualified organization to make the purchase of these facilities and has the necessary personnel and talent available through its parent organization for the future operation thereof.

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

5. Applicant Rocky Mountain now holds from this Commission a Certificate of Public Convenience and Necessity granted by Decision No. 71576, dated July 11, 1968, in Application No. 23236.

6. Rocky Mountain constructed the Andy's Mesa Pipeline in 1968 with an agreement that Trans-Colorado would purchase this facility on or before January 1, 1971.

7. The transfer of the above-mentioned Certificate of Public Convenience and Necessity by Rocky Mountain to Trans-Colorado and the acquisition of the pipeline facilities will not result in any increased cost to Rocky Mountain's customers and is in the public interest and should be authorized.

8. Applicant Trans-Colorado upon acquisition of these facilities will become a public utility under the jurisdiction of this Commission and as such will be required to conform to all rules and regulations of this Commission.

9. The initial rate under the interim agreement is reasonable and just and should be approved.

O R D E R

THE COMMISSION ORDERS:

1. The transfer of the Certificate of Public Convenience and Necessity now held by Rocky Mountain Natural Gas Company described in Finding No. 5 to Trans-Colorado Pipeline Company be, and it hereby is, authorized and approved.

2. That the acquisition by Trans-Colorado Pipeline Company of the gas transmission facilities set forth in the preceding Statement and designated as Andy's Mesa Pipeline be, and it hereby is, authorized and approved.

3. The initial rate of 30¢ per MCF under the terms of the contract is hereby approved and authorized.

4. On or before February 15, 1971, Rocky Mountain Natural Gas Company, Inc., shall file with this Commission a list of journal entries to be made upon its books resulting from the sale of the Andy's Mesa Pipeline properties.

5. On or before February 15, 1971, Trans-Colorado Pipeline Company shall file with this Commission a list of journal entries to be made upon its books resulting from the acquisition of the Andy's Mesa Pipeline properties.


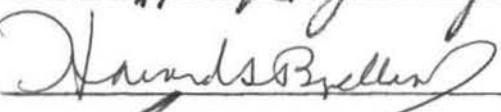
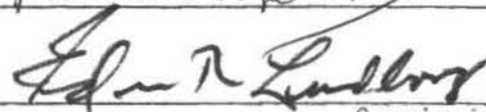
6. Applicant Trans-Colorado Pipeline Company shall operate the utility property in accordance with the rules and regulations of the Commission with respect to service, construction, maintenance, operation, accounting and other matters applicable to gas utilities.

7. Applicant Trans-Colorado Pipeline Company shall file with this Commission tariffs as necessary.

8. On or before April 1, 1971, Trans-Colorado Pipeline Company shall report to this Commission the status of the negotiations in the Southeast Lisbon Field.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
2nd day of December, 1970.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SALIDA-CANON TRUCKING, INC., DOING)
BUSINESS AS "CENTRAL COLORADO TRUCK-)
ING COMPANY," 816 WATER STREET, CANON)
CITY, COLORADO, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 1554)
AND 1554-I TO DON CAMPER, INC., WEST-)
CLIFFE, COLORADO.)

APPLICATION NO. 24600-Transfer

ORDER OF THE COMMISSION

December 3, 1970

Appearances: David E. Driggers, 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 Salida-Canon Trucking, Inc., doing business as "Central Colorado Trucking Company," 816 Water Street, Canon City, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1554 and 1554-I to Don Camper, Inc., Westcliffe, 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. 1554 and 1554-I shall read and be as follows, to wit:

"Transportation -- on call and demand -- of

1. Farm products (including livestock)

Between all points within a thirty five (35) mile radius of Canon City, Colorado, and to and from said points from and to all points within the State of Colorado.

2. Farm products (including livestock), fish, household goods, mining and milling machinery, farm supplies, stone, and timber.

Between all points within that portion of a thirty-five (35) mile radius of Salida, Colorado, lying east of the Continental Divide and to and from said points from and to all points within the State of Colorado.

RESTRICTION: Item No. 2 of this Certificate is restricted against rendering transportation service between points which were served as of September 24, 1938 by regularly scheduled certificated common carriers.

3. Ore and concentrates

From mines located within a five (5) mile radius of Bonanza, Colorado, to railroad loading points at Villa Grove, and Salida, Colorado, and to the smelter at Malta, Colorado.

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

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 3rd day of December, 1970.
js

(Decision No. 76393)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, LEE JOHNSON, DOING)
BUSINESS AS "JOHNSON'S TRUCKING,")
BOX 393, ROUTE 4, FORT COLLINS,)
COLORADO, UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 793 AND PUC NO. 793-I.)

CASE NO. 5427

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

December 3, 1970

SUPPLEMENTAL ORDER

Appearances: Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.
Melvin Dinner, Esq., Greeley,
Colorado, for Respondent.
Bruce Ownbey, Esq., Denver,
Colorado, with his client,
Kenneth Bates, who was not a
party to this proceeding but
had been subpoenaed to testify.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 25, 1970, Recommended Decision No. 75191 was submitted
by Robert L. Pyle, Examiner, in the above entitled case which provided
as follows, to-wit:

"3. That Respondent's Certificates of Public
Convenience and Necessity PUC No. 793 and PUC No. 793-I
be, and the same hereby are, revoked and cancelled;
provided, however, that in lieu of said revocation
and cancellation, Respondent may pay the sum of Two
Thousand Five Hundred Dollars (\$2,500) to the Treasurer
of the State of Colorado on or before July 15, 1970,
for the use and benefit of the State of Colorado, under
and pursuant to the provisions of the Public Utilities
Act, in which event and upon the presentation of
evidence of said payment to this Commission that portion
of this Order pertaining to the cancellation and
revocation of said Certificates of Public Convenience and
Necessity PUC No. 793 and PUC No. 793-I shall be null and
void and of no effect and said authority shall be fully
operative."

On July 15, 1970, Melvin Dinner, Esq., Attorney for Respondent, filed exceptions to said Recommended Decision. On October 30, 1970, the Commission entered Decision No. 76177 which provided as follows:

"1. The Exceptions of Applicant be, and hereby are, overruled and denied.

2. The Recommended Decision and Order by Examiner Robert L. Pyle, being Decision No. 75191, dated June 25, 1970, be, and hereby is, affirmed and adopted as our own without change in any of the requirements thereof except as set forth hereinbelow.

3. That ordering paragraph 3 of said Decision No. 75191 be, and hereby is, amended to provide that in lieu of revocation and cancellation of Respondent's certificate of public convenience and necessity, Respondent may pay the sum of Two Thousand Five Hundred Dollars (\$2,500) to the Treasurer of the State of Colorado within twenty one (21) days of the effective date of this Order.

4. This Decision and Order shall be effective forthwith."

Inasmuch as Respondent, Lee Johnson, doing business as "Johnson's Trucking," Box 393, Route 4, Fort Collins, Colorado, has elected and has paid the sum of Two Thousand Five Hundred Dollars (\$2,500) on or before November 19, 1970, as provided in Decision Nos. 75191 and 76177, the Commission states and finds that Certificate of Public Convenience and Necessity PUC No. 793 and PUC No. 793-I should not be revoked and should remain in full force and effect.


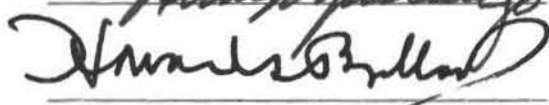
O R D E R

THE COMMISSION ORDERS:

That that portion of Decision No. 76177 providing for the revocation of the Certificate of Public Convenience and Necessity PUC No. 793 and PUC No. 793-I of Respondent, Lee Johnson, doing business as "Johnson's Trucking," be, and the same hereby is, vacated, set aside,

and held for naught; and that said operating rights shall remain in full force and effect and be fully operative.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1970.
js

(Decision No. 76394)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN NATURAL GAS COMPANY,)
INC., 1600 SHERMAN STREET, DENVER,)
COLORADO 80203, FOR AN ORDER PUR-)
SUANT TO PARAGRAPH B OF ACCOUNT NO.)
271 OF THE FEDERAL POWER COMMISSION)
UNIFORM SYSTEM OF ACCOUNTS FOR CLASS)
A, B, AND C NATURAL GAS COMPANIES,)
TO TRANSFER THE CREDITS IN ACCOUNT)
NO. 271 TO DEPRECIATION EXPENSE IN)
1970 AND THEREAFTER.)

APPLICATION NO. 24680
ORDER OF THE COMMISSION
NOTICE OF APPLICATION FILED
AND
NOTICE OF HEARING

December 2, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application was filed by Rocky Mountain Natural Gas Company, Inc., Applicant herein, on December 1, 1970. By this application authority is sought to transfer the credits in Account No. 271 to Depreciation Expense in 1970 and thereafter pursuant to Paragraph B of Account No. 271 of the Federal Power Commission Uniform System of Accounts for Class A, B, and C Natural Gas Companies.

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 said application on less than thirty (30) days' notice as provided for in the Order herein. The Commission further finds that public interest and necessity require that notice of the hearing herein be given as provided in the Order to follow and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The above-entitled application be, and hereby is, set for hearing before the Commission on Tuesday, December 15, 1970, at 9 a.m.

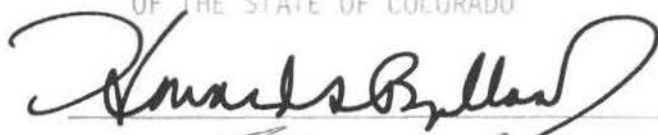
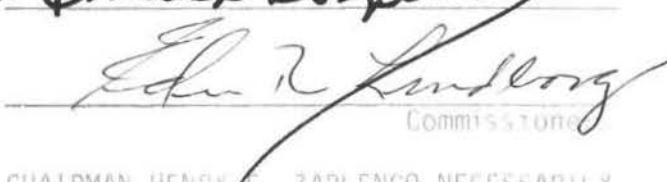
in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

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 application and the hearing thereon.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
2nd day of December, 1970.

vjr

(Decision No. 76395)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN AIRWAYS, INC.,
a Colorado corporation, and
MONARCH AVIATION, INC.,
a Colorado corporation,

Complainants,

vs.

ASPEN AIRWAYS, INC.,
a Colorado corporation,

Respondent.

CASE NO. 5428

DECISION OF COMMISSION SUSTAINING
EXCEPTIONS OF COMPLAINANTS TO
DECISION NO. 76195.

December 3, 1970

Appearances: Robert S. Wham, Esq.,
Denver, Colorado, for
Rocky Mountain Airways, Inc.,
Complainant;
John Mueller, Esq.,
Denver, Colorado, for
Aspen Airways, Inc.,
Respondent.

PROCEDURE AND RECORD

On November 4, 1970, Robert L. Pyle, an Examiner of the Commission, entered Decision No. 76195 in Case No. 5428 which in effect granted a motion by Aspen Airways, Inc., to dismiss the Complaint of Rocky Mountain Airways, Inc., and Monarch Aviation, Inc., and further recommended that the Commission enter a decision dismissing the Complaint.

The fact that the Commission may permit a proposed new tariff rate to become effective under the provisions of 1963 CRS, 115-6-11, as amended, on 30-day notice over protest without hearing, does not preclude an interested party from filing a Complaint against such new tariff under the provisions of 1963 CRS, 115-6-8, and 115-6-11, as amended. The Examiner was therefore in error in recommending to the Commission that Case No. 5428 be dismissed.

O R D E R

THE COMMISSION ORDERS THAT:

1. The conclusions of the Examiner as contained in Decision No. 76195 be, and hereby are, rejected.
2. Case No. 5428 is reinstated, and the Secretary of the Commission is directed to set said Complaint for hearing.
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
3rd day of December, 1970
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER TRAMWAY CORPORATION, 350)
SOUTH SANTA FE DRIVE, DENVER, COLO-)
RADO, FOR EMERGENCY TEMPORARY AU-)
THORITY TO EXTEND OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 210.)

APPLICATION NO. 24676-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

December 3, 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 the lack of adequate public
transportation service to and from the Englewood Shopping Center (Cinderella
Shopping Center).

And it further appearing, That said circumstances constitute
an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Denver Tramway Corporation, 350 South
Santa Fe Drive, Denver, Colorado, be, and is hereby, granted emergency
temporary authority for a period of fifteen (15) days commencing
December 3, 1970, as a common carrier by motor vehicle, for the

"Extension of Certificate of Public Convenience
and Necessity PUC No. 210, to include the trans-
portation of passengers, in extended service of
the area presently being served under route number
3, to include the new Englewood Shopping Center
(Cinderella Shopping Center)."

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



The signatures are written in dark ink over three horizontal lines. The top signature is 'Henry E. Gaskins', the middle is 'James S. Belland', and the bottom is 'John R. Long'. Below the bottom signature, the word 'Commissioners' is printed.

Dated at Denver, Colorado, this
3rd day of December, 1976.

vjr

(Decision No. 76397)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROBERT GORDON
12TH AND WASHINGTON
GOLDEN, COLORADO,

Complainant,

vs.

THE MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY, INC.
931 - 14th STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5449

December 3, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Complaint in the above-entitled Case was filed with the Commission on November 10, 1970. An Order To Satisfy Or Answer was issued to Respondent on the same day.

On November 25, 1970, Respondent filed a Motion To Dismiss Complaint.

On November 30, 1970, the Complainant filed a pleading entitled Memorandum In Opposition To Motion To Dismiss Complaint.

The Commission finds that the Complaint does not set forth any act or thing done or omitted to be done by the Respondent in violation or claimed to be in violation of any provision of law or of any rule of the Commission; that the Complaint does not conform

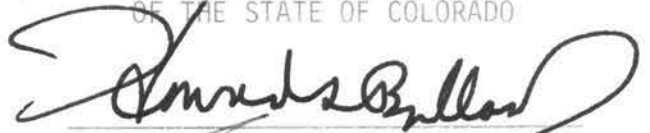

with the Rules of Practice and Procedure Before the Commission; that the Complaint further seeks relief in the form of damages; that such relief is beyond the jurisdiction of the Commission; that the Rules of Practice and Procedure Before the Commission do not permit any responsive pleadings to motions; and accordingly concludes that the Motion To Dismiss should be granted and Complainant's Memorandum In Opposition To Motion To Dismiss Complaint should be stricken, all as set forth in Order to follow.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent's Motion To Dismiss Complaint be, and hereby is, granted and the Complaint be, and hereby is, dismissed without prejudice.
2. The Complainant's Memorandum In Opposition To Motion To Dismiss Complaint be, and hereby is, stricken.
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 3rd day of December, 1970.

js

(Decision No. 76398)

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 AVIATION,)	
INC., DOING BUSINESS AS "PONDEROSA AIR-)	APPLICATION NO.
LINES, INC.," P.O. BOX 309, STEAMBOAT)	<u>24175-Extension</u>
SPRINGS, COLORADO, FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY AUTHOR-)	
IZING EXTENSION OF OPERATING RIGHTS)	
UNDER PUC NO. AC-58.)	

SUPPLEMENTAL ORDER

December 4, 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.

On November 19, 1970, Protestants Atlas Aviation, Inc., and Rocky Mountain Airways, Inc. timely filed with the Commission a petition requesting an extension of time within which to file exceptions. On November 30, 1970, the Commission by Decision No. 76356 granted an extension of time within which to file exceptions to said Recommended Decision until twenty (20) days after the certification of the transcript of the proceedings by the official reporter.

Also on November 30, 1970, Applicants filed a pleading entitled Objection To Motion For Extension Of Time Within Which To File Exceptions To Recommended Decision.

The Commission states and finds that no good grounds having been shown, the latter pleading by Applicants should be denied and overruled.

O R D E R

THE COMMISSION ORDERS THAT:

Applicants' Objection To Motion For Extension Of Time Within Which To File Exceptions To Recommended Decision filed with the Commission in the above-entitled matter on November 30, 1970, be, and hereby is, overruled and denied.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 4th day of December, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES R. COLBURN, BOX 52, KREMMLING,)
COLORADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24658-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 4, 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 furthered 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

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 4th day of December, 1970.
js

(Decision No. 76399)
December 4, 1970

APPENDIX

Application No. 24658-TA

James R. Colburn
Box 52
Kremmling, 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 of

Ash, trash, and other refuse

From all points located within Grand County, State of Colorado, to designated and approved dumps and disposal sites located within said county."

(Decision No. 76400)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY SHELTON, DOING BUSINESS AS)
"SHELTON TRUCKING," 5100 W. VIRGINIA,)
DENVER, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24665-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 4, 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.

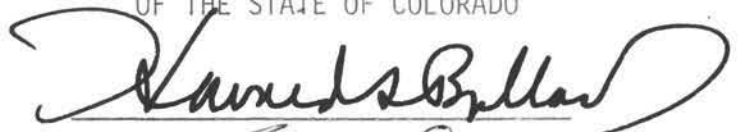

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
Applicant has received notice in writing from the Commission that
compliance has been effected and service may be instituted.

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 furthered 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

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 4th day of December, 1970.
js

(Decision No. 76400)
December 4, 1970

APPENDIX

Application No. 24665-PP-TA

Jerry Shelton
Doing Business As
"Shelton Trucking"
5100 W. Virginia
Denver, Colorado

By Order of the Commission which this appendix is a part hereof, entered under the name and number shown above, Applicant, upon compliance with the condition 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. 76401)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARVEY ALFRED HEAD, DOING BUSINESS)
AS "DELTA TAXI," 325 DODGE, DELTA,)
COLORADO, FOR TEMPORARY APPROVAL TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 1728)
TO WILLIAM R. NEWKIRK, DOING BUSINESS)
AS "DELTA TAXI SERVICE," 676 1575)
ROAD, DELTA, COLORADO.)

APPLICATION NO. 24669-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

December 4, 1970

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

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of
Public Convenience and Necessity PUC No. 1728 to the above-named
Transferee.

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

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

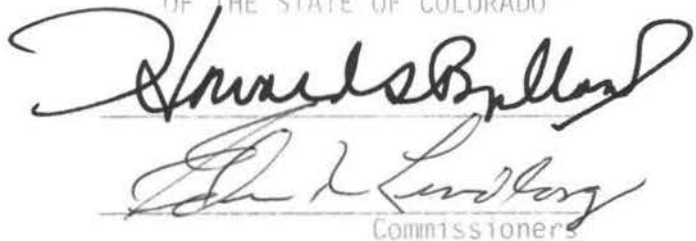
It is further ordered, That the service provided for in the Order shall not be commenced until all requirements have been met and Transferee has received notice in writing from the Commission that compliance has been effected and service may be instituted.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 4th day of December, 1970.

js

(Decision No. 76401)
December 4, 1970

APPENDIX

Application No. 24669-Transfer-TA

William R. Newkirk
Doing Business As
"Delta Taxi Service"
676 1575 Road
Delta, Colorado

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

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

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary authority to operate under Certificate of Public Convenience and Necessity PUC No. 1728 with authority as follows:

"Transportation of passengers in cabs of not to exceed 5-passenger capacity, between points in the area within a radius of 25 miles of, and including, the City of Delta, but excluding from said point to point area all that part thereof which lies south of the Montrose County-Delta County line, Applicant, however, to have the privilege of transporting

- (1) passengers in round trip service from and to points in said area to and from the City of Montrose, and the right to return the identical passengers, theretofore transported by him, from Delta to points in Applicant's afore-described Delta area, and

- (2) passengers to and from points in said Delta area, from and to points in that part of Montrose County lying north of a line projected west through the town of Olathe, Colorado, and west of U. S. 50 but shall not furnish any point to point service between points in Montrose County.

Transportation of passengers in charter service from Hotchkiss, Colorado, to Gunnison, Colorado, over State Highway No. 135 and return via U. S. Highway No. 50 to Sapinero, Colorado, thence over State Highway No. 92 to Hotchkiss via Black Mesa.

Transportation of passengers between Delta, Colorado, and the Montrose Airport, located near Montrose, Colorado, and intermediate points via U. S. Highway No. 50.

Transportation of passengers from points within a radius of 25 miles of, and including the City of Delta, Colorado, but excluding from said area all that part thereof which lies south of Montrose-Delta County Line, to points and places within a 100-mile radius of the City of Delta, with the right to give round-trip service to identical passengers originating in the above-described territory only.

Transportation of packages, parcels, baggage, messages, letters, papers and documents from point to point, by taxicab, within the territory Applicant is now authorized to serve in taxi service, under said PUC No. 1728, said service to be limited to call and demand service only.

(Decision No. 48342 dated 7-12-57 "Grandfather Rights" granted in preceding authority)."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HERMAN JOHNSON, 3214 ST. PAUL STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 5442 TO JOSEPH S.)
SALAZAR, 1448 KNOX COURT, DENVER,)
COLORADO.)

APPLICATION NO. 24557-Transfer

December 4, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 15, 1970, the above-styled application was filed with this Commission and after due and proper notice to all interested parties was set for hearing at 10:00 a.m., Monday, January 25, 1971, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On December 2, 1970, Herman Johnson and Joseph S. Salazar, Transferor and Transferee respectively, filed a letter with the Commission requesting withdrawal of the application.

The Commission finds that the application should be permitted to be withdrawn and the hearing vacated.

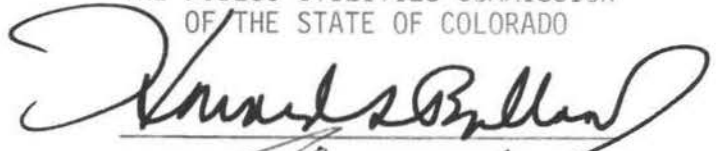

O R D E R

THE COMMISSION ORDERS:

1. That application No. 24557-Transfer be, and hereby is, permitted to be withdrawn.
2. That the hearing with regard to the above-styled application scheduled for Monday, January 25, 1971, at 10:00 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and hereby is, vacated.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado, this
4th day of December, 1970.

js

(Decision No. 76403)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY SHELTON, DOING BUSINESS AS)
"SHELTON TRUCKING," 5100 W. VIRGINIA,)
DENVER, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24665-PP

ORDER OF THE COMMISSION

December 7, 1970

Appearances: Jerry Shelton, Denver,
Colorado, pro se.

It appearing, That by Order of the Commission dated November 25, 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 Jerry Shelton, doing business as "Shelton Trucking," 5100 W. Virginia, Denver, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

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

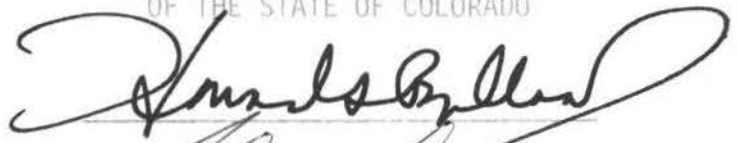

and this Order shall be deemed to be, and be, a PERMIT therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
7th day of December, 1970

JS

(Decision No. 76404)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND PAUL SOLEMA, 17215 W. 12TH)
AVENUE, GOLDEN, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24657-PP

ORDER OF THE COMMISSION

December 7, 1970

Appearances: Raymond Paul Solema, Golden,
Colorado, pro se.

It appearing, That by Order of the Commission dated November 25, 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 Raymond Paul Solema, 17215 W. 12th Avenue, Golden, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

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

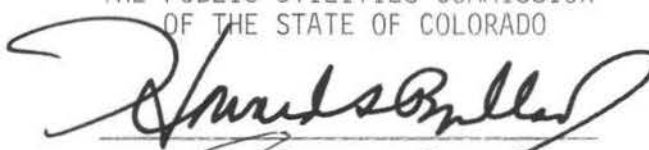
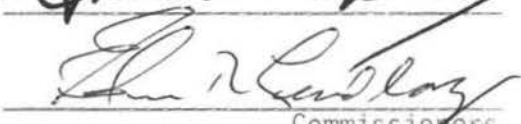
and this Order shall be deemed to be, and be, a PERMIT therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 7th day of December, 1970.

js

(Decision No. 76405)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CONTACT-COLORADO SPRINGS, INC., FOR)
THE TRANSFER OF EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 24563

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

December 7, 1970

Appearances: George J. Duckworth, Esq.,
Denver, Colorado, for
Applicants.
Dale L. Wormus, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of September 17, 1970, Applicants filed the above-entitled application for authority to transfer the Certificate of Public Convenience and Necessity granted by Commission Decision No. 60287, dated March 14, 1963, from Ri-An Enterprises, Inc., to Contact-Colorado Springs, Inc.

The Commission assigned No. 24563 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 November 13, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Wesley R. Anderson, David W. Brashear, and Robert A. Brochatey testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

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

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

FINDINGS OF FACT

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

1. Transferor herein is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Transferor is the present owner and operator of a Certificate of Public Convenience and Necessity as granted by Commission Decision No. 60287, dated March 14, 1963, which is the subject of this proceeding.
3. This authority has been continually operated in the past and is presently in good standing with the Commission.
4. Transferee herein is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
5. Transferee does not hold previously granted authority from this Commission.
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. This transfer proceeding was not protested.

11. If this transfer is approved, Transferee intends to and will engage in bona fide domestic public land mobile-radio service and one-way radio-paging service within the State of Colorado.

12. 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 Ri-An Enterprises, Inc., a Colorado corporation, 619 North Cascade, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to the Certificate of Public Convenience and Necessity granted under Commission Decision No. 60287, dated March 14, 1963, to Contact-Colorado Springs, Inc., a Colorado corporation, 619 North Cascade, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority.

2. That this transfer shall be contingent upon the parties obtaining FCC approval in connection herewith and, unless said approval is obtained, the transfer of this authority shall be null and void.

3. That Transferee shall adopt the tariffs of Transferor in accordance with Rule 24 of the Rules of Practice and Procedure of this Commission within ten (10) days of the effective date of the transfer authorized herein.

4. Within thirty (30) days of the effective date of the transfer, Ri-An Enterprises, Inc., shall file with this Commission a list of journal entries to be made upon its books resulting from the transfer of the Certificate of Public Convenience and Necessity.

5. Within thirty (30) days of the effective date of the transfer, Contact-Colorado Springs, Inc., shall file with this Commission a list of journal entries to be made upon its books resulting from the transfer of the Certificate of Public Convenience and Necessity.

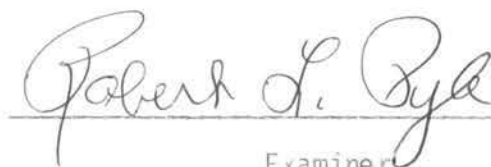
6. Applicant Contact-Colorado Springs, Inc. shall operate the utility property in accordance with the rules and regulations of the Commission with respect to engaging in bona fide domestic public land mobile-radio service and one-way radio-paging service within the State of Colorado.

7. 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.

8. 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

A handwritten signature in cursive script, reading "Robert L. Byrd", is written over a horizontal line.

Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
P. H. BYRD)
201 CLEVELAND STREET)
AMARILLO, TEXAS 79105)

AUTHORITY NO. 5602-I
CASE NO. 2454-H-Ins.

December 4, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 23, 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.

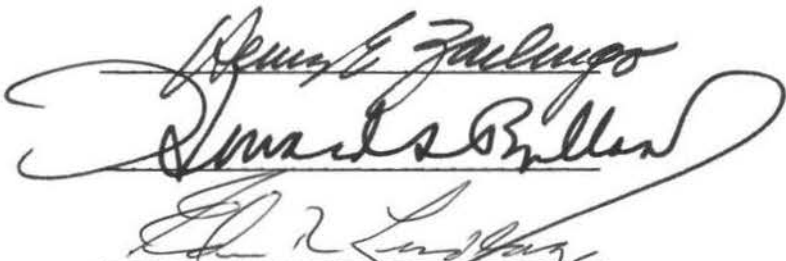
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 4th day of December, 1970.

(Decision No. 76407)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT W. HELZER, JR., 3102 MOORE)
LANE, FORT COLLINS, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)
- - - - -

APPLICATION NO. 24633-PP
ORDER OF THE COMMISSION

- - - - -
December 7, 1970
- - - - -

Appearances: Albert W. Helzer, Jr., Fort Collins,
Colorado, pro se.

It appearing, That by Order of the Commission dated October 28, 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 Albert W. Helzer, Jr., 3102 Moore Lane, Fort Collins, 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) Farm products

Between all points within Larimer County, State of Colorado, and from said points to all points located within the State of Colorado.

(2) Livestock feed

From all points located within the Counties of Larimer and Denver, State of Colorado, and the City of Fort Morgan, Colorado, to all points located within the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the transportation of livestock, bulk milk, and dairy products.
- (b) Against rendering town-to-town service.
- (c) 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.

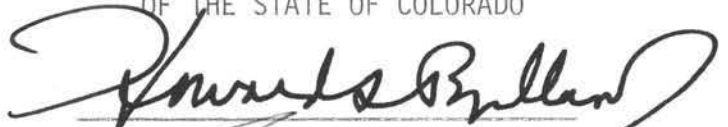

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 7th day of December, 1970.
js

(Decision No. 76408)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO MOBILE TELEPHONE COMPANY,))
1700 Market Street, Suite 2524,))
Philadelphia, Pennsylvania, and))
500 Equitable Building, Denver,))
Colorado,))

CASE NO. 5431

Complainant,))

vs.))

ANSWERPHONE, INC.,))
3500 East 17th Avenue,))
Denver, Colorado,))

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

Respondent.))

December 8, 1970

Appearances: Jeffrey C. Pond, Esq.,
Denver, Colorado, and
Lewis S. Kunkel, Jr., Esq.,
Philadelphia, Pennsylvania,
for Complainant.
Luis D. Rovira, Esq.,
Denver, Colorado, for
Respondent.

PROCEDURE AND RECORD

On June 10, 1970, Colorado Mobile Telephone Company (hereinafter referred to as Complainant) filed a Complaint against Answerphone, Inc. (hereinafter referred to as Respondent) alleging, inter alia, that Respondent is proposing to offer two-way automatic direct dialing mobile radio-telephone common carrier service to the public in the City and County of Denver and vicinity, pursuant to its Certificate of Public Convenience and Necessity therefor, dated March 26, 1970 (Decision No. 74629). Complainant alleges that automatic direct dial mobile radio-telephone service is a new service requiring a new Certificate of Public Convenience and Necessity.

The Commission assigned Case No. 5431 to the Complaint. On June 15, 1970, the Commission issued an Order to Satisfy or Answer, which Order stated that, unless the Complaint is satisfied, Respondent is ordered to Answer the Complaint in writing within twenty days from the date of service. Respondent's Answer was timely filed with the Commission on June 29, 1970.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this matter and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 28, 1970, at 10 a.m.

The Case was heard at the aforesaid time and place.

X. Nady, President of Answerphone, Inc., testified under Subpoena for the Complainant. Kirk Voth, an employee of Answerphone, Inc., and X. Nady testified for Respondent.

Complainant's Exhibits 1, 2, 3, 4, and 5 were tendered and admitted into evidence. Exhibits 6 and 7 were rejected. Respondent's Exhibits A and B were tendered and admitted into evidence.

The filing of Simultaneous Briefs was granted by the Examiner and said Briefs were duly filed by Complainant and Respondent on October 27, 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 a recommended order or requirement.

FINDINGS OF FACT

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

1. Colorado Mobile Telephone Company, Complainant herein, is a Colorado corporation with its principal office and mailing address at 1700 Market Street, Philadelphia, Pennsylvania, and its registered office at 500 Equitable Building, Denver, Colorado.

2. Answerphone, Inc., Respondent herein, is a Colorado corporation having its principal office and mailing address at 3500 East 17th Avenue, Denver, Colorado.

3. Pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over Complainant, Respondent, and the subject matter of these proceedings.

4. By Commission Order, Decision No. 69091, Respondent was granted a Certificate of Public Convenience and Necessity to furnish one-way radio service and two-way mobile radio communication service in the City and County of Denver, the Counties of Adams, Arapahoe, Weld, Douglas, Morgan, Elbert, and parts of Boulder, Larimer and Jefferson, all in the State of Colorado.

5. The aforesaid Certificate of Public Convenience and Necessity does not contain any restrictions limiting Respondent to manually operated radio communication services.

6. Respondent does have in effect an agreement with Mountain Bell allowing interconnection with the landlines of said telephone company.

7. Respondent is now offering, under existing tariff, one-way radio service and two-way mobile radio telephone communication service in and around the City and County of Denver and on February 25, 1970, filed an application with the Federal Communications Commission for a three-

channel domestic public land mobile radio service line. The application was amended on March 18, 1970, by a filing with the Federal Communications Commission, said filing being designated and admitted by the FCC as Exhibit A. The matter before the FCC is still pending. It is intended that these channels will be used to offer semi-automatic dial two-way mobile radio telephone communications in the same area presently served by Respondent.

8. At the present, the two-way mobile radio telephone communication service interconnects with Mountain Bell landlines through an operator of the Respondent.

9. The service proposed by Respondent will enable a subscriber to execute calls interconnected with landlines without the necessity of going through an operator of Respondent. However, if the calling party desires to use the services of Respondent's operator, he can still do so.

10. The service proposed is, in effect, the same as presently authorized and offered with an additional semi-automatic direct dial convenience which amounts to an improvement and up-dating of the existing service.

11. Respondent's existing Certificate of Public Convenience and Necessity authorizes it to offer the aforesaid proposed service.

DISCUSSION

The issue before this Commission is relatively simple, i.e.:

- a. Is Respondent offering a new service not covered by its existing Certificate of Public Convenience and Necessity?

or

- b. Is Respondent modernizing and upgrading its existing service by employing new and more modern equipment developed through advances in technology?

Chapter 115-5-1, CRS 1963, as amended, states in part, that:

"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 therefore 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."

Providing the subscriber with better, more reliable service through the use of modern equipment and advancements in the state of the art is referred to as "quality of service." 115-3-1 (2), CRS 1963, as amended, provides as follows:

"Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall in all respects be adequate, efficient, just and reasonable."

This section of the Colorado Public Utilities Law is applicable to the quality of the utility services rendered by a communications utility.

A utility has the responsibility and the obligation to provide such quality of service as is reasonably required by the public it serves.

A Certificate of Public Convenience and Necessity grants a utility certain rights and privileges to furnish a service to the public. Conversely, it carries with it certain obligations regarding "quality of service". By no means would it be reasonable to limit the rights and privileges and yet simultaneously enforce "the quality of service" under obligations. The rights and the obligation to employ the countless advancements in the state of the art of telephony have long been recognized for what they are and accepted as a normal and necessary progression of keeping pace with the industry.

This right has been upheld by numerous Court and Commission rulings and decisions. The Examiner has found no precedent in Colorado

law which would be on all fours with the facts in this Case but there are precedents in other jurisdictions. Two of the cases cited in Respondent's Brief, State of North Carolina ex rel Utilities Commission v. Two-Way Radio Service, Inc., 158 S.E. 2d 855 (1968), and Malis v. General Telephone Company of California, 59 Cal. PUC 110, 40 PUR 3d 315, 318 (1961), are well taken and to the point in the within case.

It should also be noted that Rule 9 of the Rules of this Commission Regulating the Service of Telephone Utilities provides in a general way but still, in accordance with the tenor of this Discussion, that a telephone utility shall provide and maintain adequate telephone facilities.

It is only where a utility seeks to extend the scope of its existing authority to where it has not served before and which is not contiguous to its present facility or, if contiguous, has been served by another public utility providing the same commodity or service, that a new certificate is required. As long as the extension of facilities is within the scope of the utility's certificate of public convenience and necessity, no further certificate or proof of public convenience and necessity is required. It cannot be claimed that Answerphone, Inc., is operating or proposing to operate anywhere except strictly within the scope and boundaries set out in its present certificate.

An analogy may be drawn from a transportation company providing personalized taxi services to any point within a city. Neither the make and the model of the vehicle nor the type of horsepower rating of the engine can be or are fixed and the carrier can improve his service taking advantage of any economies forthcoming from advanced design and performance of passenger taxicabs. By the same token, however, this company may not provide general bus service to the public over specified

routes under their existing certificate of public convenience and necessity to provide taxi services. Similarly, an airline can and does improve its service by offering the traveling public more comfort and convenience while utilizing the latest model jet aircraft.

Basically, the art of telephony might be interpreted as the transmission of audible voice signals between two individuals from two different but specified locations. The transmission of such signals should be accomplished by the most up-to-date methods available and be consistent with good economic practices and optimum service to the public. Hence, the end result of transmitting voice conversation by placing the call through an operator or by an individual dialing the call is the same. However, the latter is the most modern, efficient, and foolproof method of transmitting the call.

It is well known that other telephone utilities in the State of Colorado began their operations as manually operated services requiring the use of an operator and that they have converted such services to direct-dial operations without first obtaining new Certificates of Public Convenience and Necessity from this Commission.

The Examiner agrees with the contention that Respondent, by improving its service through the acquisition of additional and more modern facilities and additional channels so that dial service may be instituted, is extending its service within the City and County of Denver and Counties within which it has heretofore lawfully commenced operations and that such extension and improvement is necessary in the ordinary course of its business (Page 5 of Respondent's Brief).

The Findings of Fact contained in this Discussion, where applicable, are herewith incorporated and made part of the Findings of Fact, supra.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent does have the right and obligation to improve its service through modernization of equipment and therefor the right to offer improved radio mobile telephone service by installing two-way semi-automatic direct dial mobile radio telephone common carrier service under the provisions of said Company's existing Certificate of Public Convenience and Necessity granted by Commission Order, Decision No. 69091.

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:

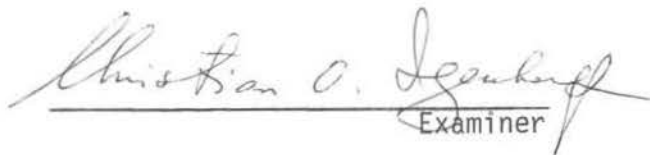
1. That the Complaint set forth in this proceeding, Case No. 5431, be, and hereby is, dismissed.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: COMPOUNDS, CLEANING, SCOURING)
OR WASHING, NOI, SOAP, NOI; AND)
SPRAYERS, NOI, WITH OR WITHOUT)
ENGINES; PERLITE ROCK, FINES,)
EXTENSION OF EXPIRATION TIME)
-----)

CASE NO. 1585

December 11, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 13, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed original page 263-A and 3rd Revised Page 301 to its Local and Joint Class and Commodity Rate Tariff No. 12-B, Colorado PUC No. 19, setting forth the following commodity item changes scheduled to become effective December 21, 1970.

SECTION 4 COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED FOR APPLICATION, SEE PAGE 245)					
ITEM	COMMODITY	FROM	TO	RATES	ROUTE
ORIGINAL PAGE 263-A					
1605	COMPOUNDS, CLEANING, SCOURING OR WASHING, NOI; SOAP, NOI SPRAYERS, NOI, WITH OR WITHOUT ENGINES.	DENVER	GRAND JUNCTION	(1) 271 (2) 266 (3) 251	87
	(1) LESS-THAN-TRUCKLOAD. (2) MINIMUM WEIGHT 1,000 POUNDS. (3) MINIMUM WEIGHT 2,000 POUNDS. (SUBJECT TO ITEM 595 OF THE GOVERNING CLASSIFICATION REFERRED TO IN ITEM 10)				
	NOTE 1: RATES APPLY ONLY ON MIXED SHIPMENTS OF THE ABOVE COMMODITIES PACKED TOGETHER IN THE SAME INNER CONTAINER, WITH SPRAYERS RESTRICTED TO NOT MORE THAN 20 PER CENT OF THE WEIGHT OF THE SHIPMENT.				
	THIS ITEM EXPIRES WITH DECEMBER 31, 1971, UNLESS SOONER CANCELED, CHANGED OR EXTENDED.				

SECTION 4					
COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)					
FOR APPLICATION, SEE PAGE 245					
ITEM	COMMODITY	FROM	TO	RATES	ROUTE
3RD REVISED PAGE No. 301		ANTONITO	COLORADO SPRINGS	(Y)	(X) 87
2830	PERLITE ROCK, FINES, IN BAGS, MINIMUM SHIPMENT 20 TONS. SUBJECT TO LOADING BY CONSIGNOR AND UNLOADING BY CONSIGNEE.		DENVER	\$5.44	
			ALAMOSA	(D) 21	
			MONTE VISTA	(D) 26	
(D) EXPIRES WITH DECEMBER 31, 1971, UNLESS SOONER CANCELED, CHANGED OR EXTENDED.					

RATES AND CHARGES IN ITEMS NOS. 1605 AND 2830 ARE SUBJECT TO AMENDMENT 7, INCREASES.

✓ DENOTES ADDITION.

↓ DENOTES REDUCTION.

◆ DENOTES INCREASE.

ROUTE No. 87 -- RIO GRANDE MOTOR WAY, INC., - DIRECT.

The Carrier supporting and initiating the above changes represents in a letter dated October 9, 1970, and forwarded to the Commission, that:

1. Item 1605 has been requested by a particular shipper of the above-referenced commodities for the purpose of allowing this shipper to package both the cleaning or washing compounds or soap in the same container with a sprayer or sprayers without being penalized by the provisions of Section No. 3, Item 640, of the National Motor Freight Classification A-11, Colorado PUC No. 8. Presently, if the shipper were to pack both the cleaning or washing compounds or soap along with the sprayers in the same packaging container, he would be charged the applicable Class 77½ rating (on sprayers) on the total weight of the package, resulting in a higher rate being charged on the weight of the Class 55 rating applicable to cleaning or washing compounds or soap.

To circumvent this, the shipper has in the past packaged each of the two different commodities in separate containers, which has raised his shipping costs. A research of records by the shipper has disclosed that over a specified period, 10 shipments were sent to Grand Junction from Denver with the washer units and the liquid soap being packaged in separate containers. The rate levels proposed are at a Class 70 level, which results in a decrease in rate for the sprayer item but is a substantial increase in the liquid soap item. Since the rates are subject to the Note 1 which provides that the sprayers are to be restricted in the same inner container to not more than 20 percent of the weight of the shipment, the carrier is protected from any loss of revenue due to the reduction in rating of the sprayers.

It is also represented that the same proposal is presently in effect in Rocky Mountain regional interstate tariffs, and that some savings will accrue to the shipper, and lower costs to carrier which will result from fewer packages to handle.

ITEM 2830: the expiration date is being extended to December 31, 1971. No other change is being made.

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 set forth herein 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 and Findings be, and they are hereby, made a part hereof.

2. That the rates and charges as amended and set forth in the Statement hereof 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 21, 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 21, 1970, 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.

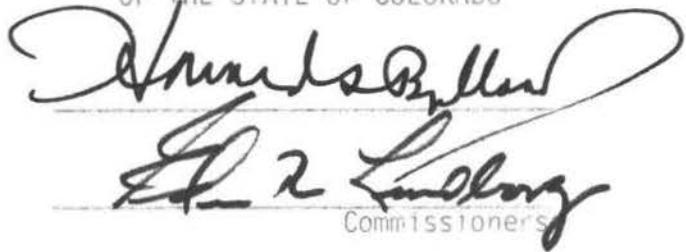
7. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Dated at Denver, Colorado, this
11th day of December, 1970. av

(Decision No. 76410)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 24662-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 8, 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 tempo-
rary 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 com-
pliance 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 regula-
tions 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

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 8th day of December, 1970.
js

APPENDIX

Application No. 24662-PP-TA

Donald N. Burdick
8935 West 20th Avenue
Lakewood, 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 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;

RESTRICTIONS: 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."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RYBERG WALDORF HOUSEMOVERS CO.,)
6122 EATON STREET, ARVADA, COLORADO,)
FOR TEMPORARY APPROVAL TO TRANSFER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3141 TO H.)
CARL RYBERG, DOING BUSINESS AS)
"RYBERG CONSTRUCTION CO.," 8317)
SOUTH REED STREET, LITTLETON,)
COLORADO.)

APPLICATION NO. 24670-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

December 9, 1970

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

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of
Public Convenience and Necessity PUC No. 3141 to the above-named
Transferee.

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

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1970.

js

(Decision No. 76411)
December 9, 1970

APPENDIX

Application No. 24670-Transfer-TA

H. Carl Ryberg
Doing Business As
Ryberg Construction Co.
8317 South Reed Street
Littleton, Colorado

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

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

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate of Public Convenience and Necessity PUC No. 3141 with authority as follows:

"Transportation of

Buildings

Between all points within a sixty (60) mile radius of Colfax Avenue and Broadway, Denver, Colorado, and to and from said points, from and to points within a one hundred (100) mile radius of said Colfax Avenue and Broadway."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COUNTY OF BOULDER FOR AUTHORITY)
TO INSTALL GRADE CROSSING PROTECTION)
DEVICES AT MILEPOSTS 23.83 AND 24.38) APPLICATION NO. 24496
OF THE UNION PACIFIC RAILROAD COMPANY)
SITUATE IN THE COUNTY OF BOULDER,)
STATE OF COLORADO.)

December 10, 1970

Appearances: Joseph C. French, County Attorney,
Boulder, Colorado and
Joseph F. Nigro, Esq., 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 Rail-
road Company;
J. L. McNeill, Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

On August 10, 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 grade crossings of Union Pacific Railroad over the following Boulder County roads:

County Road 52 (Valmont Road) - Railroad Milepost 24.38

County Road 39 (61st Street) - Railroad Milepost 23.83

and to therewith also secure financial assistance of the Public Utilities Commission Highway Crossing Protection Fund for the proposed work.

The Commission assigned No. 24496 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 interested persons, firms, or corporations, set the 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 at the hearing, it was verified there were no public witnesses and no objections appear in the Commission file. Further, this application was consolidated for hearing with Application No. 23357, which application relates to a proposed new grade crossing and installation of protective crossing devices at Milepost 24.65 of the instant Union Pacific Railroad, 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 Application No. 24496)

Description of proposed crossing work. Signal expenses proposed to be shared as follows:

Boulder County 10% - UPRR 10 % - State 80%

Exhibit B - Milepost 23.83 (61st Street)

Cost estimate of Union Pacific dated August 27, 1970.

1. Track repairs through crossing \$9,935. (Note: This work not needed and will not be done)
2. Automatic crossing protection \$16,790.

Exhibit B-1 - Milepost 24.38 (Valmont Road)

Cost estimate of Union Pacific dated August 27, 1970.

1. Track repairs through crossing \$8,290. (Note: This work not needed and will not be done.)
2. Automatic crossing protection \$16,170.

Exhibit C - (Part of Application No. 24496)

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.

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 on 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 grade crossing protection devices at the existing grade crossings of Union Pacific Railroad, Boulder Branch Line over the following Boulder County roads:

County Road 39 (61st Street)-Railroad Milepost 23.83

County Road 52 (Valmont Road)-Railroad Milepost 24.38

and for an allocation of the cost for said signal devices and installation in accordance with the provisions of 115-4-6, CRS 1963, as amended, relating to financial assistance through the Commission Highway Crossing Protection Fund.

2. The Commission has jurisdiction regarding the subject matter of this proceeding.

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 negotiations, correspondence, on the site inspections and proposals pertaining to plans for movement of a continually increasing volume of local vehicular traffic. In fact it is anticipated that if approval is granted for the new extension of County Road 45 and the railroad grade crossing as requested in Application No. 23357, then the existing grade crossings at Mileposts 23.83 and 24.38 will not be adequately protected by the existing crossbuck signs; hence, signal device protection will be necessary to avoid creation of a hazardous and dangerous condition.

5. Valmont Road and the grade crossing at Union Pacific Milepost 24.38 have existed for many years as a part of the Boulder County road system; the road is asphalt paved at 22 feet wide and is a principal east-west route with mixed traffic flow amounting to some 3,000 vehicles and trucks daily, including 26 school buses during the school term. The rail crossing is on a 45 degree angle, with visibility limitations of trees and track curvature. Highway speed is posted at 50 miles per hour.

6. The grade crossing at Milepost 23.83 and related north-south 61st Street have been in existence for many years as a part of the Boulder County road system. The road is asphalt paved at 25 feet wide for two traffic lanes with one foot wide gravel shoulders. Pursuant to Exhibit C - Traffic Data, the mixed traffic flow is shown as 1,096 vehicles and trucks per day, including 12 school buses; posted speed signing is 35 miles per hour. The crossing is on a slight diagonal and consists of the main track and a switching side track.

7. The Union Pacific Boulder Branch is a carload service and switching line extending in a southwesterly direction through the local Valmont area, and terminating in the City of Boulder industrial section near 21st and Pearl Streets at some three miles away. There is no passenger operation on the line.

8. Freight movement and switching service is provided by one train operating over the line daily except on Sundays. Two movements are usually made over the Valmont Road crossing for service into Boulder and return. Movements over the 61st Street crossing are variable according to switching needs for nearby industry but will always be twice daily for the regular service. Crossing speeds range from low speed switching moves to maximum of 15 miles per hour.

9. Need for the requested crossing protection has been further emphasized to the Board of County Commissioners in the form of individual complaints, objections by nearby property owners, highway safety studies and traffic growth data (Exhibit C).

10. Proposed signal devices for each crossing will be a standard automatic flasher light installation. The signal devices to be placed near the roadway shoulder at each side of the separate track crossings will consist of a curbside mast with a reflectorized crossbuck sign and four red flasher lights placed back-to-back to show a warning in each direction along the separate roadway approaches. On the basis of only single lane traffic use in each direction at Mileposts 23.83 and 24.38, the curbside

units will be adequate and the proposed cantilever arms will be omitted as a cost reduction item.

11. Track circuiting will provide a minimum warning time of 30 seconds before the approach of a train from either direction over the separate crossings. Additional circuiting will be included for the siding track at Milepost 23.83 (61st Street) to provide warning for train movements into or from the siding track, and to control unnecessary signal operation during switching operations.

12. Summary of estimated costs is made as follows:

ITEM	TOTAL COST	UPRR	BOULDER CO.	COMMISSION FUND
County Road 39 - Milepost 23.83 (61st Street)				
Automatic Railroad		(10%)	(10%)	(80%)
Flashing Signals	\$16,790	\$1,679	\$1,679	\$13,432
County Road 52 - Milepost 24.38 (Valmont Road)				
Automatic Railroad				
Flashing Signals	<u>16,170</u>	<u>1,617</u>	<u>1,617</u>	<u>12,936</u>
TOTAL ESTIMATED COSTS	\$32,960	\$3,296	\$3,296	\$26,368

13. No part of the cost for proposed signal devices will be paid from any funds provided under a federal or federal-aid highway act.

14. Ordering of materials for the new installations is a railroad function which is subject to Commission approval or changes of the proposed work. In the instant matter, expense reductions were developed at the hearing through agreement for installation of standard curbside flashers and elimination of cantilever arms with 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.

15. Following installation, all maintenance work for the new signal devices, amounting to an estimated cost of \$800 per year at each crossing location, 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. Such devices as herein contemplated are required so as to maintain and improve the public safety.
2. The order sought in the instant application should be granted and installation costs prorated as requested therein:
 - 10 percent to the County of Boulder;
 - 10 percent to Union Pacific Railroad Company; and
 - 80 percent to the Commission Highway Crossing Protection Fund.
3. Continuing maintenance work should be performed by Union Pacific Railroad Company, at its own expense for the life of the crossings 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. 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. Union Pacific Railroad Company, upon the application of the County of Boulder, State of Colorado, be, and hereby is, authorized and directed to install, operate, and maintain standard automatic railroad bell and flashing light grade crossing protection devices at the following public Boulder County Road/railroad grade crossings:
 - County Road 39 - M.P. 23.83 (61st Street),
 - County Road 52 - M.P. 24.38 (Valmont Road),all in accordance with the foregoing Findings of Fact, and the plans and specifications which are incorporated into the record of this proceeding and which are hereby approved.

2. Estimated costs of the proposed installations subject to the elimination of cantilever arm costs are as follows:

M.P. 23.83 - \$16,790

M.P. 24.38 - \$16,170

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

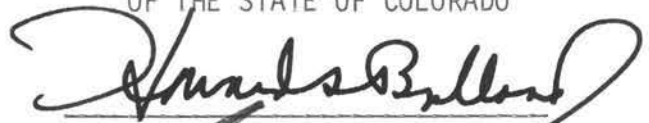

- (a) Boulder County to pay 10 percent thereof to cover its share of benefits received from such installation. Upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering said 10 percent shall be forwarded by Union Pacific Railroad Company to Boulder County, which bill shall be paid to Union Pacific within thirty (30) days of receipt thereof.
- (b) Union Pacific Railroad shall contribute out of its own funds 10 percent of the cost of said installations and shall thereafter maintain said signals 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 Union Pacific Railroad Company 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. The Commission hereby retains jurisdiction to make such further order or orders as may be required in the instant matter.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 10th day of December, 1970.
hj

(Decision No. 76413)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HITCHRACK STABLES, INC., 310 SOUTH)
31ST STREET, COLORADO SPRINGS,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24672-TA
ORDER DENYING TEMPORARY AUTHORITY

December 8, 1970

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of December, 1970.

JS

(Decision No. 76414)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

W. L., BILL R. & O. C. MURPHY DBA)
SUN SET STAGES)
324 SYCAMORE)
ABILENE, TEXAS 79602)
-----)

AUTHORITY NO. 7862-I

CASE NO. 2467-H-Ins.

December 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 23, 1970, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

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

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of December, 1970

(Decision No. 76415)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, BAUDINO TRANSFER,)
AGUILAR, COLORADO 81020)
-----)

CASE NO. T-22

Certificate No. 419

ORDER TO SHOW CAUSE
AND NOTICE OF HEARING

December 8, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above-named Respondent was issued the above-captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said Respondent has violated the law and the rules and regulations of the Commission by failing and neglecting to maintain tariffs as required, and that said Respondent is now conducting motor vehicle operations under said operating rights in violation of the law, and the rules and regulations of the Commission.

O R D E R

THE COMMISSION ORDERS:

That Respondent, Baudino Transfer, is hereby directed to appear before the Commission on the day and time set forth below, to show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate, including but not limited to an Order cancelling the aforesaid Certificate PUC No. 419.

That this Case be, and the same hereby is, set for hearing before the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at 9:00 a.m., on January 6, 1971, at which time and place such evidence as is proper may be introduced, and such

arguments as are material to the issue may be presented.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
8th day of December, 1970. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
)
EDWARD R. AMDOR)
GENERAL DELIVERY)
MASSENA, IOWA 50853)
)
)

AUTHORITY NO. 7485-I
CASE NO. 1867-H-Ins.

December 8, 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.

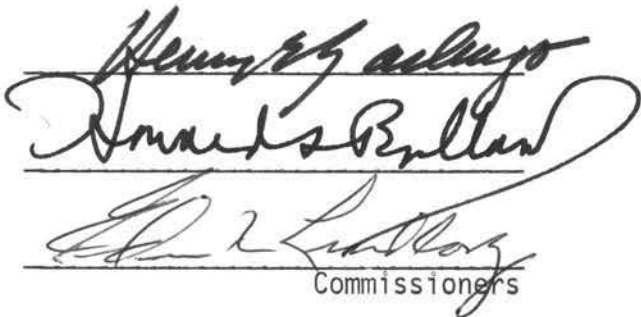
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 8th day of December, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR AN ORDER AUTHORIZING IT TO PUT)
INTO EFFECT A RULE REQUIRING INTER-)
RUPTIBLE INDUSTRIAL GAS CUSTOMERS)
TO CONTRACT IN ADVANCE TO CONVERT)
TO COMMERCIAL SERVICE.)

APPLICATION NO. 24686

December 8, 1970

PROCEDURE AND RECORD

The above-entitled application was filed by Public Service Company of Colorado (Public Service or Applicant) on December 7, 1970. By this application, Public Service seeks the authorization of this Commission to place into effect on less than 30 days' notice a special rule requiring interruptible natural gas customers to contract in advance to convert to commercial gas service.

FINDINGS OF FACT

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

1. Applicant is a public utility operating under the jurisdiction of the Commission, engaged, inter alia, in the purchase, distribution and sale of natural gas in various areas within the State of Colorado.
2. The subject matter of this proceeding is within the jurisdiction of the Commission.
3. Applicant purchases the major portion of its gas supply, directly or indirectly, from Colorado Interstate Gas Company (Colorado Interstate).
4. Colorado Interstate is a gas transmission pipeline company under the jurisdiction of the Federal Power Commission.

5. The Commission finds that said rule is essential in order to comply with a requirement of Applicant's pipeline supplier that it be furnished data on future natural gas requirements, on a best estimate basis, one year earlier than has been the case in the past. Certain interruptible industrial gas customers of Applicant have requested commercial service on account of present conditions of short supplies of standby fuel. Applicant expects other customers to do likewise, but has no way of accurately estimating the number of customers or the load that will be involved. To permit present interruptible customers to change to firm gas service without sufficient notice to enable Applicant to obtain the additional volumes of demand gas could endanger Applicant's ability to supply the requirements of its existing customers and future foreseeable firm gas load increases.

6. The Commission finds and concludes that good cause has been shown to allow the proposed change sought by Applicant in its rules without requiring thirty days' notice as set forth in the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Public Service Company of Colorado be, and hereby is, authorized to file the proposed special rule attached to the application as Exhibit A, requiring interruptible industrial gas customers to contract in advance before converting to firm commercial gas service, to become effective on not less than one (1) day's notice.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of December, 1970.
js

(Decision No. 76418)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE PUEBLO GAS AND FUEL COMPANY FOR)
AN ORDER AUTHORIZING IT TO PUT INTO)
EFFECT A RULE REQUIRING INTERRUPTIBLE)
INDUSTRIAL GAS CUSTOMERS TO CONTRACT)
IN ADVANCE TO CONVERT TO COMMERCIAL)
SERVICE.)

APPLICATION NO. 24687

December 8, 1970

PROCEDURE AND RECORD

The above-entitled application was filed by The Pueblo Gas and Fuel Company (Pueblo Company or Applicant) on December 7, 1970. By this application, Pueblo Company seeks the authorization of this Commission to place into effect on less than 30 days' notice a special rule requiring interruptible natural gas customers to contract in advance to convert to commercial gas service.

FINDINGS OF FACT

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

1. Applicant is a public utility operating under the jurisdiction of the Commission, engaged in the purchase, distribution and sale of natural gas in various areas within the State of Colorado.
2. The subject matter of this proceeding is within the jurisdiction of the Commission.
3. Applicant purchases its gas supply from Colorado Interstate Gas Company (Colorado Interstate).
4. Colorado Interstate is a gas transmission pipeline company under the jurisdiction of the Federal Power Commission.

5. The Commission finds that said rule is essential in order to comply with a requirement of Applicant's pipeline supplier that it be furnished data on future natural gas requirements, on a best estimate basis, one year earlier than has been the case in the past. Applicant anticipates that certain interruptible industrial gas customers will request commercial service on account of present conditions of short supplies of standby fuel. Applicant has no way of accurately estimating the number of customers or the load that will be involved. To permit present interruptible customers to change to firm gas service without sufficient notice to enable Applicant to obtain the additional volumes of demand gas could endanger Applicant's ability to supply the requirements of its existing customers and future foreseeable firm gas load increases.

6. The Commission finds that good cause has been shown to allow the proposed change sought by Applicant in its rules without requiring thirty days' notice as set forth in the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Pueblo Gas and Fuel Company be, and hereby is, authorized to file the proposed special rule attached to the application as Exhibit A, requiring interruptible industrial gas customers to contract in advance before converting to firm commercial gas service, to become effective on not less than one (1) day's notice.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of December, 1970.
js

(Decision No. 76419)

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 CON-)
VENIENCE 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

December 9, 1970

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, by
Donald D. Cawelti, Esq., for Applicant;

Petersen, Evensen, Mattoon and Tracy, Esqs.,
Pueblo, Colorado, by
Harry S. Petersen, Esq.; and

McNichols, Nigro and Baldrige, Esqs.,
Denver, Colorado, by
Joseph F. Nigro, Esq., for Central Telephone
and Utilities Corporation, Inc.;

Girts Krumins, Esq., Denver, Colorado, for
the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application of the Public Service Company of Colorado, hereinafter designated Applicant, was filed with the Commission on August 19, 1970, pursuant to Section 115-5-1, Colorado Revised Statutes 1963. By this application, Applicant seeks an order from the Commission for a Certificate of Public Convenience and Necessity for the construction

and operation and maintenance of a 350 megawatt (MW)* steam electric generating station near Pueblo, Colorado, to be known as the "Comanche Steam Electric Generating Station", together with two (2) 230 Kilovolt (KV)** transmission lines from said plant to an electric substation known as Midway near Interstate Highway 25 approximately 20 miles north of Pueblo, Colorado, where said transmission lines will be interconnected with Applicant's existing 230 KV transmission system.

After due and proper notice, the aforesaid application was set for hearing on Monday, November 30, 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 the Commission.

Petitions to Intervene in the proceedings were filed by the San Isabel Electric Association and the Central Telephone and Utilities Corporation, both of Pueblo, Colorado. No protests to the application had been filed, nor, in fact, did anyone appear at the hearing in opposition to said application.

The following exhibits were offered and admitted into evidence:

- Exhibit A - Application 24507 - Public Service Company of Colorado
Generation and Transmission Facilities (A map)
- Exhibit B - " " - Public Service Company of Colorado
Net Generating Capability vs. Maximum Net
Firm Demand
- Exhibit C - " " - Public Service Company of Colorado
Comanche Steam Electric Generating Station
Unit No. 1 Construction Costs
- Exhibit D - " " - Public Service Company of Colorado
Comanche Steam Electric Generating Station
Power and Energy Costs
- Exhibit E - " " - Public Service Company of Colorado
Balance Sheet at September 30, 1970,
Statement of Income and Retained Earnings for
the Twelve Months Ended September 30, 1970.

* 1000 Kilowatts = 1 Megawatt (MW)
**1000 Volts = 1 Kilovolt (KV)

S T A T E M E N T

The Applicant proposes to construct a new steam electric generating station and related facilities at an estimated construction cost of \$67,600,000 on a 312 acre site in the E 1/2 of Section 20, Township 21 South, Range 64 West of the 6th Principal Meridian in Pueblo County, Colorado. The plant site is at a point approximately 3 miles south of the City of Pueblo.

The initial installation will comprise the following:

1. A single steam boiler and appurtenances utilizing either natural gas or coal for fuel, or a combination thereof, which will furnish at the turbine's throttle 2,534,000 pounds of superheated steam per hour at 1000° Fahrenheit and 2400 pounds per square inch of guage pressure (p.s.i.g.), and steam reheat capacity of 2,155,000 pounds per hour at 1000° Fahrenheit and 565(p.s.i.g.). The boiler's furnace will be equipped with air pollution control devices designed to eliminate approximately 99.3 percent of all particulate emissions.
2. A single tandem compound four flow steam turbine and appurtenances direct connected to an electric generator. The turbine will operate at a speed of 3600 revolutions per minute (rpm) utilizing the superheated and reheated steam. The electric generator will have a nameplate output rating of 350,000 kilowatts of electric power at .85 Power Factor at a generation voltage of 24,000 volts.
3. Water cooling, treatment, and supply facilities comprising a cooling tower system, water treatment facilities, and a water supply storage pond of approximately 300,000,000 gallon capacity.

4. A main power plant structure housing the boiler and turbo generator, a main control room, shops and a warehouse. A separate administration building will also be constructed immediately adjacent to the main power plant structure.
5. Coal trackage, storage and unloading facilities.
6. A transmission switchyard to supply the local area wholesale loads and the two 230 KV transmission lines which will interconnect the new generating station with the Applicant's 230 KV transmission system at Midway, Colorado, approximately 23 miles to the north.

Applicant states that plant site is well situated with respect to its customers, fuel and water supplies, and for interconnection with its interconnected transmission system.

Applicant states that electric power and energy to be generated by Unit #1 at the proposed new generating station will be required to meet its system requirements on or before January 1, 1974, and to assure its customers of an adequate electric power supply to meet their future growth needs. Applicant states that it is its policy to have in reserve sufficient generating capacity to meet its entire system peak requirements with its largest unit out of service, a policy endorsed by this Commission.

Applicant states it requires a source of electric generation in the Pueblo area to meet its contract obligation to supply existing and future power requirements of the Central Telephone and Utilities Corporation and for a prospective bulk power supply contract with C. F. & I. Steel Corporation presently being negotiated.

Applicant is financially able and qualified to construct and operate and maintain said generating station and transmission facilities as an integral part of its interconnected generating and transmission system within the State of Colorado.

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 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. Applicant has need for a 350 MW steam electric generating station by January 1, 1974, to meet the electric power and energy requirements of its customers and to assure them of an adequate power supply for their future growth needs.

5. While the site of the proposed generating station is situated in an area served by others, Applicant does not request authority to serve the public within the area.

6. The proposed generating plant and transmission lines will not physically or economically duplicate or interfere with transmission lines or generating stations of other public utilities.

7. Applicant states equipment will be installed in the proposed generating station which will reduce air pollution from boiler emissions approximately 99 percent.

8. Cost estimates of power and energy (Exhibit D) from the proposed generating station are comparable with those from similar stations being constructed at other locations under present conditions.

9. Applicant has the ability to finance and construct the proposed facilities.

10. Present and future public convenience and necessity requires and will require the construction and operation and maintenance by the Applicant of the proposed Comanche Steam Electric Generating Station and transmission lines as proposed by the Applicant in the application filed in this proceeding.

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 construct and operate and maintain a steam electric generating station of approximately 350 MW capacity to be known as the "Comanche Steam Electric Generating Station" together with appurtenant facilities, and to construct and operate and maintain two 230 KV transmission lines from switchyard of said Comanche Steam Electric Generating Station approximately 3 miles south of Pueblo, Colorado, to Midway, Colorado, approximately 20 miles north of Pueblo, 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 electric utilities as now exist or as the same may hereafter be amended or changed pursuant to law.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1970.
gjs

(Decision No. 76420)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN SLOPE GAS COMPANY FOR AN)
ORDER AUTHORIZING IT TO MODIFY ITS) APPLICATION NO. 24689
GENERAL TERMS AND CONDITIONS REQUIRING)
BUYERS TO CONTRACT IN ADVANCE FOR FIRM)
GAS.)
- - - - -

- - - - -
December 9, 1970
- - - - -

PROCEDURE AND RECORD

The above-entitled application was filed by Western Slope Gas Company (Western Slope or Applicant) on December 8, 1970. By this application, Western Slope seeks the authorization of this Commission to modify its present General Terms and Conditions requiring buyers to contract in advance for firm gas, to apply to prospective as well as existing buyers.

FINDINGS OF FACT

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

1. Applicant is a public utility operating under the jurisdiction of the Commission, engaged in the purchase, production, transmission, and sale of natural gas in various areas within the State of Colorado.
2. The subject matter of this proceeding is within the jurisdiction of the Commission.
3. Applicant purchases the major portion of its gas supply from Colorado Interstate Gas Company (Colorado Interstate).

4. Colorado Interstate is a gas transmission pipeline company under the jurisdiction of the Federal Power Commission.

5. The Commission finds that said rule is essential in order to comply with a requirement of Applicant's principal pipeline supplier that it be furnished data on future natural gas requirements, on a best estimate basis, one year earlier than has been the case in the past. Applicant anticipates that certain buyers, prospective as well as existing, may request firm gas service, rather than interruptible service on account of present conditions of short supplies of standby fuel. Applicant has no way of accurately estimating the number of existing or prospective buyers or the load that will be involved. The proposed change making the provision applicable to prospective as well as existing buyers is necessary in order that Applicant may provide gas supplies adequate to meet the requirements of its existing buyers and future firm gas load increases.

6. The Commission finds that good cause has been shown to allow the proposed change in General Terms and Conditions sought by Applicant without requiring thirty days' notice and the following order specifies the changes so to be made.

O R D E R

THE COMMISSION ORDERS THAT:

1. Western Slope be, and hereby is, authorized to file the proposed modification of the General Terms and Conditions attached to the application as Exhibit A, requiring prospective as well as existing gas customers to contract in advance for firm gas service, to become effective not less than one (1) day's notice.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 9th day of December, 1970.
gjs

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

DECISION AND ORDER OF THE COMMISSION

December 9, 1970

Appearances: Alvin J. Meiklejohn, Jr.,
Esq., Denver, Colorado, and
David E. Driggers, Esq.,
Denver, Colorado, for San
Isabel Electric Association,
Inc.;
Harry S. Petersen, Esq.,
Pueblo, Colorado, and
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Central Telephone & Utilities
Corporation;
B.W. O'Brien, Esq., Los Angeles,
California, and
John P. Akolt, Jr., Esq.,
Denver, Colorado, for
McCulloch Properties, Inc.;
Girts Krumins, Esq., Denver
Colorado, for the Staff of
the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above captioned and numbered proceedings present related matters and will be disposed of here in one decision and order. Following numerous intermediate hearings all of these matters were set for final hearing and heard at the hearing room of the Commission on Monday, December 7, 1970. Notice of these hearings and the pendency of the proceedings has been given several times to all persons who might be interested in or affected by any order which the Commission might enter herein. To the extent that any of these matters might have been assigned to an individual Commissioner for hearing and recommendation of an appropriate decision and order, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires the omission of a recommended decision and the Commission has determined in such proceeding to enter the initial decision.

These proceedings all relate to a dispute between two electric public utilities over which of said utilities shall perform electric utility service within portions of Pueblo County. The contestants are San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., herein referred to as "San Isabel", and Southern Colorado Power Company, a Division of Central Telephone and Utilities Corporation, herein referred to as "Southern Colorado". In view of the fact that no one opposes San Isabel's Application No. 24096-Amended, and no one opposes Southern Colorado's Application No. 24655, no useful purpose would be served by unduly lengthening this decision with an elaborate resume of the basic facts which have been made to appear in the several hearings which have been held by this Commission. In fact, not only do San Isabel and Southern Colorado not oppose one another, each supports the application of the other, as amended.

In Application No. 24096-Amended San Isabel seeks an exclusive area certificate of public convenience and necessity to render electric service as a public utility within that portion of Pueblo County as set forth in Appendix "A" to this decision. In Application No. 24655 Southern Colorado seeks an exclusive area certificate of public convenience and necessity to render electric service as a public utility within that portion of Pueblo County set forth in Appendix "B" attached to this decision. The boundary lines in the attached Appendix "A" and Appendix "B" are intended to be mutually complementary and to exactly abut one another.

In Application No. 23873, filed July 22, 1969, San Isabel sought an exclusive area certificate of public convenience and necessity to render electric service as a public utility within a described portion of Pueblo County. San Isabel has abandoned prosecution of that application. It will not be further considered and in the order provisions to follow it will be dismissed. In Case No. 5403, filed

September 5, 1969, Southern Colorado complained that San Isabel was engaged in certain alleged unauthorized extensions of San Isabel's electric system. In Case No. 5421, filed February 17, 1970, Southern Colorado complained that San Isabel was constructing certain transmission, substation and distribution facilities which in Southern Colorado's view were unauthorized. In view of the disposition which we shall make of Application No. 24096-Amended and Application No. 24655, complaint dockets Case No. 5403 and Case No. 5421 will become moot. They will not be further considered and these complaints will be dismissed in the order provisions to follow.

A brief background of these proceedings will be helpful. Both Southern Colorado and San Isabel have performed public utility electric service within the County of Pueblo for many years. Southern Colorado's operations started shortly after the turn of the century. San Isabel commenced operations as a rural electric cooperative in about 1932. It became a regulated public utility subject to our jurisdiction within the County of Pueblo in 1958.^{1/} For a good many years the operations of these two utilities within Pueblo County supplemented or complemented one another. There was very little, if any, duplication of facilities and the two companies apparently cooperated rather extensively with one another to the end that the public was adequately served by the utility most economically able to do so. As time went by and the two electric systems continued to extend and expand, there commenced to be a certain amount of friction along the border between these facilities of the two systems. This culminated in the dispute as to which utility should serve the area west of the City of Pueblo which is known as "Pueblo West". Each of the parties then took the position that they were each entitled--and in fact required--to serve the entire County of Pueblo by virtue of

^{1/} Prior to the 1961 amendments to the Public Utilities Law which made all electric cooperatives public utilities.

claimed "grandfather rights" and orders or other expressions of this Commission. In view of the amended applications of the parties and considering that each supports the amended application of the other, together with the further fact that each has expressly abandoned any territorial claims which it might have to the area embraced within the amended application of the other, it is unnecessary for us to decide the legitimacy of the territorial claims formerly made by either of the parties and we expressly refrain from doing so.

Considering the hotly disputed nature of these proceedings and the vigorous manner in which the parties initially presented their points of view, they are to be highly commended for their efforts which culminated in the filing of the amended applications. In considering and disposing of these amended applications and the related matters we should make one point emphatically plain. While the Commission is appreciative of the cooperative attitude displayed by the two competing utilities, the Commission has in the resolution of these matters carefully considered the public interest and the requirements of the present and future public convenience and necessity.

SOUTHERN COLORADO POWER COMPANY,
A DIVISION OF CENTRAL TELEPHONE & UTILITIES CORPORATION

Central Telephone & Utilities Corporation, of which Southern Colorado Power Company is a Division, is a corporation organized and existing under the laws of the State of Kansas. It is presently operating as a public utility under certificates of public convenience and necessity from this Commission, generally engaged in the generation, transmission, distribution and sale of electric energy within the Counties of Pueblo, Fremont, Otero, Crowley, Custer and El Paso.

Southern Colorado proposes to render service to the general public in the distribution and sale of electric energy within the area described in the attached Appendix "B", all of which is entirely

within Pueblo County.

Southern Colorado is ready, fit, willing and able to render such service and in truth and in fact has rendered such service in said area for many years. It has adequate financial ability and facilities to render such service and the capability of acquiring, erecting and constructing any and all additional facilities that might be required to render adequate electric service to the consuming public within said territory.

SAN ISABEL ELECTRIC ASSOCIATION, INC.,
D/B/A SAN ISABEL ELECTRIC SERVICES, INC.

San Isabel is a corporation organized and existing under the corporate and cooperative laws of the State of Colorado and is presently operating as a public utility under certificates of public convenience and necessity issued by this Commission, generally engaged in transmission, distribution and sale of electric energy to its member and non-member customers within Las Animas, Huerfano, Pueblo, Fremont and Custer Counties.

San Isabel proposes to render electric utility service to the general public within the area described in Appendix "A" attached hereto, which area is wholly within Pueblo County.

San Isabel is ready, fit, willing and able to render such service and in truth and in fact has rendered such service in the area for which it applies for many years. It has adequate financial ability and facilities to render said service and the capability of acquiring, erecting and constructing any and all additional facilities that might be required to render adequate electric utility service to the consuming public within said territory.

G E N E R A L

Within the areas which are applied for by each of the public utilities here before the Commission each such utility is overwhelmingly the predominant utility. The boundary line between the two areas has

given effect to the portions of the County of Pueblo where each of the utilities has its facilities, lines and service in place. Within the areas applied for each utility has a substantial investment in utility plant and facilities. Each provides an entirely adequate and dependable service within the area for which it applies. It is obvious that within the area for which Southern Colorado applies, as shown on the attached Appendix "B", it is most feasibly able to perform and to continue to perform electric utility service. Within the area for which San Isabel applies, as shown on the attached Appendix "A", it is the utility most feasibly able to perform electric utility service and to continue to perform such service within said area.

There are or may be customers of San Isabel located within the territory which Southern Colorado seeks for certification. Similarly, Southern Colorado may have customers located within the territory sought to be certificated to San Isabel. The utility whose customers may be in the area certificated to the other applicant utility may continue to serve said customer for a period up to five years. Within this five-year period the utility in whose area said customers are located shall make arrangements to purchase such facilities and customers from the other utility in a manner which will afford the convenient transfer of service for said customers.

The parties are in agreement that they should be able to accomplish this with a minimum of inconvenience to the customers and to the utilities.

F I N D I N G S

THE COMMISSION FINDS:

1. The above and foregoing Statement should be, and it hereby is, incorporated by reference.
2. That the present and future public convenience and necessity requires and will require that Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, be

authorized to abandon its electric public utility service, and any claims which it may have to territory within which it is authorized and required to perform electric public utility service, within that portion of Pueblo County described in the attached Appendix "A".

3. That the present and future public convenience and necessity requires and will require that San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., be authorized to abandon its electric public utility service, and any claims which it may have to territory within which it is authorized and required to perform electric public utility service, within that portion of Pueblo County described in the attached Appendix "B".

4. That both Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, and San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., are fit, willing and able, financially and otherwise, properly to perform service as an electric public utility within the areas for which they each apply.

5. That there is, and will be, a duplication of electric service by electric public utilities in the area contained within Pueblo County as shown on the attached Appendix "A" and Appendix "B", and that the Commission should issue certificates of public convenience and necessity to each of Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, and San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., assigning specific territories to each of said utilities.

6. That duplication of facilities within the territories specifically assigned to each of said utilities shall be eliminated by December 31, 1975. The utility whose customers may be in the area certificated to the other applicant utility may continue to serve said customers until that date. Prior to December 31, 1975, the utility in whose area said customers are located shall make arrangements to purchase such facilities and customers from the other utility

in a manner that will afford the convenient transfer of service for said customers. The Commission finds that this method of eliminating such duplication will be just and reasonable and has given due regard to due process of law and to all the rights of the respective parties and the public convenience and necessity.

7. Nothing herein shall be construed as affecting in any way any certificates of public convenience and necessity, "grandfather rights", or other territorial or area rights which may be claimed by either of the public utilities involved herein other than as expressly set forth in this decision and order.

8. That nothing contained herein shall be interpreted to preclude a utility from traversing an area certificated to another utility with transmission or distribution feed lines or from locating substations or other needed facilities therein.

9. That the present or future public convenience and necessity require or will require that Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, be, and it hereby is, granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "B" located within Pueblo County, State of Colorado.

10. That the present or future public convenience and necessity require or will require that San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., be, and it hereby is, granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "A" located within Pueblo County, Colorado.

O R D E R

THE COMMISSION ORDERS:

1. That Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, be, and it hereby is,

granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "B" located within the County of Pueblo, State of Colorado.

2. That San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., be, and it hereby is, granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "A" located within the County of Pueblo, State of Colorado.

3. No other public utility subject to the jurisdiction of this Commission shall render electric service in the areas contained within Pueblo County and described in the attached Appendix "A" and Appendix "B", except as may otherwise be provided herein or except by further specific order of this Commission.

4. Any public utility which is providing electric service to customers as of the effective date of this order within an area herein certificated to another public utility may continue to render such service to these customers until December 31, 1975. Prior to December 31, 1975, Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, and San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., shall negotiate with one another to the end that within said period the utility in whose area said customers are located shall purchase such facilities and customers from the other utility in a manner which will afford the convenient transfer of service for said customers.

5. Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, should be, and it hereby is, authorized and empowered to abandon all service and claims to provide service within that portion of Pueblo County described in the attached Appendix "A", and that such abandonment of service and claims to provide service be, and the same hereby is, approved.

6. San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., should be, and it hereby is, authorized and empowered to abandon all service and claims to provide service within that portion of Pueblo County described in the attached Appendix "B", and that such abandonment of service and claims to provide service be, and the same hereby is, approved.

7. In all cases where the provisions of this order may be in conflict with provisions of previous orders of this Commission the provisions of this order shall be controlling; provided, however, that nothing in this order shall be construed to affect any prior orders of this Commission or territorial claims of the public utilities involved herein, except as specifically set forth in this order and decision.

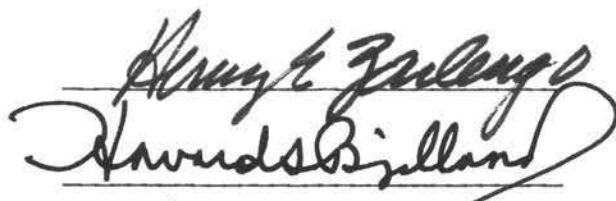
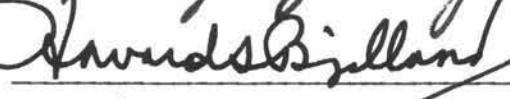

8. Nothing contained herein shall be interpreted to preclude a utility from traversing an area certificated to another utility with transmission or distribution feeder lines or from locating substations or other needed facilities therein.

9. That complaint Cases No. 5403 and No. 5421, having become moot, should be, and they hereby are, dismissed.

10. That Application No. 23873, having not been prosecuted and the issues therein having been resolved in these proceedings, such application should be, and it hereby is, dismissed.

11. This order shall become effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
9th day of December, 1970.

LEGAL DESCRIPTION OF SPECIFIC TERRITORY AUTHORIZED TO BE SERVED BY

SAN ISABEL ELECTRIC ASSOCIATION, INC.,
D/B/A SAN ISABEL ELECTRIC SERVICES, INC.

BY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

All of the area in Pueblo County, Colorado, South of a line, more particularly described as follows: Beginning at a point on the Pueblo County-Otero County line, which point is the Southeast corner of Section 24, Township 23 South, Range 60 West; thence west along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 60 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20 and 19, Township 23 South, Range 61 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 62 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19 to the southwest corner of Section 19, Township 23 South, Range 63 West; thence north along the west line of Sections 19, 18, 7, and 6, Township 23 South, Range 63 West; thence continuing north along the west line of Sections 31, 30, 19, 18, and 7 to the northwest corner of Section 7, Township 22 South, Range 63 West; thence west along the south line of Sections 1, 2, 3, and 4 to the southwest corner of Section 4, Township 22 South, Range 64 West; thence north along the west line of Section 4 to the northwest corner of Section 4, Township 22 South, Range 64 West; thence west along the south line of Sections 32 and 31, Township 21 South, Range 64 West; thence continuing west along the south line of Sections 36, 35, 34, 33, 32, and 31, Township 21 South, Range 65 West; thence continuing west along the south line of Sections 36, 35, 34, 33, and 32 to the southwest corner of Section 32, Township 21 South, Range 66 West; thence north along the west line of Sections 32, 29, 20, 17, 8, and 5, Township 21 South, Range 66 West; thence continuing north along the west line of Sections 32, 29, and 20, Township 20 South, Range 66 West, to the north right-of-way line for the relocation of the Denver and Rio Grande Western Railroad; thence easterly along the said north right-of-way line to the east line of

Section 20, Township 20 South, Range 66 West; thence continuing easterly along the said north right-of-way line to the west line of Section 22, Township 20 South, Range 66 West; thence north along the west line of Section 22 to the north line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence east along the north line of the SW $\frac{1}{4}$ of Section 22, to the east line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence south along the east line of the SW $\frac{1}{4}$ of Section 22 to the south line of Section 22, Township 20 South, Range 66 West, being a point in the Fryingpan-Arkansas take line; thence easterly along said Fryingpan-Arkansas take line to the east line of the W $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence north along said east line of the W $\frac{1}{2}$ of Section 23 to the north line of Section 23, Township 20 South, Range 66 West; thence east along the north line of the E $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence continuing east along the north line of Section 24 to the northeast corner of Section 24, Township 20 South, Range 66 West; thence north 1588.66 feet along the east boundary of Tract 341 of Pueblo West Metropolitan District according to Recording No. 390171 dated April 20, 1970; thence north-westerly 1077.89 feet along the north boundary of Tract 341 according to Recording No. 390171 dated April 20, 1970; thence north-westerly 821.17 feet along the north boundary of Tract 336 according to Recording No. 389760 dated April 9, 1970; thence northwesterly 4322.11 feet along the east boundary of Tract 335 according to Recording No. 383545 dated October 16, 1969; thence north-westerly 5957.49 feet along the east boundary of Tract 331; thence westerly 1025.08 feet along the north boundary of Tract 331; thence southerly 125 feet along the west boundary of Tract 331 to the north right-of-way of Abarr Drive according to Recording No. 380801 dated August 7, 1969; thence westerly 276.09 feet along the north right-of-way of Abarr Drive to the easterly right-of-way of McCulloch Boulevard; thence northerly along the easterly right-of-way of McCulloch

Boulevard to the northwest corner of future Tract 374 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence westerly along the northerly boundary to the northwest corner of future Tract 367 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence southerly 1516.41 feet along the east boundary of Tract 343 according to Recording No. 389373 dated March 30, 1970; thence westerly 60 feet along the north boundary of Tract 345; thence southerly 195.43 feet along the west right-of-way of Golfview Drive Tract 345; thence westerly 4521.80 feet along the north boundary of Tract 345; thence southwesterly 599.31 feet along the north boundary of Tract 345; thence easterly 155 feet along the north boundary of Tract 345; thence southerly 75 feet along the west boundary of Tract 345; thence northwesterly 520.08 feet along the north boundary of Tract 345; thence westerly 442.97 feet along the north boundary of Tract 345 according to Recording No. 389375 dated March 30, 1970; thence northerly 1517.33 feet along the west boundary of Tract 343 to the north right-of-way of Spaulding Avenue according to Recording No. 389373 dated March 30, 1970; thence westerly 251.14 feet along the north right-of-way of Spaulding Avenue; thence northerly 3073.17 feet along the east boundary to the northeast corner of Tract 346; thence westerly 2068.18 feet along the north boundary of Tract 346 to a point on the south right-of-way line of McCulloch Boulevard; thence continue westerly 2767.97 feet along the south right-of-way boundary of McCulloch Boulevard to the west boundary of Tract 346 according to Recording No. 386612 dated January 16, 1970; thence northerly 100 feet along the east boundary to the northeast corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence westerly 2377.19 feet along the north right-of-way boundary of McCulloch Boulevard to the northwest corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence northwesterly 2945.22 feet along the north right-of-way boundary of McCulloch Boulevard to the north-

west corner of Tract 309 according to Recording No. 393651 dated July 10, 1970; thence northwesterly 831.88 feet along the north boundary of Tract 306 as shown in Recording No. 396770 dated September 17, 1970; thence northwesterly 2430.23 feet along the northerly boundary of Tract 300; thence southwesterly 1011.02 feet along the northerly boundary of Tract 300; thence northwesterly 469.08 feet along the northerly boundary of Tract 300 according to Recording No. 383035 dated October 2, 1969; thence north 265.91 feet along the east boundary of Tract 304; thence westerly 5434.70 feet along the north boundary of Tract 304 to the northwest corner of said Tract 304, according to Recording No. 389758 dated April 9, 1970; thence west 2659.60 feet along the north boundary of Tract 301 according to Recording No. 384476 dated November 13, 1969; thence south along the west line of the E $\frac{1}{2}$ of Section 1, Township 20 South, Range 67 West, to the south line of Section 1, Township 20 South, Range 67 West; thence west along the south line of the W $\frac{1}{2}$ of Sections 1, 2, and 3, to the southwest corner of Section 3, Township 20 South, Range 67 West; thence north along the west line of Section 3 to the northwest corner of Section 3, Township 20 South, Range 67 West; thence west along the south line of Sections 33, 32, and 31 to the southwest corner of Section 31, Township 19 South, Range 67 West, which is a point on the Pueblo County-Fremont County line.

LEGAL DESCRIPTION OF SPECIFIC TERRITORY AUTHORIZED TO BE SERVED BY

SOUTHERN COLORADO POWER COMPANY
A DIVISION OF
CENTRAL TELEPHONE & UTILITIES CORPORATION

BY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

An area located in Pueblo County, Colorado, more particularly described as follows:

Beginning at a point on the Pueblo County-Fremont County line which point is the southwest corner of Section 31, Township 19 South, Range 67 West of the 6th Principal Meridian; thence north along the Pueblo County-Fremont County line to the northwest corner of Section 6, Township 18 South, Range 67 West; thence east along the Pueblo County-El Paso County line to the northeast corner of Section 3, Township 18 South, Range 65 West; thence south along the east line of Sections 3, 10, 15, 22, 27, and 34 to the northeast corner of the $SE\frac{1}{4}$ of Section 34, Township 18 South, Range 65 West; thence east along the north line of the $S\frac{1}{2}$ of Sections 35 and 36, Township 18 South, Range 65 West; thence continuing east along the north line of the $S\frac{1}{2}$ of Sections 31 and 32 to the northeast corner of the $SE\frac{1}{4}$ of Section 32, Township 18 South, Range 64 West; thence north along the east line to the northeast corner of Section 32, Township 18 South, Range 64 West; thence east along the north line of Sections 33, 34, 35, and 36 to the northeast corner of Section 36, Township 18 South, Range 64 West; thence continuing east along the north line of Sections 31, 32, 33, 34, and 35 to the northeast corner of Section 35, Township 18 South, Range 63 West; thence north along the west line of Sections 25, 24, 13, 12, and 1 to the northwest corner of Section 1, Township 18 South, Range 63 West; thence east nine (9) miles along the Pueblo County-El Paso County line to the northeast corner of Section 5, Township 18 South, Range 61 West; thence south along the east

line of Sections 5, 8, 17, 20, 29, and 32, Township 18 South, Range 61 West; thence continuing south along the east line of Sections 5, 8, and 17 to the southeast corner of Section 17, Township 19 South, Range 61 West; thence east along the north line of Section 21 to the northeast corner of Section 21, Township 19 South, Range 61 West; thence south along the east line of Sections 21, 28, and 33, Township 19 South, Range 61 West; thence continuing south along the east line of Sections 4, 9, 16, 21, and 28 to the southeast corner of Section 28, Township 20 South, Range 61 West; thence east along the north line of Sections 34 and 35 to the northeast corner of Section 35, Township 20 South, Range 61 West; thence south along the east line of Section 35 to the southeast corner of Section 35, Township 20 South, Range 61 West; thence east along the north line of Section 1 to the northeast corner of Section 1, Township 21 South, Range 61 West; thence continuing east along the north line of Section 6 to the northeast corner of Section 6, Township 21 South, Range 60 West; thence south along the east line of Section 6 and 7 to the southeast corner of Section 7, Township 21 South, Range 60 West; thence east along the north line of Section 17 to the northeast corner of Section 17, Township 21 South, Range 60 West; thence south along the east line of Sections 17, 20, 29, and 32, Township 21 South, Range 60 West; thence continuing south along the east line of Sections 5 and 8 to the southeast corner of Section 8, Township 22 South, Range 60 West; thence west along the south line of Sections 8 and 7 to the southwest corner of Section 7, Township 22 South, Range 60 West; thence south along the east line of Sections 13, 24, 25, and 36, Township 22 South, Range 61 West; thence continuing south along the east line of Sections 1, 12, 13, and 24 to the southeast corner of Section 24, Township 23 South, Range 61 West; thence west

along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 61 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 62 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19 to the southwest corner of Section 19, Township 23 South, Range 63 West; thence north along the west line of Sections 19, 18, 7, and 6, Township 23 South, Range 63 West; thence continuing north along the west line of Sections 31, 30, 19, 18, and 7 to the northwest corner of Section 7, Township 22 South, Range 63 West; thence west along the south line of Sections 1, 2, 3, and 4 to the southwest corner of Section 4, Township 22 South, Range 64 West; thence north along the west line of Section 4 to the northwest corner of Section 4, Township 22 South, Range 64 West; thence west along the south line of Sections 32 and 31, Township 21 South, Range 64 West; thence continuing west along the south line of Sections 36, 35, 34, 33, 32, and 31, Township 21 South, Range 65 West; thence continuing west along the south line of Sections 36, 35, 34, 33, and 32 to the southwest corner of Section 32, Township 21 South, Range 66 West; thence north along the west line of Sections 32, 29, 20, 17, 8, and 5, Township 21 South, Range 66 West; thence continuing north along the west line of Sections 32, 29, and 20, Township 20 South, Range 66 West, to the north right-of-way line for the relocation of the Denver and Rio Grande Western Railroad; thence easterly along the said north right-of-way line to the east line of Section 20, Township 20 South, Range 66 West; thence continuing easterly along the said north right-of-way line to the west line of Section 22, Township 20 South, Range 66 West; thence north along the west line of Section 22 to the north line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence east along the north line

of the SW $\frac{1}{4}$ of Section 22 to the east line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence south along the east line of the SW $\frac{1}{4}$ of Section 22 to the south line of Section 22, Township 20 South, Range 66 West, being a point in the Fryingpan-Arkansas take line; thence easterly along said Fryingpan-Arkansas take line to the east line of the W $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence north along said east line of the W $\frac{1}{2}$ of Section 23 to the north line of Section 23, Township 20 South, Range 66 West; thence east along the north line of the E $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence continuing east along the north line of Section 24 to the northeast corner of Section 24, Township 20 South, Range 66 West; thence north 1588.66 feet along the east boundary of Tract 341 of Pueblo West Metropolitan District according to Recording No. 390171 dated April 20, 1970; thence northwesterly 1077.89 feet along the north boundary of Tract 341 according to Recording No. 390171 dated April 20, 1970; thence northwesterly 821.17 feet along the north boundary of Tract 336 according to Recording No. 389760 dated April 9, 1970; thence northwesterly 4322.11 feet along the east boundary of Tract 335 according to Recording No. 383545 dated October 16, 1969; thence northwesterly 5957.49 feet along the east boundary of Tract 331; thence westerly 1025.08 feet along the north boundary of Tract 331; thence southerly 125 feet along the west boundary of Tract 331 to the north right-of-way of Abarr Drive according to Recording No. 380801 dated August 7, 1969; thence westerly 276.09 feet along the north right-of-way of Abarr Drive to the easterly right-of-way of McCulloch Boulevard; thence northerly along the easterly right-of-way of McCulloch Boulevard to the northwest corner of future Tract 374 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence westerly

along the northerly boundary to the northwest corner of future Tract 367 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence southerly 1516.41 feet along the east boundary of Tract 343 according to Recording No. 389373 dated March 30, 1970; thence westerly 60 feet along the north boundary of Tract 345; thence southerly 195.43 feet along the west right-of-way of Golfview Drive Tract 345; thence westerly 4521.80 feet along the north boundary of Tract 345; thence southwesterly 599.31 feet along the north boundary of Tract 345; thence easterly 155 feet along the north boundary of Tract 345; thence southerly 75 feet along the west boundary of Tract 345; thence northwesterly 520.08 feet along the north boundary of Tract 345; thence westerly 442.97 feet along the north boundary of Tract 345 according to Recording No. 389375 dated March 30, 1970; thence northerly 1517.33 feet along the west boundary of Tract 343 to the north right-of-way of Spaulding Avenue according to Recording No. 389373 dated March 30, 1970; thence westerly 251.14 feet along the north right-of-way of Spaulding Avenue; thence northerly 3073.17 feet along the east boundary to the northeast corner of Tract 346; thence westerly 2068.18 feet along the north boundary of Tract 346 to a point on the southerly right-of-way line of McCulloch Boulevard; thence continue westerly 2767.97 feet along the south right-of-way boundary of McCulloch Boulevard to the west boundary of Tract 346 according to Recording No. 386612 dated January 16, 1970; thence northerly 100 feet along the east boundary to the northeast corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence westerly 2377.19 feet along the north right-of-way boundary of McCulloch Boulevard to the northwest corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence northwesterly 2945.22 feet along the north right-of-way boundary of McCulloch

Boulevard to the northwest corner of Tract 309 according to Recording No. 393651 dated July 10, 1970; thence northwesterly 831.88 feet along the north boundary of Tract 306 as shown in Recording No. 396770 dated September 17, 1970; thence northwesterly 2430.23 feet along the northerly boundary of Tract 300; thence southwesterly 1011.02 feet along the northerly boundary of Tract 300; thence northwesterly 469.08 feet along the northerly boundary of Tract 300 according to Recording No. 383035 dated October 2, 1969; thence north 265.91 feet along the east boundary of Tract 304; thence westerly 5434.70 feet along the north boundary of Tract 304 to the northwest corner of said Tract 304 according to Recording No. 389758 dated April 9, 1970; thence west 2659.60 feet along the north boundary of Tract 301 according to Recording No. 384476 dated November 13, 1969; thence south along the west line of the $E\frac{1}{2}$ of Section 1, Township 20 South, Range 67 West, to the south line of Section 1, Township 20 South, Range 67 West; thence west along the south line of the $W\frac{1}{2}$ of Section 1 and across Sections 2 and 3 to the southwest corner of Section 3, Township 20 South, Range 67 West; thence north along the west line of Section 3 to the northwest corner of Section 3, Township 20 South, Range 67 West; thence west along the south line of Sections 33, 32, and 31 to the southwest corner of Section 31, Township 19 South, Range 67 West, which is the point of beginning.

(Decision No. 76422)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLOBE TRUCK LINES, INC., A CORPORA-)
TION, 2065 DELGANY STREET, DENVER,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23652

December 10, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 3, 1969, the above-styled application was filed with this Commission seeking authority for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire.

On December 4, 1970, Applicant by its attorney, John J. Conway, filed with the Commission a request for withdrawal of application.

The Commission finds that the application should be permitted to be withdrawn.

O R D E R

THE COMMISSION ORDERS:

That application No. 23652, be, and hereby is, permitted to be withdrawn.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

ated at Denver, Colorado,
his 10th day of December, 1970.
js

(Decision No. 76423)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KARL GRAVES, DOING BUSINESS AS)
"GRAVES TRUCKING," 2730 CALIFORNIA)
STREET, DENVER, COLORADO, FOR AUTH-)
ORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24667-PP

ORDER OF THE COMMISSION

December 10, 1970

Appearances: Karl Graves, Denver, Colorado,
pro se.

It appearing, That by Order of the Commission dated November 25, 1970, notice of the filing of the above entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-6030," being the number of a permit formerly held by Applicant.

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

IT IS ORDERED, That Karl Graves, doing business as "Graves Trucking," 2730 California Street, Denver, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

IT IS FURTHER ORDERED, as follows:

That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-6030," and that 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 10th day of December, 1970.

cj

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,")	<u>APPLICATION NO. 24664-PP</u>
P. O. BOX 592, AURORA, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A CLASS)	<u>ORDER OF THE COMMISSION</u>
"B" CONTRACT CARRIER BY MOTOR VEHICLE.)	

December 10, 1970

Appearances: Joe Torres, Aurora,
Colorado, pro se.

Vincent Ornelas, Aurora,
Colorado, pro se.

It appearing, That by Order of the Commission dated November 25, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

IT IS ORDERED, That Joe Torres and Vincent Ornelas, doing business as "Torres-Ornelas," P. O. Box 592, Aurora, Colorado, be, and hereby are, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 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 Applicants have filed a statement of customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1970.
js

(Decision No. 76425)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TIM M. VYE, STAR ROUTE, PAGOSA)
SPRINGS, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24656-PP

ORDER OF THE COMMISSION

December 11, 1970

Appearances: Tim M. Vye, Pagosa Springs,
Colorado, pro se.

It appearing, That by Order of the Commission dated November 25, 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 Tim M. Vye, Star Route, 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) 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.

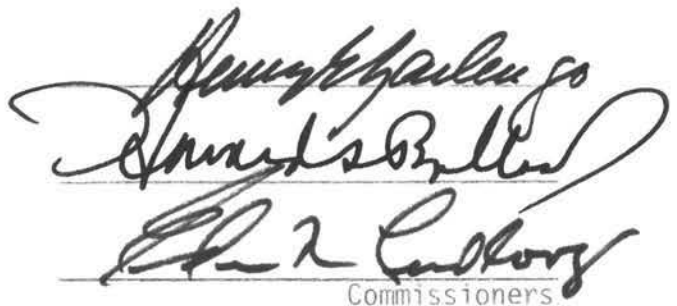
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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


Commissioners

Dated at Denver, Colorado,
this 11th day of December, 1970.
js

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 AUTHORIZ-)
ING EXTENSION OF OPERATIONS UNDER PUC NO. 692)
AND PUC NO. 692-I.)

APPLICATION NO. 24628-Extension

December 10, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 4, 1970, The Wandell & Lowe Transfer & Storage Co., by its attorneys Thomas F. Kilroy and John J. Conway, filed a Motion To Intervene and Protest in the above-captioned proceeding and caused copies of said Motion to be served by mail upon each of the attorneys of record.

The Commission finds and concludes that the Motion To Intervene and Protest was not timely filed but that good cause has been shown for the delay and that Petitioner 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 Motion To Intervene and Protest by The Wandell & Lowe Transfer & Storage Co., be, and the same hereby is granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

pvw

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,)
DENVER, COLORADO, FOR AUTHORITY TO) APPLCIATION NO. 24317-PP-Transfer
TRANSFER PERMIT NO. A-329 TO HARP)
TRANSPORTATION LINE, INC., A COLORADO)
CORPORATION, DOING BUSINESS AS "HARP)
TRANSPORTATION LINE," MEEKER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
RINGSBY TRUCK LINES, INC., A NEBRASKA)
CORPORATION, 3201 RINGSBY COURT,)
DENVER, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 24318-PP-Transfer
TRANSFER PERMIT NO. A-347 TO HARP)
TRANSPORTATION LINE, INC., A COLORADO)
CORPORATION, DOING BUSINESS AS "HARP)
TRANSPORTATION LINE," MEEKER, COLORADO.)

SUPPLEMENTAL ORDER

EXTENSION OF TIME FOR
FILING EXCEPTIONS

December 11, 1970

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicants;
Warren D. Braucher, Esq.,
Wheat Ridge, Colroado, for
Rio Grande Motor Way, Inc.,
Protestant;
Dalton O. Ford,
Denver, Colorado, of the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 27, 1970, by Decision No. 76358 in Application No.
24318-PP-Transfer, and on December 1, 1970, by Decision No. 76382 in
Application No. 24317-PP-Transfer, the Recommended Decisions of Robert L.
Pyle, Examiner, were 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 December 4, 1970, Applicants, by their attorney, John H. Lewis, filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decisions of the Examiner until January 15, 1971.


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 Applicants, Ringsby Truck Lines, Inc., and Harp Transportation Line, Inc., doing business as "Harp Transportation Line," be, and hereby are, granted an extension of time within which to file exceptions to the said Recommended Decisions of the Examiner until January 15, 1971.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. E. ROBINSON, DOING BUSINESS AS)
"BOWERS & SON," 2062 BLAKE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 24439-Transfer
TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
1013 TO BOWERS TRANSFER & STORAGE)
CO., A COLORADO CORPORATION, 2062)
BLAKE STREET, DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
HENRY W. ROBINSON AND R. E. ROBINSON,)
DOING BUSINESS AS "BOWERS & SON,")
2062 BLAKE STREET, DENVER, COLORADO,) APPLICATION NO. 24440-Transfer
FOR AUTHORITY TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3590 TO BOWERS TRANSFER &)
STORAGE CO., A COLORADO CORPORATION,)
2062 BLAKE STREET, DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
HENRY W. ROBINSON AND R. E. ROBINSON,)
DOING BUSINESS AS "BOWERS & SON,")
2062 BLAKE STREET, DENVER, COLORADO,) APPLICATION NO. 24441-Transfer
FOR AUTHORITY TO TRANSFER PUC NO.)
7337-I TO BOWERS TRANSFER & STORAGE)
CO., A COLORADO CORPORATION, 2062)
BLAKE STREET, DENVER, COLORADO.)

ORDER OF THE COMMISSION

December 11, 1970

Appearances: Leslie R. Kehl, Esq.,
Denver, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated July 9,
1970, notice of the filing of the above-entitled applications 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 proceedings have been filed

by any person within the time prescribed by the Commission in said Order, and that the herein proceedings are therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matters 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 applications 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; that upon approval of the transfers herein sought, Applicant requests that Certificate of Public Convenience and Necessity PUC No. 1013 be consolidated with Certificate of Public Convenience and Necessity PUC No. 3590; that Interstate Certificate PUC No. 7337-I be consolidated with Certificate of Public Convenience and Necessity PUC No. 3590; and that the consolidated authority be designated as Certificate of Public Convenience and Necessity PUC No. 3590 & I.

It further appearing, That the evidence thus submitted amply warrants approval of the transfers as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, that the financial standing of the Transferee has been satisfactorily established; that the herein transfers are compatible with the public interest; and that the aforementioned request--that all authority under Certificates of Public Convenience and Necessity PUC No. 1013, PUC No. 3590, and Interstate Certificate PUC No. 7337-I be consolidated into one Certificate of Public Convenience and Necessity to be designated as Certificate of Public Convenience and Necessity PUC No. 3590 & I--is in the public interest and should be approved as set forth in the order following.

IT IS ORDERED, That R. E. Robinson, an individual doing business as "Bowers & Son," 2062 Blake 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. 1013 to Bowers Transfer & Storage Co., a Colorado corporation, 2062 Blake Street, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That Henry W. Robinson and R. E. Robinson, a partnership doing business as "Bowers & Son," 2062 Blake Street, Denver, Colorado, be, and are hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3590 and Common Carrier Interstate Certificate PUC No. 7337-I to Bowers Transfer & Storage Co., a Colorado corporation, 2062 Blake Street, Denver, Colorado, subject to encumbrances, if any, against said authorities approved by this Commission.

That upon acceptance in the manner as hereinafter provided, Certificates of Public Convenience and Necessity PUC No. 1013 and PUC No. 7337-I be, and hereby are, consolidated with Certificate of Public Convenience and Necessity PUC No. 3590; that the consolidated authority shall be known and designated as "Certificate of Public Convenience and Necessity PUC No. 3590 & I" on the records of the Commission.

That in view of the above consolidation, henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3590 & I shall read and be as follows, to wit:

"Transportation -- on call and demand -- of

(1) General commodities

Between all points within the State of Colorado.

RESTRICTIONS: Item No. 1 of this Certificate shall be restricted as follows:

- (a) Certificate holder shall charge rates which in all cases shall be at least 20% in excess of those charged by scheduled carriers, for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers;

- (b) Against establishing a branch office or having an agent employed in any other town or city than Lafayette, Colorado, for the purpose of developing business.
- (c) Against the transportation of petroleum products in bulk;
- (d) Against transporting household goods;
 - 1) Between points within an area comprised of Boulder, Larimer and Weld Counties, Colorado, and
 - 2) Between points within an area comprised of Denver, Adams, Jefferson and Arapahoe Counties, Colorado.
- (2) Farm products, farm supplies and equipment, sand, gravel, dirt, plaster and well drillers equipment;

Between all points within the following described area:

Beginning at the north city limits of the City and County of Denver, Colorado (52nd Avenue) at Washington Street; thence north ten (10) miles; thence east twenty-four (24) miles; thence south ten (10) miles; thence west to the point of beginning.

RESTRICTION: Item No. 2 is restricted against the transportation of livestock, bulk milk, and dairy products.

- (3) Farm products, feed

From points located within the area described in Item No. 2 to Denver, Colorado, and to feed lots located within the Counties of Adams, Morgan and Weld, State of Colorado.

- (4) Farm supplies and oil well casing

From Denver, Colorado, to points described in Item No. 2 above.

RESTRICTION: Item Nos. 2, 3, and 4 are restricted against transportation service between points on U.S. Highway No. 85 and State Highway No. 81 in competition with line-haul scheduled common carriers.

- (5) General commodities

Between all points within the City and County of Denver, State of Colorado.

RESTRICTION: Item No. 5 of this Certificate is restricted against rendering package delivery service.

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

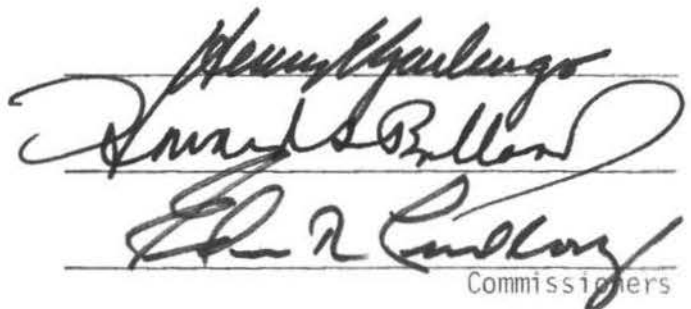
That said transfer shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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
11th day of December, 1970.

vjr

(Decision No. 76429)

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

APPLICATION NO. 24664-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 11, 1970

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

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

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

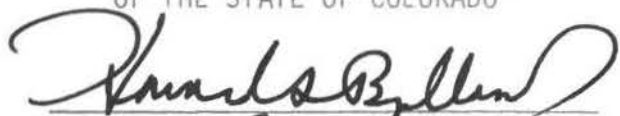

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
Applicants have received notice in writing from the Commission that
compliance has been effected and service may be instituted.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

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

vjr

APPENDIX

Application No. 24664-PP-TA

Joe Torres and Vincent Ornelas
Doing Business As
"Torres-Ornelas"
P. O. Box 592
Aurora, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

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

"Transportation of

- (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 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. 76430)

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,)
DENVER, COLORADO, FOR TEMPORARY AU-)
THORITY TO OPERATE AS A COMMON CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 24638-TA

December 11, 1970

Appearances: Herbert M. Boyle, Esq.,
Denver, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicants herein sought temporary authority, authorizing operation as a common carrier by motor vehicle for hire for the transportation of money, coins, currency, gold, silver, bullion, jewelry, checks, bank drafts, negotiable instruments, business papers, securities, valuables, mail and interoffice correspondence, and other valuable papers between all points within the State of Colorado.

The Commission has now been advised by Attorney for Applicants that Applicants desire to withdraw said application.

The Commission states and finds that Application No. 24638-TA should be permitted to be withdrawn as set forth in the order following.


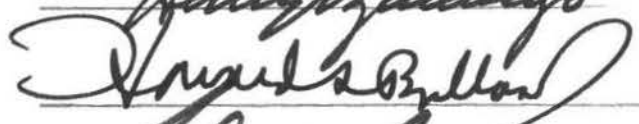
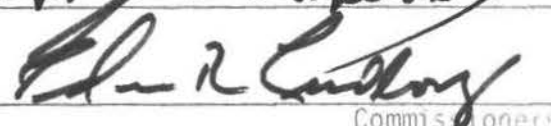
O R D E R

THE COMMISSION ORDERS:

That Application No. 24638-TA be, and the same hereby is, permitted to be withdrawn.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

vjr

(Decision No. 76431)

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,)
DENVER, COLORADO, FOR TEMPORARY AU-)
THORITY TO OPERATE AS A COMMON CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 24649-TA

December 11, 1970

Appearances: Herbert M. Boyle, Esq.,
Denver, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicants herein sought temporary authority, authorizing operation as a common carrier by motor vehicle for hire for the transportation of checks, business papers, mail and interoffice correspondence, audit and accounting media, data processing media and reports, bio medical tissues, specimens and reports, exposed and processed film and prints and incidental dealer handling supplies, video tape and related educational materials (excluding motion picture film used primarily for commercial theatre and television exhibition), between all points in the State of Colorado.

The Commission has now been advised by Attorney for Applicants that Applicants desire to withdraw said application.

The Commission states and finds that Application No. 24649-TA should be permitted to be withdrawn as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That Application No. 24649-TA be, and the same hereby is, permitted to be withdrawn.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

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

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER CLEAN-UP SERVICE, INC., DOING)
BUSINESS AS "WASTE DISPOSAL," 3001)
WALNUT STREET, DENVER, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24535-PP
RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

December 14, 1970

Appearances: James C. Perrill, Esq.,
Denver, Colorado, for
Applicant.
William A. Wilson, Esq.,
Denver, Colorado, for
Best-Way Disposal, Protestant.

PROCEDURE AND RECORD

Under date of September 2, 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. 24535-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 hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 19, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Protestant's Petition to Set Aside Decision No. 76139 and to Reinstate the Original Hearing Date of January 8, 1971, was withdrawn for the reason that said Decision No. 76139 was in fact set aside by the Commission of its own volition and there appeared to be no need to reinstate the original

hearing date. Further, prior to the taking of evidence, the parties entered into a Stipulation which, in effect, was an agreement "that the proposed equipment that will be used by the Applicant is not special equipment and can be acquired by any refuse hauling company".

Donald L. Hentschel and Ronald Sindall testified in support of the application. Andrew J. Bozman testified in protest of the application.

Exhibits 1, 2, 3, 4, 5, and 6 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. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. By this application, Applicant seeks a Class "B" contract carrier permit so as to transport ash, trash, waste, rubbish, and garbage for The Gates Rubber Company facilities located in Arapahoe County, State of Colorado, to disposal points located within the Counties of Arapahoe, Denver, Adams, Jefferson, Douglas, and Elbert.

3. Applicant presently holds Certificates of Public Convenience and Necessity PUC No. 3343, PUC No. 3430, and PUC No. 5623. It also holds contract authorities designated as Permits No. B-5698 and No. B-7265, none of which are involved in this proceeding and all of which provide for service in different areas.

4. Protestant holds Certificates of Public Convenience and Necessity PUC No. 2097 which provides for the transportation of ash and trash in the City of Englewood and a 10-mile radius; PUC No. 3270 which provides for the transportation of ash and trash in the City and County of Denver, State of Colorado; and PUC No. 2495 which provides for the transportation of ash and trash in the County of Adams, State of Colorado. Certificate of Public Convenience and Necessity PUC No. 2097 is the only authority held by Protestant which conflicts with authority being sought in this application.

5. Applicant presently transports ash, trash, and other refuse for The Gates Rubber Company in the City and County of Denver under its Certificate of Public Convenience and Necessity PUC No. 3343 from both the Broadway plant and the Montbello plant of Gates Rubber, both of which are located in the City and County of Denver. The purpose of this application is to obtain authority to transport ash, trash, and other refuse for The Gates Rubber Company at its new plant which will soon be in operation at or near 8000 South Elati Street, in the County of Arapahoe, State of Colorado.

6. The service required by The Gates Rubber Company at its new plant in Arapahoe County will be identical, for all practical purposes, to the service required by The Gates Rubber Company at the plants in the City and County of Denver, both of which have heretofore been adequately and satisfactorily served under a common carrier certificate.

7. There was no showing whatsoever of any requirement for a specialized type of service designed and tailored to meet the needs of a particular shipper. There was no showing of a present or future private or personal need for the proposed service. There was no showing that either the existing service of Protestant was inadequate or that the proposed operation of the Applicant would not impair the efficient public service of the Protestant.

8. Pursuant to the Stipulation of the parties, the equipment proposed to be used by the Applicant is not any type of special equipment and can, in fact, be obtained by any other refuse hauler, including the Protestant.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 24535-PP 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:

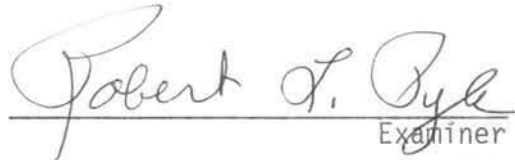
That Application No. 24535-PP, being an application of Denver Clean-Up Service, Inc., a Colorado corporation, doing business as "Waste Disposal," 3001 Walnut Street, Denver, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, denied.

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.

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. 76433)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

JOSEPH LEE & BOB LEE DBA)
LEE BROS. ASH & TRASH DISPOSAL)
2829 HARRISON)
DENVER, COLORADO 80205)

AUTHORITY NO. 5362

CASE NO. 2453-H-Ins.

December 11, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 23, 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.

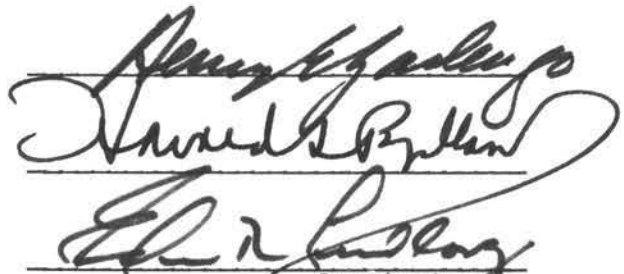
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 11th day of December, 1970.

(Decision No. 76434)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD F. FOULK AND LUCILLE B. FOULK,)
DOING BUSINESS AS "FORT LYON BUS &)
TAXI SERVICE," 651 LOCUST AVENUE,)
LAS ANIMAS, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 305 TO JOHN L.)
FOULK, DOING BUSINESS AS "FORT LYON)
BUS & TAXI SERVICE," 405 POPLAR,)
LAS ANIMAS, COLORADO.)

APPLICATION NO. 24425-Transfer

December 11, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 25, 1970, Donald F. Foulk and Lucille B. Foulk, doing business as "Fort Lyon Bus & Taxi Service," filed the above-captioned application seeking to transfer PUC No. 305 to John L. Foulk, doing business as "Fort Lyon Bus & Taxi Service." On July 9, 1970, the Commission sent Notice of Applications Filed to all interested persons, firms or corporations.

On September 11, 1970, Lucille Foulk, one of the Transferors, filed with the Commission a letter requesting that the application be permitted to be withdrawn due to the fact that John L. Foulk, the Transferee, has moved out of the state.

Considering the letter received from Transferor Lucille Foulk, it appears proper to the Commission that the instant application be withdrawn.

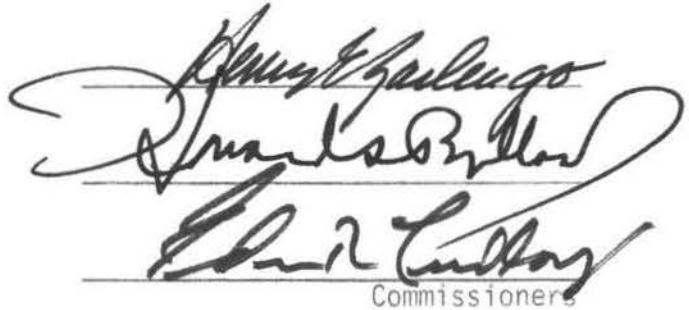
O R D E R

THE COMMISSION ORDERS:

That application No. 24425-transfer, be, and the same hereby is,
withdrawn.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 11th day of December, 1970.
gjs

(Decision No. 76435)

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-Amended

December 15, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 8, 1970, Golden Transfer Company of Longmont, Colorado, Sorenson Truck Service of Longmont and Denver, Colorado, City Storage and Transfer, Inc. of Boulder, Colorado, Bates & Sons, Inc. of Hygiene, Colorado, Stanley R. Stafford, doing business as "Northern Trash Disposal" of Longmont, Colorado, by and through their attorney William T. Secor, filed a Petition to Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon Applicant and Bennett S. Aisenberg, attorney for Applicant.

The Commission states and finds that the above-named 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

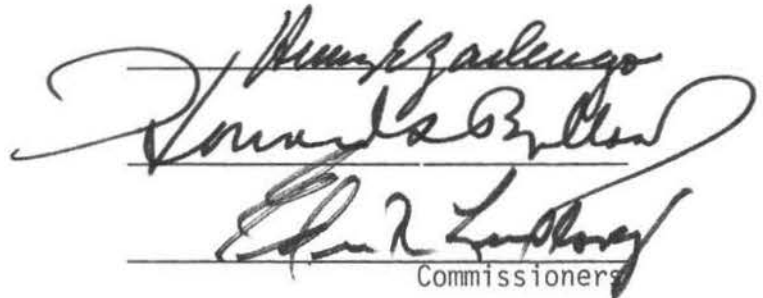
THE COMMISSION ORDERS:

That the Petition to Intervene by Golden Transfer Company of Longmont, Colorado, Soresnson Truck Service of Longmont and Denver,

Colorado, City Storage and Transfer, Inc., of Boulder, Colorado, Bates & Sons, Inc., of Hygiene, Colorado, and Stanley R. Stafford, doing business as "Northern Trash Disposal" of Longmont, Colorado, be and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



The image shows three handwritten signatures in cursive script, stacked vertically. The signatures are written over horizontal lines. The bottom signature is followed by the printed word "Commissioners".

Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
js

(Decision No. 76436)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BOULEVARD NATIONAL BANK, A NATIONAL)
BANKING ASSOCIATION, 730 COLORADO)
BOULEVARD, DENVER, COLORADO,)
and)
ELMER FOX & COMPANY, A PARTNERSHIP,)
275 UNIVERSITY BOULEVARD,)
DENVER, COLORADO)

Complainants,)

vs.)

THE MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY)
930 - 15TH STREET)
DENVER, COLORADO,)

Respondent.)

CASE NO. 5429

SUPPLEMENTAL ORDER

December 11, 1970

Appearances: Charles Frederickson, Esq., and
Marilynn Cason, Esq., of
Dawson, Nagel, Sherman & Howard,
Denver, Colorado, for Complainants;
T. M. Ledingham, Esq., Denver,
Colorado, for Respondent.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 1, 1970, Recommended Decision No. 75777 was
submitted by Christian O. Igenbergs, Examiner.

On November 30, 1970, Respondent The Mountain States Telephone
and Telegraph Company, through its attorney T. M. Ledingham, filed Ex-
ceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled Case
including the Recommended Decision and Order by Examiner Christian O.
Igenbergs, and it appearing that the Exceptions filed on November 30,
1970, do not show any material errors in the Examiner's Statement and
Findings of Fact, in his evaluation of the facts, his Conclusions of

of Law or Findings, nor do they raise any material matter of fact or law not adequately considered and properly disposed of by the Examiner in his Recommended Decision and Order, and are not of such nature as to require the issuance of a full decision by the Commission discussing the evidence submitted and the arguments advanced by the parties in light of such Exceptions. It should be pointed out however that the only issue in this case is whether or not the fact that Message Rate Service is provided to Series 100 and 200 Private Branch Exchange Service but not to Series 300 Private Branch Exchange results in unjust discrimination as to the Series 300 subscribers. The matter of furnishing both flat or measured rate service for Series 100 and 200 Private Branch Exchange Service is beyond the scope of this proceeding.

Accordingly, the Commission finds and concludes that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Igenbergs being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

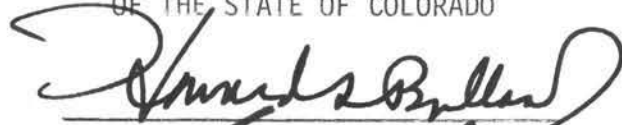
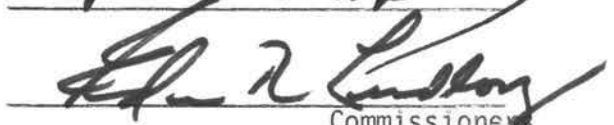
THE COMMISSION ORDERS:

1. That the Exceptions of Respondent The Mountain States Telephone and Telegraph Company, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Christian O. Igenbergs, being Decision No. 75777, dated September 1, 1970, be, and hereby is, affirmed and adopted as our own.

3. That the Recommended Decision and Order of Examiner Christian O. Igenbergs, be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.

4. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 11th day of December, 1970.
pvw

(Decision No. 76437)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY W. ROBINSON AND R. E. ROBINSON,)
DOING BUSINESS AS "BOWERS & SON,")
2062 BLAKE STREET, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER CONTRACT)
CARRIER PERMIT NO. B-406 AND B-406-I)
TO BOWERS TRANSFER & STORAGE CO., A)
COLORADO CORPORATION, 2062 BLAKE)
STREET, DENVER, COLORADO.)

APPLICATION NO. 24442-PP-Transfer

ORDER OF THE COMMISSION

December 15, 1970

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicants.

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

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

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

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

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the 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 Henry W. Robinson and R. E. Robinson, doing business as "Bowers & Son," 2062 Blake Street, Denver, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-406 and B-406-I to Bowers Transfer & Storage, a Colorado corporation, 2062 Blake Street, Denver, 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-406 and B-406-I shall read and be as follows, to wit:

"Transportation of

(1) Fixtures (including refrigeration equipment)

Between points within Denver, Colorado, on the one hand and points within the State of Colorado on the other hand.

RESTRICTION: Transportation service rendered between points served singly or in combination by scheduled common carrier shall require a rate to be charged that shall be at least twenty percent (20%) higher in all cases than the rates charged by scheduled carriers.

- (2) Authority to use equipment in the State of Colorado, as a Contract Interstate Carrier between all points in the State of Colorado and the Colorado State boundary lines where all highways cross same, in Interstate Commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

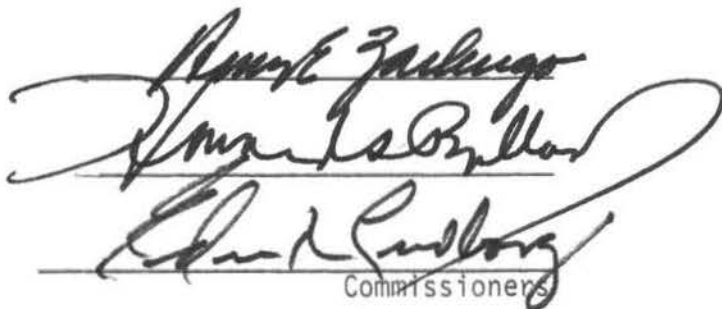
That said transfer shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

That the tariff of rates, rules, and regulations of 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 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 15th day of December, 1970.
js

(Decision No. 76438)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF FREIGHT SERVICE, INC., FOR)	
CLARIFICATION AND REDESCRIPTION)	
OF THE TERRITORIAL OPERATING RIGHTS)	APPLICATION NO. 24562-PP
CONTAINED IN CONTRACT CARRIER)	<u>Clarification and Redescription</u>
PERMIT NO. A-765.)	

December 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application was filed by Freight Service, Inc., Applicant, on September 17, 1970. Timely protests thereto were filed by and on behalf of Frederick A. Bethke, doing business as "Bethke Truck Lines," Bulk Transporters, Inc., Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation, Inc., and Edson Express, Inc.

On December 2, 1970, the Applicant filed its Motion To Strike the above-enumerated protests.

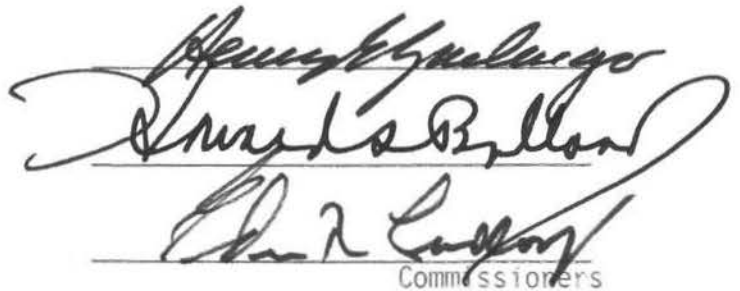
The Commission finds that the said application is for clarification and redescription of Applicant's operating rights; that the Protestants have no standing or right to protest a clarification or redescription of existing territorial operating rights; that Protestants appear to raise the issue that the clarification and redescription sought results in an extension of the existing operating rights; that the said Protestants have standing to protest such an extension; and concludes that the protests should be limited to any possible extension of Applicant's operating rights and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The protests heretofore filed in the above-entitled matter by Frederick A. Bethke, doing business as "Bethke Truck Lines," Bulk Transporters, Inc., Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation, Inc., and Edson Express, Inc., be, and hereby are, limited to protests against extension, if any, of Applicant's operating rights contained in Permit No. A-765.
2. Applicant's said Motion To Strike Protests be, and hereby is, disposed of in the manner consistent with the Findings and Order herein.
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RIO GRANDE MOTOR WAY, INC., 1400 WEST)	APPLICATION NO. 24289-Extension
52ND AVENUE, DENVER, COLORADO, FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	RECOMMENDED DECISION OF
NECESSITY AUTHORIZING EXTENSION OF)	<u>ROBERT L. PYLE, EXAMINER.</u>
OPERATIONS UNDER PUC NO. 149 AND PUC)	
NO. 149-I.)	

December 11, 1970

Appearances: Warren D. Braucher, Esq.,
Wheat Ridge, Colorado,
for Applicant.
Leslie R. Kehl, Esq.,
Denver, Colorado, for
Goldstein Transportation and
Storage, Inc.; Westway Motor
Freight, Inc.; Red Ball Motor
Freight, Inc.; and South Park
Motor Lines, Protestants.
Joseph F. Nigro, Esq., Denver,
Colorado, for Weicker Transfer
and Storage Co. and Gottula
Trucking and Transportation,
Protestants.
Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for Ephraim
Freightways, Inc., Intervenor.
John J. Conway, Esq., Denver,
Colorado, for Bill Clark Truck
Line, Inc., Intervenor.
Lloyd C. Espinosa, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 6, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a common carrier by motor vehicle as specifically set forth in said application.

The Commission assigned No. 24289-Extension to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due

and proper notice to all interested persons, firms or corporations, set the herein matter for hearing at the following times and places, to-wit:

Hearing Room of the Commission,
Columbine Building, 1845 Sherman Street,
Denver, Colorado, on September 8, 9, 23,
and 24, 1970, at 10 a.m.;

County Office Building, 27 East Vermijo,
Colorado Springs, Colorado, on September
10 and 25, 1970, at 10 a.m.;

and

Council Chambers, City Hall, Pueblo,
Colorado, on September 11 and 30, 1970,
at 10 a.m.

The Motion to Strike the Protest of Bill Clark Truck Line, Inc., was denied; the Protest of Wandell & Lowe Transfer and Storage was dismissed for failure to appear; the Protests of Goldstein Transportation & Storage, Inc., and Westway Motor Freight, Inc., were withdrawn; and notice was taken, as requested, of pertinent Commission Decisions.

The following witnesses testified in support of the application:

Wally Fletchinger, Burton Adams, Robert W. Johnson, Leslie L. French, Melvin Befus, Don Malgren, John Bender, John Hood, Melvin Hodapp, Richard R. Ficca, Arnold Kleppen, George J. Craig, Arthur Barr, Dick Grinnell, Michael L. Maxwell, Maynard Warne, Lillian Barnes, George L. Goodwin, Raymond Bennett, Lyle R. Nord, Elmer E. Smith, Don Colbert, Sumner W. Pressey III, Lee Atchison, Ray Badloga, Leo J. Valdez, Les Weeks, Roger Poulsen, Joseph Howe, Harold Huff, Carl Keller, Roger Bailiff, Merrle Morgan, Wayne E. Larson, Tom Lee, W. D. Hemming, Jr., Ivar P. Carlson, and Lloyd C. Espinosa.

The following witnesses testified in protest of the application:

Ove Nielsen, Duane Pettyjohn, Richard M. Wicks, Wallace W. Williams, Tom Ursini, John Pappas, David Barth, Jerry Stratman, Paul L. King, Rodney C. Sharpe, Dean A. Bailey, Larry Murdock, Harold Anderson, Larry A. Mitchell, Sidney Rosin, Joe Esch, Jr., Don Billings, Charles Trent, Malcolm J. Clark, Don Gade, Sam Caricato, Charles Godeniez, Charles Duran, Virginia Williams, Jerald McIlvain, Larry Joe McDaniel, Chuck Hobbs, L. M. Rhoades, and Raymond G. Gottula.

Exhibits 1 through 38, inclusive, and Exhibits 40 through 46, inclusive, were tendered and admitted into evidence. Exhibit 39 was rejected.

The subject matter was concluded on September 30, 1970, and 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. This is an application by Rio Grande Motor Way, Inc., to extend its Certificate of Public Convenience and Necessity PUC No. 149 so as

"to operate as a common carrier by motor vehicle for hire over regular routes in scheduled service for the transportation of general commodities between Denver, Colorado, and Pueblo, Colorado, over U.S. Highways No. 85 and 87 and Interstate Highway No. 25, serving all intermediate points and the off-route point of Pueblo Army Depot, between all points authorized to be served by Applicant to provide through service over through routes between any two points on presently existing or subsequently acquired motor vehicle authority without restriction against interlining or tacking with existing or subsequently acquired motor vehicle authority and serving all intermediate and off-route points without restriction."

The purpose of the application is to permit operations as a motor vehicle common carrier over a portion of the same route and serving the same territory within the State of Colorado as Applicant is presently authorized to serve as a private or contract carrier under its Permit No. A-716. In other words, this application is what has been commonly referred to by the Commission as a conversion case to convert the authority contained in contract carrier Permit No. A-716 to common carriage. In the event this application is granted, Permit No. A-716 should therefore be cancelled for the reason that it directly duplicates and overlaps the authority sought in this application.

2. The application was protested by the following carriers, to-wit: Westway Motor Freight, Inc.; Red Ball Motor Freight, Inc.; South Park Motor Lines; Weicker Transfer and Storage Co.; Gottula Trucking and Transportation; Ephraim Freightway, Inc.; Goldstein Transportation and Storage, Inc.; Bill Clark Truck Line, Inc.; and Wandell & Lowe Transfer and Storage, all of whom hold conflicting authority to that sought in the application in one form or another.

3. As indicated in the PROCEDURE AND RECORD, the Protest of Wandell & Lowe Transfer and Storage was dismissed for failure to appear, and the Protests of Goldstein Transportation and Storage, Inc., and Westway Motor Freight, Inc., were withdrawn.

4. The remaining Protestants, namely, Weicker Transfer and Storage Co.; Gottula Trucking and Transportation; Ephraim Freightways, Inc.; Red Ball Motor Freight, Inc.; South Park Motor Lines; and Bill Clark Truck Line, Inc., presented no competent evidence to cause a denial of this application. The evidence presented by these carriers was nothing more than the fact that they provide a service within the area sought in the application, and they would prefer to not have the competition of Rio Grande Motor Way, Inc. It should be pointed out however that Rio Grande Motor Way, Inc., already provides substantial motor carrier service in the area under its Permit No. A-716 and the granting of this application would in fact create only a minimal amount, if any, of "additional competition". In fact, in the long run, the protesting carriers could very likely be better off by having Rio Grande Motor Way, Inc., operating as a common carrier in the area rather than as a contract carrier for the reason that as a contract carrier it could pick and choose its customers and thereby possibly take only the more lucrative business and refuse to accept that business which is not so lucrative, but as a common carrier it would be required to serve the public.

5. The operating testimony of Protestant Bill Clark Truck Line, Inc., and of Protestant Ephraim Freightways, Inc., was not reliable, was inconsistent, and is not acceptable. The witnesses presenting the testimony for these Protestants were not knowledgeable about the operations of their respective companies and were unable to present acceptable, detailed, and accurate operating testimony on certain key issues. Protestant Red Ball Motor Freight, Inc., admitted that it is not now and will not in the future be greatly interested in Colorado intrastate traffic. Protestant South Park Motor Lines offered no testimony whatsoever. Protestant Weicker Transfer and Storage Co. objected only to service at the Pueblo Ordnance Depot, which, in fact, is only a minor part of the entire thrust of this application.

6. The abovenamed protesting carriers do, in fact, provide a service in the area encompassed by this application. However, 115-9-5, CRS 1963, as amended, commonly referred to as Senate Bill No. 208, allows the Commission, under the specified doctrine of "regulated competition", to grant more than one certificate of public convenience and necessity to operate motor vehicles for the transportation of property over and along the same route or a part thereof or within the same territory or part thereof if the Commission finds that the present or future public convenience and necessity requires or will require such operation. The Supreme Court of the State of Colorado has not yet laid down the guidelines for the application of this particular statute. However, it is felt that if there is room for another carrier (both as to economic growth and demand) so that the operation of that competing carrier would (1) better serve the public and (2) not, in and of itself, create ruinous competition, then the competing carrier should be allowed to come in. Permit No. A-716 has been in existence for 19 years. Other carriers, including the Protestants, have in fact been competing with the authority contained in Permit No. A-716 for the same period of time. Rio Grande Motor Way, Inc., in its operations of Permit No. A-716, has been furnishing a service upon which the public has come to rely and depend. In fact, there is nothing in the record to indicate

that there is even a single legitimate complaint by the public concerning the service now being performed by Rio Grande Motor Way, Inc., in the operation of Permit No. A-716. The mere fact of its long existence and the fact of additional economic growth in the area to be served is proof, in and of itself, that the competition created by converting the authority contained therein to common carriage would not be ruinous to other carriers and it is unquestionable that its operation as a common carrier certificate would be economically feasible. To convert this contract carrier permit to a common carrier certificate would in fact create a better service to the public. There is already healthy and economically sound competition in the operation of Permit No. A-716; so merely changing the designation of the permit from A-716 to a common carrier certificate as an extension to Certificate of Public Convenience and Necessity PUC No. 149, which the Applicant already owns and operates, makes very little difference to the carriers involved and will greatly benefit the shipping public. There is extensive growth in the front range area and it will economically support this additional competition. To grant this application as an extension to Certificate of Public Convenience and Necessity PUC No. 149 will enable Rio Grande Motor Way, Inc., to round out and perform a total service with its existing service so as to better serve the public.

7. Rio Grande Motor Way, Inc., is adequately financed and staffed with competent personnel. It has sufficient equipment and facilities to provide adequate common carrier service on the routes and to the points for which it seeks certification. It is completely qualified and fit to render such a common carrier service. In general, there is an existing public need for the rendition of such service by Applicant, as established by the evidence introduced in this proceeding.

8. Rio Grande Motor Way, Inc., has participated in the transportation of intrastate traffic between Denver and Pueblo since 1951 and has accepted any traffic offered. It has seen an increase in its traffic

generally. It presently operates on schedule under its contract carrier authority, A-716, in the same area as it seeks common carrier authority and if the application is granted, it proposes to operate the same time schedule. If the application is granted, Rio Grande foresees no significant change in its operations except that, by way of example, it will be permitted to interline with other common carriers, it will participate in rate making, and it will be obligated to serve the public, all to the benefit of the shipping public and the customers it presently serves.

9. Rio Grande Motor Way, Inc., holds appropriate authority from the Interstate Commerce Commission to provide similar transportation service to that sought in the present application. In addition, Rio Grande Motor Way, Inc., holds authority from the Colorado Public Utilities Commission to operate as a common carrier in intrastate commerce between Denver and points in the San Luis Valley of Colorado. At the present time, Applicant does not haul, in the same trailer at the same time, freight handled under its contract carrier authority between Denver and Pueblo and Colorado Springs, and under its common carrier authority between Denver and the San Luis Valley, but if its application is granted, it intends to do so which would be of further benefit to the shipping public.

10. For the period June 1, 1970 through June 19, 1970, Applicant transported approximately 300,000 pounds of various general commodities from Denver to Pueblo and intermediate points under written contract with shippers or receivers of freight. During the same period, Applicant transported approximately 130,000 pounds of various general commodities between Colorado Springs and Pueblo and from Colorado Springs to Pueblo and Denver, under contract with shippers and receivers of freight. Traffic studies were introduced showing revenues derived and number of pounds transported by carriers operating between Denver and Pueblo and between Denver and Colorado Springs for the year 1966 and the first six months of 1967. The studies indicated, among other things, that Applicant has transported a substantial portion of the total traffic moving between the points involved in the application.

11. The shipper witnesses who testified in support of the application verified that they understood there were differences between common and contract carriers, among them being that (1) a common carrier is required to serve all those who call on him for service while a contract carrier may refuse service to anyone at any time, (2) a contract carrier is required to enter into written or oral contracts with shippers using its service, (3) contract carriers may not interline with other carriers for service beyond their contract carrier authorities, and (4) contract carriers are precluded from initiating rates before the Commission. It is the preference and desire of these shippers that Rio Grande Motor Way, Inc., be able to serve them as a common carrier rather than as a contract carrier.

12. There are authorized common carriers in the area involved, including the common carrier Protestants, Red Ball Motor Freight, Inc., and Ephraim Freightways, Inc. Most shippers use these carriers in varying degree. However, there will be very little, if any, diversion of traffic from those carriers. There is some dissatisfaction with the service of Red Ball, particularly with respect to the handling of claims, delays in interlining and general slowness in service. Hardly any of the supporting shipper witnesses have ever used or even heard of motor carriers Gottula, Goldstein, South Park, or Bill Clark.

13. The shipping needs are growing and expanding and there are substantial increases in business in the Colorado Springs and Pueblo areas. Such increases can be expected to continue in the future. The present and projected economic growth in the area to be served will provide additional traffic in the future for all carriers.

14. There is, under the facts of this case, and considering the existing distribution of traffic, presently a sufficient volume of traffic to adequately support and maintain an additional competitive common carrier.

15. The granting of a certificate to Rio Grande Motor Way, Inc., will have little or no effect on existing intrastate single-line traffic patterns between Denver and Pueblo since Rio Grande Motor Way, Inc., is already providing a substantial portion of the existing transportation service.

16. In view of the above and foregoing Findings, it is specifically found, as a matter of fact, that the present or future public convenience and necessity requires or will require the operation of this authority as a common carrier certificate.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Protests of Protestants Weicker Transfer and Storage Co.; Gottula Trucking and Transportation; Ephraim Freightways, Inc.; Red Ball Motor Freight, Inc.; South Park Motor Lines; and Bill Clark Truck Line, Inc., should be, and hereby are, dismissed.

2. The authority sought by Applicant should be granted as hereinafter set forth.

3. Permit No. A-716 should be cancelled.

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

O R D E R

THE COMMISSION ORDERS:

That Certificate of Public Convenience and Necessity PUC No. 149 be, and hereby is, extended so as to include:

"Transportation -- on schedule -- of

General commodities

Between Denver and Pueblo, over U.S. Highways No. 85 and No. 87 and Interstate Highway No. 25 (I-25), serving all intermediate points and the off-route point of the Pueblo Army Depot";

and this shall be amalgamated with and become a part of Certificate of Public Convenience and Necessity PUC No. 149.

That henceforth the authority of Certificate of Public Convenience and Necessity PUC No. 149, under part I(2) and I(5) of Recommended Decision and Order No. 75816, dated September 4, 1970, issued by Examiner Robert L. Pyle, and Commission Decision No. 76064, dated October 14, 1970, which adopts the aforesaid Decision and Order of the Examiner, shall read and be as follows:

"(2) Between Denver, Colorado, and the Colorado-Utah state line: From Denver over U.S. Highways No. 85 and No. 87 and Interstate Highway No. 25 (I-25) to Pueblo, Colorado, serving all intermediate points and the off-route point of the Pueblo Army Depot; thence over U.S. Highway No. 50 to the Colorado-Utah state line and return over the same route, serving all intermediate points, and serving the following off-route and intermediate points:

- (a) All intermediate points between the junction of U.S. Highway No. 50 and Colorado Highway No. 120 and Canon City, Colorado, on Colorado Highways No. 120 and No. 115, and the off-route points of Wetmore, Rockvale, Coal Creek, and Royal Gorge, Colorado.
- (b) All intermediate points between Poncha Springs and Leadville, Colorado, on U.S. Highways No. 285 and No. 24, and the off-route point of Twin Lakes, Colorado.
- (c) The off-route points of the Paonia Damsite, Paonia and Lazear, Colorado, and all intermediate points between the Paonia Damsite and Delta, Colorado, on Colorado Highways No. 92, No. 133, and No. 187.

(5) Service is authorized to be combined between all points described in Items (1) through (4) above, inclusive, so as to permit the rendition of transportation service to and from any and all points authorized to be served under this Certificate."

Otherwise, said authority shall remain unchanged.

That Contract Carrier Permit No. A-716 be, and hereby is, cancelled.

That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

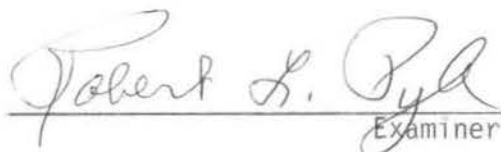
That Applicant shall operate its carrier system in accordance with this Order, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

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.

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

* * *

RE: EXCEPTION (G), ITEM NO. 420)
MINIMUM CHARGE FOR ACCOUNT OF)
WINDECKER TRUCK LINE)

CASE NO. 1585

December 18, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 20, 1970, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed 8th Revised Page No. 84 to its Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19, scheduled to become effective December 28, 1970.

Exception (G) to Item 420 for the account of John B. Windecker, d/b/a Windecker Truck Line is being eliminated and it is indicated that increased charges will result therefrom.

In support of the elimination, J. R. Smith, in a letter addressed to the Commission, dated December 2, 1970, states: --

1. This exception to the minimum charge rule was first published for account of Windecker Truck Line many years ago at a time when the general minimum charge was not sufficient to compensate the carrier for off-route deliveries in the territory which it serves.
2. Since that time, however, the minimum charges have been increased to a more compensatory basis, and there is no longer a need to maintain this exception.
3. While our current publication indicates that cancellation of the exception would result in an increase in charges, it now appears that the effect of this would be both increases and reductions in charges.
4. This would also have the desirable effect of making uniform minimum charges apply throughout the territory in which Windecker Truck Line operates.

Since the change represents reductions as well as increases, and uniformity will exist in the areas served by Windecker Truck Line, the Commission states and finds, that: --

1. No shipper has entered protest thereto.
2. An Order shall be entered prescribing the elimination of exception Item 420 (G) to the minimum charge rule set forth in Appendix "A" 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 and Findings and Appendix "A" attached hereto, be, and are hereby, made a part hereof.
2. That the rules and provisions as amended, and set forth in the Statement of this Order, shall be the prescribed 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 28, 1970, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.
6. That on and after December 28, 1970, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" contract carriers shall be subject to the penalty rule of twenty (20) percent.

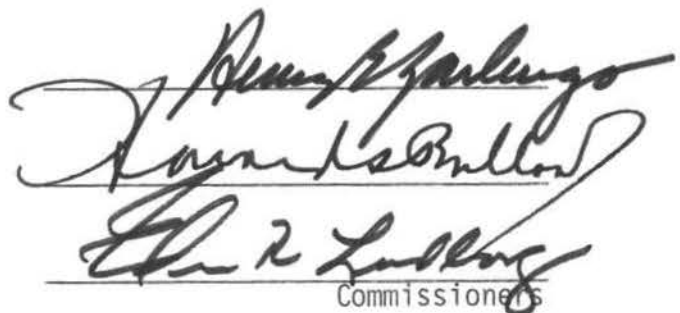
7. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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
18th day of December, 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 28, 1970

RULES AND REGULATIONS	
Item	Application
7th Revised Page 84	
420	<u>MINIMUM CHARGE:</u> (Continued)
	<u>EXCEPTIONS:</u>
(Con-	(G) The minimum charge for a single shipment from one consignor
clu-	to one consignee in one day on one bill of lading between Denver
ded	and points served by John B. Windecker, d/b/a Windecker Truck
on	Line, other than Bailey, Buffalo, Conifer, Deckers, Estabrook,
	Foxton, Pine, Shaffers Crossing, South Platte and Waterton, and
	directly intermediate points, will be as follows:
Page	Points located seven miles and exceeding four miles from
	carrier's regularly traveled highway route \$4.20
85	Points located ten miles and exceeding seven miles from
	carrier's regularly traveled highway route \$5.25
(E)	Points located thirteen miles and exceeding ten miles
	from carrier's regularly traveled highway route. . . \$6.30

(E) denotes elimination.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: THE ISSUANCE OF TEMPORARY CERTIFICATES)	
OF PUBLIC CONVENIENCE AND NECESSITY UNDER)	
CHAPTER 115-9-4 (2), CRS 1963, FOR THE TEMPO-)	<u>APPLICATION NO. 24694</u>
RARY OR SEASONAL MOVEMENT OF CORN, MILLET,)	<u>EMERGENCY DISTRICT 16-70</u>
SORGHUMS, SMALL GRAINS, ENSILAGE AND HAY.)	

December 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section, of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, sorghums, small grains, ensilage and hay in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Chaffee, Cheyenne, Crowley, Delta, Douglas, Elbert, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Mesa, Moffat, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma, Colorado.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage and hay in the Counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, sorghums, small grains, ensilage and hay in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Chaffee, Cheyenne, Crowley, Delta, Douglas, Elbert, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Mesa, Moffat, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma, Colorado, and that the present or

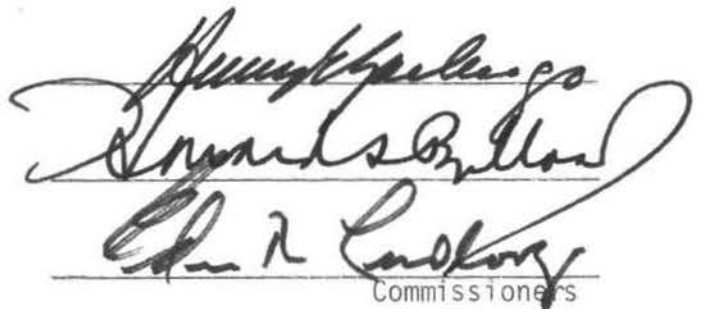
future public convenience and necessity require or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage and hay in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Chaffee, Cheyenne, Crowley, Delta, Douglas, Elbert, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Mesa, Moffat, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma, State of Colorado; provided, however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing December 12, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76442)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRAND VALLEY RURAL POWER LINES, INC.)
FOR AN ORDER AUTHORIZING IT TO EXER-)
CISE FRANCHISE RIGHTS GRANTED BY)
THE TOWN OF COLLBRAN, MESA COUNTY,)
COLORADO.)

APPLICATION NO. 24622

December 14, 1970

Appearances: Eugene H. Mast, Esq., Grand Junction,
Colorado, for Applicant;
J. M. McNulty, Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application of Grand Valley Rural Power Lines, Inc. was filed with this Commission on October 22, 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 Town of Collbran, Mesa County, Colorado, for the distribution and sale of electric power and energy within said Town.

After due and proper notice to all interested parties, the application was set for hearing on December 8, 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 Howard S. Bjelland, to whom the matter was duly assigned pursuant to law.

No protests or petitions to intervene in the application were filed nor did anyone appear at the hearing in opposition to the application.

The following Exhibits were offered and admitted into evidence:

Exhibit No. 1 -- Amendment to the Articles of Incorporation of
Grand Valley Rural Power Lines, Inc.

Exhibit No. 2 -- A copy of Ordinance No. 52 being the franchise granted by the Town of Collbran, Mesa County, Colorado, to Grand Valley Rural Power Lines, Inc.

Exhibit No. 3 -- Proof of Publication of the Franchise.

Exhibit No. 4 -- Certification by the Assistant Secretary of Grand Valley Rural Power Lines, Inc. of a resolution duly adopted by the Board of Directors of said Corporation accepting the franchise adopted and approved by the Board of Trustees of the said Town of Collbran.

FINDINGS OF FACT

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

1. Grand Valley Rural Power Lines, Inc., the Applicant herein, is a Colorado corporation, organized and existing under and by virtue of the laws of the State of Colorado.

2. Applicant is engaged in the business of purchasing and distributing electric power and energy in a portion of western Colorado under the jurisdiction of this Commission.

3. A certified copy of Applicant's Certificate of Incorporation has heretofore been filed with this Commission and the latest amendment to said Articles has been admitted as Exhibit No. 1 in this proceeding.

4. On July 7, 1970 the Town of Collbran, Mesa County, Colorado, acting by and through its Board of Directors, adopted Ordinance No. 52 granting the franchise to Grand Valley Rural Power Lines, Inc. with permission to construct, operate, maintain and extend into, within and through said Town of Collbran, electric transmission and distribution facilities for a period of twenty-five years and during said period of time to sell and distribute electrical energy to the Town of Collbran and the inhabitants thereof.

5. The said franchise is for a period of twenty-five years and provides for a franchise consideration to be paid to the Town in the amount of two percent (2%) of its gross revenue derived from the sale of electricity within the corporate limits of the Town excluding the amount received from the Town for electric service furnished it, and excluding all revenue received in excess of \$2,500.00 per annum from the sale of electric service rendered to each customer at any one location.

6. Applicant now distributes electric power and energy in the Town of Collbran which it purchases from Colorado-Ute Electric Association, Inc. Applicant will continue to utilize its existing electric facilities in furnishing electric service to the Town of Collbran under the terms of the franchise described above.

7. No other public utility is in the business of distributing electric power and energy in said Town of Collbran. Applicant served 131 customers in the Town as of December 31, 1969 and it was estimated that these customers have increased slightly since that date.

8. Applicant is financially, physically and otherwise capable and qualified to provide electric service to the inhabitants of the Town of Collbran, and public convenience and necessity require, and will require, the exercise by Grand Valley Rural Power Lines, Inc. of the franchise rights granted to it as set forth in said Ordinance No. 52 of the Town of Collbran and to distribute and sell electric power and energy therein.

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, and concludes that the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be, and hereby is, granted to Grand Valley Rural Power Lines, Inc. to exercise

franchise rights granted to Applicant by Franchise Ordinance No. 52 of the Town of Collbran in accordance with the terms of said franchise ordinance, to construct, operate, maintain and extend into, within and through the Town of Collbran, electric transmission and distribution facilities, to furnish, sell and distribute electric energy to the Town of Collbran 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 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), as amended.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON KELLER AND PHIL CRABLE, DOING)
BUSINESS AS "CROWN MOUNTAIN TRUCK-)
ING CO.," 6290 QUAIL STREET, ARVADA,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24688-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

December 14, 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 Don Keller and Phil Crable, doing business
as "Crown Mountain Trucking Co.," 6290 Quail Street, Arvada, Colorado, be,
and are hereby, granted emergency temporary authority for a period of
fifteen (15) days commencing December 14, 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 Colo-
rado to road jobs, mixer and processing plants
within a radius of fifty (50) miles of said pits
and supply points;

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTIONS: This emergency temporary authority is restricted as follows:

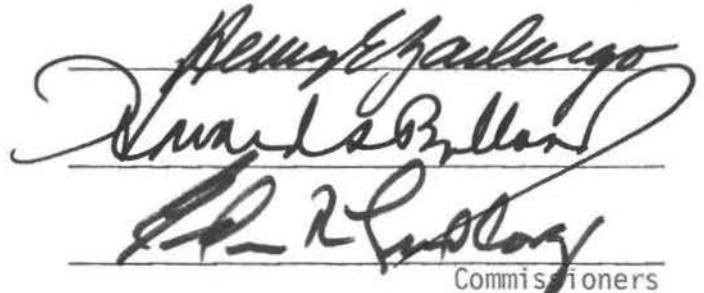
- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time";

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
14th day of December, 1970.



vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN JUAN TOURS, INC., DOING BUSINESS)
AS "GLENWOOD-ASPEN STAGES, INC.,")
EL POMAR BUILDING, BROADMOOR, COLO-)
RADO SPRINGS, COLORADO, FOR TEMPO-)
RARY AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 1089.)

APPLICATION NO. 24663-Extension-TA
ORDER DENYING TEMPORARY AUTHORITY

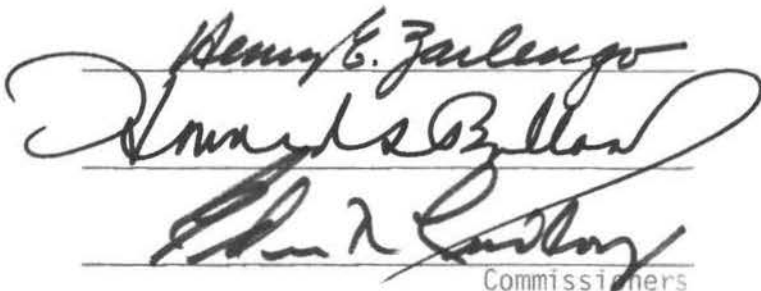
December 14, 1970

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CARLTON L. FARR, ROUTE 2, BOX)
87, SEDALIA, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24692-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

December 14, 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 logging contractors for pending logging contracts.

And it further appearing, That said circumstances constitute
an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Carlton L. Farr, Route 2, Box 87, Sedalia,
Colorado, be, and is hereby, granted emergency temporary authority for
a period of fifteen (15) days commencing December 14, 1970, as a class
"B" contract carrier by motor vehicle, for the

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and
loading points within a radius of twenty-five
(25) miles of said forests;

(2) Rough lumber

From sawmills within a twenty-five (25) mile radius of forests to markets in the State of Colorado.

RESTRICTIONS: This Permit is restricted as follows:

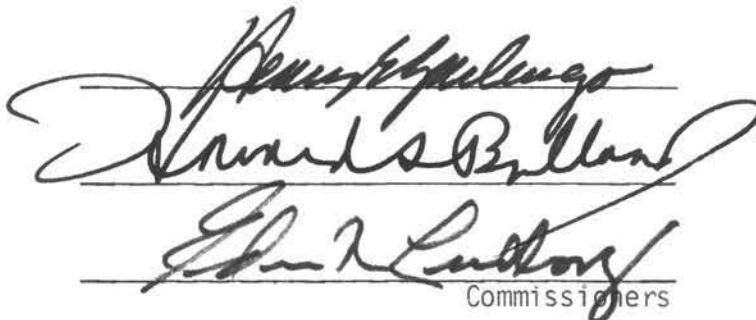
- (a) Against town-to-town service.
- (b) To serving not more than ten (10) customers at any one time."

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
14th day of December, 1970.
vjr

(Decision No. 76446)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ORVAL H. REHDER DBA)
T. P. REHDER AND SON)
P. O. BOX 96)
OTIS, COLORADO 80743)

PERMIT NO. M-1450

December 15, 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.

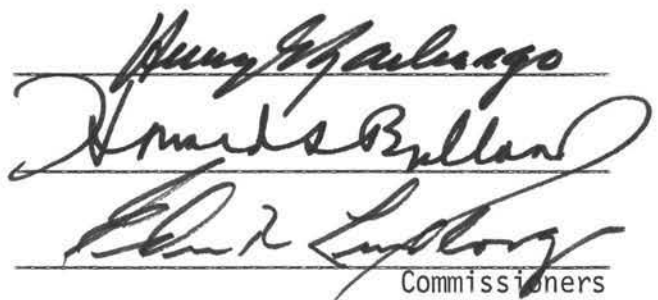
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
vjr

(Decision No. 76447)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MOBILE OF DENVER INC.)
7633 WEST COLFAX AVENUE)
DENVER, COLORADO 80215)

PERMIT NO. M-8819

December 15, 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 December 4, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
vjr

(Decision No. 76448)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT C. DICKSON)
P. O. BOX 631)
LAKIN, KANSAS 67860)

PERMIT NO. M-9823

December 15, 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.

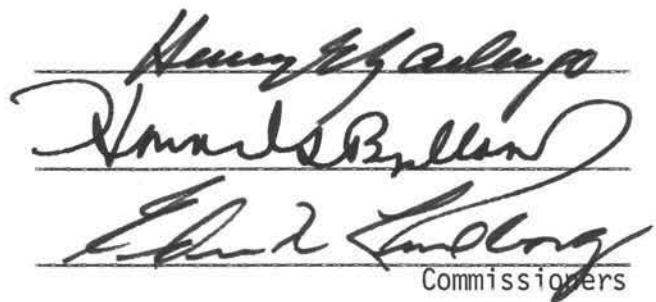
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
vjr

(Decision No. 76449)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN A. CHACHERE, INC.)
ROUTE 1, BOX 196A)
CHURCH POINT, LOUISIANA 70525)

PERMIT NO. M-10031

December 15, 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.

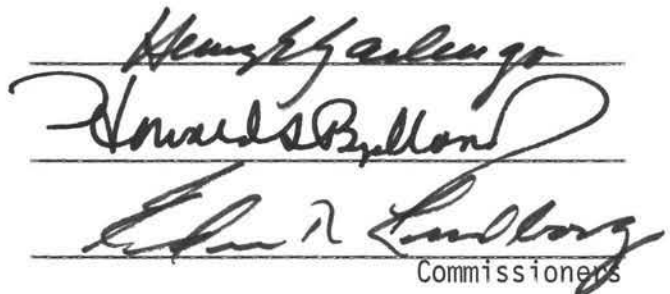
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 26, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970,
vjr

(Decision No. 76450)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAMS SUPPLY COMPANY)
#3 WAZEE MARKET)
DENVER, COLORADO 80204)

PERMIT NO. M-10385

December 15, 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.

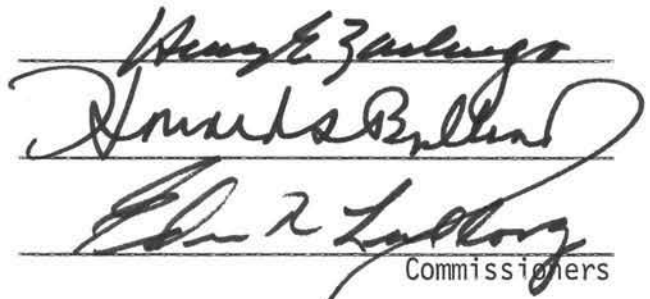
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
vjr

(Decision No. 76451)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES DEDEK DBA)
CHARLES DEDEK AND COMPANY)
322 TYLER ROAD, N.W.)
ALBUQUERQUE, NEW MEXICO 87107)

PERMIT NO. M-12124

December 15, 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.

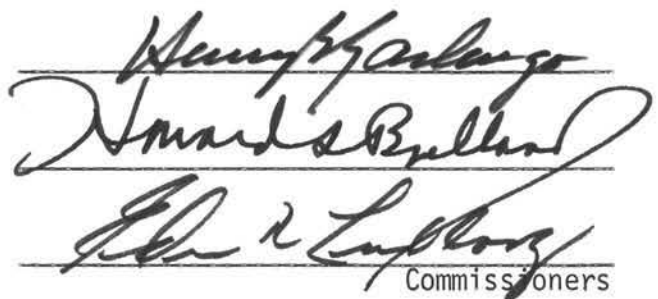
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

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 15th day of December, 1970.
vjr

(Decision No. 76452)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
N. D. MONGER DBA)
MONGER BROTHERS)
MACK, COLORADO 81525)

PERMIT NO. M-15574

December 15, 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.

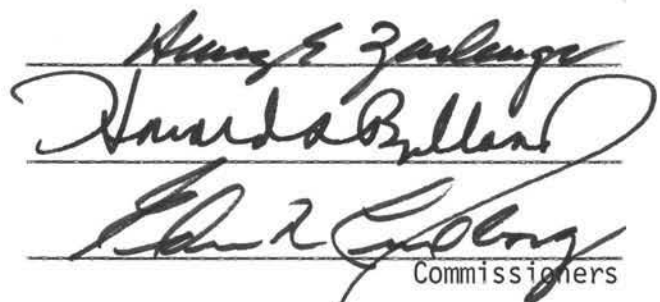
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 12, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
vjr

(Decision No. 76453)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
B & B IMPLEMENT COMPANY)
110 NORTH MAIN)
YUMA, COLORADO 80759)

PERMIT NO. M-12361

December 15, 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.

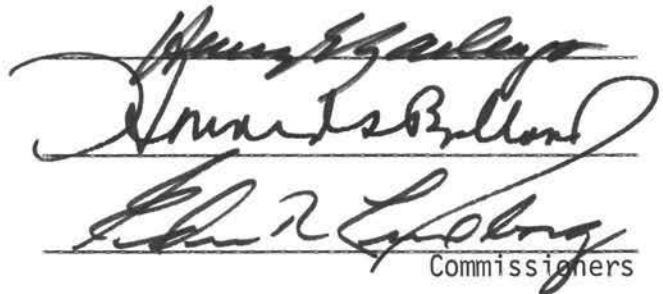
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

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 15th day of December, 1970.
vjr

(Decision No. 76454)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT ADAMS DBA)
ERIE WRECKING)
ROUTE 1, BOX 2)
ERIE, COLORADO 80516)

PERMIT NO. M-14389

December 15, 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 22, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
vjr

(Decision No. 76455)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PEARL LAUNDRY & DRY CLEANING CO.)
329 NORTH TEJON)
COLORADO SPRINGS, COLORADO 80902)

PERMIT NO. M-15055

December 15, 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.

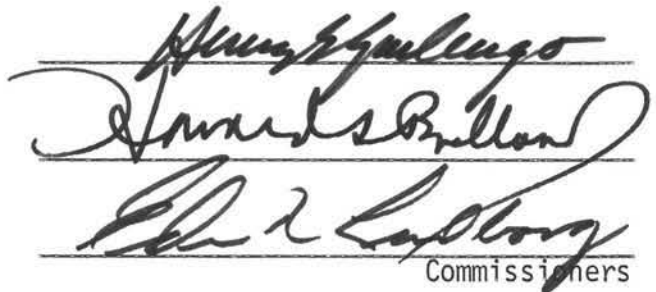
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

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 15th day of December, 1970.
vjr

(Decision No. 76456)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BAGS, INC.)
BOX 1518)
COLUMBUS, GEORGIA 31902)

PERMIT NO. M-15927

December 15, 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.

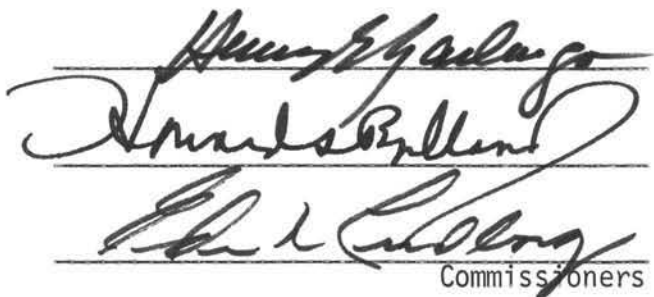
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 15th day of December, 1970.
vjr

(Decision No. 76457)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT C. PETERSON, HENRY S. ORENDER)
AND ESTHER M. ORENDER FOR AUTHORITY)
TO TRANSFER THE MAJORITY OF THE OUT-)
STANDING SHARES OF THE CAPITAL STOCK)
IN AND TO DENVER-LIMON-BURLINGTON)
TRANSFER COMPANY, 3650 CHESTNUT)
PLACE, DENVER, COLORADO, RECORD)
OWNER OF PUC NO. 699 & PUC NO. 699-I)
TO JOHN E. MAUPIN.)

APPLICATION NO. 24599-Stock Transfer
ORDER OF THE COMMISSION

December 15, 1970

Appearances: Howard E. Erickson, 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 corporation 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 Transferee is fit, willing and able properly to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 699 and PUC No. 699-I, and that the following order should be entered;

And we further find, That the transfer as applied for is compatible with the public interest;

IT IS ORDERED, That Robert C. Peterson, Henry S. Orender, and Esther M. Orender be, and are hereby, authorized to transfer the majority of the outstanding shares of the capital stock in and to Denver-Limon-Burlington Transfer Company, 3650 Chestnut Place, Denver, Colorado, record owner of Certificate of Public Convenience and Necessity PUC No. 699 and PUC No. 699-I to John E. Maupin, 3650 Chestnut Place, Denver, Colorado.

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

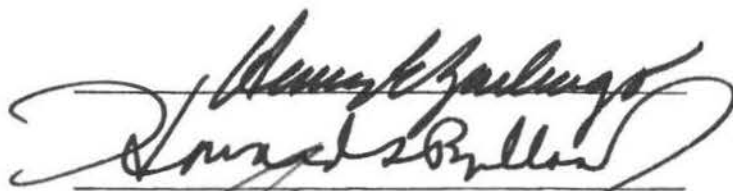
That the tariff of rates, rules, and regulations of Transferors shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of the Commission.

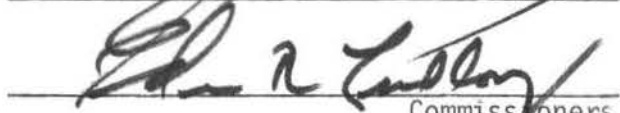
That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules

and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Certificate.

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
15th day of December, 1970.
vjr

(Decision No. 76458)

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

December 17, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1970, Northern Armored Service, Inc., a Colorado corporation, by and through its attorney Melvin Dinner, filed a Petition For Leave To Intervene and Protest in the above-captioned proceeding and caused copies of said Petition to be served by mail upon Applicant's attorney, Edward T. Lyons, Jr.

The Commission states and finds that application for intervention and protest has made no showing that it is a party who may or might be interested in or affected by any order which may be entered in these proceedings and that the intervention and protest should be denied.

O R D E R

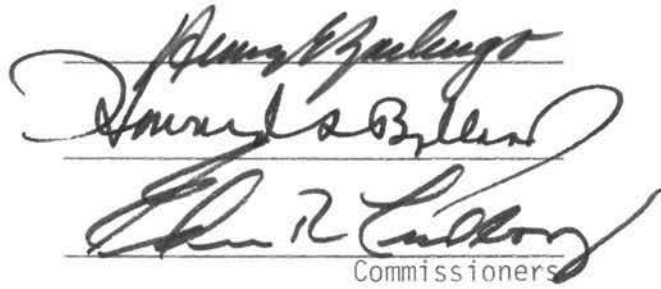
THE COMMISSION ORDERS:

That the Petition To Intervene by Northern Armored Service, Inc., be, and hereby is, denied.

That the Protest of Northern Armored Service, Inc., 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 17th day of December, 1970.
js

(Decision No. 76459)

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)
TELEPHONE AND TELEGRAPH COMPANY,)
930 - 15TH STREET, DENVER, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 668

December 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 23, 1970, Control, Inc., by its attorneys, Dawson, Nagel, Sherman & Howard and Charles R. Frederickson, filed a Petition to Intervene in the above-captioned proceeding.

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.

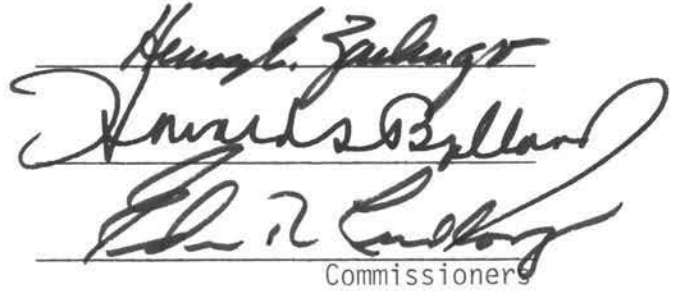
O R D E R

THE COMMISSION ORDERS:

That the Petition to Intervene by Control, 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 December, 1970.
js

(Decision No. 76460)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. B. MONTGOMERY, INC., AN IOWA)
CORPORATION, 5150 BRIGHTON BOULE-)
VARD, DENVER, COLORADO 80216, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COM-)
MON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 24245

EXTENSION OF TIME FOR
FILING EXCEPTIONS

December 16, 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.

STATEMENT AND FINDINGS OF FACT

On November 27, 1970, the Recommended Decision of Robert L. Pyle, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9(2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On December 14, 1970, Protestant, North Eastern Motor Freight, Inc., by its attorney, Leslie R. Kehl, filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decision of the Examiner up to and including January 5, 1971.

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

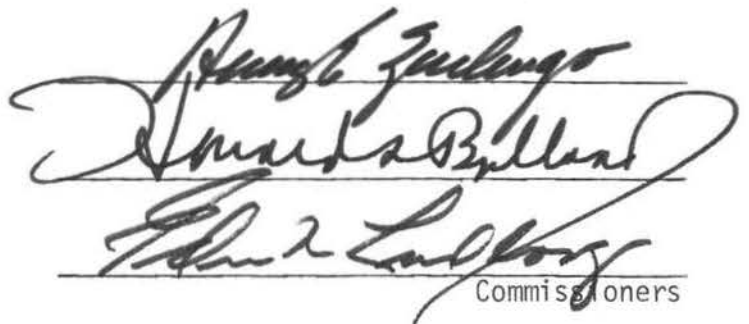
O R D E R

THE COMMISSION ORDERS THAT:

The Protestant, North Eastern Motor Freight, Inc., be, and hereby is, granted extension of time within which to file exceptions to the Recommended Decision of the Examiner up to and including January 5, 1971.

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 December, 1970.
vjr

(Decision No. 76461)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LITTLE PERCENT, INC., A COLORADO)
CORPORATION, 426 EAST MAIN, ASPEN,)
COLORADO, AND ASPEN CAB COMPANY AND)
LITTLE PERCENT, INC., A LIMITED)
PARTNERSHIP, DOING BUSINESS AS)
"ASPEN CAB SERVICE COMPANY," 426)
EAST MAIN, ASPEN, COLORADO, FOR)
TEMPORARY APPROVAL TO OPERATE)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 1681 BY)
ASPEN CAB COMPANY AND LITTLE)
PERCENT, INC., A LIMITED PARTNER-)
SHIP, DOING BUSINESS AS "ASPEN)
CAB SERVICE COMPANY," 426 EAST)
MAIN, ASPEN, COLORADO.)

APPLICATION NO. 24678-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

December 16, 1970

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

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of Public
Convenience and Necessity PUC No. 1681 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

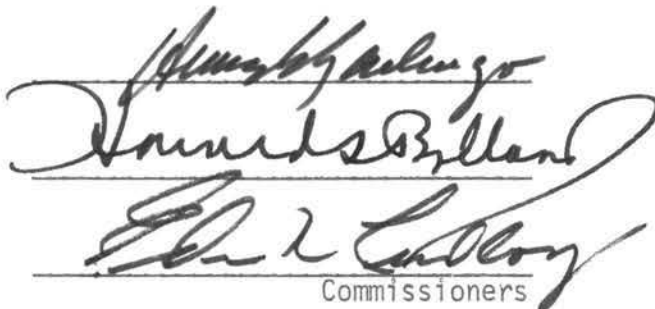
Transferees have received notice in writing from the Commission that compliance has been effected and service may be instituted.

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 16th day of December, 1970.
cj

(Decision No. 76461)
December 16, 1970

APPENDIX

Application No. 24678-Transfer-TA

Aspen Cab Company and Little Percent, Inc., A Limited Partnership
Doing Business As
"Aspen Cab Service Company"
426 East Main
Aspen, Colorado

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

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

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to operate Certificate of Public Convenience and Necessity PUC No. 1681 with authority as follows:

- "(1) Transportation -- in taxicab service -- of
Passengers and their baggage

Between points in the counties of Garfield, Eagle, and Pitkin, State of Colorado, which are within a twelve (12), mile radius of Glenwood Springs, Aspen, and Vail, Colorado, and to and from said points from and to all points in the State of Colorado.

RESTRICTION: Item No. 1 of this Certificate is restricted as follows:

- (a) Restricted to the use of only vehicles having a capacity not to exceed seven (7) passengers.
 - (b) Offices for the solicitation of business shall be located only within a twelve (12) mile radius of Glenwood Springs, Vail, or Aspen, Colorado.
- (2) Transportation -- in sightseeing service -- of
Passengers

Between points and places in the following counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin, and Lake.

RESTRICTION: Item No. 2 of this Certificate is restricted as follows:

- (a) Restricted to the use of only vehicles having a capacity not to exceed twelve (12) passengers, including the driver.
 - (b) Offices for the solicitation of business shall be located only within a twelve (12) mile radius of Glenwood Springs, Vail, or Aspen, Colorado.
- (3) Transportation -- on schedule in limousine service -- of Passengers, and their personal baggage

From and to Sardy Field (the Aspen airport), to and from hotels and motels located in the Aspen and Snowmass area.

RESTRICTION: Item No. 3 of this Certificate is restricted as follows:

To the use of limousines with a rated seating capacity of not less than seven (7) nor more than twelve (12) including driver."

(Decision No. 76462)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO CARTAGE CO., INC., P.O. BOX)
7176 PARK HILL STATION, DENVER,)
COLORADO, TO EXTEND AND CLARIFY PUC)
NO. 2693.)

APPLICATION NO. 23958-Extension
and/or Clarification-Amended

RECOMMENDED DECISION AND SECOND
SUPPLEMENTAL ORDER OF CHRISTIAN
O. IGENBERGS, EXAMINER

December 17, 1970

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicant.
Dalton O. Ford, Denver,
Colorado, of the Staff
of the Commission.

PROCEDURE AND RECORD

On January 7, 1970, the Recommended Decision, being Decision No. 74083, of Christian O. Igenbergs, Examiner, was entered in the above-entitled matter and said Decision became the Decision of the Commission on January 27, 1970. On March 23, 1970, upon petition of Applicant, the Commission issued a Supplemental Order in the same matter (Decision No. 74591) which Decision became effective forthwith. On September 1, 1970, Applicant, by and through its attorneys, Stockton and Lewis, Esqs., filed with the Commission a Petition for Modification of Decision No. 74083 and Decision No. 74591, seeking to modify the aforesaid Decisions, in substance, by deleting from page 6, paragraph 2 of Decision No. 74083 and from page 2, paragraph 1 of Decision No. 74591 the words "on call and demand".

The Commission assigned the matter for further hearing.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing and, after due and proper notice to all parties of record, set the herein matter for hearing

to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 16, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Raymond L. Mauldin testified in support of the petition. No person appeared at the hearing to protest or oppose the granting of the request contained in the above-entitled Petition.

Exhibits 1, 2, 3, and 4 were tendered and admitted into evidence.

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

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

FINDINGS OF FACT

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

1. Applicant, Petitioner herein, is a common carrier by motor vehicle for hire and holds authority granted by this Commission under Certificates of Public Convenience and Necessity PUC No. 2693 and PUC No. 2693-I.

2. Prior to the year 1970, the language of the authority granted under Certificate of Public Convenience and Necessity PUC No. 2693 was antiquated, somewhat ambiguous and confusing. On August 15, 1969, Applicant, Petitioner herein, filed the above-entitled application seeking authority to extend and/or clarify its Certificate of Public Convenience and Necessity PUC No. 2693. Decisions No. 74083 and No. 74591 were issued by the Commission as a result thereof.

3. Certificate of Public Convenience and Necessity PUC No. 2693 was acquired by the Applicant corporation from its predecessor company in 1962 and the transfer of the aforesaid authority to Applicant was approved by this Commission on June 13, 1962 (Decision No. 58727) but the authority dates back to the year 1924 when it was granted to its original holder, one W. M. Fuller, and was known as Certificate of Public Convenience and Necessity PUC No. 23 (Decision No. 747). In the year 1953, following several transfers of ownership, the aforesaid authority, PUC No. 23, was split by this Commission (Commission Decision No. 41593) and a new PUC number was assigned to the split-off portion, to-wit: PUC No. 2693. Over the years, the ownership of the authority granted by this Commission under Certificate of Public Convenience and Necessity PUC No. 2693, with Commission approval, again changed hands and was extended.

4. The words "transportation of freight on call and demand", denoting irregular route service, are not contained in the original authority, Certificate of Public Convenience and Necessity PUC No. 23, or in any of the various changes of transfer of ownership and/or extensions of authority. Instead, as is often the case with the older authorities granted by this Commission, both the original and latter language of the authority reads "transportation of freight and express"

5. Applicant in the within matter, Petitioner herein, ever since the acquisition of the subject authority in the year 1962, has filed with this Commission time schedules as a common carrier by motor vehicle for hire, has maintained said schedules and held itself out to the public as a schedules common carrier, except when transporting farm supplies from points within Ione, Fort Lupton, Brighton, Golden, and Denver, all in the State of Colorado, to points located within a certain area as more clearly set forth in the Order, infra, and general commodities between all points within the City and County of Denver, Colorado, and a 5-mile radius thereof. The transportation of farm products and general commodities in the City and County of Denver, by the language of the authority itself, although

not denoted as "call and demand" as such, clearly was not performed on schedule but on call and demand.

6. The confusing language of the subject authority, and in particular its territorial description prior to the issuance of Decision No. 74083, caused said Decision to classify the services of Applicant generally as "call and demand" transportation, which classification, in view of the history of the subject authority, with the exception as noted in Finding of Fact No. 5, supra, is in error and should be corrected by restating the authority in accordance with the preceding Finding of Fact. Furthermore, the omission from the authority, as redcribed in Decision No. 74083 on page 6 under the grant of authority in paragraph (3) under the caption of "farm supplies", of the right to transport farm supplies from points within the locales or towns of Ione, Fort Lupton, Brighton, and Denver, all in the State of Colorado, should be reversed since Applicant, Petitioner herein, now has established to the satisfaction of this Commission that it holds authority to transport farm supplies, on call and demand, from the aforesaid locales and towns.

7. Decision No. 74591 amended Decision No. 74083 by adding language to read as follows, to-wit:

"That this CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY is being issued after notice to interested persons, through publication in the Federal Register of October 22, 1969, of the filing of the application and of the desire of the Applicant also to engage in the transportation in interstate and foreign commerce within the limits of the intrastate authority granted, and reasonable opportunity having been afforded interested persons to be heard, and the question of the proposed interstate and foreign operations having been duly considered, it is hereby found and made part of this Order that public convenience and necessity require that Applicant also be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed, and which shall identically correspond to, both as to commodities to be transported and points and territory to be served, the scope of the intrastate operations hereinabove authorized to be conducted."

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Petition for Modification of Decisions No. 74083 and No. 74591 of this Commission should be granted and the authority contained therein should be modified accordingly.

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:

That Decisions No. 74083 and No. 74591 be, and hereby are, amended by striking Paragraph 2 of Decision No. 74083 (pages 6 and 7), and by striking that portion of Decision No. 74591 contained in the Order portion of said Decision on page 2 beginning with the words "That henceforth the full and complete authority . . ." and ending on page 3 with the sentence "(c) Restricted against serving Thornton, Colorado, and Northglenn, Colorado" and substituting in lieu thereof the following language to read as follows, to-wit:

"That henceforth the full and complete authority under Certificates of Public Convenience and Necessity PUC No. 2693 and PUC No. 2693-I shall read and be as follows, to-wit:

'Transportation -- on schedule -- of

(1) General commodities

Between Denver and a five (5) mile radius thereof, and Roggen, Colorado, over the following described routes:

- (a) From Denver over U.S. Highway No. 85 to Fort Lupton, thence over Colorado Highway No. 52 to its junction with U.S. Highway No. 6 and Interstate Highway No. 80-S (I-80-S) to Roggen, or over Colorado Highway No. 52 to its junction with unnumbered road directly south of Roggen; thence north over unnumbered road to Roggen;
- (b) Over Interstate Highway No. 70 (I-70), or U.S. Highway No. 36, and over Colorado Highway No. 36 to its junction with Colorado Highway No. 79; thence over Colorado Highway No. 79 to its junction with Colorado Highway No. 52; thence

over Colorado Highway No. 52 to its junction with unnumbered road directly south of Roggen; thence north on unnumbered road to Roggen;

- (c) Over U.S. Highway No. 6 and Interstate Highway No. 80-S (I-80-S) to Roggen;

serving all intermediate points and those off-route points located in the following described area:

Commencing at the junction of the City and County of Denver north boundary (52nd Avenue) and Interstate Highway No. 25 (I-25); thence north on Interstate Highway No. 25 (I-25) to its intersection with 56th Avenue; thence east on 56th Avenue to its intersection with York Street; thence north on York Street, extended, to its intersection with Colorado Highway No. 52; thence east on Colorado Highway No. 52 to its intersection with U.S. Highway No. 85; thence north on U.S. Highway No. 85 to its junction with unnumbered highway approximately five (5) miles north of Fort Lupton; thence east on said unnumbered highway to its junction (if extended) with U.S. Highway No. 6; thence east on U.S. Highway No. 6 to Roggen; thence south on unnumbered highway to Colorado Highway No. 52; thence on Colorado Highway No. 52 to its junction with Colorado Highway No. 79; thence south on Colorado Highway No. 79 (if extended) to Interstate Highway No. 70 (I-70); thence west on Interstate Highway No. 70 (I-70) to its junction with the City and County of Denver boundary; thence along the north boundary of the City and County of Denver, Colorado, to the point of beginning.

RESTRICTION:

Item (1) is restricted against serving the following points:

- (a) Thornton, Colorado, and Northglenn, Colorado.
 - (b) Points located on Interstate Highway No. 70 (I-70) or points within five (5) miles of Interstate Highway No. 70 (I-70) which lie beyond a five (5) mile radius of the City and County of Denver, Colorado.
- (2) Service is authorized to be combined between all points described in Item (1) above so as to permit the rendition of transportation service to and from any and all points authorized to be served in said Item.

Transportation -- on call and demand -- of

- (3) Farm supplies

From points within lone, Fort Lupton, Brighton, Golden, and Denver, all in the State of Colorado, to points located within the following described area:

Commencing at the junction of the City and County of Denver north boundary (52nd Avenue) and Interstate Highway No. 25 (I-25); thence north on Interstate Highway No. 25 (I-25) to its intersection with 56th Avenue; thence east on 56th Avenue to its intersection with York Street; thence north on York Street, extended, to its intersection with Colorado Highway No. 52; thence east on Colorado Highway No. 52 to its intersection with U.S. Highway No. 85; thence north on U.S. Highway No. 85 to its junction with unnumbered highway approximately five (5) miles north of Fort Lupton; thence east on unnumbered highway to its junction (if extended) with U.S. Highway No. 6; thence east on U.S. Highway No. 6 to Roggen; thence south on unnumbered highway to Colorado Highway No. 52; thence on Colorado Highway No. 52 to its junction with Colorado Highway No. 79; thence south on Colorado Highway No. 79 (if extended) to Interstate Highway No. 70 (I-70); thence west on Interstate Highway No. 70 (I-70) to its junction with the City and County of Denver boundary; thence along the north boundary of the City and County of Denver, Colorado, to the point of beginning.

(4) General commodities

Between all points within the City and County of Denver, Colorado, and a five (5) mile radius thereof.

RESTRICTION:

Item (4) is restricted as follows:

- (a) Restricted against transporting commodities in bulk;
 - (b) Restricted against rendering transportation service within that portion of said five (5) mile radius lying west of Youngfield Avenue;
 - (c) Restricted against serving Thornton, Colorado, and Northglenn, Colorado.
- (5) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended'."

That, except as herein amended, Decisions No. 74083 and No. 74591 shall remain in full force and effect.

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.

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. 76463)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
LEONARD DeLUE, 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, COLO-
RADO, FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY TO OPERATE AS A COMMON
CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 24638

December 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 27, 1970, the above-entitled application was filed with the Commission, and notice thereof was given on October 28, 1970.

On December 7, 1970, the application was set for hearing on Friday, December 18, 1970, at 10 a.m. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On December 14, 1970, Colorado Cartage Company, Inc., by its attorneys, Stockton and Lewis, filed a Motion to Vacate Hearing Date.

The Commission states and finds that no good cause has been shown for the granting of the Motion to Vacate Hearing Date and that the Motion should be denied.

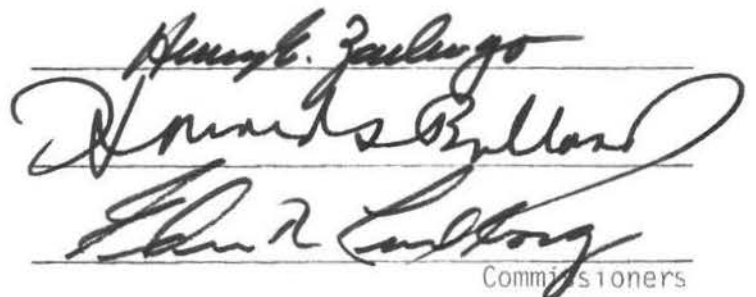
O R D E R

THE COMMISSION ORDERS:

That the Motion to Vacate Hearing Date filed by Colorado Cartage Company, Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

vjr

(Decision No. 76464)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REHFELD HOUSE MOVERS, INC., 5130)
DEPEW COURT, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3015)
TO CHARLES E. "ERNIE" RYBERG, 1331)
SOUTH PERRY STREET, DENVER, COLORADO.)

APPLICATION NO. 24484-Transfer

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

December 17, 1970

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

PROCEDURE AND RECORD

Under date of August 4, 1970, Applicants filed the above-entitled application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 3015, to operate as a common carrier by motor vehicle for hire, from Rehfeld House Movers, Inc. to Charles E. "Ernie" Ryberg.

Transferee requested temporary authority for the interim period prior to the granting of permanent authority, and on August 26, 1970, was granted such temporary authority.

The Commission assigned No. 24484-Transfer to the application for permanent authority. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 15, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

The Commission received a Protest from Doyle House Moving & Wrecking Co., Inc., which Protest is hereby dismissed for the failure of said Protestant to appear at the hearing.

Arthur Rehfeld, President of Transferor corporation, and Charles E. Ryberg, Transferee, testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application.

Exhibits 1 and 2 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, a Colorado corporation, is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 3015, 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, an individual, holds no previously granted authority from this Commission.

4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

5. The Certificate is free and clear of any debts, encumbrances, or obligations. However, an encumbrance is to be placed upon the authority by the Transferee in favor of the Transferor to secure payment of the purchase price, which encumbrance should be approved by the Commission upon the filing of the proper documents.

6. 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.

7. 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.

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

9. The transfer is compatible with the public interest.

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:

That Rehfeld House Movers, Inc., a Colorado corporation, 5130 Depew Court, Denver, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 3015 to Charles E. "Ernie" Ryberg, 1331 South Perry Street, Denver, Colorado, subject to encumbrances, if any, against said authority.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3015 shall read and be as follows, to-wit:

"Transportation of
Buildings

Between all points within the Counties of Denver, Adams,
Jefferson, and Arapahoe, State of Colorado."

That the encumbrance to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

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.

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.

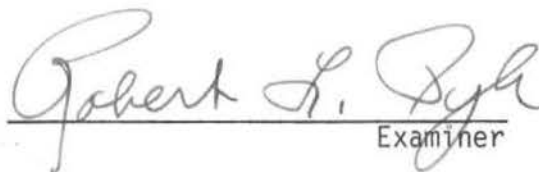
That the right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificate up to the time of transfer of said Certificate.

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.

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

* * *

LESLIE E. GRITTON
BOX 21091
DENVER, COLORADO 80221

CASE NO. 2430-H-Ins.

December 16, 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Ziegler
 Howard S. Bellan
 John L. Lusk
 Commissioners

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

(Decision No. 76466)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LESLIE E. GRITTON)
Box 21091)
Denver, Colorado 80221)

AUTHORITY NO. M 8978

CASE NO. 6218-M-Ins.

December 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 23, 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.

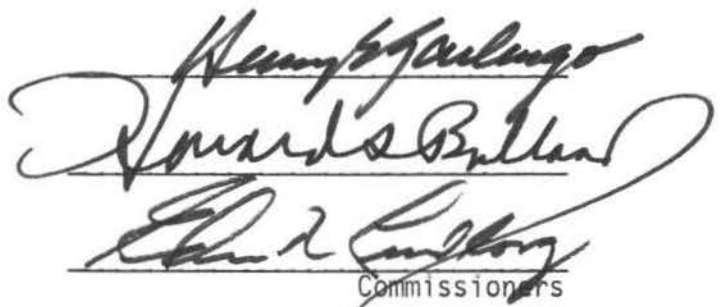
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 December, 1970 .

(Decision No. 76467)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES DEVEREAUX, DOING BUSINESS AS)
"CHARLES DEVEREAUX CONTRACTOR," 925)
SEVENTH STREET, MEEKER, COLORADO,)
FOR AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24577-PP

SUPPLEMENTAL ORDER

December 18, 1970

Appearances: Frank G. Cooley, Esq., Meeker,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 10, 1970, the Commission entered Decision No. 76207 in the above-entitled matter granting to Applicant authority to operate as a class "B" contract carrier by motor vehicle.

It now appears that through inadvertance in setting forth the authority contained under Decision No. 76207, a portion of the authority requested was omitted, namely, "Transportation of scrap and junk metal from dumps and disposal sites within Rio Blanco County, Colorado, to designated disposal sites and fill areas located within Rio Blanco County, Colorado."

In view of the above and foregoing, the Commission states and finds that Decision No. 76207 should be amended as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 76207 be, and the same hereby is, amended

by striking therefrom the entire authority appearing on page 2 of the order thereof and inserting in lieu thereof 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: Item Nos. 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

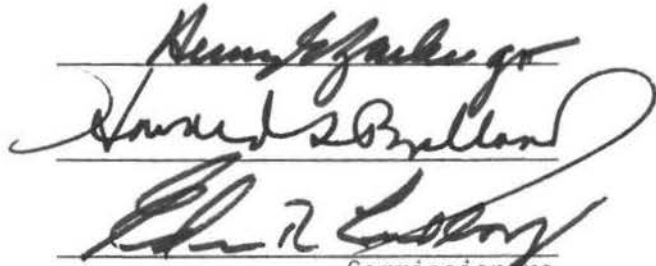
- (5) Scrap iron, junk metals

From dumps and disposal sites located within Rio Blanco County, State of Colorado, to designated landfills and disposal sites located within Rio Blanco County, State of Colorado.

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

That, except as herein amended, Decision No. 76207 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76468)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CURNOW TRANSPORTATION COMPANY, 3445)
FOX STREET, DENVER, COLORADO, FOR A)
CLASS "A" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23588-PP

SUPPLEMENTAL ORDER

EXTENSION OF TIME FOR
FILING EXCEPTIONS

December 18, 1970

Appearances: Donald K. Smith, Esq., Sterling,
Colorado, for Applicant;

John P. Thompson, Esq., Denver,
Colorado, for Denver-Laramie-Walden
Truck Line, Inc., Denver-Loveland
Transportation, Inc., and J. B.
Montgomery, Inc., Protestants;

Frederick T. Berhenke, Esq., Denver,
Colorado, for Don Ward, Inc., Protestant;

Leslie R. Kehl, Esq., Denver, Colorado,
for North Eastern Motor Freight, Inc.,
Goldstein Transportation and Storage, Inc.,
Frederic A. Bethke, doing business as
"Bethke Truck Lines", Bulk Transporters, Inc.,
North Park Transportation Co., Groendyke
Transport, Inc., Ward Transport, Inc.,
Ruan Transport Corporation, and
Petco, Inc. of Colorado, Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 23, 1970, the Recommended Decision of Robert L.
Pyle, Examiner, was filed with this Commission and served upon the parties.

Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On November 10, 1970, Applicant Curnow Transportation Company (Applicant or Petitioner), by its attorney Donald K. Smith, filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decision of the Examiner 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; that Section 115-6-13, CRS 1963, as amended, provides that the cost of preparing the transcript shall be advanced by the petitioner; and that the following Order should be entered.

O R D E R

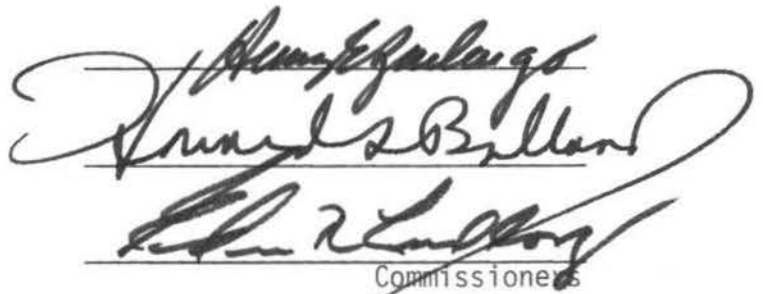
THE COMMISSION ORDERS THAT:

1. The Applicant Curnow Transportation Company, be, and hereby is, granted an extension of time which to file exceptions to the said Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript of the proceedings by the official reporter.
2. That the petitioner shall ascertain the estimated cost of preparing the transcript from the official reporter and deposit such amount with the Commission within seven (7) days of the effective date of this Order.

3. This Decision and Order shall automatically become null and void in the event petitioner fails to comply with the requirements of paragraph 2 hereinabove.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76469)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO, FOR AUTHORITY TO RECON-)
STRUCT AND WIDEN THE HIGHWAY/RAIL-)
ROAD GRADE SEPARATION STRUCTURE)
ADJACENT TO THE FILLMORE STREET)
INTERCHANGE AT MILEPOST 71 PLUS)
4870 FEET OF THE DENVER AND RIO)
GRANDE WESTERN RAILROAD COMPANY'S)
DENVER/PUEBLO MAINLINE TRACK, NEAR)
THE CITY OF COLORADO SPRINGS, IN)
EL PASO COUNTY, COLORADO.)

APPLICATION NO. 24601

December 17, 1970

S T A T E M E N T

BY THE COMMISSION:

On September 11, 1970, the Division of Highways of the State of Colorado (Division) filed its application in accordance with the rules of this Commission seeking approval for the proposed widening of an existing highway/railroad overpass structure as noted above.

With reference to the various exhibits, the explanatory material as submitted with the application, and to investigation data of the Commission, it is to be noted that by Decision No. 56181 dated April 5, 1961, in Application No. 18199 authorization and approval of this Commission was given to Colorado Department of Highways for establishment and construction of a new overpass structure to provide for the westward extension of Fillmore Street over the Pueblo mainline track of The Denver and Rio Grande Western Railroad Company at Milepost 71 plus 4,870 feet. The street extension was being built to provide an east-west connection between the former main highway on Nevada Avenue (Highway No. 1) and the new Interstate Defense Route (I-25).

By reference to General Plan and Elevation, Exhibit B, of the instant application, the original bridge is 123'-2" long and crosses above the single main track of Rio Grande Railroad. The bridge provided two traffic lanes to handle all vehicular traffic movements between the original Fillmore Street connection, the I-25 Interchange and an additional westward extension of Fillmore Street from the north-south Interstate route. Constantly increasing traffic volumes coupled with the development of new homes and businesses in the local area now require widening of the original two-lane Fillmore Street extension into a four-lane facility. In 1969 the average daily traffic on the bridge was 14,700 vehicles, which is expected to reach 31,500 vehicles daily within the next 20 years. Rail traffic amounts to 10 trains daily.

In this project, it is proposed to remove the existing sidewalk and outside curbs and handrails in order to provide additional roadway widening on each side of the original structure.

The new roadway widening of reinforced concrete will be supported on new steel columns with concrete caps to match the original type construction. Vertical clearance of 23'-6" will be maintained. Minimum horizontal clearance of 14'-0" on east side is in line with the existing column faces. In this manner, there will be a new widening or reconstruction of the original bridge structure as follows:

North side:	21'-9"	New roadway, curb and railing.
South side:	25'-8"	New roadway, sidewalk, curb and railing.
Central or old roadway:	<u>27'-0"</u>	Median section of 16 feet.
	74'-5"	Total new width for four lanes and median.

Widening of the instant structure over the rail line is an integral part of the whole project to also widen the former bridge over nearby Monument Creek and expand the original Fillmore Street extension from two lanes to four lanes.

Also received in the instant matter is a copy of the fully executed agreement dated August 14, 1970, between Division of Highways - State of Colorado and The Denver and Rio Grande Western Railroad Company. By the agreement, all costs related to widening of the existing highway/ railroad grade separation structure shall be borne by Department of Highways. As noted in the application herein, the Division estimate of probable cost is \$82,068 and is included in the estimated cost of \$1,037,868 for the entire road improvement project.

Meanwhile, the Commission has forwarded a copy of the instant application, together with a Notice, to the owners of adjacent property and to the interested parties herein. Said Notice, dated October 20, 1970, was to ascertain if any other action be considered within the period of thirty (30) days as designated therein. No adverse reply or suggestion has been received by the Commission.

After consideration of the instant proposal and in view of the current traffic volumes, as well as estimated future increases, it becomes apparent the proposed bridge widening is needed as a means to reduce traffic congestion and promote highway safety in the area.

It is therefore the belief of the Commission that work of proposed bridge widening is compatible with the public interest, and pursuant to Chapter 115-6-9(5), CRS 1963, as amended, the Commission determined to hear, and has heard, said matter forthwith, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

From the records and files herein, the Commission is informed in the matter and finds as follows:

That Notice of the proposed bridge widening has been given by the Commission to interested parties, and no protest in the matter has been received.

That public safety, convenience and necessity require and will be served by the new work as proposed herein.

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

That 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.

ORDER

THE COMMISSION ORDERS:

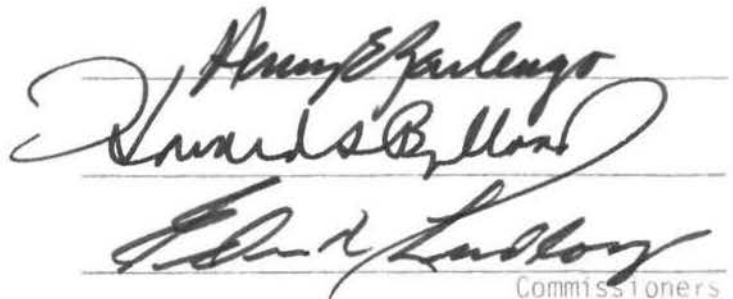
That Applicant, the Department of Highways - State of Colorado, be, and it hereby is, granted authority and approval for the following:

Reconstruction and widening of existing highway/railroad grade separation structure No. 1-17-L by construction and addition of two new traffic lanes at each side thereof; said structure being a part of State Highway No. 38, located on the westward extension of Fillmore Street and overpassing trackage of The Denver and Rio Grande Western Railroad Company at Milepost 71 plus 4,870 feet in Colorado Springs, Colorado.

That the new construction, costs, maintenance and other work shall be as indicated in the preceding Statement, the Agreement herein and Exhibit B, all of which by reference are made a part hereof.

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 December, 1970.

vjr

(Decision No. 76470)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ARKANSAS VALLEY G & T, INC.)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 24640
RECOMMENDED DECISION AND ORDER
BY
COMMISSIONER EDWIN R. LUNDBORG

December 18, 1970

Appearances: Phelps, Fonda, Hays, Farley, Abram and
Shaw, Esqs., by
Thomas T. Farley, Esq., Pueblo, Colorado,
for Applicant;

Petersen, Evensen, Mattoon & Tracy, Esqs.,
by
Harry S. Petersen, Pueblo, Colorado; and
McNichols, Nigro & Baldrige, Esqs.
by
Joseph F. Nigro, Esq., Denver, Colorado,
for Intervenor, Central Telephone &
Utilities Corporation;

Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

The above-entitled application of Arkansas Valley G & T, Inc.
(hereinafter referred to as Applicant) was filed with the Commission on
October 29, 1970, pursuant to Section 115-5-1, Colorado Revised Statutes,
1963. By the instant application, the Applicant seeks an order from the
Commission for a certificate of public convenience and necessity for the
construction, operation and maintenance of approximately 127 miles of
115 KV* transmission line and attendant facilities at an estimated con-
struction cost of \$3,209,184. The involved transmission line is to com-
mence at Midway, an electric power substation approximately 20 miles
north of Pueblo, Colorado -- near Interstate Highway 25 -- and then east

*1 kilovolt (KV) = 1000 volts

and south a distance of approximately 73 miles to La Junta, and thence easterly from La Junta approximately 54 miles to Lamar -- all being in the State of Colorado.

After due and proper notice, the instant application was set for hearing on Tuesday, December 1, 1970, at 10 o'clock 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 Edwin R. Lundborg, to whom the matter was duly assigned pursuant to law.

A Petition to Intervene was filed by the Central Telephone & Utilities Corporation of Pueblo, Colorado, and such Petition was granted.

No written protests to the application have been filed with the Commission and -- in addition -- no one appeared at the hearing in opposition to the granting of the instant application.

The following exhibits were admitted into evidence:

Exhibit No. 1 - Proposed 115 KV Line - Area Transmission Map.

Exhibit No. 2 - Letter of Central Telephone & Utilities Corporation, dated November 19, 1969, to Mr. Edward Gaither, Manager of Arkansas Valley G & T, Inc.

Exhibit No. 3 - Operating Report - Financial - Colorado - 50 - Southeast, September 30, 1970

Exhibit No. 4 - Power Cost Analysis - Colorado - 50 - Southeast

Applicant supplies electric power and energy to an associated company in Southeastern Colorado which it purchases from Colorado-Ute Electric Association. The purchased power and energy is delivered over the transmission facilities of other utilities to the transmission lines of Southern Colorado Power Division of the Central Telephone & Utilities Corporation. Southern Colorado Power then delivers such power and energy receipts to Applicant's associated company in Southeastern Colorado in accordance with the terms of a certain wheeling contract between Applicant and Southern Colorado Power. While the wheeling contract limits power transmitted to 16,500 kilowatts (KW)*, it appears that at times, when

*1 kilowatt = 1000 watts

capacity was available, that this amount has been exceeded. Applicant has recently been notified by Southern Colorado Power that, in the future, any wheeling capacity in excess of 16,500 kilowatts would not be available. The power requirements of Applicant's associates continue to increase. Accordingly, therefore, Applicant seeks to develop a wholly-owned power transmission capacity.

Applicant proposes to build approximately 127 miles of 115 KV transmission line between the Midway power substation and La Junta and Lamar, Colorado.

Pursuant to the provisions of Section 115-6-9 (2), CRS 1963, as amended, I, Commissioner Edwin R. Lundborg, transmit herewith to the Commission the record and exhibits of the herein instant proceeding, together with a written recommended decision which contains my findings of fact and conclusions thereon, together with my recommended order or requirement.

F I N D I N G S O F F A C T

After due and careful consideration of the entire record in this proceeding, it is found as fact the following:

1. That Arkansas Valley G & T, Inc., the Applicant herein, is a Colorado corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.
2. That the Commission has jurisdiction over the public utility operations of the Applicant which consist primarily of the purchase and transmission of bulk supplies of electric power and energy to its member cooperatives; and that the subject matter of the instant proceeding is within the jurisdiction of the Commission.
3. That a certified copy of Applicant's Certificate of Incorporation -- together with all amendments thereto -- has heretofore been filed with the Commission.
4. That the Applicant has an urgent need for transmission line capacity to transmit the growing electric power and energy requirements

of its member associates; and that such capacity seems to be available only through the construction of its own transmission facilities.

5. That, while the proposed transmission line will traverse territory served by other utilities, Applicant does not request authority to serve the public within the area.

6. That the proposed transmission line does not physically or economically duplicate or interfere with the transmission facilities of other utilities.

7. That the construction cost and operation and maintenance cost estimates of the proposed transmission line, as furnished by the Applicant, appear to be comparable with those for similar facilities being constructed and operated at other locations under present conditions.

8. That the Applicant has the ability to finance, to construct, and to operate and maintain the herein proposed transmission line.

9. That the public convenience and necessity requires, and will require, the construction, operation and maintenance by the Applicant of the proposed 115 KV transmission line between the Midway power substation and La Junta and Lamar -- all being in the State of Colorado -- and the attendant facilities, as herein proposed by the Applicant.

C O N C L U S I O N S

From the above and foregoing Findings, I conclude that the public convenience and necessity requires, and will require, the authorization as herein sought by the Applicant.

An appropriate Recommended Order will be entered.

R E C O M M E N D E D O R D E R

1. That Arkansas Valley G & T, Inc. be, and hereby is, granted a Certificate of Public Convenience and Necessity to construct, operate and maintain a 115 KV transmission line from the Midway power substation to La Junta and Lamar -- all being in the State of Colorado -- and attendant facilities to transmit electric power and energy to its member cooperatives

as set forth on Exhibit 1, as admitted into evidence which, by reference, is made a part hereof; and that this ORDER shall be deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. That Arkansas Valley G & T, Inc. shall maintain its books and records in accordance with the Uniform System of Accounts; and that its operating practices shall be as prescribed by the Commission's Rules and Regulations Governing Service of Electric Utilities.

3. That jurisdiction is retained by the Commission to make such further order or orders as may be necessary or proper.

4. That, in the absence of timely filing of exceptions or a stay by the Commission on its own motion, this Recommended Order shall become the Decision of the Commission and shall become effective 21 days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

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

(Decision No. 76471)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

V. H. FETTE
McCOOK
NEBRASKA 69001

AUTHORITY NO. 1409-I
CASE NO. 2479-H-Ins.

December 17, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

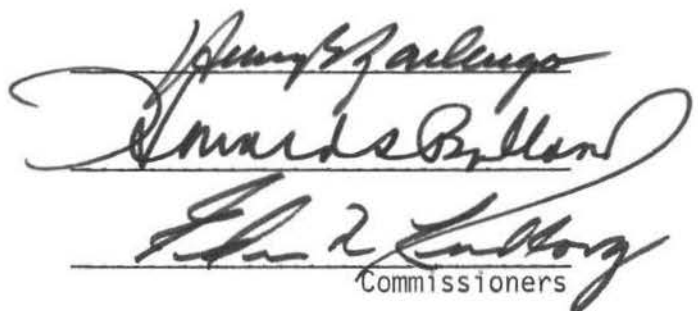
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 17th day of December, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSE U. ALARID, 1117 WEST ARROYO,)
PUEBLO, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 5082 TO UBALDO)
SISNEROS, 212 SUMMIT STREET, PUEBLO,)
COLORADO.)
-----)

APPLICATION NO. 24448-
Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

December 18, 1970

Appearances: Levi Martinez, Esq.,
Pueblo, Colorado,
for Applicants.

PROCEDURE AND RECORD

Under date of July 15, 1970, Applicants filed the above-entitled application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 5082, to operate as a common carrier by motor vehicle, from Jose U. Alarid to Ubaldo Sisneros.

The Commission assigned No. 24448-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 a hearing to be held in the Council Chambers, City Hall, Pueblo, Colorado, on December 14, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Jose U. Alarid and Ubaldo Sisneros 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: Financial Statement, Equipment List, Bill of Sale, Insurance Documents, Designation of Agent, and Statement of No Liens.

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

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

FINDINGS OF FACT

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

1. Transferor herein, an individual, is the present owner and operator of PUC No. 5082, 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 an individual and does not hold previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances, or obligations.
6. Transferee 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.
7. 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.

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

9. The transfer is compatible with the public interest.

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 Jose U. Alarid, 1117 West Arroyo, Pueblo, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 5082 to Ubaldo Sisneros, 212 Summit Street, Pueblo, 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. 5082 shall read and be as follows, to-wit:

"Transportation of

Ashes, trash, and other refuse

From all points located within a fifteen (15) mile radius of the U.S. Post Office located within the City of Pueblo, Colorado, to designated and approved dumps and disposal sites located within the County of Pueblo, State of Colorado."

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

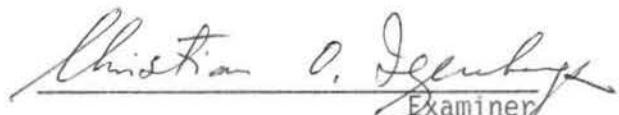
Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

4. 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 Transferor covering the operations under the Certificate up to the time of the transfer of said Certificate.

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
rm/vjr

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, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3428 TO)
NORMAN L. McVAY, DONALD BRYCE McVAY,)
AND DARREL W. McVAY, DOING BUSINESS)
AS "McVAY BROTHERS TRANSFER," 185)
EVERETT STREET, LAKEWOOD, COLORADO.)

APPLICATION NO. 24636-Transfer

ORDER OF THE COMMISSION

December 18, 1970

It appearing, That by Order of the Commission dated October 28, 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 Central Storage and Transfer Co., 5565 East 47th Avenue, 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. 3428 to Norman L. McVay, Donald Bryce McVay, and Darrel W. McVay, doing business as "McVay Brothers Transfer," 185 Everett Street, Lakewood, 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. 3428 shall read and be as follows, to-wit:

"Transportation -- on call and demand -- of

General commodities

Between all points within the City and County of Denver, State of Colorado.

RESTRICTIONS: This Certificate is restricted as follows:

- (1) Against the transportation of used household goods and used office furniture and fixtures. Commodities which because of size and weight, require special equipment.
- (2) Against rendering a package delivery service."

That said Transfer shall become effective only if and when, but not before, said Transferor and Transferees, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions

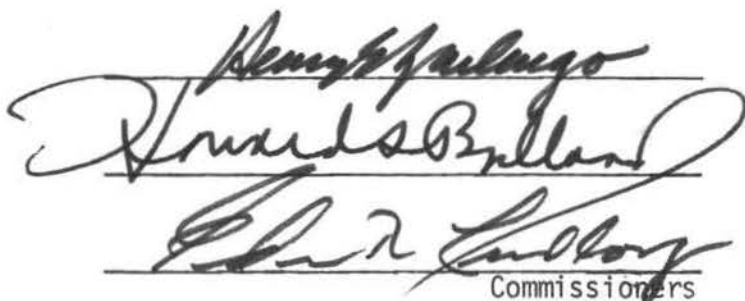
and requirements of this Order, to be by them or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further 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 Transferees until changed according to law and the rules and regulations of this Commission.

That the right of Transferees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by 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
18th day of December, 1970.
vjr

(Decision No. 76474)

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, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
CONTRACT CARRIER PERMIT NO. B-4192)
TO NORMAN L. McVAY, DONALD BRYCE)
McVAY, AND DARREL W. McVAY, DOING)
BUSINESS AS "McVAY BROTHERS TRANS-)
FER," 185 EVERETT STREET, LAKEWOOD,)
COLORADO.)

APPLICATION NO. 24637-PP-Transfer

ORDER OF THE COMMISSION

December 18, 1970

It appearing, That by Order of the Commission dated October 28, 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 Central Storage and Transfer Co., 5565 East 47th Avenue, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Contract Carrier Permit 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, 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-4192 shall read and be as follows, to-wit:

"Transportation of

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

From wholesale grocers and warehousemen located within Denver, Colorado, to retail stores located within the following-named points and towns: Arvada, Colorado; Aurora, Colorado; Lakewood, Colorado; Englewood, Colorado; Littleton, Colorado; Wheat Ridge, Colorado; Westminster, Colorado; the Denver Federal Center; Edgewater, Colorado; and Lakeside Shopping Center.

RESTRICTIONS: This Permit is restricted as follows:

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

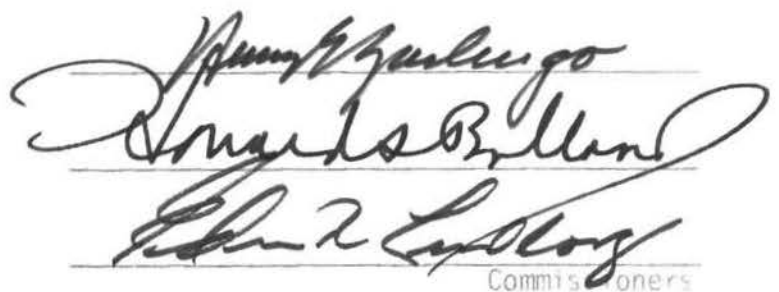
That said transfer shall become effective only if and when, but not before, said Transferor and Transferees, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of 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 Transferees until changed according to law and the rules and regulations of this Commission.

That the right of Transferees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by 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
18th day of December, 1970.
vjr

(Decision No. 76475)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD N. BURDICK, 8935 WEST 20TH)
AVENUE, LAKEWOOD, COLORADO, FOR AU-)
THORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24662-PP
ORDER OF THE COMMISSION

December 18, 1970

It appearing, That by Order of the Commission dated November 25, 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 Donald N. Burdick, 8935 West 20th Avenue, Lakewood, 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 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;

RESTRICTIONS: This Permit is restricted as follows:

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

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

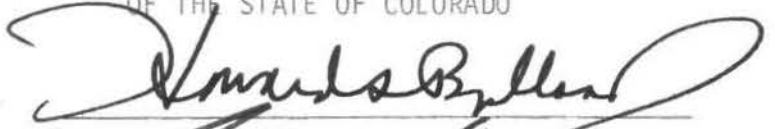
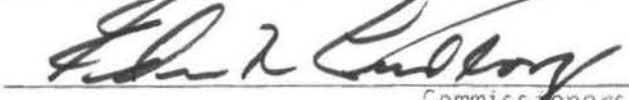
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

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

vjr

(Decision No. 76476)

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 CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 24514

December 18, 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.;
Continental 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.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 24, 1970, the Recommended Decision and Order of
Christian O. Igenbergs, Examiner, was duly entered. The last day for
filing Exceptions was December 14, 1970.

On December 14, 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., through their attorney, John R. Barry, filed an Application for Rehearing, Re-Argument, or Reconsideration of said Recommended Decision. On December 14, 1970, The Colorado Springs Coach Company, by its attorney, Bruce L. Craig, filed Written Objections to Findings of Fact and Conclusions of the Recommended Decision of Christian O. Igenbergs, Examiner, dated November 24, 1970. Since the said pleadings were filed within the time allowed for Exceptions to the Examiner's Recommended Decision and before the time the Recommended Decision became the Decision of the Commission subject to petition for rehearing, reconsideration or reargument, the Commission has determined to treat the pleadings as Exceptions to Examiner's Recommended Decision.

The Commission states and finds that the said Exceptions filed by Denver-Colorado Springs-Pueblo Motorway, Inc., Denver-Salt Lake-Pacific Stages, Inc., American Bus Lines, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Continental Bus System, Inc., Continental Central Lines, Inc., and The Colorado Springs Coach Company seek to amend, modify, annul or reverse basic findings of fact set forth in the said recommended decision of the Examiner; that neither a transcript of the proceedings nor a notice of designation of transcript has been filed in the time provided for by law; that no request to extend the time within which to file the transcript has been timely made, and upon reconsideration of the matter the Commission finds and concludes that the said Exceptions should be denied and the Examiner's conclusions and reasons therefor and the order or requirements thereon as contained in said recommended decision should be affirmed and adopted as its own without modification.

O R D E R

THE COMMISSION ORDERS:

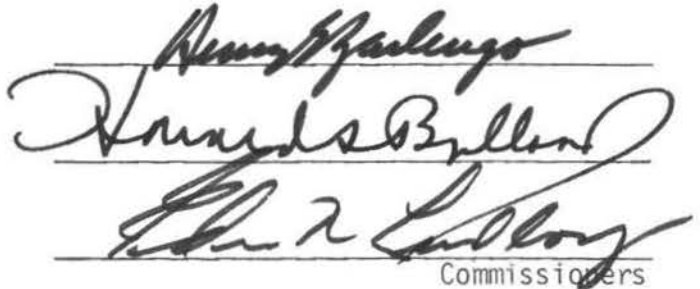
1. That Exceptions to the Recommended Decision of Christian O. Igenbergs, it being Decision No. 76243, contained in the pleading entitled "Application for Rehearing, Re-Argument, or Reconsideration of Decision No. 76243", and filed on December 14, 1970, be, and hereby are, denied.

2. That Exceptions to the Recommended Decision of Christian O. Igenbergs, it being Decision No. 76243, contained in the pleading entitled "Written Objections to Findings of Fact and Conclusions of the Recommended Decision of Christian O. Igenbergs, Examiner, dated November 24, 1970" be, and hereby are, denied.

3. That said Decision No. 76243 be, and hereby is, adopted as the Decision of the Commission.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

vjr

(Decision No. 76477)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LORENS LEBECK ON BEHALF OF HIMSELF,)
AND OTHERS SIMILARLY SITUATED FOR AN)
ORDER AUTHORIZING MOUNTAIN VIEW)
ELECTRIC ASSOCIATION, INC., TO)
RENDER STREET LIGHTING IN AN UNINCOR-)
PORATED AREA KNOWN AS METHESON,)
ELBERT COUNTY, COLORADO.)

APPLICATION NO. 24517

RECOMMENDED DECISION OF
ROBERT L. PYLE,
EXAMINER

December 21, 1970

Appearances: Lorens Lebeck, Matheson, Colorado,
Applicant pro se;

Robert T. James, Esq., Colorado Springs,
Colorado, for Mountain View Electric
Association;

C. J. Miller, Denver, Colorado, of
the Staff of the Commission.

PROCEDURE AND RECORD

Under date of August 27, 1970, Applicants filed the above-entitled application seeking an order from the Commission authorizing and directing the Mountain View Electric Association, Inc. of Limon, Colorado, to furnish street lighting service in an unincorporated area known as Matheson, in Elbert County, Colorado, as specifically designated in the application.

The Commission, pursuant to law, designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons or corporations, set the herein matter for hearing to be held in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Wednesday, December 16, 1970, at 9 a.m. The hearing was held at the aforesaid time and place.

Applicant Lebeck, entered appearance on behalf of Applicants and testified in support of the application, as did Mr. A. C. Payne of Mountain View Electric Association, Inc. No person appeared to intervene or to protest the granting of the application.

The following Exhibits were offered and admitted into evidence:

Exhibit A - Town of Matheson - State of Colorado - Elbert County - Legal Description.

Exhibit B - 4 Sheets - Petition for Street Lighting

Exhibit C - 2 Sheets - Mountain View Electric Association, Inc., Colorado PUC No. 15. Original Sheets No. 38 and 38a

Exhibit D - Mountain View Electric Association, Inc. - Estimate of cost for new street lighting system in Town of Matheson

Exhibit E - Matheson street lights

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 records and exhibits of this proceeding together with a written recommended decision which contains his finding of fact and conclusions thereon, together with a recommended order or requirement.

FINDINGS OF FACT

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

1. Applicants are residents of the area for which electric street lighting service is sought herein.

2. The area covered by the application herein is an unincorporated area known as Matheson, in the County of Elbert, State of Colorado.

3. Mountain View Electric Association, Inc., is a public utility under the jurisdiction of this Commission, and the subject matter of the application is within the jurisdiction of the Commission.

4. Mountain View Electric Association, Inc. furnishes electric service in the area covered by the application herein, and is ready, willing and able to install adequate electric street lighting facilities and to furnish electric street lighting service in accordance with its Tariff, Colorado PUC No. 15-Electric, Original Sheet No. 38 and Original Sheet No. 38a.

5. Residents of the area, both petitioners and non-petitioners, will be assessed a monthly charge of sixty-five cents (\$0.65) per month each to defray the cost of installing, maintaining and operating the electric street lighting system.

6. The preservation of public peace and safety requires the installation of an adequate street lighting system in the area described in Exhibit A.

7. Of the 49 electric customers and residents of the area presently served by Mountain View Electric Association, Inc., 42 or 85.7% of the total number signed the Petition requesting Street Lighting Service (Exhibit B-4 sheets). Of those who did not sign, only one (1) expressed himself as being against the service.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid Findings of Fact, it is concluded, that:

1. Application No. 24517 should be granted and Mountain View Electric Association, Inc. should be authorized and directed to provide street lighting service as sought in the Application.

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

O R D E R

THE COMMISSION ORDERS:

1. That Mountain View Electric Association, Inc., of Limon, Colorado, is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street lighting system consisting of approximately 12 street lights in number in an unincorporated area known and designated as Matheson in the County of Elbert, State of Colorado.

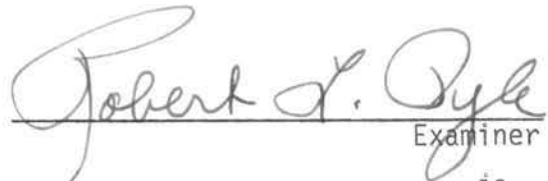
2. That such street lighting service shall be provided in accordance with its tariff, Colorado PUC No. 15-Electric Original Sheet No. 38 and Original Sheet No. 38a, as the same are presently filed with the Commission, or as they may be amended pursuant to law and the rules of the Commission.

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

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

motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
js

(Decision No. 76478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EDDIE F. RUBIO)
414 S. 6th St.)
LaJunta, Colorado 81050)

PERMIT NO. M-1314

December 22, 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.

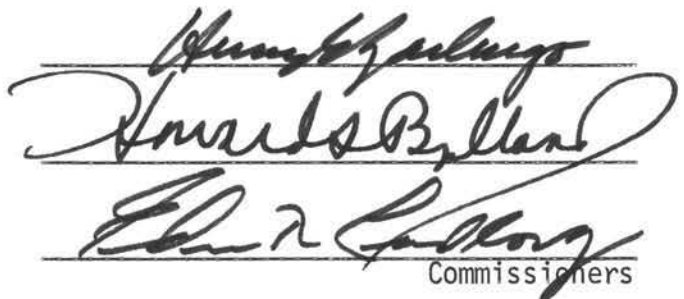
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 13, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76479)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PIERCE CITY CASKET AND MFG. CO.)
P. O. BOX H)
PIERCE CITY, MISSOURI 65723)

PERMIT NO. M-2584

December 22, 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.

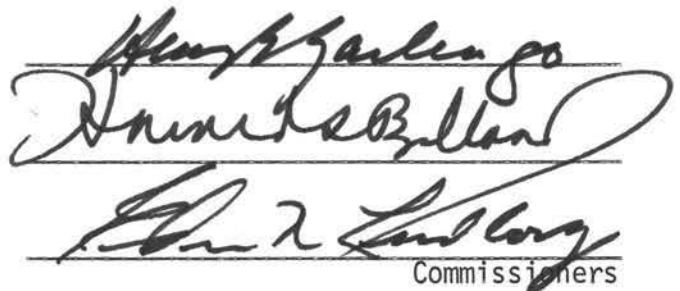
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.

js

(Decision No. 76480)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PAUL MATHEWS dba)
MATHEWS COFFEE SERVICE)
1350 SHERIDAN)
DENVER, COLORADO 80214)

PERMIT NO. M-4432

December 22, 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.

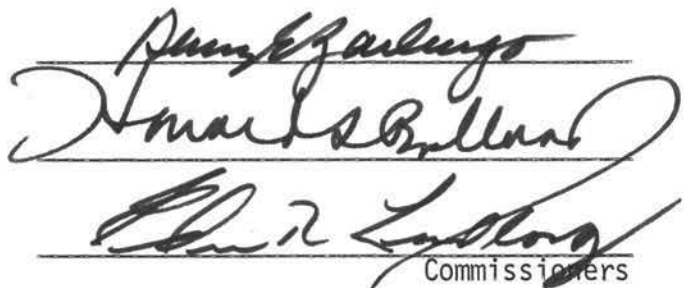
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 24, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76481)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ERWIN L. KEIM dba)
E. L. KEIM COMPANY)
605 MAPLE ST.) PERMIT NO. M-5675
CHADRON, NEBRASKA 69337)

December 22, 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.

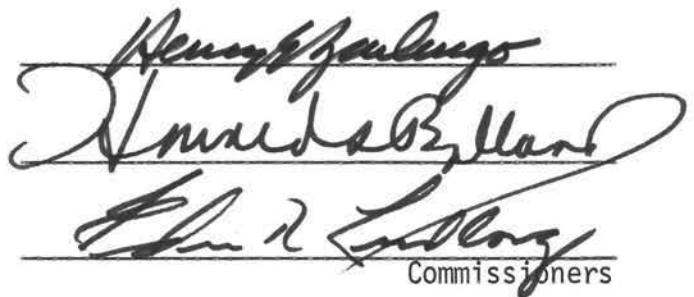
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 26, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970,
js

(Decision No. 76482)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
THE BEEBE COMPANY)
4444 SW MACADAM AVENUE)
PORTLAND, OREGON 97201)

PERMIT NO. M-9992

December 22, 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.

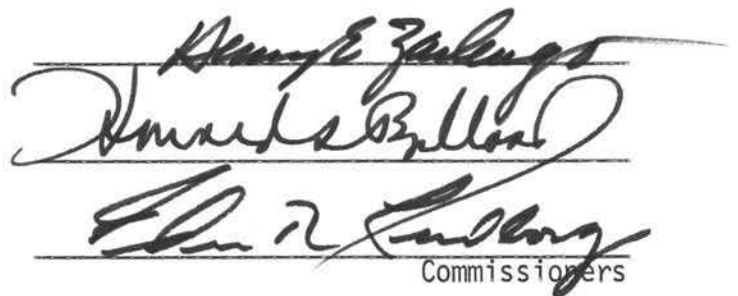
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

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 22nd day of December, 1970.
js

(Decision No. 76483)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GEORGIA O. PRATT dba)
PRATT'S HEATING AND APPLIANCE)
GLENWOOD SPRINGS, COLORADO 81601)

PERMIT NO. M-10042

December 22, 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.

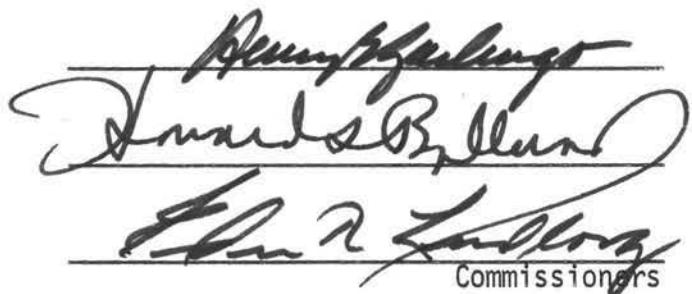
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 10, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76484)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PHILIP A. COLWELL DBA)
CORNWELL TOOLS)
2113 YELLOWSTONE ROAD)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. M-11585

December 22, 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.

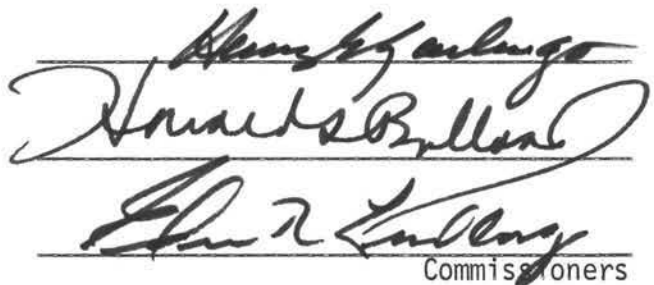
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 13, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76485)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MYRTLE M. SCHAIBLE dba)
SCHAIBLE'S FLOWER SHOP)
225 WEST 6TH)
AKRON, COLORADO 80720)

PERMIT NO. M-12917

December 22, 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.

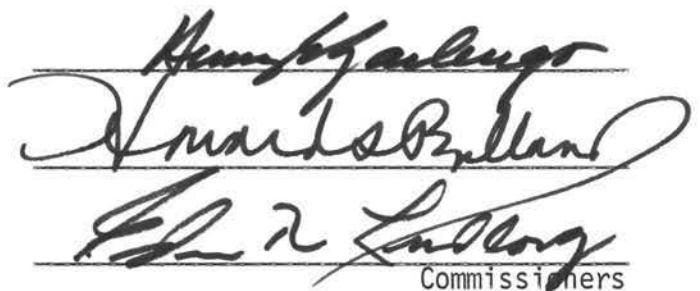
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76486)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GILBERT N. TICE)
338 SO. RACINE)
AURORA, COLORADO 80010)

PERMIT NO. M-13328

December 22, 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.

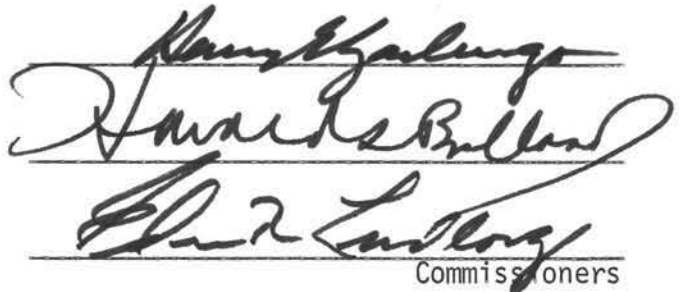
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 13, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970,
js

(Decision No. 76487)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLARKE THOMAS CO. INC.)
P O BOX 585)
GRAND ISLAND, NEBRASKA 68801)

PERMIT NO. M-15103

December 22, 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.

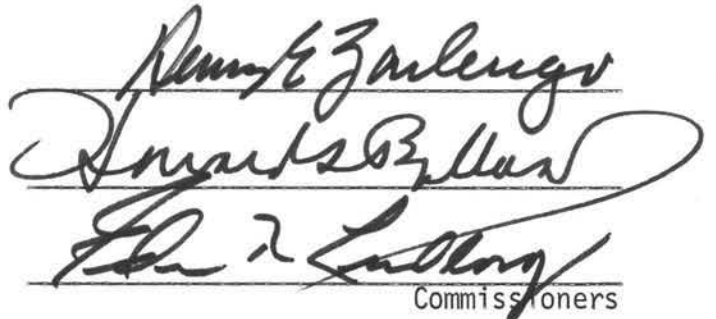
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76488)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ERNEST GIANINETTI)
CARBONDALE, COLORADO 81623)

PERMIT NO. M-15124

December 22, 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.

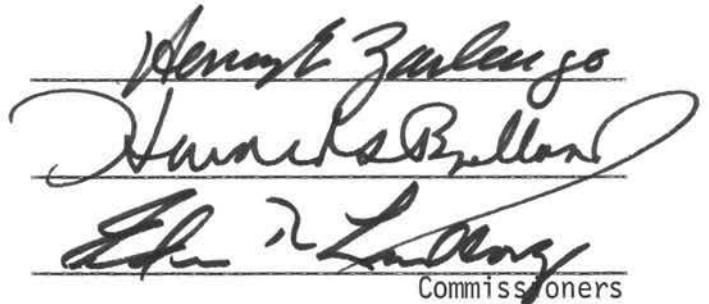
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76489)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LEADVILLE TRANSIT CO., INC.)
BOX 177)
WOODLAND PARK, COLO. 80863)

AUTHORITY NO. 5348

CASE NO. 2433-H-Ins.

- - - - -

- - - - -
December 21, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 1970, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

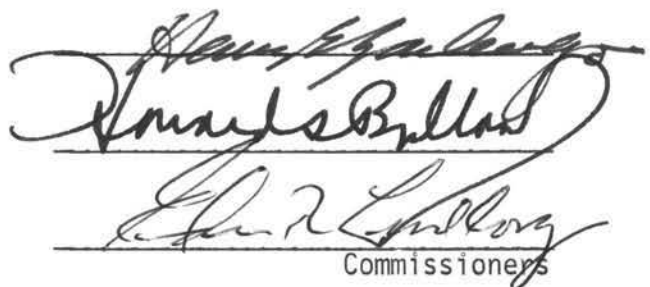
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76490)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LEADVILLE TRANSIT COMPANY, INC.)
DBA GLOVER CHARTER SERVICE, INC.)
BOX 177)
WOODLAND PARK, COLORADO 80863)

AUTHORITY NO. B-7199

CASE NO. 2443-H-Ins.

- - - - -

- - - - -
December 21, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

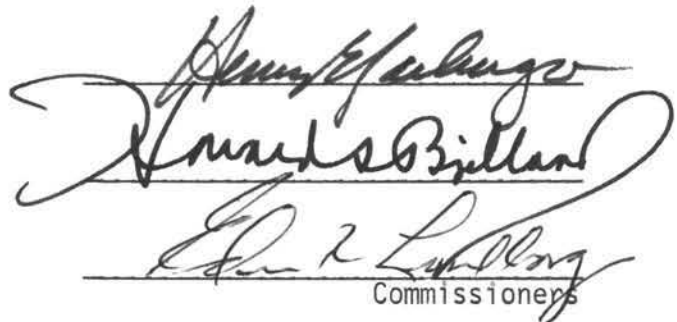
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76491)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

THE LEADVILLE TRANSIT COMPANY, INC.)
BOX 177)
WOODLAND PARK, COLORADO 80863)

AUTHORITY NO. 3033

CASE NO. 2427-H-Ins.

December 21, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

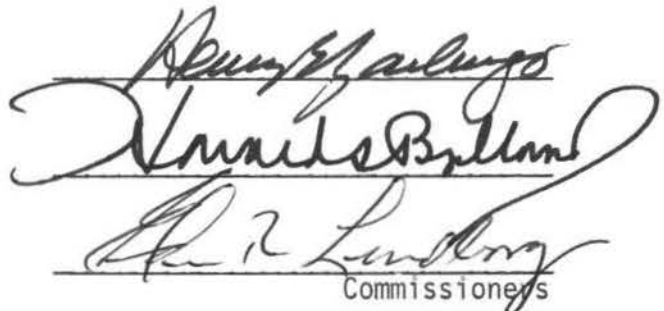
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 76492)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THACKER BROS. TRANSPORTATION, INC.,)
240 SOUTH SANTA FE, PUEBLO, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 24401

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

December 21, 1970

Appearances: Stockton & Lewis, Esqs.
Denver, Colorado, for
Applicant.
Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for
Rio Grande Motor Way, Inc.
and Denver-Laramie-Walden
Truck Lines, Inc., Protestants.
Joseph F. Nigro, Esq.,
Denver, Colorado, for Weicker
Transfer and Storage Co. and
Gottula Trucking and Transportation,
Protestants.

PROCEDURE AND RECORD

Under date of June 5, 1970, Applicant filed the above-entitled application with this Commission for authority to engage in business as a common carrier by motor vehicle, as specifically set forth in said application.

The Commission assigned No. 24401 to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Council Chambers, City Hall, Pueblo, Colorado, on November 4, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Fred G. Thacker, Loren McCormick, H. William Hull, George C. Shannon, John A. Verna, Charles L. Thomson, Edgar Johnson, Jerry Edelman, and Francis E. Geiger testified in support of the application. Thomas Mead testified in opposition to the granting of the application.

Exhibits 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 were tendered and admitted into evidence. Exhibit 2 was rejected.

This case was set and heard together with the application of Ephraim Freightways, Inc., Application No. 24353-Extension, which was an application for extension of Ephraim Freightway, Inc.'s Certificates of Public Convenience and Necessity PUC No. 7368 and PUC No. 7368-I so as to provide a service in and out of the same area encompassed by this application.

During the course of the proceedings, the parties entered into a Stipulation which restrictively amended the application and which is included in the record as Exhibit 1. Further, the parties requested that official notice be taken of certain matters, particularly the Recommended Decision of the Hearing Examiner, being Decision No. 75816, and the Decision overruling Exceptions thereto, being Decision No. 76064, entered in connection with the application of Rio Grande Motor Way, Inc., being Application No. 23589. Also, a description of the motor vehicle operating rights held by Thacker Bros. Transportation, doing business as "City Delivery Service," under PUC No. 3429, a description of the contract carrier authority held by Thacker Bros. Transportation, Inc. under Permit No. A-16, as most recently described in Commission Decision No. 75930, dated May 16, 1967. Also, request was made that official notice be taken of Decision No. 53722, dated January 20, 1960, In The Matter of the Application of Joe L. Clementi, doing business as "Clementi and Son Truck Line," for authority to extend operations under Permit No. A-655 which is a portion of the authority now held by Thacker Bros. Transportation, Inc., under Permit No. A-16. A pleading was filed with the Public Utilities Commission under date of July 31, 1969, requesting the Commission to take certain action in Commission Decision

No. 69530 and a copy of the Letter of Authority in the Commission files issued to the carrier by the PUC for Permit No. A-16. These requests and stipulations were submitted in writing and are made a part of the file in this proceeding.

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

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

FINDINGS OF FACT

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

1. Applicant is a Colorado corporation with its principal office located at 240 South Santa Fe, Pueblo, Colorado. The officers and directors are as follows, to-wit:

Fred G. Thacker - President and Director
LaVerne M. Thacker - Vice-President and Director
Edwin A. Thacker - Secretary-Treasurer and Director.

2. By this application, Applicant requests a Certificate of Public Convenience and Necessity authorizing:

"the transportation of freight, except commodities in bulk, in tank vehicles, between Pueblo, West and a two mile radius thereof, on the one hand, and, on the other, Denver and Avondale and all intermediate points, Fort Collins and Greeley, Colorado, via U.S. Highways 50, 85 and 87, Interstate Highway 25 and Colorado Highway 14, serving a radius of 5 miles around all cities and towns and serving points within one mile of the listed highways, restricted to all traffic either originating or terminating at Pueblo, West and a two mile radius thereof."

This was later amended to:

"transport freight, except commodities in bulk, in tank vehicles, between Pueblo, West and a two mile radius thereof, on the one hand, and, on the other, Denver and Avondale and all intermediate points (except Pueblo Ordnance Depot), Fort Collins and Greeley, Colorado, via U.S. Highway 50, 85 and 87, Interstate Highway 25 and Colorado Highway 14, serving a radius of 5 miles around all cities and towns and serving points within one mile of the listed highways, restricted to all traffic either originating or terminating at Pueblo, West and a two mile radius thereof."

3. The application was protested by Denver-Laramie-Walden Truck Lines, Inc., under its Certificate of Public Convenience and Necessity PUC No. 51; Rio Grande Motor Way, Inc., under its Certificate of Public Convenience and Necessity PUC No. 149; Weicker Transfer & Storage Co. (amended out), and Gottula Trucking and Transportation, Inc. (amended out).

4. Applicant presently holds Certificates of Public Convenience and Necessity PUC No. 3427 and PUC No. 3429, also contract carrier authorities, Permit No. A-16 and Permit No. B-5221, none of which are necessarily pertinent to this proceeding. There is presently pending before the Commission application by Applicant to convert contract carrier authority Permit No. A-16 to a Certificate of Public Convenience and Necessity.

5. Protestants Denver-Laramie-Walden Truck Lines, Inc. and Rio Grande Motor Way, Inc. both hold conflicting authority in varying degrees to that applied for and are presently providing transportation services in the area proposed to be served.

6. The primary purpose of this application is to enable Applicant to provide a motor carrier service into and out of Pueblo West.

7. Pueblo West is a newly planned development seven (7) miles west of Pueblo, Colorado, via U.S. Highway No. 50, proposed to include both residential and manufacturing or industrial sites. According to the testimony of the project manager, his company projects a population of sixty-five thousand (65,000) in twenty (20) years, covering twenty-six thousand (26,000) acres of land. They now have twenty (20) families living there, three (3) wells of palatable water and one (1) business establishment.

As stated by the witness, "There are many plans in the mill that cannot be announced at this time." This witness went to great lengths to point out the need for an adequate transportation system in and out of Pueblo West but had no idea whatsoever what or who was presently available.

8. Pueblo West is little more than a promoter's dream. With some degree of foresight, one could conceivably pick most any twenty-six thousand (26,000) acre site along the front range of Colorado and project a sixty-five thousand (65,000) population figure for it by the year 1990. The developer of Pueblo West is using modern day techniques of flying in prospective buyers and investors from various parts of the country to promote the sale of sites in the area and could possibly reach the projected goal. However, anything at this stage of the program would be nothing more than speculation and hoped-for results. In fact, the motive of the developer, in supporting this and other motor carrier applications, could well be to use the fact of Commission action in its "sales-pitch" to prospective purchasers so as to make the investment look more attractive.

9. The existing service, and particularly the service of Protestants, is now, and in the foreseeable future will be, completely adequate to meet the particular transportation requirements sought herein and it is specifically found as an additional matter of fact, in this regard, that the motor carrier needs of Pueblo West would not now, nor in the foreseeable future, economically support another competitive carrier.

10. Applicant failed to show that the present or future public convenience and necessity requires or will require the service requested.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 24401 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

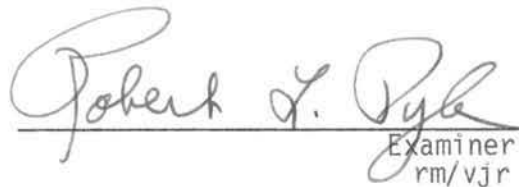
THE COMMISSION ORDERS:

That Application No. 24401, being an application of Thacker Bros. Transportation, Inc., 240 South Santa Fe, Pueblo, Colorado, for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, denied.

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.

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/vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EPHRAIM FREIGHTWAYS, INC., 1385)
UMATILLA STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC)
NO. 7368 AND PUC NO. 7368-I.)

APPLICATION NO. 24353-
Extension

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

December 21, 1970

Appearances: William F. Schenkein, Esq.,
Denver, Colorado, for
Applicant.
Edward T. Lyons, Jr., Esq.,
Denver, Colorado, for
Rio Grande Motor Way, Inc.,
Protestant.

PROCEDURE AND RECORD

Under date of May 13, 1970, Applicant filed the above-entitled application with this Commission for authority to extend operations as a common carrier by motor vehicle as specifically set forth in said application.

The Commission assigned No. 24353-Extension to the application. Pursuant to law, the Commission designated Robert L. Pyle as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Council Chambers, City Hall, Pueblo, Colorado, on November 4, 1970, at 10 a.m. The hearing was held at the aforesaid time and place.

Jerome W. Ephraim and Leslie I. Anderson testified in support of the application.

Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 were tendered and admitted into evidence. Exhibit 1 was not offered for the truth of the matters contained therein but for only the

projections and sales literature and techniques of McCullough Properties, Inc. Said Exhibit was accepted with that limited understanding.

This case was set and heard together with the application of Thacker Bros. Transportation, Inc., being Application No. 24401, which was generally an application for a certificate of public convenience and necessity to transport freight into and out of Pueblo West.

During the course of the proceedings, the parties entered into a Stipulation which, in effect, agreed that the testimony of Jerry Edelman, Francis Geiger, George C. Shannon, Charles L. Thomson, and Thomas Mead, which was given in the matter of the application of Thacker Bros. Transportation, Inc., Application No. 24401, on November 4 and 5, 1970, upon both direct and cross-examination shall be incorporated by reference thereto into the record in the within matter the same as though they had testified herein. Further, at the request of the parties, official notice was taken relative to the application of Rio Grande Motor Way, Inc., in its Application No. 23589 and matters relating thereto, that Ephraim Freightways, Inc. has filed its Application No. 24353-Extension for service as a common carrier by motor vehicle of general commodities between Pueblo and Lamar with the right to tack with its existing and future acquired authority and matters pertaining thereto, and further, official notice was taken of the Recommended Decision of the Hearing Examiner, being Decision No. 75816, and the Decision of the Commission overruling Exceptions with respect thereto, being Decision No. 76064, with respect to application of Rio Grande Motor Way, Inc. in Application No. 23589, and a description of motor vehicle common carrier operating rights of Thacker Bros. Transportation, doing business as "City Delivery Service," under PUC No. 3429, and a description of the contract carrier authority held by Thacker Bros. Transportation, Inc. under Permit No. A-16, as most recently described in Commission Decision No. 69530. These requests and stipulation were submitted in writing and are made a part of the file in this proceeding.

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

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

FINDINGS OF FACT

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

1. Applicant is a Colorado corporation with its principal office located at 1385 Umatilla Street, Denver, Colorado. The names of its directors and officers are:

Jerome W. Ephraim	- President and Director
William F. Schenkein	- Vice President and Director
Muriel A. Ephraim	- Secretary-Treasurer and Director
Pamela E. Schenkein	- Assistant Secretary and Director
Rosemary E. Weiss	- Assistant Treasurer.

2. By this application, Applicant requests an extension of its Certificates of Public Convenience and Necessity PUC No. 7368 and PUC No. 7368-I authorizing Applicant to operate as a common carrier by motor vehicle for hire for:

"the transportation of freight and express consisting of general commodities except commodities in bulk in tank vehicles: (a) between Pueblo, Colorado, and Pueblo West, Colorado, serving all intermediate points over U.S. Highway No. 50, and (b) between all points authorized to be served by Applicant, on the one hand, and, on the other hand, all points to be served in (a) above to provide through service over through routes between any two points on presently existing or subsequently acquired motor vehicle carrier authority without restricting against interline or tacking with existing or subsequently acquired motor vehicle carrier authority and serving all intermediate and off-route points without restricting except as aforesaid."

3. The application was protested by Rio Grande Motor Way, Inc. under its Certificate of Public Convenience and Necessity PUC No. 149.

4. Applicant presently holds Certificates of Public Convenience and Necessity PUC No. 7368 and PUC No. 7368-I which provides generally for transportation on schedule of general commodities except commodities in bulk in tank vehicles over a route between Denver and Pueblo serving all intermediate points over U.S. Highway No. 85, or U.S. Highway No. 87, or Interstate Highway No. 25 (I-25), also general freight between points within a metes and bounds' description in and about the City and County of Denver and points in the said area, on the one hand, and, on the other hand, Denver, Pueblo, and intermediate points, and perishable commodities requiring refrigeration in pickup and delivery service between points within a 5-mile radius of Denver and between points within 7 miles of Colorado Springs with certain restrictions and limitations. No effort is made here to fully describe the authority contained under PUC No. 7368 and PUC No. 7368-I. However, said authority is presently in good standing with the Commission and is being operated by the Applicant. Applicant also holds contract carrier authority designated as Permit No. A-494 and Permit No. B-6487. Applicant has also filed an application for service as a common carrier between Pueblo and Lamar, being Application No. 23249, which is now pending before the Commission. There is also other authority held by Applicant and it has pending matters, none of which are pertinent to this proceeding.

5. Protestant Rio Grande Motor Way, Inc., under its Certificate of Public Convenience and Necessity PUC No. 149, holds conflicting authority to that applied for and is presently providing transportation services in the area proposed to be served by this application.

6. The primary purpose of this application is to enable the Applicant to provide a motor carrier service into and out of Pueblo West and to tack and interline with authority now held by Applicant as well as that which may be later acquired by the Applicant.

7. Pueblo West is a newly planned development seven (7) miles west of Pueblo, Colorado, via U.S. Highway No. 50, proposed to include both residential and manufacturing or industrial sites. According to the testimony of

the project manager, his company projects a population of sixty-five thousand (65,000) in twenty (20) years, covering twenty-six thousand (26,000) acres of land. They now have twenty (20) families living there, three (3) wells of palatable water and one (1) business establishment. As stated by the witness, "There are many plans in the mill that cannot be announced at this time." This witness went to great lengths to point out the need for an adequate transportation system in and out of Pueblo West but had no idea whatsoever what or who was presently available.

8. Pueblo West is little more than a promoter's dream. With some degree of foresight, one could conceivably pick most any twenty-six thousand (26,000) acre site along the front range of Colorado and project a sixty-five thousand (65,000) population figure for it by the year 1990. The developer of Pueblo West is using modern day techniques of flying in prospective buyers and investors from various parts of the country to promote the sale of sites in the area and could possibly reach the projected goal. However, anything at this stage of the program would be nothing more than speculation and hoped-for results. In fact, the motive of the developer, in supporting this and other motor carrier applications, could well be to use the fact of Commission's action in its "sales-pitch" to prospective purchasers so as to make the investment look more attractive.

9. The existing service, and particularly the service of Protestant, is now, and in the foreseeable future will be, completely adequate to meet the particular transportation requirements sought herein and it is specifically found as an additional matter of fact, in this regard, that the motor carrier needs of Pueblo West would not now, nor in the foreseeable future, economically support another competitive carrier.

10. Applicant failed to show that the present or future public convenience and necessity requires or will require the service requested.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 24353-Extension 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

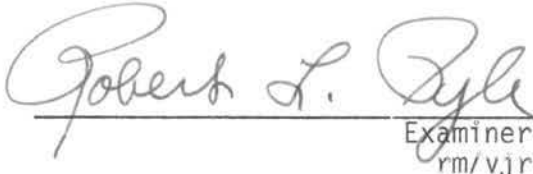
THE COMMISSION ORDERS:

That Application No. 24353-Extension, being an application of Ephraim Freightways, Inc., 1385 Umatilla Street, Denver, Colorado, for authority to extend operations under Certificates of Public Convenience and Necessity PUC No. 7368 and PUC No. 7368-I, be, and hereby is, denied.

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.

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/vjr

(Decision No. 76494)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

JOHN E. TETERS
1807 West Yampa
Colorado Springs, Colorado

PERMIT NO. B-4093
SUPPLEMENTAL ORDER

December 22, 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.

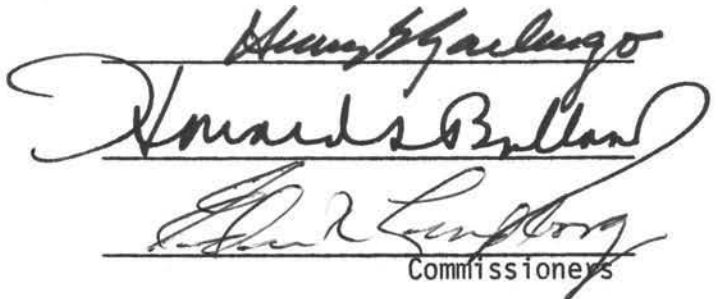
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

(Decision No. 76495)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
W. Earl Stoops DBA)
Padroni Hay Company)
230 Grant Street)
Fort Morgan, Colorado 80701)

PERMIT NO. M-744

December 22, 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.

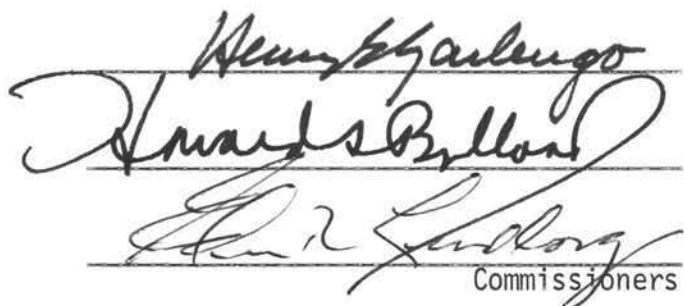
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

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 22nd day of December, 1970.
hj

(Decision No. 76496)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

BALDWIN HARDWARE)

#6 East Aspen)

Fruita, Colorado 81521)

PERMIT NO. M-3016

December 22, 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.

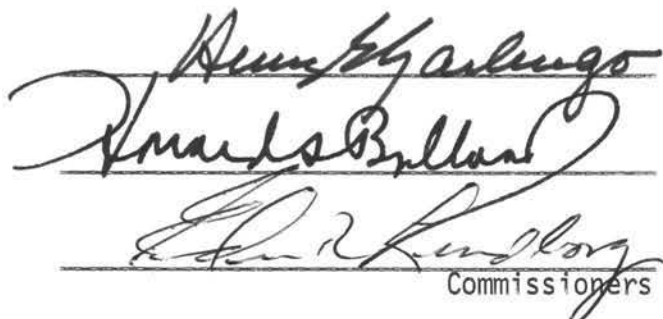
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 23, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

(Decision No. 76497)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Carl A. Nordstrom DBA)
Carl's Propane Service)
Box 291)
Broomfield, Colorado 80020)

PERMIT NO. M-3484

December 22, 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.

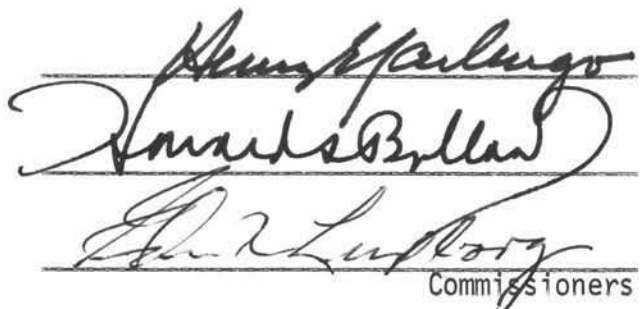
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 23, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.

hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
 HAROLD'S FURNITURE STORE) PERMIT NO. M-4288
 788 South Broadway)
 Denver, Colorado)

December 22, 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.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is,
cancelled effective November 28, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KENNETH REEVES)
P. O. Box 579) PERMIT NO. M-11606
Aguilar, Colorado 81020)

December 22, 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 23, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

(Decision No. 76500)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

CLYDE MATHEWS)
420 Third St.)
Ordway, Colorado 81063)

PERMIT NO. M-13266

December 22, 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.

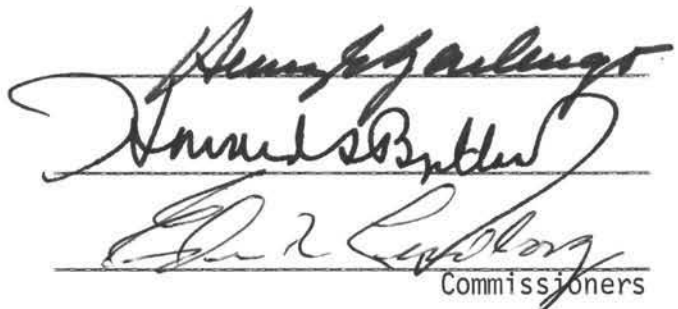
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

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 22nd day of December, 1970.
hj

(Decision No. 76501)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

CAPSHAW WELL SERVICE INC.
Post Office Box 1915
Casper, Wyoming 82601)

PERMIT NO. M-15841

December 22, 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.

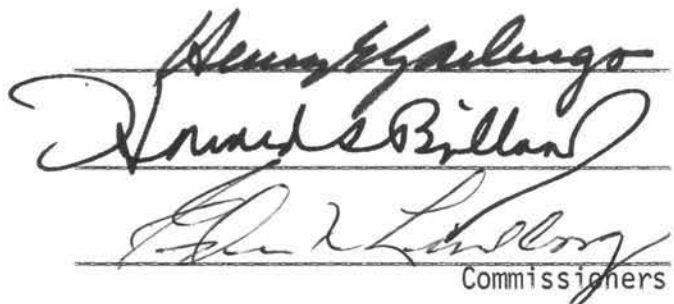
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 26, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.

hj

(Decision No. 76502)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

ALVA REID)
R. 1 Box 137)
Fruita, Colorado 81521)

PERMIT NO. M-13528

December 22, 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.

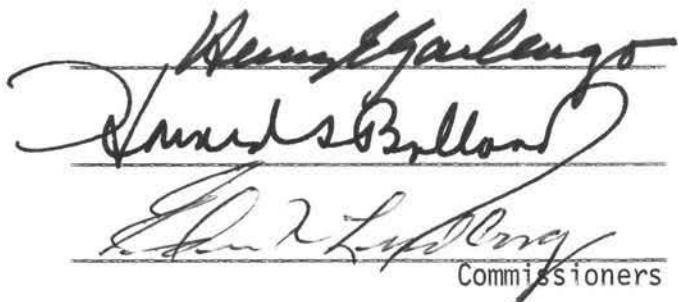
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 24, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

(Decision No. 76503)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

H. F. Campbell & Son, Inc.)
Route 1)
Millerstown, Pennsylvania)

PUC NO. 5979-I

December 22, 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.

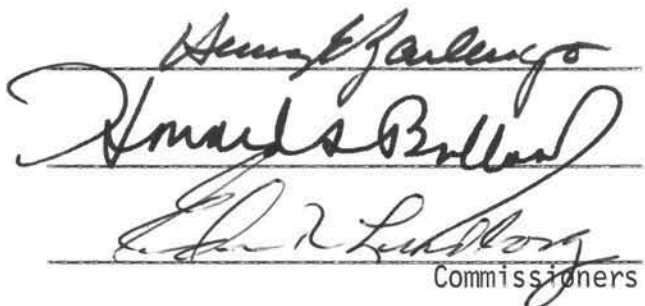
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 23, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.

hj

(Decision No. 76504)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
TRUCKAWAY CORPORATION
355 South Sanford Street
Pontiac, Michigan 48056

PUC NO. 2883-I

December 22, 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.

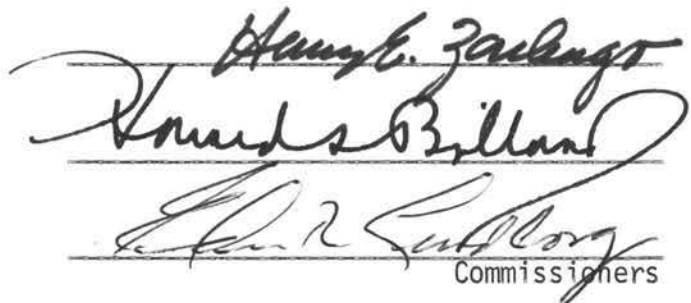
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

(Decision No. 76505)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

CLARKE THOMAS CO. INC.)

P.O. Box 585)

Grand Island, Nebraska)

PUC NO. 7426-I

December 22, 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 December 7, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.

hj

(Decision No. 76506)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

GERALD D. BOYD DBA)
C. W. BYERS)
ROUTE 2)
OLATHE, COLORADO 81425)

AUTHORITY NO. B-3950

CASE NO. 2344-H-Ins.

December 21, 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.

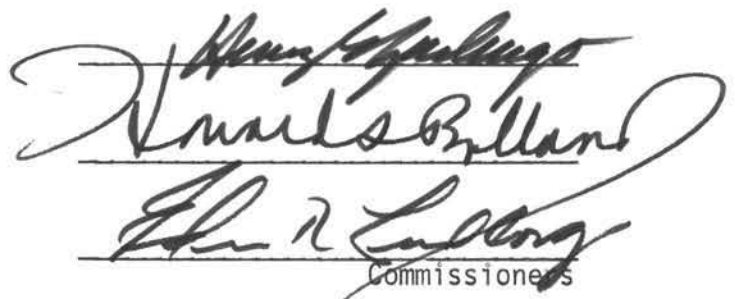
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 21st day of December, 1970 .

(Decision No. 76507)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF SOUTHERN UNION GAS COMPANY, A)
DELAWARE CORPORATION, FOR AUTHOR-)
ITY TO ISSUE A MAXIMUM OF 44,000)
SHARES OF COMMON STOCK.)

APPLICATION NO. 24677-Securities

December 22, 1970

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

S T A T E M E N T

BY THE COMMISSION:

Southern Union Gas Company (Applicant) filed Application No. 24677-Securities with this Commission on December 1, 1970. By such application, Applicant seeks authority of this Commission to issue up to 44,000 shares of its common stock, par value \$1.00 per share, pursuant to stock options granted under Applicant's Officer and Key Employee Stock Option Plan. 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 a.m. on Friday, December 18, 1970, in Room 507 Columbine Building, Denver, Colorado, and was then and there heard by Commission Chairman Henry E. Zarlengo and taken under advisement. No petitions were filed in opposition to the application, and no one appeared at the hearing opposing the authority sought by the application.

Applicant is a Delaware corporation. The Articles of Incorporation and the By-Laws of Applicant are on file with this Commission. Its principal office is located in the Fidelity Union Tower, Dallas, Texas 75201, and it maintains a local office in Durango, Colorado, at the corner of Second Avenue and Eleventh Street.

Southern Union is lawfully transacting a public utility business in the State of Colorado, owning and operating a gas gathering and transportation system in La Plata County, and a gas distribution system serving Durango, Colorado, and vicinity. The Company has approximately 1% of its net investment in Colorado. Applicant is also extensively engaged in the operation of natural gas utility properties located in Texas, New Mexico, Arizona and Oklahoma. Through wholly-owned subsidiaries, Applicant is engaged to a limited degree in the business of exploring for and producing oil and natural gas, gathering natural gas for resale in the field to Applicant and other purchasers.

Applicant's witness, Byron W. Cain, Vice President-Finance of Southern Union Gas Company, testified in summary as follows:

Pursuant to the Officer and Key Employee Stock Option Plan (Plan) options (New Options) for the purchase of an aggregate of 44,000 shares (net of cancellations) of Applicant's common stock were granted as follows:

<u>Series</u>	<u>Date Granted</u>	<u>Option Price</u>	<u>Shares Covered</u>	<u>Shares Cancelled</u>
1	12/2/69	\$25.375	1,500	-0-
2	2/24/70	\$21.375	38,000	2,500
3	8/19/70	\$22.25	1,000	-0-
4	11/10/70	\$23.00	6,000	-0-

A copy of the Plan, including the form of the options involved in this proceeding, was attached to the application in Decision No. 72652 as Exhibit No. 1 thereto, and is presently on file with this Commission. Each of the New Options will become exercisable to the extent of 30% one year after the date of grant, to the extent of 65% after two years, and will be exercisable in full after three years until it expires five years from the date of grant. In accordance with the terms of the Plan, the purchase price per share specified in each of the New Options was

fixed so as to be equal to the fair market value of Petitioner's common stock on the date it was granted. The options are subject to other terms and conditions as set forth in detail in Exhibit No. 1 to the application in Decision No. 72652. No brokerage or underwriting fees will be payable with respect to the issuance and sale of shares pursuant to such options.

Applicant anticipates a continuing need for additional funds to finance its program for the construction of gas distribution and transportation facilities, in the State of Colorado and elsewhere, during the next several years, based on Applicant's past history of continuing expansion of facilities and recurrent need for additional financing thereof and on Applicant's expectation that such expansion will continue for the foreseeable future. The contemplated sales of Applicant's common stock pursuant to options granted under the Plan will be complementary to, and operate to reduce the total amount of, other financing which Applicant anticipates will be required during the period covered by the options.

Applicant states that an important reason for its proposed sales of common stock pursuant to the Plan is the desirability of promoting ownership of such stock among its officers and key employees, thereby inducing them to remain in the employment of Applicant and providing them with additional incentive in their efforts to expand and develop Applicant's business and improve its efficiency. Applicant also states it believes the Plan will be of material assistance to it in its efforts to attract top quality managerial and executive personnel, as needed from time to time, in competition with other business enterprises similarly seeking to recruit such employees.

The maximum proceeds to be received by Applicant from the issuance and sale of shares of its common stock pursuant to the options to which this application relates will be \$957,125. Such proceeds, when and as received between December 2, 1970, and November 10, 1975, will initially

be added to Applicant's general funds and thereafter be expended for the acquisition of property, construction, completion, extension or improvement of Applicant's facilities (including, in addition to property and facilities useful in the conduct of Applicant's utility business in the State of Colorado, property and facilities useful in the conduct of such business in other states) or in reimbursement of its treasury for a portion of the moneys expended for the same purposes from the income of Applicant or from other moneys in its treasury not secured or obtained from the issuance, assumption or guarantee of securities within five years prior to the filing of the application herein.

As evidence of Applicant's financial position, there was introduced into evidence the Company's balance sheet as of September 30, 1970, and a pro forma balance sheet as of the same date showing the effects of the proposed financing as set forth in this application (Exhibit 2).

Applicant has either received or applied for the authority to issue the securities from all other states where such authority is required.

F I N D I N G S

THE COMMISSION FINDS:

1. That the Applicant, Southern Union Gas Company, is a public utility as defined by Chapter 115-1-3, Colorado Revised Statutes 1963.
2. That this Commission has jurisdiction over said Applicant and the subject matter of this application.
3. That this Commission is fully advised in the premises.
4. That the facts contained in the above and foregoing Statement are incorporated in these Findings by reference.
5. That the proposed issue by Southern Union Gas Company of up to 44,000 shares of common stock for the purposes and on the terms hereinabove described, is not inconsistent with the public interest; that such issue is permitted by law and is consistent with the provisions of Chapter 115, 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:

That the Applicant, Southern Union Gas Company, be, and it hereby is, authorized to issue and sell not to exceed 44,000 shares of its common stock, par value \$1.00 per share, at the respective prices per share stated above, pursuant to the valid exercise of stock options granted under the Plan referred to hereinabove, and to apply the proceeds from the issue and sale of such common stock, all in the manner hereinabove specified.

That Southern Union Gas Company is hereby authorized to take such further steps and actions as may, in conformity with applicable laws and regulations, be necessary, incident or appropriate to the full accomplishment of the issue hereinabove approved and authorized.

That within ninety (90) days after the close of each calendar year, Southern Union Gas Company shall file with this Commission, a verified report, showing the number of shares issued and sold during the year pursuant to the authority granted hereby and a detailed statement of expenses, if any, in connection with the issuance and sale of such stock.

That each common stock certificate issued by Applicant pursuant to the authority granted herein shall be identified by a legend appearing thereon, as follows: "Colorado PUC No. 24677".

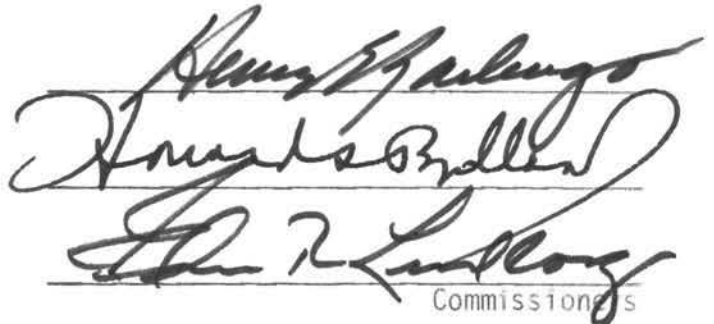
That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, any of the aforesaid securities, or the payment of dividends thereon, on the part of the State of Colorado.

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

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

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



The signatures are written in cursive over three horizontal lines. The first signature is 'Henry J. Gillingham', the second is 'James H. Brallen', and the third is 'John R. Lusk'. Below the third signature, the word 'Commissioners' is printed.

Dated at Denver, Colorado, this
22nd day of December, 1970.
vjr

(Decision No. 76508)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN NATURAL GAS COMPANY,)
INC., 1600 SHERMAN STREET, DENVER,)
COLORADO 80203, FOR AN ORDER TO)
TRANSFER CREDITS PURSUANT TO PARA-)
GRAPH B OF ACCOUNT NO. 271 OF THE)
UNIFORM SYSTEM OF ACCOUNTS FOR)
CLASS A AND B NATURAL GAS COMPANIES.)

APPLICATION NO. 24680

DECISION OF THE COMMISSION

December 22, 1970

Appearances: Grant E. McGee, Esq., Denver, Colorado,
and
Wynn M. Bennett, Jr., Esq., Denver,
Colorado, for Applicant, Rocky
Mountain Natural Gas Company, Inc.;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

On December 1, 1970, Rocky Mountain Natural Gas Company, Inc.
(hereinafter referred to as Rocky Mountain) filed with the Public Utilities
Commission of the State of Colorado its application identified above as
Application No. 24680.

Upon consideration of the matter, the Commission, by Order and
Decision No. 76394, found that good cause existed and the public interest
and necessity required that notice be given of the filing of said applica-
tion on less than thirty (30) days' notice and so gave notice December 2,
1970, to all interested parties that the application was set for hearing
before the Commission on Tuesday, December 15, 1970, at 9 a.m. in the
hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street,
Denver, Colorado. This date was vacated and the hearing was reset for 9 a.m.

December 14, 1970, at the aforesaid place by notice dated December 10, 1970. At such time and place the application was called up for hearing and heard by the Commission and upon conclusion thereof was taken under advisement. No pleadings were filed in opposition to the application and no one appeared at the hearing opposing the authority sought by the application.

D I S C U S S I O N

Applicant, Rocky Mountain, is a public utility incorporated under the laws of the State of Colorado engaged primarily in the business of purchase, transmission, distribution and sale of natural gas in the State of Colorado. The subject matter of this application concerns the accounting for the transfer of amounts from Account No. 271 Contributions in Aid of Construction, pursuant to paragraph B of the Uniform System of Accounts, "The credit to this account shall not be transferred to earned surplus or to any other account without approval of the Commission."

Applicant's witness testified that over the years, in order to reach customers, Rocky Mountain has had to extend its lines beyond the "free construction" set forth in its extension policy and thus has required the customers to pay the Company amounts sufficient to cover the additional costs of facilities for natural gas service. These amounts, in accordance with the Uniform System of Accounts prescribed by the Commission, were credited to Account No. 271 Contributions in Aid of Construction. Paragraph A of this account states, "This account shall include donations or contributions in cash, services, or property from states, municipalities or other governmental agencies, individuals, and others for construction purposes." The Account No. 271 also contains a note, "There shall not be included in this account advances from construction which are ultimately to be repaid wholly or in part."

Rocky Mountain in accordance with the Uniform System of Accounts takes and accounts for depreciation on all classes of depreciable plant in service, including plant on which contributions in aid of construction have been received.

As of December 31, 1969, the paid-in funds or contributions by customers applying for natural gas service beyond the "free construction" amounted to \$1,169,994, 10.2% of total plant. By this application, Applicant seeks permission to amortize this balance over the composite remaining life of approximately 27.8 years which would be at an annual rate of 3.5994% or \$42,113. This amount would be debited to Account No. 271 Contributions in Aid of Construction and credited to Depreciation Expense Account No. 403. Contributions in aid of construction paid in during 1970 to September 30 amounts to \$69,656. This amount amortized at the composite depreciation rate of 3% for 9 months results in current year amortization of \$403 and thus makes a total amortization as of September 30, \$31,988.

Applicant's witness testified that there is now no provision for amortization or other disposition of contributions in aid of construction; that the amount in this account increases as contributions are taken and is not reduced upon the retirement of the contributed plant; that the current procedure results in an inequity to the Company in rate base computation in that total contributions in aid of construction as well as accumulated depreciation are subtracted from rate base; that in future rate hearings the proposed method of accounting will reduce cost of service by reducing expenses; that this method of accounting will enable the Company to show ultimately an improved financial statement thereby enabling the Company to obtain financing where necessary under more favorable terms; that the proposed accounting will provide the Company with the means to amortize contributions in aid of construction proportionately over a period of years.

Rocky Mountain introduced in evidence Exhibit D, a letter by its certified public accountants, stating that "the proposed accounting would not affect the conformity of the statement of income with generally accepted

accounting principles." Applicant introduced Exhibit A entitled Contributions in Aid of Construction Remaining Life Calculation for Amortization. This exhibit showed the accumulation of the \$1,169,994 of contributions over the years to December 31, 1969, the estimated remaining life of such contributions (27.8 years) and the computation for the 3.5994% rate of amortization. It also introduced Exhibit B, Statement of Income and Expense for 9 months ended September 30, 1970, as per books and pro forma after the proposed accounting for the transfer of contributions from Account 271 Contributions in Aid of Construction. This statement shows actual net income loss of \$17,383 as of September 30, 1970; after the proposed accounting, net income shows a gain of \$14,605. Exhibit C is the Balance Sheet of Rocky Mountain Natural Gas Company, Inc., as of September 30, 1970, Actual and Pro Forma reflecting the proposed amortization of contributions in aid of construction. The result of such accounting shows that the retained earnings for the nine months are increased \$31,988 and that the contributions in aid of construction are decreased \$31,988. Such amount is the sum after the amortization of \$31,585 on the old balance and \$403 of the contributions received in 1970 amortized at the current depreciation rate.

Rocky Mountain's witness also stated that in fact there are alternatives as to where the amortization credit may be booked. Such alternatives may include credit to revenues, to expenses, to other income or to other income deductions. In view of the fact that the credit is a non-cash item, it could logically be credited in the depreciation-amortization group of expense accounts.

Accounting for the disposition of the contributions in aid has been a controversial subject discussed by accountants and accounting committees for a number of years. Neither the National Association of Regulatory Utility Commissioners nor the Federal Power Commission has concluded and recommended the accounting for the disposition of contributions in aid of construction.

It is, however, the recommendation of the Staff of the Public Utilities Commission of the State of Colorado that the present balance in the contributions account be amortized at a rate equal to the composite remaining life of the property in question by debiting Contributions in Aid of Construction and crediting a newly designated income account entitled Amortization of Contributions in Aid of Construction-Credit, Account No. 407.3. Contributions in aid of construction are considered in no way related to depreciation expense.

The basis for such conclusion and recommendation is that the situation and condition that gave rise to the need for the prospective customer to make an immediate cash payment to the Company in order to obtain natural gas service beyond the "free construction" is that such payment is in the true nature of advance payment of future revenues. In those instances where contributions in aid were required, the natural gas rates to customers did not and do not now provide for recovery of the additional construction costs beyond the "free construction." If they had, rates would have been higher and could have varied for each customer. It was and now is impractical to design separate and different rates for each such customer.

In other companies and in other circumstances, methods other than taking contributions are used to accomplish the same purpose, either alone or in combination, such as requiring revenue guarantees, making recurring service charges or other surcharges on basic rates. In all these instances, the charges to consumers flow directly into income during the appropriate period.

The effect of amortizing contributions made prior to January 1, 1970, is to feed into income the approximate amounts that would have been provided in the form of revenue if higher rates had been charged. For contributions made subsequent to December 31, 1969, the amortization amount would be equal to the revenues that would have been collected through higher rates. Thus the Applicant would be permitted to account for these

funds in a manner analagous with their true nature and in so doing better match income with current costs of services rendered.

FINDINGS OF FACT

From the record herein the Commission finds as fact that:

1. Applicant Rocky Mountain is a Colorado corporation and a public utility subject to the jurisdiction of this Commission, engaged in the business of purchase, transmission, distribution and sale of natural gas in various areas in the State of Colorado.

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

3. Rocky Mountain, in accordance with the Uniform System of Accounts prescribed by this Commission, has accounted for in Account No. 271 Contributions in Aid of Construction, sums paid by customers for cost of natural gas distribution facilities beyond the "free construction."

4. The Uniform System of Accounts does not provide for any removal or disposition of amounts recorded in this account except upon authority from this Commission.

5. The continuing holding of amounts in this account forever is not in the best interest of Rocky Mountain or its consumers.

6. The amounts accumulated in this Account No. 271 Contributions in Aid of Construction are in fact advance payments of future revenues which rightfully should flow timely into income. To provide for such timely flow, Rocky Mountain should amortize contributions in aid of construction by debiting Account No. 271 Contributions in Aid of Construction and by crediting income, Account No. 407.3 Amortization of Contributions in Aid of Construction-Credit.

7. In order to determine the annual amortization amount on the book balance of \$1,169,994 as of December 31, 1969, Rocky Mountain should fix a composite remaining life index for said constructed property of 27.8 years and amortize contributions in aid of construction at the rate of 3.5994% per annum and an annual amortization amount of \$42,113.

8. Rocky Mountain should amortize all contributions in aid of construction received after December 31, 1969, by utilizing the actual anticipated life of property constructed from said contributions in the determination of the annual amortization percentage rate.

CONCLUSION

Rocky Mountain's request for authority to amortize amounts contained now and in the future in Account No. 271 Contributions in Aid of Construction is just and reasonable and should be approved.

ORDER

THE COMMISSION ORDERS:

1. The transfer of amounts by Rocky Mountain Natural Gas Company, Inc., from Account No. 271 Contributions in Aid of Construction to an income account as set forth below, be, and it hereby is, authorized and approved:

- (a) Rocky Mountain shall fix a composite remaining life index for said constructed property of 27.8 years and amortize contributions in aid of construction at the rate of 3.5994% per annum and shall fix the amount to be amortized as of December 31, 1969, according to the company books at \$1,169,994 and at an annual amortization of \$42,113.
- (b) Rocky Mountain shall amortize all contributions in aid of construction received after December 31, 1969, by utilizing the actual anticipated life of property constructed from said contributions in determining the percentage rate of amortization.
- (c) Rocky Mountain shall account for the amortization amounts as determined in accordance with paragraphs (a) and (b) above by debiting Account No. 271

Contributions in Aid of Construction and by crediting Account No. 407.3 Amortization of Contributions in Aid of Construction-Credit.

2. Each year in its annual report to this Commission Rocky Mountain shall show in a supporting schedule the following information pertaining to the amortization of the old balance \$1,169,994 and to the amortization of the new contributions subsequent to December 31, 1969:

- (a) Beginning balances
- (b) Additions to contributions
- (c) Amortization amounts for year
- (d) Ending balances
- (e) Percentage rates of amortization.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zankago
Howard S. Bullard
John A. Lindberg
Commissioner

Dated at Denver, Colorado, this
22nd day of December, 1970.

vjr

(Decision No. 76509)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO MOBILE TELEPHONE COMPANY,))
1700 MARKET STREET, SUITE 2524,))
PHILADELPHIA, PENNSYLVANIA, AND))
500 EQUITABLE BUILDING, DENVER,))
COLORADO,))

Complainant,)

vs.)

MOBILE RADIO-TELEPHONE))
SERVICE, INC.,))

Respondent.)

CASE NO. 5432

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

December 22, 1970

Appearances: Jeffrey C. Pond, Esq.,
Denver, Colorado, and
Lewis S. Kunkel, Jr., Esq.,
Philadelphia, Pennsylvania,
for Complainant;
Pierpont Fuller, Esq., Denver,
Colorado, for Respondent.

PROCEDURE AND RECORD

On June 10, 1970, Colorado Mobile Telephone Company (hereinafter referred to as Complainant) filed a Complaint against Mobile Radio-Telephone Service, Inc. (hereinafter referred to as Respondent) alleging, inter alia, that Respondent is proposing to offer two-way semi-automatic direct dialing mobile radio-telephone common carrier service to the public in the City and County of Denver and vicinity, pursuant to its Certificate of Public Convenience and Necessity therefor, transferred January 5, 1968 (Decision No. 70651).

Complainant alleges that automatic direct dial mobile radio-telephone service is a new service requiring a new Certificate of Public Convenience and Necessity.

The Commission assigned Case No. 5432 to the Complaint. On June 15, 1970, the Commission issued an Order to Satisfy or Answer, which Order stated that, unless the Complaint is satisfied, Respondent is ordered to Answer the Complaint in writing within twenty (20) days from the date of service. Respondent's Answer was timely filed with the Commission on June 26, 1970.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this matter and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 29, 1970, at 10 a.m.

The Case was heard at the aforesaid time and place.

William A. Houser, President of Mobile Radio-Telephone Service, Inc., testified for Complainant.

Complainant's Exhibits 1, 2, 3, 4, and 5 were tendered and admitted into evidence.

The filing of Simultaneous Briefs was granted by the Examiner and said Briefs were duly filed by Complainant and Respondent on October 27, 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 a recommended order or requirement.

FINDINGS OF FACT

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

1. Colorado Mobile Telephone Company, Complainant herein, is a Colorado corporation with its principal office and mailing address at 1700 Market Street, Philadelphia, Pennsylvania, and its registered office at 500 Equitable Building, Denver, Colorado.

2. Respondent Mobile Radio-Telephone Service, Inc. is a Colorado corporation having its principal office and mailing address in the Hilton Office Building, Denver, Colorado.

3. Pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over Complainant, Respondent, and the subject matter of these proceedings.

4. By Commission Order, Decision No. 70651, Respondent was granted, by transfer, a Certificate of Public Convenience and Necessity to furnish certain two-way mobile radio communication services in the City and County of Denver, the Counties of Adams, Arapahoe, Weld, Douglas, Morgan, Elbert and parts of Boulder, Jefferson and Larimer, all in the State of Colorado.

5. The aforesaid Certificate of Public Convenience and Necessity does not contain any restrictions limiting Respondent to manually operated radio communication services.

6. Respondent does have in effect an agreement with Mountain Bell allowing interconnection with the landlines of said telephone company.

7. Respondent is now offering, under existing tariff, two-way mobile radio telephone communication service in and around the City and County of Denver.

8. At the present, the two-way mobile radio telephone communication service interconnects with Mountain Bell landlines through an operator of the Respondent.

9. The service proposed by Respondent will enable a subscriber to execute calls interconnected with landlines without the necessity of going through an operator of Respondent. However, if the calling party desires to use the services of Respondent's operator, he can still do so.

10. The service proposed is, in effect, the same as presently authorized and offered, with an additional semi-automatic direct dial convenience which amounts to an improvement and up-dating of the existing service.

11. Respondent's existing Certificate of Public Convenience and Necessity authorizes it to offer the aforesaid proposed service.

DISCUSSION

The issue before this Commission is relatively simple, i.e.:

- a. Is Respondent offering a new service not covered by its existing Certificate of Public Convenience and Necessity?
- b. Is Respondent modernizing and upgrading its existing service by employing new and more modern equipment developed through advances in technology?

Chapter 115-5-1, CRS 1963, as amended, states in part, that:

"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."

Providing the subscriber with better, more reliable service through the use of modern equipment and advancements in the state of the art is referred to as "quality of service". 115-3-1 (2), CRS 1963, as amended, provides as follows:

"Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall in all respects be adequate, efficient, just and reasonable."

This section of the Colorado Public Utilities Law is applicable to the quality of the utility services rendered by a communications utility.

A utility has the responsibility and the obligation to provide such quality of service as is reasonably required by the public it serves.

A Certificate of Public Convenience and Necessity grants a utility certain rights and privileges to furnish a service to the public. Conversely, it carries with it certain obligations regarding "quality of service". By no means would it be reasonable to limit the rights and privileges and yet simultaneously enforce "the quality of service" under obligations. The rights and the obligation to employ the countless advancements in the state of the art of telephony have long been recognized for what they are and accepted as a normal and necessary progression of keeping pace with the industry.

This right has been upheld by numerous Court and Commission rulings and decisions. The Examiner has found no precedent in Colorado law which would be on all fours with the facts in this Case but there are precedents in other jurisdictions. State of North Carolina ex rel Utilities Commission v. Two-Way Radio Service, Inc., 158 S. E. 2d 855 (1968), is well taken and to the point in the within case.

It should also be noted that Rule 9 of the Rules of this Commission Regulating the Service of Telephone Utilities provides in a general way but still, in accordance with the tenor of this Discussion, that a telephone utility shall provide and maintain adequate telephone facilities.

It is only where a utility seeks to extend the scope of its existing authority to where it has not served before and which is not contiguous to its present facility or, if contiguous, has been served by another public utility providing the same commodity or service, that a new certificate is required. As long as the extension of facilities is within the scope of the utility's certificate of public convenience and necessity, no further certificate or proof of public convenience and necessity is required. It cannot be claimed that Mobile Radio-Telephone Service, Inc. is operating or proposing to operate anywhere except strictly within the scope and boundaries set out in its present certificate.

An analogy may be drawn from a transportation company providing personalized taxi services to any point within a city. Neither the make and the model of the vehicle nor the type of horsepower rating of the engine can be or are fixed and the carrier can improve his service taking advantage of any economies forthcoming from advanced design and performance of passenger taxicabs. By the same token, however, this company may not provide general bus service to the public over specified routes under their existing certificate of public convenience and necessity to provide taxi services. Similarly, an airline can and does improve its service by offering the traveling public more comfort and convenience while utilizing the latest model jet aircraft.

Basically, the art of telephony might be interpreted as the transmission of audible voice signals between two individuals from two different but specified locations. The transmission of such signals should be accomplished by the most up-to-date methods available and be consistent with good economic practices and optimum service to the public. Hence, the end result of transmitting voice conversation by placing the call through an operator or by an individual dialing the call is the same. However, the latter is the most modern, efficient, and fool-proof method of transmitting the call.

It is well known that other telephone utilities in the State of Colorado began their operations as manually operated services requiring the use of an operator and that they have converted such services to direct-dial operations without first obtaining new Certificates of Public Convenience and Necessity from this Commission.

Respondent, by improving its service through the acquisition of additional and more modern facilities and additional channels so that dial service may be instituted, is extending its service within the City and County of Denver and Counties within which it has heretofore lawfully commenced operations. Such extension and improvement is necessary in the ordinary course of its business.

The Findings of Fact contained in this Discussion, where applicable, are herewith incorporated and made part of the Findings of Fact, supra.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent does have the right and obligation to improve its service through modernization of equipment and therefore the right to offer improved radio mobile telephone service by installing two-way

semi-automatic direct dial mobile radio telephone common carrier service under the provisions of said Company's existing Certificate of Public Convenience and Necessity transferred by Commission Order, Decision No. 70651.

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 the Complaint set forth in this proceeding, Case No. 5432, 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
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES)
ON PETROLEUM PRODUCTS, COLORADO)
MOTOR CARRIERS' TARIFF 7-A: RUAN)
TRANSPORT CORPORATION LOCAL)
COMMODITY TARIFF PUC NO. 5; AND)
WARD TRANSPORT, INC. MOTOR FREIGHT)
TARIFF NO. C-4)

I & S No. 669

- - - - -

- - - - -
December 22, 1970
- - - - -

STATEMENT AND FINDINGS

BY THE COMMISSION:

On November 30, 1970, William Hogarth, Traffic Manager of Ruan Transport Corporation, filed revised pages to its Local Commodity Tariff PUC No. 5, resulting in increases of approximately five (5) percent in Sections 1 and 3 and a revision of the Zones in Section 2 by expanding Zones 1 and 2 and eliminating Zone 3, resulting in varying amounts of increase at some locations and no increase at some locations within the Zones.

On December 1, 1970, D. S. Smith, Vice President of Ward Transport, Inc., filed revised pages to Ward Transport, Inc. Motor Freight Tariff No. C-4, Colorado PUC No. 4; and on the same date J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, filed revised pages to CMCA Motor Freight Tariff No. 7-A, Colorado PUC No. 12, both of which resulted in substantially the same increases and charges as enumerated above for Ruan Transport Corporation.

All of the rates and charges in the revised pages referred to above are scheduled to become effective on January 1, 1971.

Rule 19 (d) of the Commission's Rules of Practice and Procedure (Revised November 2, 1970), requires that carriers seeking a general increase in rates shall file in exhibit form the amount of percentage of increases filed and a complete and accurate statement of all the circumstances and conditions relied upon in justification of the increased rates being filed.

In the matter under consideration, only one of the involved carriers could be said to have complied with the rule. Information received from some was incomplete or inaccurate, and others made only a token submission of information containing allocations and costs data completely impossible to verify.

The Commission is charged with the responsibility of determining that rates on file are just and reasonable. The information received in support of this increase is not sufficient or adequate to permit the Commission to make such a determination.

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

We find also that certain specific information should be submitted to the Commission within forty-five (45) days of the date of this order. Included but in no way limited to such documents shall be:

(a) Balance Sheet and Statement of Income and Earned Surplus of the operating company for the latest available period in 1970.

(b) Balance Sheet and Statement of Income and Earned Surplus of the affiliate companies, including those of any officer or officers of the operating company doing business, as a company or individual, with the operating company for the same period of time as in (a) above.

(c) Income Statement of the Intrastate Revenue subject to this rate increase request, supported by apportionment basis of expenses reflected in this Income Statement.

O R D E R

THE COMMISSION ORDERS:

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

2. That it shall enter upon a hearing concerning the lawfulness of the rates and charges as published to become effective January 1, 1971 in Ruan Transport Corporation Local Commodity Tariff PUC No. 5; Colorado

Motor Carriers' Motor Freight Tariff No. 7-A, Colorado PUC No. 12; and Ward Transport, Inc. Motor Freight Tariff No. C-4, Colorado PUC No. 4.

3. That the operation of said Tariffs be, and it hereby is, suspended and the use thereof deferred to and including April 21, 1971, unless otherwise ordered by the Commission.

4. That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated but shall include all matters and issues with respect to the lawfulness of said schedules under the Public Utilities Law.

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

6. That a copy of this order shall be filed with the Tariffs in the office of the Commission, and that a copy thereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver, Colorado, and it is; and Carriers parties to its Tariff 7-A, Colorado PUC No. 12, are hereby, made Respondents in this proceeding. Copies shall also be served upon William Hogarth, Traffic Manager, Ruan Transport Corporation, Des Moines, Iowa, and D. S. Smith, Vice President, Ward Transport, Inc., Commerce City, Colorado and they are hereby, made Respondents in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the Tariffs referred to herein.

7. That within forty-five (45) days of the date of this order, Respondents shall file with the Commission the following:

(a) Balance Sheet and Statement of Income and Earned Surplus of the operating company for the latest available period in 1970.

(b) Balance Sheet and Statement of Income and Earned Surplus of the affiliate companies, including those of any officer or officers of the operating company doing business, as a company or individual, with the operating company for the same period of time as in (a) above.

(c) Income Statement of the Intrastate Revenue subject to this

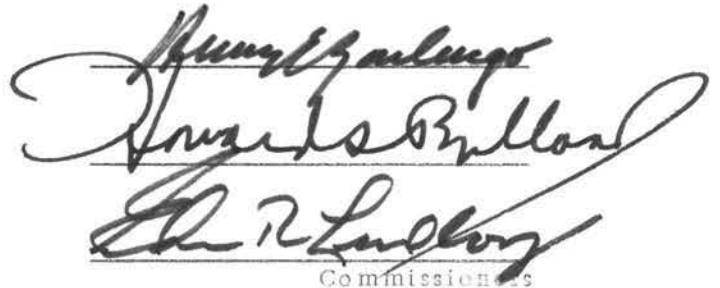
rate increase request, supported by apportionment basis of expenses reflected in this Income Statement for the same period of time as in (a) above.

(d) Such other exhibits or evidence which will support the need for additional revenues sought herein.

8. That any other exhibits which Respondents, intend to introduce in evidence in support of their case, shall be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date herein.

9. That this Investigation and Suspension Docket No. 669 be, and the same hereby is, set for hearing before the Commission on the ^{26th}~~28th~~ day of February, 1971, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado this
22nd day of December, 1970.

dh

(Decision No. 76511)

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 AUTHORIZING THE ISSUANCE)
OF SHORT TERM UNSECURED NOTES TO)
COMMERCIAL BANKS AND TO COMMERCIAL)
PAPER DEALERS.)

APPLICATION NO. 24696-Securities
ORDER OF THE COMMISSION
AND
NOTICE OF APPLICATION FILED

December 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application was filed with the Public Utilities Commission on December 16, 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. 24696-Securities on less than thirty (30) days' notice as provided for in the Order herein.

O R D E R

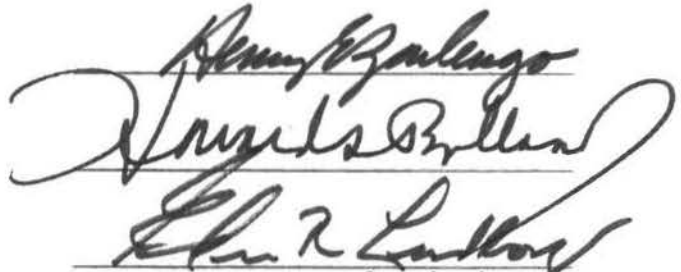
THE COMMISSION ORDERS THAT:

1. Any person desiring to file objection, intervene in or participate as a party herein shall file appropriate pleadings therefor on or before December 28, 1970.

2. That notice be, and hereby is, given of the filing of the within application.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
js

(Decision No. 76512)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE PUEBLO GAS AND FUEL COMPANY FOR)
AN ORDER AUTHORIZING IT TO PUT INTO)
EFFECT AN ADJUSTED RATE FOR LIQUEFIED)
PETROLEUM GAS IN AN UNINCORPORATED)
AREA KNOWN AS COLORADO CITY, COLORADO.)

APPLICATION NO. 24702

December 22, 1970

PROCEDURE AND RECORD

The above-entitled application was filed by the Pueblo Gas and Fuel Company (Applicant) on December 18, 1970. By its verified application, Applicant seeks authority of this Commission to place into effect a rate increase of three and one-half cents per gallon for liquefied petroleum sold in an unincorporated area of Pueblo County known as Colorado City, Colorado. Applicant also seeks authority to amend its tariff applicable to service in such area to provide for a purchased gas cost adjustment on its liquefied petroleum sales.

For the reasons hereinafter stated in the Findings of Fact, Applicant has sought to place its rate increase and tariff amendment in effect on less than thirty days' notice.

FINDINGS OF FACT

From the verified application the Commission finds as fact that:

(1) The Applicant is engaged in the business of the distribution and sale of natural gas in the City of Pueblo and in portions of Pueblo County in the State of Colorado.

(2) Applicant is engaged in selling liquefied petroleum gas and providing storage tanks to customers in an unincorporated area of Pueblo County, Colorado, known as Colorado City. While Applicant has been authorized by this Commission in its Decision No. 63765, dated September

22, 1964, to install and operate a natural gas distribution system in Colorado City and render gas service as a public utility therefrom, such distribution system has not been constructed nor is natural gas utility service rendered by Applicant in Colorado City. Applicant, nonetheless, has filed with this Commission its rates for such liquefied petroleum gas service, which rates are presently set forth on Applicant's Third Revised Sheet No. 10, Second Revised Sheet No. 10A, Third Revised Sheet No. 17 and Second Revised Sheet No. 17A.

(3) Applicant will be required to pay effective December 28, 1970 an increased cost of 3-1/2¢ per gallon for liquefied petroleum gas to its supplier, and Applicant proposes to put into effect an increase of the same amount for liquefied petroleum gas sold to its customers in Colorado City. Such increase in rates is shown in the proposed revision of Applicant's Schedules RP and CP, Colo. PUC No. 6, Fourth Revised Sheet No. 10 and Third Revised Sheet No. 10A for Residential Service, and Fourth Revised Sheet No. 17 and Third Revised Sheet No. 17A for Commercial Service, copies of which were attached as Exhibit A to the application, which will supersede and cancel those rate sheets now in effect hereinabove described.

(4) Applicant anticipates future increases or changes in its cost of liquefied petroleum gas and accordingly, Applicant has proposed that its rate sheets contain a purchased gas cost adjustment provision applicable to its sale of liquefied petroleum gas. Such purchased gas cost adjustment clause is also shown on the hereinabove described proposed revision of Applicant's rate schedules.

(5) The rate increase proposed by Applicant is reasonable, just and proper and good cause has been shown to permit the same to go into effect concurrently with the increased cost of gas to Applicant referred to above.

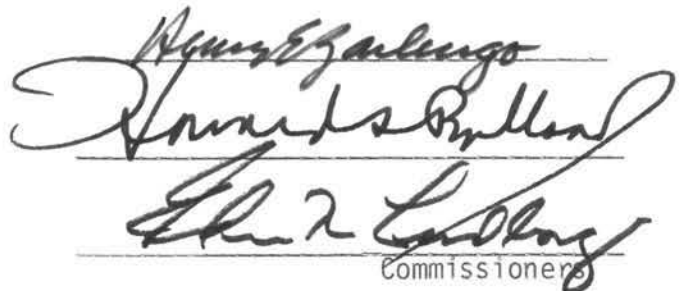
O R D E R

THE COMMISSION ORDERS THAT:

Applicant be, and hereby is, authorized to file the proposed rate increase for its sale of liquefied petroleum in the community of Colorado City together with the proposed amendment to its tariff respecting purchased fuel cost adjustment, which rate increase and tariff amendment shall become effective on or after December 28, 1970, upon not less than one (1) day's notice.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GRAND COUNTY LAND FILL AND TRASH)	APPLICATION NO. 24477
REMOVAL, INC., A COLORADO CORPO-)	
RATION , BOX 465, GRAND LAKE,)	RECOMMENDED DECISION OF
COLORADO, FOR A CERTIFICATE OF)	<u>CHRISTIAN O. IGENBERGS,</u>
PUBLIC CONVENIENCE AND NECESSITY TO)	<u>EXAMINER,</u>
OPERATE AS A COMMON CARRIER BY MOTOR)	
VEHICLE FOR HIRE.)	

December 23, 1970

Appearances: Jon K. Mulford, Esq.,
Granby, Colorado,
for Applicant.
Wallace A. Christiansen,
Granby, Colorado,
Protestant, pro se.

PROCEDURE AND RECORD

Under date of July 28, 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. 24477 to the application and gave notice on August 5, 1970, to all interested persons, firms, or corporations of the filing of the application.

On August 26, 1970, Wallace A. Christiansen filed a Protest to the granting of the authority as applied for.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on the within application and set the matter for hearing to be held in the District Court, Courthouse, Hot Sulphur Springs, Colorado, on December 7, 1970 at 10 a.m. The hearing was held at the aforesaid time and place.

Marvin Leo Fischer, Beret J. Wheatley, Steward Dennett, Linneaus Marshall Drown, Harlan Daniel, Ross Wright, Don Fulk, and J. Jenkins testified in support of the application. Wallace A. Christiansen testified in protest of the granting of the application.

Official notice was taken of the following documents on file with the Commission, to-wit: Articles of Incorporation, Financial Statement, and List of Equipment of Applicant corporation, and a Map of the Area and Routes to be used.

Exhibits 1 and 2 were tendered and admitted into evidence.

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

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

FINDINGS OF FACT

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

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant in this matter proposes to operate a public utility as defined in Chapter 115, CRS 1963, as amended.
3. Applicant requests the granting of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation of refuse, trash, garbage, and other household and industrial solid wastes from a portion of the County of Grand, State of Colorado, located within

Townships 2, 3, 4, and 5 North, Ranges 75, 76, and 77 West, of the Sixth Principal Meridian.

4. This Commission has jurisdiction over the Applicant and the subject matter of these proceedings.

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

6. Protestant failed to show that the granting of the authority as applied for would impair or be substantially detrimental to the performance of his present services.

7. Applicant 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.

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

9. The Applicant seeks authority to serve as a common carrier by motor vehicle for hire within a territory which includes the westerly portion of the United States Rocky Mountain National Park west of the Continental Divide. This Commission has no jurisdiction and cannot regulate motor carrier services within the boundaries of the said Park, a Federal enclave. The National Parks Service, an agency of the United States Department of the Interior, however, is in need of the services of motor carriers for hire in order to remove the accumulated ash, trash, and other refuse from within the Park and therefore contracts with carriers for such services. The refuse is collected within the Park and then removed for dumping outside the confines of the Park. At the very moment when the

carrier crosses the boundary of the Park and enters upon a public highway located outside the Park and within the State of Colorado, jurisdiction of this Commission attaches to the subsequent move to the disposal site. It is therefore mandatory that this Commission abstain from the granting of authority to motor carriers for hire to perform transportation services within the boundaries of the United States Rocky Mountain National Park. On the other hand, it is equally mandatory that this Commission assume jurisdiction over all transportation services from the point where the carrier crosses the boundary of the Park outbound and enters upon a public highway located within the State of Colorado.

10. There is a present and special need for the service as proposed by Applicant.

11. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

12. The authority as 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 Protest of Protestant Wallace A. Christiansen should be, and hereby is, 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 Grand County Land Fill and Trash Removal, Inc., a Colorado corporation, Box 465, Grand Lake, Colorado, be, and hereby is,

authorized to operate as a common carrier by motor vehicle for hire for the following:

"Ash, trash, and other refuse

From the United States Rocky Mountain National Park and from all points within that portion of the County of Grand, State of Colorado, lying within Townships 2, 3, 4, and 5 North, Ranges 75, 76, and 77 West of the Sixth Principal Meridian, to designated and approved dumps and disposal sites located within the County of Grand, State of Colorado";

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

2. That Applicant shall 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.

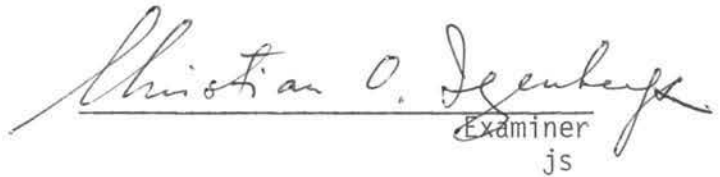
3. That this Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

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. 76514)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARLTON L. FARR, ROUTE 2, BOX 84,)
SEDALIA, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24692-PP

ORDER OF THE COMMISSION

December 23, 1970

Appearances: Carlton W. Souder, Sedalia,
Colorado, for Applicant.

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

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

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of 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 Carlton L. Farr, Route 2, Box 87, Sedalia, 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 twenty-five (25) miles of said forests;

(2) Rough lumber

From sawmills within a twenty-five (25) mile radius of forests to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

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

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

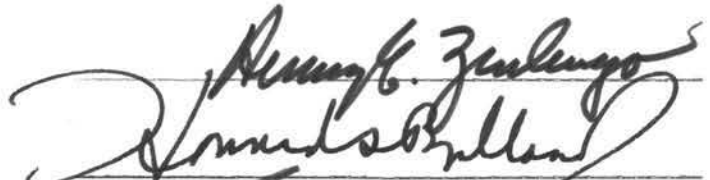
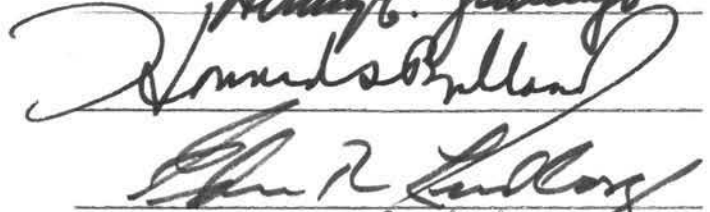
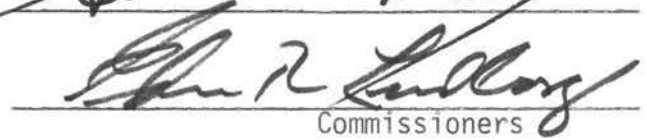
That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

gjs

(Decision No. 76515)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WAYNE COWAN, ROUTE 4, BOX 134,)	APPLICATION NO. 24690-PP
GOLDEN, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

December 23, 1970

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

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

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of 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 Wayne Cowan, Route 4, Box 134, Golden, 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 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 Permit is restricted as follows:

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

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

gjs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE P. CASTOR AND MELVIN CASTOR,)
DOING BUSINESS AS "CONTRACT LOGGING,")
BOX 393, DOLORES, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24675-PP

ORDER OF THE COMMISSION

December 23, 1970

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

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

IT IS ORDERED, That George P. Castor and Melvin Castor, doing business as "Contract Logging," Box 393, Dolores, Colorado, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

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


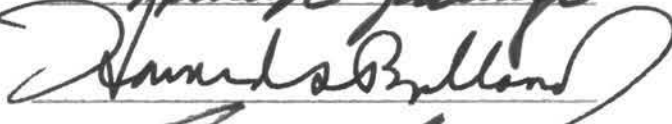

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

gjs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN L. STANLEY, GREGORY L. STANLEY)
AND JOHN R. STANLEY, DOING BUSINESS)
AS "JOHN STANLEY & SONS," BIG)
SPRINGS, NEBRASKA, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24642-PP

ORDER OF THE COMMISSION

December 23, 1970

It appearing, That by Order of the Commission dated November 12, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

IT IS ORDERED, That John L. Stanley, Gregory L. Stanley and John R. Stanley, doing business as "John Stanley & Sons," Big Springs, Nebraska, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

Sugar beets

Between all points within an area comprised of Phillips, Sedgwick, and Logan Counties, State of Colorado.

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

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


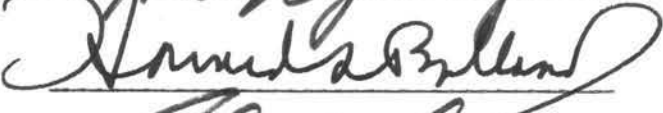

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

gjs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ELWARD L. LATHAM, P. O. BOX 448,)	APPLICATION NO. 24674-PP
CORTEZ, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

December 23, 1970

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

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

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of 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 Elward L. Latham, P. O. Box 448, Cortez, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

(a) Against town-to-town service.

(b) To serving not more than ten (10) customers at any one time."

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

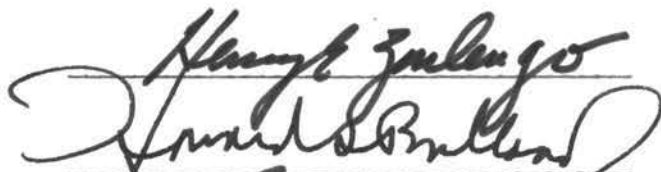

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

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

gjs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE A. MARTINEZ, DOING BUSINESS AS)
"JOE A. MARTINEZ AND SONS," RFD, BOX)
154, ANTONITO, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24252-PP
SUPPLEMENTAL ORDER

December 23, 1970

Appearances: George Woodard, Esq.,
Alamosa, Colorado,
for Applicant;
Elizabeth A. Conour, Esq.,
Del Norte, Colorado, for
Fred T. Gibson, doing business
as Gibson Truck Line, Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 24, 1970, Recommended Decision No. 75451 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 operating rights to bear the number "B-5509".

Said Applicant has failed to comply with requirements set forth in said Decision No. 75451, having failed to file a certificate of insurance covering cargo, a tariff, C.O.D. bond and pay the issuance fee.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 75451, operating rights granted thereby should be revoked as set forth in the Order following.

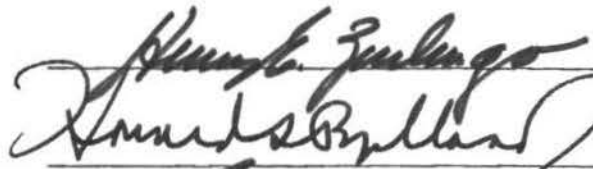
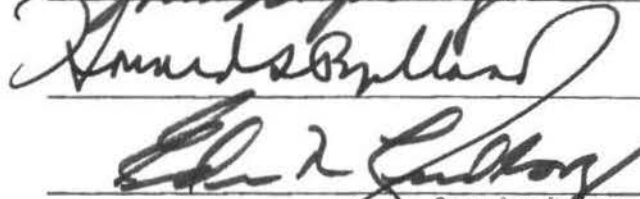

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Joe A. Martinez, doing business as "Joe A. Martinez and Sons," Antonito, Colorado, by Decision No. 75451 be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 75451.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALKIE & SONS, LTD., A COLORADO)
CORPORATION, 3330 EAST 54TH AVENUE,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24462-PP

December 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 20, 1970, Walkie & Sons, Ltd., a Colorado corporation, the Applicant herein, filed this application for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire.

On December 17, 1970, Applicant's attorney, John P. Thompson, informed the Commission by letter that Applicant no longer desires to pursue its application and requests that the application be dismissed.

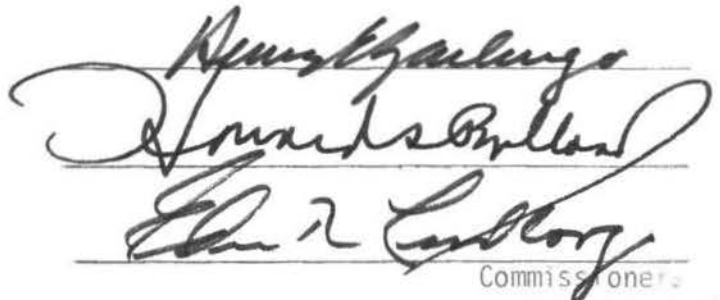
Considering the letter received from Applicant's attorney, it appears proper to the Commission that the instant application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 24462-PP be, and the same hereby is, dismissed.
This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
3rd day of December, 1970.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES E. SCHOLL, DOING BUSINESS AS)
"SCHOLL OIL AND TRANSPORTATION CO.,")
EAST HIGHWAY 6, P. O. BOX 148,)
HOLYOKE, COLORADO, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS)
TO SCHOLL OIL & TRANSPORTATION)
COMPANY, A CORPORATION, EAST HIGHWAY)
6, P. O. BOX 148, HOLYOKE, COLORADO.)

PUC NO. 1018-I - Transfer

December 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, James E. Scholl, doing business as "Scholl Oil and Transportation Co.," Holyoke, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 1018-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holder now seeks authority to transfer said PUC No. 1018-I to Scholl Oil & Transportation Company, a corporation, Holyoke, Colorado.

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

O R D E R

THE COMMISSION ORDERS:

That James E. Scholl, doing business as "Scholl Oil and Transportation Co.," Holyoke, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 1018-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Scholl Oil & Transportation Company, a corporation, Holyoke, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MILDRED TREMAINE, DOING BUSINESS AS)	
"TREMAINE TAXI SERVICE," 509 NORTH)	
6TH STREET, ROCKY FORD, COLORADO,)	<u>APPLICATION NO. 24453</u>
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO OPERATE AS A COMMON)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
-----)	

December 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 8, 1970, the above-styled application was filed with this Commission and after due and proper notice to all interested parties was set for hearing at 10 o'clock a.m., Thursday, December 10, 1970, in the District Court Room, Court House, La Junta, Colorado.

On December 10, 1970, Applicant filed with the Commission a letter requesting withdrawal of application.

The Commission finds that the Application should be permitted to be withdrawn and the hearing vacated.

O R D E R

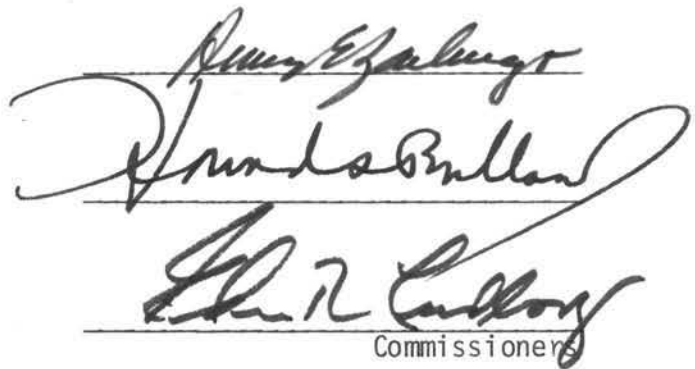
THE COMMISSION ORDERS:

1. That Application No. 24453, be, and hereby is, permitted to be withdrawn.

2. That the hearing with regard to the above-styled application scheduled for Thursday, December 10, 1970, at 10 o'clock a.m., in the District Court Room, Court House, La Junta, Colorado, be, and hereby is, vacated.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ERNIE A. SCHADE AND J. DEAN SIMONSON,)
DOING BUSINESS AS "PROFESSIONAL)
BUILDING MOVERS," 1515 WEST 17TH STREET,) APPLICATION NO. 24554-Transfer
PUEBLO, COLORADO, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO. 2100) SUPPLEMENTAL ORDER
TO ERNIE A. SCHADE, DOING BUSINESS AS)
"PROFESSIONAL BUILDING MOVERS,")
1515 WEST 17TH STREET, PUEBLO, COLORADO.)

December 23, 1970

Appearances: John H. Lewis, Esq., Denver, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT
BY THE COMMISSION:

On November 5, 1970, the Commission entered Decision No. 76171 authorizing transfer of PUC No. 2100 from Ernie A. Schade and J. Dean Simonson, doing business as "Professional Building Movers," Pueblo, Colorado, to Ernie A. Schade, doing business as "Professional Building Movers," Pueblo, Colorado.

On August 22, 1969, the Commission entered Decision No. 73374 authorizing Ernie A. Schade and J. Dean Simonson, doing business as "Professional Building Movers," to encumber PUC No. 2100 to Robert E. Boyce to secure payment of the indebtedness in the sum of \$45,000.00.

The Commission is now in receipt of a communication from John H. Lewis, Attorney for Applicants, wherein Ernie A. Schade, doing business as "Professional Building Movers," Pueblo, Colorado, seeks authority to encumber PUC No. 2100 to Robert E. Boyce to secure payment of the indebtedness in the sum of \$45,000.00, in accordance with the terms and conditions of Security Agreement and Financing Statement

and Installment Note, dated October 15, 1970, which cancels a similar agreement dated July 9, 1969, and properly filed with the Commission, in accordance with the statutory provisions of the Uniform Commercial Code.

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

O R D E R

THE COMMISSION ORDERS:

That encumbrance of PUC No. 2100 authorized by Decision No 73374, dated August 22, 1969, be, and the same hereby is, released.

That Ernie A. Schade, doing business as "Professional Building Movers," be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 2100, authorized by Decision No. 76171, dated November 5, 1970, to Robert E. Boyce, to secure payment of the indebtedness in the sum of \$45,000.00 as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
B & M SERVICE, INC., P. O. BOX 188,) PUC NO. 4449, PUC NO. 3133-I
RANGELY, COLORADO.) PERMIT NO. B-3897

December 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

B & M Service, Inc., a Colorado corporation, owner and operator of PUC No. 4449, PUC No. 3133-I, and Permit No. B-3897, herein seeks authority to encumber said Certificate and Permit to The Central Bank & Trust Co., Denver, Colorado, to secure payment of the indebtedness in the sum of \$65,000.00, in accordance with the certain terms and conditions as set forth in copies of Security Agreement and Financing Statement, dated October 12, 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


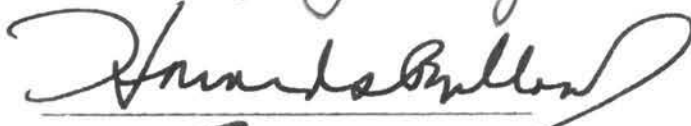

THE COMMISSION ORDERS:

That B & M Service, Inc., a Colorado corporation, be, and hereby is, authorized to encumber all right, title and interest in and

to PUC No. 4449, PUC No. 3133-I, and Permit No. B-3897 to The Central Bank & Trust Co., Denver, Colorado, to secure payment of the indebtedness in the sum of \$65,000.00, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VENCES A. TRUJILLO, 533 HURT, BOX)
362, CENTER, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24473-PP
SUPPLEMENTAL ORDER

December 23, 1970

Appearances: Vences A. Trujillo, Center,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 8, 1970, the Commission entered Decision No. 75817 in the above-styled application, granting to Applicant 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. 75817, having failed to file certificate of insurance covering public liability and property damage and cargo, a tariff, C.O.D. Bond and pay the issuance fee.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 75817 operating rights granted thereby should be revoked as set forth in the Order following.

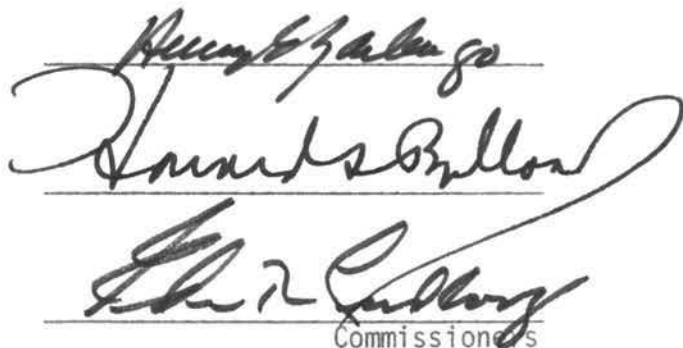
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Vences A. Trujillo, Center, Colorado, by Decision No. 75817 be, and the same hereby are, revoked, for failure of Applicant to comply with requirements set forth in said Decision No. 75817.

This Order shall become effective twenty-one days from date

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD A. GRANDBOIS, 3130 SOUTH)
HOLLY PLACE, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24528

December 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 1, 1970, the above-styled application was filed with this Commission seeking authority for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire.

On December 21, 1970, Applicant by its attorney, Forrest S. Blunk, filed with the Commission a request for withdrawal of application.

The Commission finds that the application should be permitted to be withdrawn.

O R D E R


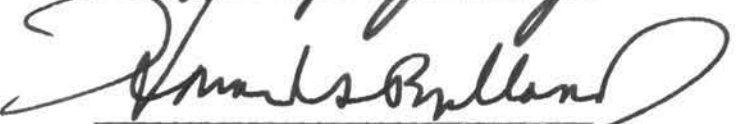

THE COMMISSION ORDERS:

1. That Application No. 24528, be, and hereby is, permitted to be withdrawn.
2. That the hearing with regard to the above-styled application scheduled for Thursday, January 7, 1971, at 10 o'clock a.m., in

the Hearing Room of the Commission, 500 Columbine Building, 1845
Sherman Street, Denver, Colorado, be, and hereby is, vacated.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

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

(Decision No. 76527)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

RICHARD BENSBERG)
323 East Costillo)
Colorado Springs, Colo. 80903)

AUTHORITY NO. M 14148

CASE NO. 6334-M-Ins.

December 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

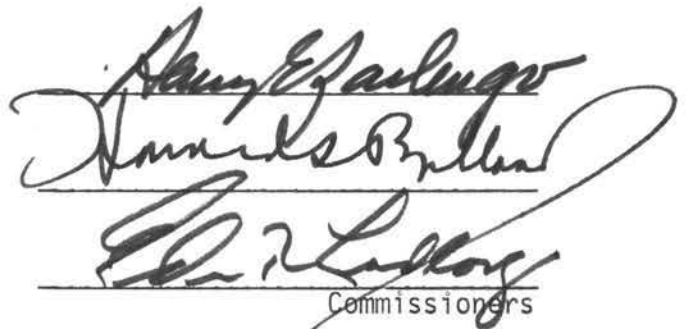
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL LIMOUSINE SERVICE, INC., 1421)
COURT PLACE, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24122
RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

December 23, 1970

Appearances: Robert S. Wham, Esq.,
Denver, Colorado,
for Applicant.
Lloyd C. Espinosa and
Dalton O. Ford,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

Under date of December 17, 1969, Applicant filed the above-entitled application with this Commission for a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned No. 24122 to the application and gave notice on December 23, 1969, to all interested persons, firms or corporations of the filing of the application.

On January 15, 1970, Little Percent Taxi, Inc., a common carrier by motor vehicle for hire, through and by its attorney, David Butler, Esq., filed a Petition to Intervene in the within matter. On February 3, 1970, under Decision No. 74271, the Commission granted the Petition to Intervene by the aforesaid Intervenor. On February 13, 1970, the Commission set the within matter for hearing before the Commission on Wednesday, April 1, 1970, at 10 a.m. in the Hearing Room of the Commission in Denver, Colorado. On March 3, 1970, the Staff of the Public Utilities Commission filed its

Notice of Participation in the above-entitled matter. On March 24, 1970, upon request of counsel for Applicant, the Commission vacated the aforesaid hearing date with the proviso that the hearing be reset at a later date upon request of Applicant. On June 30, 1970, the Commission, under Decision No. 75267, ordered that the application herein be dismissed unless written request for hearing shall be received by the Commission on or before July 10, 1970. On July 7, 1970, counsel for Applicant petitioned this Commission for a hearing date to be set in the within matter. On August 26, 1970, the Commission set the hearing to be held on Wednesday, December 16, 1970, at 10 a.m. in the District Court, Courthouse, Breckenridge, Colorado. On September 9, 1970, the Commission vacated the aforesaid hearing date and reset it to be held on Thursday, November 19, 1970, at 10 a.m. in the Hearing Room of the Commission in Denver, Colorado. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing in the within matter. The hearing was held at the aforesaid time and place. Intervenor Little Percent Taxi, Inc., did not appear at the hearing.

Gordon F. Autry, Curtis E. Burton, Steven M. Onstad, and Richard A. Parker testified in support of the application.

Exhibits 1 through 9, inclusive, were tendered and admitted into evidence.

Counsel for Applicant requested leave to file an Income Statement and a Balance Sheet of Applicant as late-filed exhibits. The request was granted by the Examiner and the said Statement and Balance Sheet were duly filed with the Commission on December 17, 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, Vail Limousine Service, Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado and is a wholly-owned subsidiary of Rocky Mountain Airways, Inc., a common carrier by aircraft.

2. By this application, Applicant seeks authority from this Commission to conduct operations by motor vehicle for hire in limousine service for the transportation of passengers and their baggage to and from the Eagle County Airport on the one hand, from and to Sardy Field, Aspen, Colorado, on the other hand, via U.S. Highway No. 6-24 and Colorado Highway No. 82, restricted to carriage of passengers with prior or subsequent passage from or to the Eagle County Airport via Rocky Mountain Airways, Inc., or Rocky Mountain Aviation, Inc., such limousine service to be provided on a call and demand basis.

3. Applicant in this matter proposes to operate as a public utility, as defined in Chapter 115, CRS 1963, as amended.

4. This Commission has jurisdiction over said Applicant and the subject matter of these proceedings.

5. Applicant holds Certificate of Public Convenience and Necessity PUC No. 6808 granted by this Commission under Decision No. 68515, which does not duplicate or conflict with the authority sought in the subject application.

6. Intervenor, Little Percent Taxi, Inc., did not appear at the hearing and did not prosecute its case.

7. Rocky Mountain Airways, Inc., the parent company of Applicant herein, holds authority from this Commission to transport passengers by aircraft both to and from the Eagle County Airport in Eagle, Colorado, and Sardy Field, at Aspen, Colorado. Sardy Field at Aspen, Colorado, has less facilities than the Eagle County Airport, does not provide landing and take-off lights at nighttime and is located at a rather difficult and confined terrain; whereas, Eagle County Airport offers sufficient facilities and is located at a site easier to approach and depart from. Furthermore, Sardy Field at Aspen, Colorado, more often so than the Eagle County Airport, is clouded out or difficult to approach in inclement weather. In such instances, Rocky Mountain Airways diverts flights scheduled from Denver and other points in Colorado to Aspen, Colorado, and lands the aircraft at the Eagle County Airport. Conversely, when Sardy Field at Aspen is closed due to inclement weather, flights scheduled to depart from said airport depart from the Eagle County Airport instead.

8. When flights are diverted from Sardy Field at Aspen, Colorado, to the Eagle County Airport, incoming or departing passengers arrive or depart from the Eagle County Airport.

9. Little Percent Taxi, Inc., holds authority from this Commission to transport passengers between Aspen, Colorado, and the Eagle County Airport but, at the present, does not offer such services in a consistent manner.

10. Applicant 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.

11. The chief corporate officers as well as the employees of Applicant 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.

12. There is a present and special need for the service as proposed by Applicant.

13. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth.

14. The authority as applied for will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by Applicant should be granted and added as a second paragraph to Certificate of Public Convenience and Necessity PUC No. 6808, 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 Vail Limousine Service, Inc., a Colorado corporation, 1421 Court Place, Denver, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

"Transportation, on call and demand, of passengers and their baggage, between the Eagle County Airport near Eagle, Colorado, on the one hand, and Sardy Field near Aspen, Colorado, on the other hand, restricted, however, to the use of vehicles having a rated seating capacity of not less than seven (7) nor more than thirty-eight (38) passengers including the driver, and to the transportation of passengers having prior or subsequent passage to or from said Eagle County Airport via flights of Rocky Mountain Airways, Inc."

2. That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 6808 shall read and be as follows, to-wit:

"(1) Transportation -- on schedule in limousine service --
of

Passengers and their baggage

Between the Eagle County Airport, near Eagle, Colorado, and the municipalities of Eagle and Vail Village, Colorado.

RESTRICTION:

Item (1) of this Certificate is restricted to the use of vehicles having a rated seating capacity of not less than seven (7) nor more than eleven (11) passengers including the driver.

(2) Transportation -- on call and demand -- of

Passengers and their baggage

Between the Eagle County Airport, near Eagle, Colorado, on the one hand, and Sardy Field, near Aspen, Colorado, on the other hand.

RESTRICTIONS:

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

(a) To the use of vehicles having a rated seating capacity of not less than seven (7) nor more than thirty-eight (38) passengers including the driver.

(b) To the transportation of passengers having prior or subsequent passage to or from said Eagle County Airport via flights of Rocky Mountain Airways, Inc.";

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

2. That Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

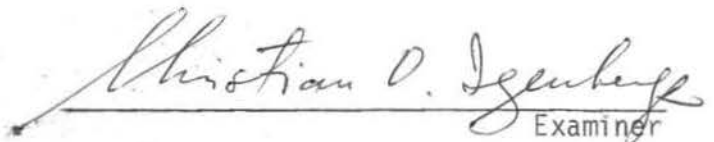
3. That Applicant shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

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

5. 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
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

VERNON C. ROWLEY DBA)
VERNON C. ROWLEY TRUCKING CO.)
274 NORTH, 3RD WEST)
BLANDING, UTAH 84511)

AUTHORITY NO. 2465-I
CASE NO. 2510-H-Ins.

December 29, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 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.

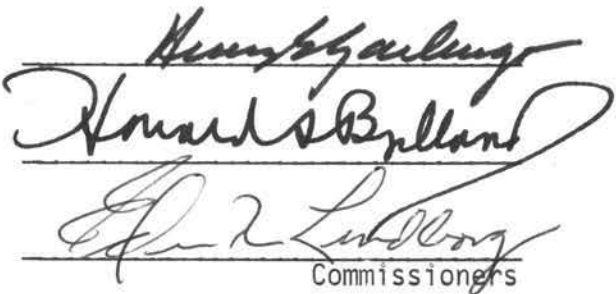
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

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 29th day of December, 1970 .

(Decision No. 76530)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES P. GROSSO, JR., DOING BUSINESS)
AS "A-1 TRANSFER & STORAGE CO.,")
P. O. BOX 1636, PUEBLO, COLORADO,)
FOR AUTHORITY TO LEASE CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3427 TO THACKER BROS.)
TRANSPORTATION, INC., 240 SOUTH)
SANTA FE AVENUE, PUEBLO, COLORADO.)

APPLICATION NO. 24626-Lease

ORDER OF THE COMMISSION

December 24, 1970

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicants

It appearing, That by Order of the Commission dated October 28, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

IT IS ORDERED, That James P. Grosso, doing business as "A-1 Transfer & Storage Co.," P. O. Box 1636, Pueblo, Colorado, be, and is hereby, authorized to lease all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3427 to Thacker Bros. Transportation, Inc., 240 South Santa Fe Avenue, Pueblo, Colorado, in accordance with the terms and conditions of the Agreement of Lease, dated March 1, 1970, and by reference made a part hereof.

That the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3427, as herein authorized to be leased, shall be as follows, to wit:

"Conduct of a general cartage business from point to point within the City of Pueblo, Colorado.

Equipment not to exceed rated capacity of one and one-half tons."

That said lease shall be effective for a period of three (3) years from the effective date of this Order.

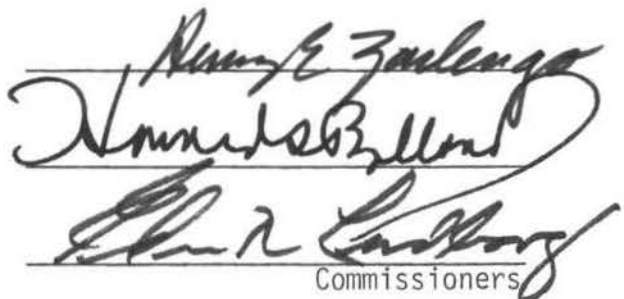
That the tariff of rates, rules, and regulations of Lessor

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

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

That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 24th day of December, 1970.
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CHARLES SCHMALZ, ROUTE 2, DELTA,)	APPLICATION NO. 24644-PP
COLORADO, FOR AUTHORITY TO OPERATE)	
AS A CLASS "A" CONTRACT CARRIER)	ORDER OF THE COMMISSION
BY MOTOR VEHICLE.)	

December 24, 1970

It appearing, That by Order of the Commission dated November 12, 1970, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

IT IS ORDERED, That Charles Schmalz, Route 2, Delta, 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

From Montrose, Colorado, to Silverton, Colorado, over U.S. Highway No. 550 serving all intermediate points and the off-route point of Ridgeway, Colorado.

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

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


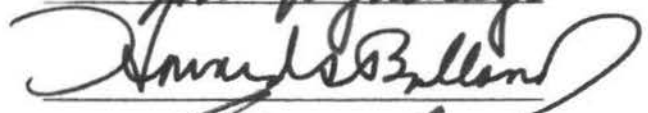

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of December, 1970.
js

(Decision No. 76532)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL LIMOUSINE SERVICE, INC., 1421)
COURT PLACE, DENVER, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24122-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

December 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 the lack of available public transportation
service during a peak period in the ski season.

And it further appearing, That said circumstances constitute an
emergency requiring the immediate issuance of temporary authority.

It is ordered, That Vail Limousine Service, Inc., 1421 Court
Place, Denver, Colorado, be, and is hereby, granted emergency temporary
authority for a period of fifteen (15) days commencing December 23, 1970,
as a common carrier by motor vehicle, for the

"Transportation -- on call and demand -- of

Passengers and their baggage

Between the Eagle County Airport near Eagle, Colorado, on the
one hand and Sardy Field near Aspen, Colorado, on the other hand.

RESTRICTION: This emergency temporary authority is restricted as
follows:

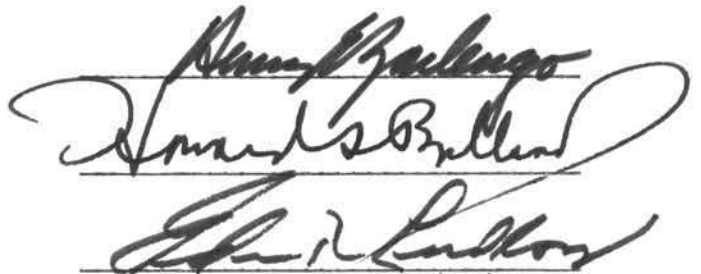
- (a) To the use of vehicles having a rated seating capacity of not less than seven (7) nor more than thirty-eight (38) passengers including the driver.
- (b) To the transportation of passengers having prior or subsequent passage to or from said Eagle County Airport via flights of Rocky Mountain Airways, Inc.";

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 December, 1970.
cj

(Decision No. 76533)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: COMMON CARRIER OPERATIONS OF)
RESPONDENT, M. DALE BOOK, DOING)
BUSINESS AS "BOOK TRUCK LINE,")
5600 EAST PIKES PEAK, COLORADO)
SPRINGS, COLORADO, UNDER CERTIFI-)
CATES OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 420. PUC NO.)
420-I, AND PUC NO. 6338.)

CASE NO. 5435

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERG\$,
EXAMINER.

December 24, 1970

Appearances: Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

Oscar E. Franz, Denver, Colorado,
of the Staff of the Commission.

Marion F. Jones, Esq., Denver, Colorado,
for Respondent.

PROCEDURE AND RECORD

Under date of June 23, 1970, the Commission entered its Decision No. 75143 which, after calling attention to an investigation by the Staff of the Commission relating to the motor vehicle operations of Respondent, M. Dale Book, doing business as "Book Truck Line" (hereinafter referred to as Respondent), found that sufficient cause existed for the holding of a hearing to determine whether or not Respondent had, in fact, as the Lessee and operator of Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338, engaged in transportation practices in violation of the Public Utilities Law, the Rules and Regulations of the Commission, and the public policy of the State of Colorado in the following respect, to-wit:

"by repeated instances of transportation being performed that are outside of the scope of authority granted by the above-cited Certificates that are contrary to Rule 6 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire."

The Commission, in said Decision No. 75143, ordered that the Case be set for hearing before the Commission in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m., on August 14, 1970, and directed Respondent, M. Dale Book, doing business as "Book Truck Line," to appear before the Commission at said time and place to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including, but not limited to, a cease and desist order, or, if warranted, an order cancelling and revoking Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338.

The Commission assigned Docket No. 5435 to the Case.

Upon request by Respondent, the Commission, on August 11, 1970, reset the within matter for hearing on September 9, 1970, at 10 a.m., in the Hearing Room of the Commission, in Denver, Colorado. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on the within matter.

On September 9, 1970, the Case came to hearing before Examiner Igenbergs at which time Respondent, M. Dale Book, appeared before the Examiner and moved for the Case to be continued and, as grounds for such continuance, stated that he desired to retain counsel and prepare his defense. The Examiner granted the Motion and continued the hearing to November 16, 1970, at 10 a.m. in the Hearing Room of the Commission in Denver, Colorado. The hearing was held at the aforesaid time and place.

At the hearing, the respective counsel for Staff and for Respondent entered into a Stipulation. The Stipulation provides, in essence, as follows, to-wit:

Respondent admits that the carriage as shown in Staff Exhibits 5 and 7 has been performed; the parties further stipulate that the last six shipments as described and stated on page 3 of Staff Exhibit 5 have been hauled in violation and outside the authority granted to Respondent by this Commission; that there is a dispute with regard to the shipments as shown in Staff Exhibit 7 and that it is questionable whether this carriage was performed within or beyond the scope of authority of Respondent and that the records of Respondent are kept in such a way and manner that the dispute cannot be accurately determined or resolved; that Respondent agrees and will henceforth keep adequate records which would clearly

show the actual starting and ending points of the carriage performed; that Respondent will file with this Commission an application for clarification of his Certificates of Public Convenience and Necessity PUC No. 420 and PUC No. 420-I within sixty (60) days from the date of hearing in the within matter; that M. Dale Book, if called to testify in the within case, would so testify and admit that certain shipments as shown in Staff Exhibit 5 were knowingly transported by Respondent beyond his scope of authority, that Respondent realizes the error of his ways, will not repeat such actions in the future and will confine his operations within the scope of the authority granted by Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338.

The aforesaid Stipulation was accepted by the Examiner.

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

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

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

FINDINGS OF FACT

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

1. Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338 were originally granted to one W. R. Book and leased to M. Dale Book, doing business as "Book Truck Line," Respondent herein, with Commission approval under Decisions No. 57862 and No. 66564, respectively.

2. Respondent is the Lessee and operator of Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338, which authorize Respondent to conduct certain transportation operations as a common carrier by motor vehicle for hire for the following, to-wit:

PUC NO. 420 AND PUC NO. 420-I:

"Transportation, on call and demand, of:

Over irregular routes, farm produce, including livestock, farm equipment and supplies, including household goods, between points within an area extending thirty (30) miles north, east and west, and twenty (20) miles south of Darval, Colorado, and from and to points in said area, to and from points within a one-hundred-fifty (150) mile radius of Karval, Colorado;

transportation, on call and demand, of livestock to and from Limon, Colorado, from and to all points within a radius of 150 miles of Limon, Colorado;

transportation of freight between points within an area extending 15 miles north, 35 miles south, 10 miles east, and 30 miles west of Rush, Colorado, and from and to points in said area, to and from points in Colorado,

save and except that applicant shall not be authorized to transport any freight originating in or destined to Denver, except livestock and farm produce, from that portion of the above-described territory within an area 10 miles south of Highway No. 24, commencing at a point 10 miles south of Calhan and extending northeasterly to the eastern boundary line of area applicant is authorized to serve;

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

PUC No. 6338

"Transportation of livestock, from point to point within the area described as:

'Beginning at Ellicott, thence east to a point 50 miles east of Colorado Springs, thence south 35 miles, thence west 100 miles, thence north to a point due west of Larkspur, thence east to Cherry Creek, thence south to a point 3 miles south of Falcon, thence east to a point 3 miles due north of Ellicott, thence south to Ellicott, and from and to points in said area, to and from all points within the State of Colorado.

excluding, however, the right to transport livestock in competition with the service then authorized to be performed under Certificate of Public Convenience and Necessity of Verne S. Perinne.'"

3. The Staff of the Commission has conducted an investigation concerning the motor vehicle operations of Respondent in the months of January and February, 1970, and, in the course of the investigation, it was determined that Respondent did, in fact, transport at least six

loads of livestock beyond the scope of authority held by him under Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338.

4. Respondent admits that he has in fact knowingly transported said shipments contrary to the Public Utilities Law of the State of Colorado and the Rules and Regulations of this Commission and promises that he will not repeat such illegal acts in the future.

5. Respondent has agreed to file an application for clarification of Certificates of Public Convenience and Necessity PUC No. 420 and PUC No. 420-I within sixty (60) days from the date of the hearing in the within matter.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent has violated the Public Utilities Law of the State of Colorado and the Rules and Regulations of this Commission by performing transportation services which are beyond and in excess of the authority held by Respondent from this Commission under Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338.

2. Respondent is therefore found to be in violation as complained of in the ORDER TO SHOW CAUSE AND NOTICE OF HEARING, being Decision No. 75143.

3. Said Respondent should be required to cease and desist from continuing his operations.

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 Respondent, M. Dale Book, doing business as "Book Truck Line," be, and hereby is, found to be in violation of the Public Utilities Law of the State of Colorado, the Rules and Regulations of this Commission,

and the public policy of the State of Colorado in the following respect,
to-wit:

"by performing transportation services that are outside of the scope of authority granted by this Commission under Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338."

2. That said Respondent be, and hereby is, ordered to cease and desist from so doing.

3. That the authority of Respondent, being Certificates of Public Convenience and Necessity PUC No. 420, PUC No. 420-I, and PUC No. 6338, be, and the same hereby are, revoked and cancelled as of February 1, 1971, provided, however, that in lieu of said revocation and cancellation, Respondent:

(a) Files with this Commission an application for clarification of Certificates of Public Convenience and Necessity PUC No. 420 and PUC No. 420-I on or before January 15, 1971.

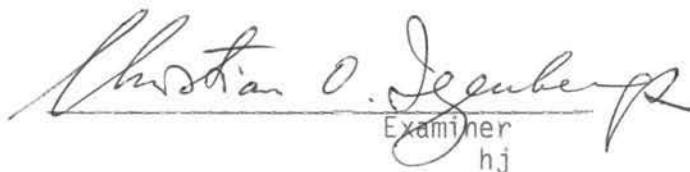
(b) In addition, pay the sum of One Thousand Dollars (\$1,000) to the Treasurer of the State of Colorado on or before February 1, 1971, for the use and benefit of the State of Colorado under and pursuant to the provisions of the Public Utilities Law of the State of Colorado.

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
hj

(Decision No. 76534)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
D-A LUBRICANT COMPANY, INC.)
West 29th St. and the Canal)
Indianapolis, Indiana 46208)

PERMIT NO. M-12219

December 22, 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 March 2, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1970.
hj

(Decision No. 76535)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
ROBERT L. COLBY DBA)
MONTROSE CARPET SHOP)
336 Main Street)
Montrose, Colorado 81401)

AUTHORITY NO. M 13546

CASE NO. 6329-M-Ins.

December 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 14, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

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

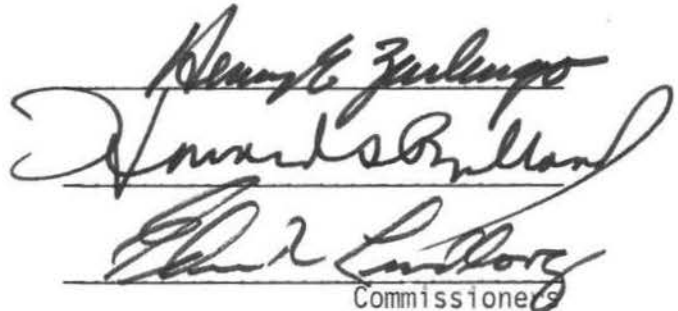
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN P. HONEKER)
6967 Lamar St.) PUC NO. 3310
Arvada, Colorado 80002)

December 24, 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.

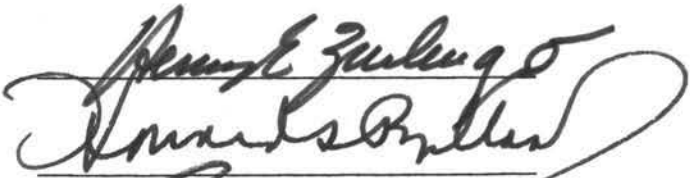
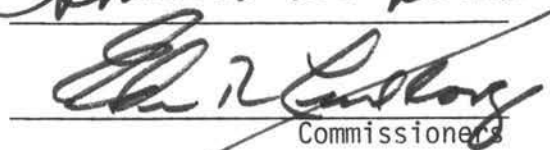
O R D E R

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 December 3, 1970 to and including June 3, 1971.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

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

(Decision No. 76537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES E. KING, dba)
E & J Hauling Company)
27 Utica Street)
Denver, Colorado 80219)

PERMIT NO. B-2906

December 24, 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.

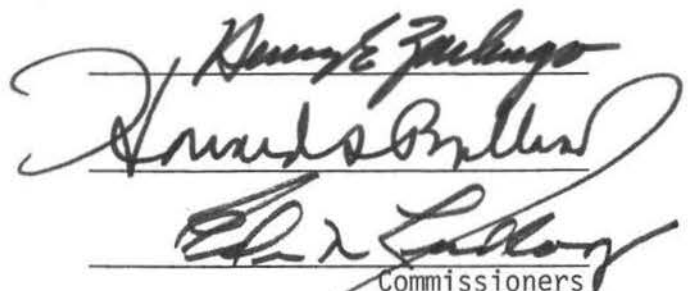
O R D E R

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 December 1, 1970 to and including June 1, 1971.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

js

(Decision No. 76538)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EBEN L. MASSEY)
2780 Uranium Road)
Grand Junction, Colorado 81501)

PERMIT NO. B-5341

December 24, 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.

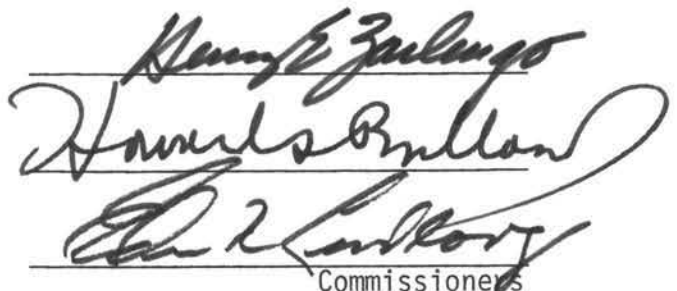
O R D E R

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 December 15, 1970 to and including June 15, 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 24th day of December, 1970.

js

(Decision No. 76539)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TED W. KEELING)
2020 Mesa Road) PERMIT NO. B-6715
Colorado Springs, Colorado 80904)

December 24, 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.

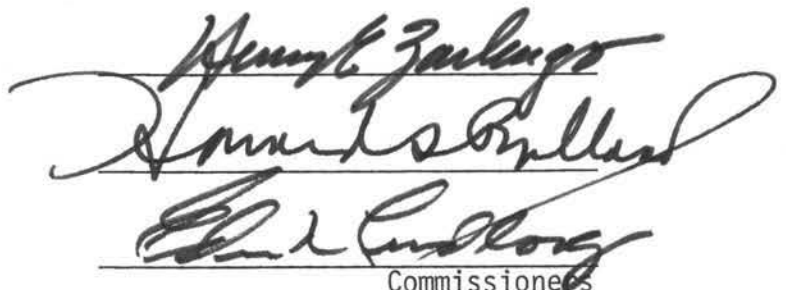
ORDER

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 November 19, 1970 to and including May 19, 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 24th day of December, 1970.

js

(Decision No.76540)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Ivan E. & Eben L. Massey, dba)
Massey Brothers) PERMIT NO. B-5520
2780 Uranium Road)
Grand Junction, Colorado 81501)

December 24, 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.

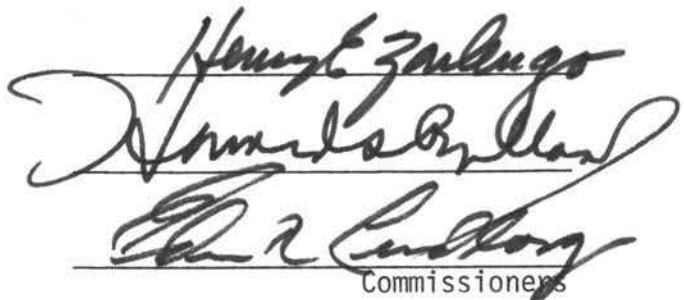
O R D E R

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 December 15, 1970 to and including June 15, 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 24th day of December, 1970.
is

(Decision No. 76541)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MAURICE J. DELOYED)
7701 Brighton Blvd.)
Henderson, Colorado 80640)

PERMIT NO. B-7300

December 24, 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.

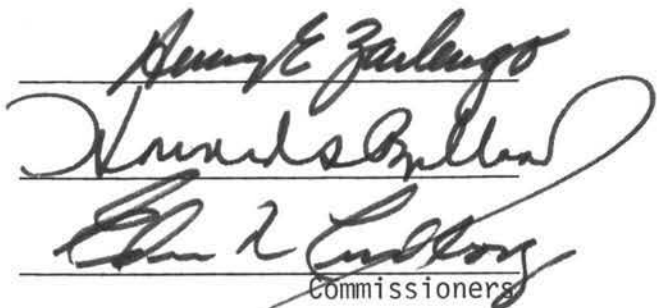
O R D E R

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 December 14, 1970 to and including June 14, 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 24th day of December, 1970.

is

(Decision No. 76542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE COWAN, ROUTE 4, BOX 134,)
GOLDEN, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24690-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

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

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

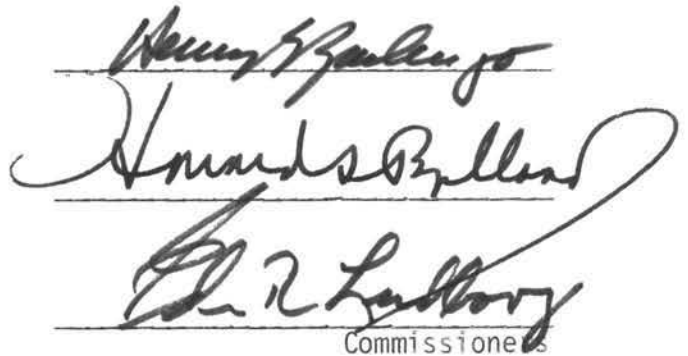
It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicant to maintain compliance
with statutory and Commission requirements shall constitute sufficient
grounds for suspension, change or revocation of the said authority;

It is further ordered, That if Applicant fails to comply
with all applicable statutory and Commission requirements, rules and

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
24th day of December, 1970. jk

(Decision No. 76542)
December 24, 1970

APPENDIX

Application No. 24690-PP-TA

Wayne Cowan
Route 4, Box 134
Golden, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

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

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 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 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. 76543)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERNON L. STONE AND RAY FISCHER,)
DOING BUSINESS AS "FISCHER EQUIPMENT)
CO.," 4595 NO. BROADWAY, BOULDER,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24683-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

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

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

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

It is further ordered, That if Applicants fail to comply

with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
24th day of December, 1970. jk

(Decision No. 76543)
December 24, 1970

APPENDIX

Application No. 24683-PP-TA

Vernon L. Stone and Ray Fischer
Doing Business As
"Fischer Equipment Co."
4595 No. Broadway
Boulder, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to 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 seventy-five (75) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of seventy-five (75) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of seventy-five (75) miles of said jobs;

(4) Insulrock

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

RESTRICTION: This 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."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON KELLER AND PHIL CRABLE, DOING)
BUSINESS AS "CROWN MOUNTAIN TRUCKING)
CO.," 6290 QUAIL STREET, ARVADA,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24688-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

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


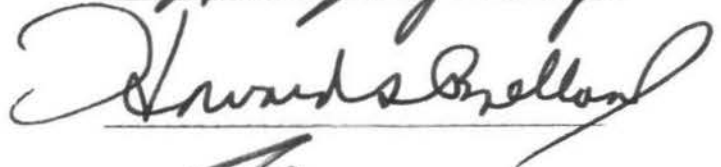

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
Applicants have received notice in writing from the Commission that
compliance has been effected and service may be instituted.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado, this
24th day of December, 1970. jk

(Decision No. 76544)
December 24, 1970

APPENDIX

Application No. 24688-PP-TA

Don Keller and Phil Crable
Doing Business As
"Crown Mountain Trucking Co."
6290 Quail Street
Arvada, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

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

"Transportation of

- (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;

(Decision No. 76545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON KELLER & PHIL CRABLE, DOING)
BUSINESS AS "CROWN MOUNTAIN TRUCKING)
CO.," 6290 QUAIL STREET, ARVADA,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24688-PP

ORDER OF THE COMMISSION

December 24, 1970

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

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

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

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

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for

Applicants' transportation services as hereinafter ordered;

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

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

IT IS ORDERED, That Don Keller & Phil Crable, doing business as "Crown Mountain Trucking Co.," 6290 Quail Street, Arvada, Colorado, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting

road-surfacing materials.

- (b) To serving not more than ten (10) customers at any one time."

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

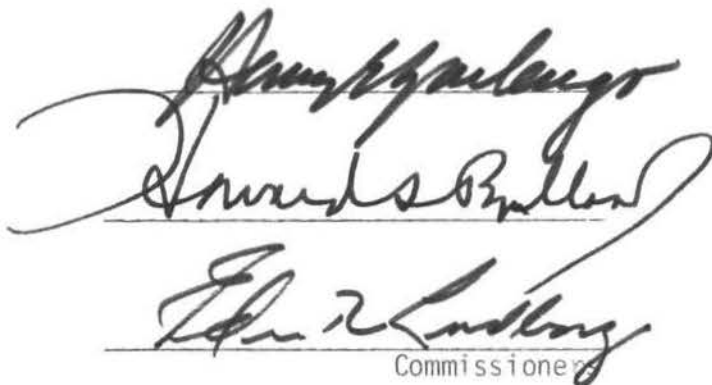
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
24th day of December, 1970. jk

(Decision No. 76546)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WASTE TRANSPORT CO., 3703 WEST 80TH)
DRIVE, WESTMINSTER, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24691-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 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.


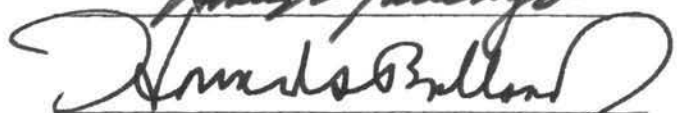
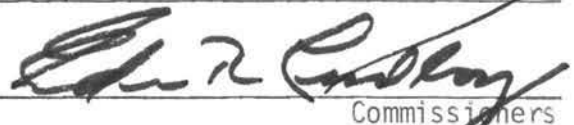
It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

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 December, 1970.
vjr

(Decision No. 76546)
December 24, 1970

APPENDIX

Application No. 24691-TA

Waste Transport Co.
3703 West 80th Drive
Westminster, 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 of

Waste fluids

Between all points within the State of Colorado.

RESTRICTION: This Certificate is restricted to the use of only tank vehicles."

(Decision No. 76547)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DENVER TRAMWAY CORPORATION, 350)	
SOUTH SANTA FE DRIVE, DENVER, COLO-)	APPLICATION NO. 24676-TA
RADO, FOR TEMPORARY AUTHORITY TO)	<u>ORDER GRANTING TEMPORARY AUTHORITY</u>
EXTEND OPERATIONS UNDER CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 210.)	

December 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 com-
pliance has been effected and service may be instituted.

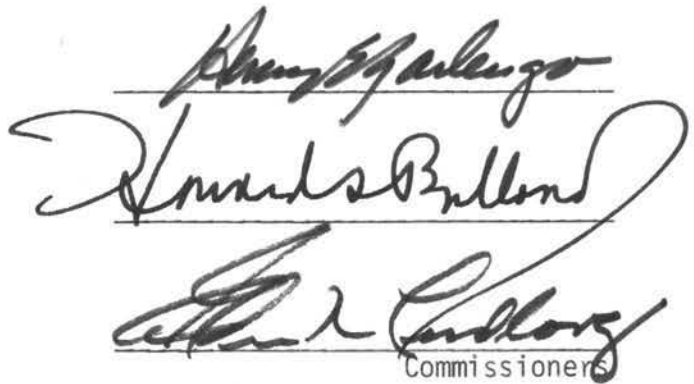
It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicant to maintain compliance
with statutory and Commission requirements shall constitute sufficient
grounds for suspension, change or revocation of the said authority.

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 December, 1970. jk

(Decision No. 76547)
December 24, 1970

APPENDIX

Application No. 24676-TA

Denver Tramway Corporation
350 South Santa Fe Drive
Denver, Colorado

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

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

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 210 as follows:

"Extension of Certificate of Public Convenience and Necessity PUC No. 210, to include the transportation of passengers, in extended service of the area presently being served under route number 3, to include the new Englewood Shopping Center (Cinderella Shopping Center)."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ADJUSTMENTS AND INCREASED)
RATES AND CHARGES APPLICABLE)
TO TRANSPORTATION OF CEMENT IN)
BULK, IN TANK VEHICLES, AND IN)
BAGS)
-----)

CASE NO. 1585

December 24, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 1, 1971, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed various revised pages to its Motor Freight Tariff No. 14, Colorado PUC No. 13* (*The Motor Truck Common Carriers' Association, Agent, Series) as set forth in Appendix "A" attached hereto, cancelling various commodity items applicable to cement and increasing the basic distance scales shown on 5th Revised Page No. 42-A, and 5th Revised Page No. 42-C, by one (1) cent for each block of indicated miles, together with similar increases in other commodity items. The schedules are published to become effective January 1, 1971.

Supporting the changes and increased rates and charges, the Chief of Tariff Bureau forwarded to the Commission supporting data. Special permission No. 15300, dated December 7, 1970, was granted to allow publication of the increases erroneously omitted from 27th Revised Page No. 47, on less than statutory notice, so that these rates will become effective on the same date.

Also, on December 17, 1970, Application No. 452 was filed with the Commission, with a request to publish on less than statutory notice on the next revision of page No. 42-B, establishing a distance scale of rates to apply on shipments of cement, in bags, minimum weight 25,000 pounds. These rates to be 3¢ per 100 pounds greater than those subject to a minimum weight of 45,000 pounds published on 5th Revised Page No. 42-C. In Item 345, establish the following rates from Boettcher - 24¢

per 100 pounds, and from Portland - 30¢ per 100 pounds, subject to 25,000 pounds minimum weight. The request is justified as there is a definite need for a minimum weight of 25,000 pounds. There are numerous purchasers of cement who time their buying so that the carrier can transport two 25,000 pound shipments on the same vehicle, thereby making a full payload.

Excerpts are extracted from letters of justification from involved carriers and areas, as follows: --

"Certain economies on large volumes of movements originally were the basis of reduced point to point rates, occasionally rail rates would dictate a competitive rate. As these volumes of movement or economies in various customer plants disappeared, these point to point rates were eliminated. Many point to point rates were established several years ago and have been carried forward without any justification. It is for these reasons, lack of volume, loss of various economies in haul, and increased costs of operation, that a reduced rate is no longer justified. Many of the point to point rates have a volume of only three loads per week with the balance down to one load per month."

"Due to the changes in equipment and customer operation through the years and the nature of the commodity being transported, lower minimum loads do not exist, all bulk and sack loads now exceed 45,000 pounds with existing equipment, wage rates and other operational expenses, a single load of 25,000 or 35,000 pounds becomes a burden upon the transportation."

"That there have been very substantial increases in the cost of equipment, supplies and labor utilized in the conduct of this company's business since the present rates became effective.

- (a) That, effective May 1, 1970, this Company's mileage contract rate on tires was increased by 50%.
- (b) That, effective February 1, 1970, drivers' wages were increased by 2%, with another increase expected in February of 1971.
- (c) That, effective October 1, 1970, shop personnel wages were increased over 5%.
- (d) That, effective May 11, 1970, the cost of fuel delivered to our terminals was increased 9%.
- (e) That the average age of power equipment used to transport cement is 10 years. Consequently, in the immediate future, funds must be obtained to replace older units.
- (f) That funds to meet these obligations must be provided by net profit, as no relief is possible through depreciation expense.
- (g) That this company owns 137 semi-trailers used in the transportation of bulk cement. Of this number only 34 are of the pneumatic type discharge. Customer demands for this type of service are increasing to the extent that in the immediate future, many obsolete trailers will have to be disposed of and replaced with pneumatic trailers. This will entail a considerable cash outlay."

STAFF OBSERVATIONS AND COMMENTS:

On February 11, 1970, by Decision No. 74336, the Commission granted a similar increase (1 cent per 100 pounds) to carriers transporting cement in bulk and in bags.

It is to be noted that under the Association's Local and Joint Class and Commodity Tariff No. 12-B, Colo. PUC No. 19, a shipment of 10,000 pounds could be transported for 350 miles in Plains territory for \$132.00 at the class rate applicable January 1, 1971. Such charge would be subject to the 20% penalty if transported by irregular route or call and demand carrier.

Under the class rates in Tariff 12-B, the carrier could transport 10,796 pounds for 350 miles (Plains Territory) before the charges would exceed those at the proposed 25,000 rate. For a distance of 100 miles in Plains Territory 9,177 pounds could be transported at the class rates before the charges would exceed the 25,000 pound basis. These computations are made without consideration of the 20% penalty provision.

Under the provisions of Rule 20-A, Rules of Practice and Procedure before the Public Utilities Commission, it is stated: "The publication of class or commodity rates which duplicate or conflict with the rates in the same or any other tariff is prohibited."

Since the publication of the rates and charges set forth in Appendix "A", attached hereto, appear to represent just, fair and reasonable rates and 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 19-B, Rules of Practice and Procedure before the Commission, that: --

1. An Order shall be entered prescribing the provisions in Appendix "A" attached hereto;
2. The publishing agent is directed to remove the conflicting rates and provisions resulting from the current proposal with Tariff 12-B, Colorado PUC 19.

3. Application No. 452 is authorized and may be published to become effective January 1, 1971, and shall be published in the next revision of Page 42-B, rates applicable to shipments of cement, in bags, minimum weight 25,000 pounds, 3 cents per 100 pounds greater than those subject to a minimum weight of 45,000 pounds published on 5th Revised Page 42-C. Establish in Item 345, rates from Boettcher, 24¢ per 100 pounds and from Portland 30¢ per 100 pounds, subject to minimum weight of 25,000 pounds to Denver.

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 the publishing Agent shall remove the conflicting rates and provisions resulting from the current proposal and shall publish in the next revision of Page 42-B, rates applicable to shipments of cement, in bags, minimum weight 25,000 pounds, 3 cents per 100 pounds greater than those subject to a minimum weight of 45,000 pounds published on 5th Revised Page 42-C. Establish in Item 345, rates from Boettcher of 24¢ per 100 pounds and from Portland 30¢ per 100 pounds, subject to minimum weight of 25,000 pounds, to Denver.

4. That on and after January 1, 1971, 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.

5. 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 January 1, 1971.

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

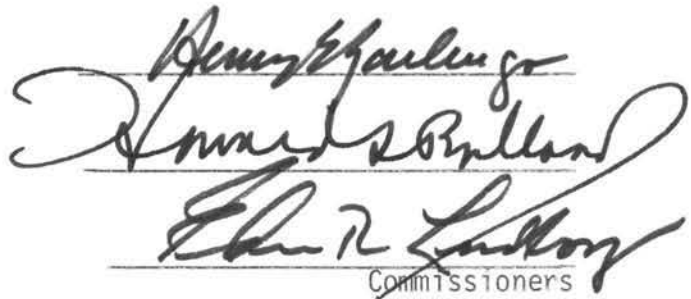
of the Commission.

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 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

ated at Denver, Colorado, this
4th day of December, 1970. av

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
MOTOR FREIGHT TARIFF NO. 14
COLORADO PUC NO. 13*
(*THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION,
AGENT, SERIES)

SCHEDULED TO BECOME EFFECTIVE JANUARY 1, 1971

SECTION NO. 1

RATE SCALES

THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON SHIPMENTS OF CEMENT, IN BULK, IN TANK VEHICLES.

5TH REVISED PAGE NO. 42-A

DISTANCE--MILES	COLUMN F MINIMUM WEIGHT 45,000 POUNDS		
	#PLAINS SCALE	#DIFFERENTIAL SCALE	#MOUNTAIN SCALE
10 MILES AND UNDER	9	1	10
15 MILES AND OVER 10	10	1	11
20 MILES AND OVER 15	11	1	12
25 MILES AND OVER 20	12	1	13
30 MILES AND OVER 25	13	1	14
35 MILES AND OVER 30	14	2	16
40 MILES AND OVER 35	15	2	17
45 MILES AND OVER 40	16	2	18
50 MILES AND OVER 45	17	2	19
55 MILES AND OVER 50	18	2	20
60 MILES AND OVER 55	19	3	22
65 MILES AND OVER 60	20	3	23
70 MILES AND OVER 65	21	3	24
75 MILES AND OVER 70	22	3	25
80 MILES AND OVER 75	22½	3	25½
85 MILES AND OVER 80	23	4	27
90 MILES AND OVER 85	23½	4	27½
95 MILES AND OVER 90	24	4	28
100 MILES AND OVER 95	25	4	29
105 MILES AND OVER 100	26	4	30
110 MILES AND OVER 105	27	5	32
115 MILES AND OVER 110	28	5	33
120 MILES AND OVER 115	29	5	34
125 MILES AND OVER 120	30	5	35
130 MILES AND OVER 125	31	5	36
135 MILES AND OVER 130	31½	6	37½
140 MILES AND OVER 135	32	6	38
145 MILES AND OVER 140	32½	6	38½
150 MILES AND OVER 145	33	6	39
160 MILES AND OVER 150	34	6	40
170 MILES AND OVER 160	35	7	42
180 MILES AND OVER 170	36	7	43
190 MILES AND OVER 180	37	7	44
200 MILES AND OVER 190	38	7	45
210 MILES AND OVER 200	39	7	46
220 MILES AND OVER 210	40	8	48
230 MILES AND OVER 220	41	8	49
240 MILES AND OVER 230	42	8	50
250 MILES AND OVER 240	43	8	51
260 MILES AND OVER 250	44	8	52
270 MILES AND OVER 260	45	9	54
280 MILES AND OVER 270	46	9	55
290 MILES AND OVER 280	47	9	56
300 MILES AND OVER 290	48	9	57
310 MILES AND OVER 300	49	9	58
320 MILES AND OVER 310	50	10	60
330 MILES AND OVER 320	51	10	61
340 MILES AND OVER 330	52	10	62
350 MILES AND OVER 340	53	10	63

#FOR EXPLANATION OF PLAINS, MOUNTAIN OR DIFFERENTIAL SCALES, SEE ITEM NO. 110.
FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 23.

ALL RATES SHOWN IN PLAINS SCALE AND MOUNTAIN SCALE ARE INCREASES

SECTION NO. 1									
RATE SCALES									
THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON SHIPMENTS OF CEMENT, IN BAGS, AS DESCRIBED IN ITEM NO. 246 HEREIN.									
5TH REVISED PAGE NO. 42-B									
DISTANCE--MILES	COLUMN G								
	MIN. WT. 25,000 POUNDS			MIN. WT. 35,000 POUNDS					
	PLAINS SCALE	DIFFERENTIAL SCALE	MOUNTAIN SCALE	PLAINS SCALE	DIFFERENTIAL SCALE	MOUNTAIN SCALE			
(A) CANCEL. SEE PAGE 42-C FOR RATES TO APPLY.									
<p>NOTE:</p> <p>A 25,000 POUND MILEAGE SCALE TO BE PUBLISHED ON 6TH REVISED PAGE NO. 42-B, 3¢ PER CWT. GREATER THAN THE 45,000 POUND SCALE AS PUBLISHED ON 5TH REVISED PAGE 42-C.</p> <p>SEE PARAGRAPH #3 OF COMMISSION ORDER HEREIN.</p>									
<p>#FOR EXPLANATION OF PLAINS, MOUNTAIN OR DIFFERENTIAL SCALES, SEE ITEM NO. 110. FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 23.</p>									

SECTION NO. 1
RATE SCALES

5TH REVISED PAGE No. 42-C

THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON:

CEMENT, IN BAGS, AS DESCRIBED IN ITEM 246;
 (S) (I) GYPSUM BOARD; (S) (I) PLASTER, CALCINED; (S) (I) PLASTER, LAND; (S) (I) PLASTER,
 PATCHING, STUCCO OR WALL; (S) (I) PLASTERBOARD JOINT SYSTEMS OR (S) (I) PLASTERBOARD
 JOINT OR TOPPING CEMENT OR COMPOUND, AS DESCRIBED IN ITEM 246.

(S) EFFECTIVE FEBRUARY 14, 1971, UNLESS OTHERWISE ORDERED BY THE PUBLIC UTILITIES
 COMMISSION OF THE STATE OF COLORADO IN I&S DOCKET NO. 665.

(I) WILL NOT APPLY VIA BERTA BROS. TRANSPORTATION; GOLDSTEIN TRANSPORTATION AND
 STORAGE, INC.; LARSON TRANSPORTATION COMPANY; NORTH EASTERN MOTOR FREIGHT, INC.;
 RIO GRANDE MOTOR WAY, INC., OR WESTWAY MOTOR FREIGHT, INC.

DISTANCE--MILES		COLUMN G MINIMUM WEIGHT 45,000 POUNDS		
		#PLAINS SCALE	#DIFFERENTIAL SCALE	#MOUNTAIN SCALE
10 MILES AND UNDER		10	1	11
15 MILES AND OVER	10	11	1	12
20 MILES AND OVER	15	12	1	13
25 MILES AND OVER	20	13	1	14
30 MILES AND OVER	25	14	1	15
35 MILES AND OVER	30	15	2	17
40 MILES AND OVER	35	16	2	18
45 MILES AND OVER	40	17	2	19
50 MILES AND OVER	45	18	2	20
55 MILES AND OVER	50	19	2	21
60 MILES AND OVER	55	20	3	23
65 MILES AND OVER	60	21	3	24
70 MILES AND OVER	65	22	3	25
75 MILES AND OVER	70	23	3	26
80 MILES AND OVER	75	23½	3	26½
85 MILES AND OVER	80	24	4	28
90 MILES AND OVER	85	24½	4	28½
95 MILES AND OVER	90	25	4	29
100 MILES AND OVER	95	26	4	30
105 MILES AND OVER	100	27	4	31
110 MILES AND OVER	105	28	5	33
115 MILES AND OVER	110	29	5	34
120 MILES AND OVER	115	30	5	35
125 MILES AND OVER	120	31	5	36
130 MILES AND OVER	125	32	5	37
135 MILES AND OVER	130	32½	6	38½
140 MILES AND OVER	135	33	6	39
145 MILES AND OVER	140	33½	6	39½
150 MILES AND OVER	145	34	6	40
160 MILES AND OVER	150	35	6	41
170 MILES AND OVER	160	36	7	43
180 MILES AND OVER	170	37	7	44
190 MILES AND OVER	180	38	7	45
200 MILES AND OVER	190	39	7	46
210 MILES AND OVER	200	40	7	47
220 MILES AND OVER	210	41	8	49
230 MILES AND OVER	220	42	8	50
240 MILES AND OVER	230	43	8	51
250 MILES AND OVER	240	44	8	52
260 MILES AND OVER	250	45	8	53
270 MILES AND OVER	260	46	9	55
280 MILES AND OVER	270	47	9	56
290 MILES AND OVER	280	48	9	57
300 MILES AND OVER	290	49	9	58
310 MILES AND OVER	300	50	9	59
320 MILES AND OVER	310	51	10	61
330 MILES AND OVER	320	52	10	62
340 MILES AND OVER	330	53	10	63
350 MILES AND OVER	340	54	10	64

#FOR EXPLANATION OF PLAINS, MOUNTAIN OR DIFFERENTIAL SCALES, SEE ITEM NO. 110.
 FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 23.

ALL RATES SHOWN IN PLAINS SCALE AND MOUNTAIN SCALE ARE INCREASES.

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
26TH REVISED PAGE No. 44				
310	(A) CANCEL. DISTANCE RATES WILL APPLY.			
315	(A) CANCEL. DISTANCE RATES WILL APPLY.			
320	(A) CANCEL. DISTANCE RATES WILL APPLY.			
330	(A) CANCEL. DISTANCE RATES WILL APPLY.			
340	CEMENT, IN BULK IN TANK VEHICLES, MINIMUM WEIGHT 45,000 POUNDS. (DON WARD & Co., AND WEICKER TRANSPORT Co.)	BOETTCHER, COLO.	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY GOLDEN, COLO.	(A) 18 (A) 19
14TH REVISED PAGE No. 44-A				
345	CEMENT, IN BAGS, (1) E (2) E (3) MIN. WT. 45,000 POUNDS (DON WARD & Co., AND WEICKER TRANSPORT Co.)	BOETTCHER, COLO. PORTLAND, COLO. LYONS, (A) COLO.	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY	(1) E A (2) E A (3) A 21 (1) E A (2) E A (3) A 27 (3) 17
348	(A) CANCEL. DISTANCE RATES WILL APPLY.			
13TH REVISED PAGE No. 45				
360	(A) CANCEL. DISTANCE RATES WILL APPLY.			

* ADD RATES FROM BOETTCHER 24¢ AND FROM PORTLAND 30¢ PER 100 POUNDS, SUBJECT TO MINIMUM WEIGHT 25,000 POUNDS (SEE PARAGRAPH #3 OF COMMISSION ORDER HEREIN.)

SECTION NO. 1
COMMODITY RATES
RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)

ITEM No.	COMMODITY	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
	COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.			

15TH REVISED PAGE No. 46

390	(A) CANCEL. DISTANCE RATES WILL APPLY.			
-----	--	--	--	--

400	CEMENT, IN BULK IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS.	COLORADO SPRINGS, COLO. PIKEVIEW, COLO. TRANSIT MIX PLANT No. 2 (APPROXIMATELY ½ MILE NORTH OF COLORADO SPRINGS) FT. CARSON, COLO., AND POINTS WITHIN 1 MILE OF THE BOUNDARY OF FT. CARSON	RATES FROM	
			(A) LYONS	PORTLAND
			24	(A) 13
			23	(A) 14
			23½	(A) 13½
			27	(A) 13

	CEMENT, IN BULK IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS.	(A) LYONS, COLO.	U.S. AIR FORCE ACADEMY, COLO.	SEE BELOW
--	---	------------------	----------------------------------	--------------

PORTLAND:

410	TO BREED, COLORADO, (A) 14¢ PER 100 POUNDS, PLUS ½¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND BREED TO LOCATIONS AND INSTAL- LATIONS ON THE SITE OF THE U. S. AIR FORCE ACADEMY;			
	TO HUSTED, COLORADO, (A) 15¢ PER 100 POUNDS, PLUS ½¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND HUSTED TO LOCATIONS AND INSTALLATIONS ON THE SITE OF THE U. S. AIR FORCE ACADEMY.			

LYONS:

	TO BREED, COLORADO, 23¢ PER 100 POUNDS, PLUS ½¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND BREED TO LOCATIONS AND INSTAL- LATIONS ON THE SITE OF THE U.S. AIR FORCE ACADEMY;			
	TO HUSTED, COLORADO, 22¢ PER 100 POUNDS, PLUS ½¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND HUSTED TO LOCATIONS AND INSTALLATIONS ON THE SITE OF THE U.S. AIR FORCE ACADEMY.			

(ELBERT TRANSFER CO., DON WARD & CO., AND WEICKER TRANSPORT CO.)

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
28TH REVISED PAGE No. 47				
430	CEMENT, IN BULK, IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS. (RIO GRANDE MOTOR WAY, INC., DON WARD & Co., AND WEICKER TRANSPORT Co.)	PORTLAND, COLO.	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY.	(A) 23
460	CEMENT, IN BULK, IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS CEMENT, IN BAGS. (1) (E) (2) (E) (3) MIN. WT. 45,000 POUNDS. (RIO GRANDE MOTOR WAY, INC., DON WARD & Co., AND WEICKER TRANSPORT Co.)	PORTLAND, COLO.	PUEBLO, COLO.	(A) 13 (1) (E) (A) (2) (E) (A) (3) (A) 13
485	CEMENT, IN BULK, IN TANK VEHICLES, OR IN BAGS, MINIMUM WEIGHT 45,000 POUNDS. SUBJECT TO LOADING BY CONSIGNOR AND UNLOADING BY CONSIGNEE. (ASHTON TRUCKING Co., GIBSON TRUCK LINE, RIO GRANDE MOTOR WAY, INC., THOMAS W. ROGERS, AS NOTED) (1) WILL NOT APPLY VIA GIBSON TRUCK LINE OR THOMAS W. ROGERS.	PORTLAND, COLO.	COLORADO ALAMOSA ANTONITO CENTER (1) DEL NORTE (1) LA JARA MONTE VISTA (1) ROMEO SAGUACHE (1) SAN LUIS	27 29 28 28 28 27 28 28 26
6TH REVISED PAGE No. 47-A				
487	CEMENT, IN BULK IN TANK VEHICLES, MINIMUM WEIGHT 45,000 POUNDS.	LYONS, COLO., AND CEMENT DISTRIBUTION FACILITIES LOCATED WITHIN A 2-MILE RADIUS OF THE CITY LIMITS THEREOF.	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY. GOLDEN, COLO. THE SITE OF INTER- NATIONAL PIPE & CERAMICS CORP., BLAKELAND, COLO.	(A) 13 (E) (A)
488	(A) CANCEL. DISTANCE RATES WILL APPLY.			
489	CEMENT, IN BAGS, PALLETIZED, LOADED BY CONSIGNOR AND UNLOADED BY CONSIGNEE, MINIMUM WEIGHT 40,000 POUNDS. (ROBERT L. HARRIS, D/B/A LOS ANIMAS TRANSFER COMPANY)	PORTLAND, COLO.	LAS ANIMAS, COLO.	(A) 23

SECTION NO. 1				
COMMODITY RATES				
RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM	COMMODITY	FROM	TO	RATES
No.	COMMODITIES IN THE SAME	(EXCEPT AS NOTED	(EXCEPT AS NOTED	
	ITEM MAY BE SHIPPED IN	IN INDIVIDUAL	IN INDIVIDUAL	
	STRAIGHT OR MIXED TRUCK	ITEMS)	ITEMS)	
	LOADS.			
16TH REVISED PAGE No. 48				
510	(A) CANCEL. DISTANCE RATES WILL APPLY.			

(A) DENOTES INCREASE.

(E) DENOTES ELIMINATION.

⚡ DENOTES ADDITION.

(Decision No. 76549)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARLTON L. FARR, ROUTE 2, BOX 87,)
SEDALIA, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24692-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 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 appli-
cable statutory and Commission requirements, rules and regulations,
to engage in the business of transportation by motor vehicle to the
extent and in the manner set forth in the appendix attached hereto.

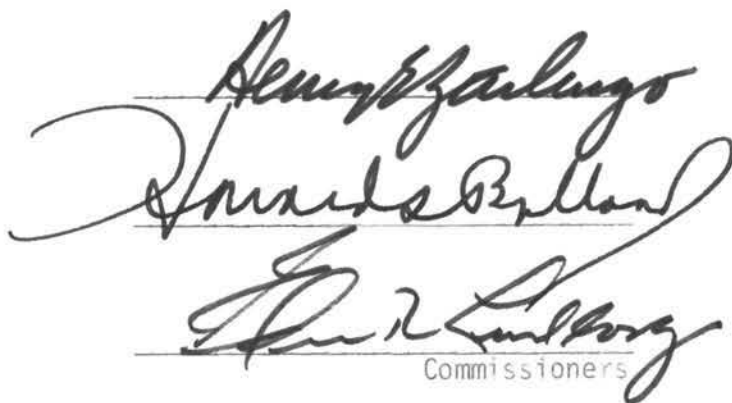
It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
Applicant has received notice in writing from the Commission that
compliance has been effected and service may be instituted.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
24th day of December, 1970. jk

(Decision No. 76549)
December 24, 1970

APPENDIX

Application No. 24692-PP-TA

Carlton L. Farr
Route 2, Box 87
Sedalia, 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) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of twenty-five (25) miles of said forests;

- (2) Rough lumber

From sawmills within a twenty-five (25) mile radius of forests to markets in the State of Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (a) Against town-to-town service.
(b) To serving not more than ten (10) customers at any one time."

(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."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VERNON L. STONE AND RAY FISCHER,)	
DOING BUSINESS AS "FISCHER EQUIP-)	APPLICATION NO. 24683-PP
MENT CO.," 4595 NORTH BROADWAY,)	
BOULDER, COLORADO, FOR AUTHORITY)	ORDER OF THE COMMISSION
TO OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

December 24, 1970

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

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

IT IS ORDERED, That Vernon L. Stone and Ray Fischer, doing business as "Fischer Equipment Co.," 4595 North Broadway, Boulder, Colorado, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of seventy-five (75) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of seventy-five (75) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of seventy-five (75) miles of said jobs;

- (4) Insulrock

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

RESTRICTIONS: This Permit is restricted as follows:

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

(b) To serving not more than ten (10) customers at any one time."

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

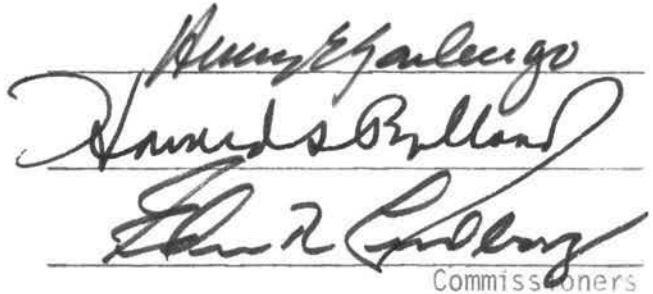
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

vjr

(Decision No. 76551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY E. HANEY, AULT, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24682-PP

ORDER OF THE COMMISSION

December 24, 1970

Appearances: Robert C. Burroughs, Esq.,
Ault, Colorado,
for Applicant.

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

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefor 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 Roy E. Haney, Ault, 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;

RESTRICTIONS: This Permit is restricted as follows:

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

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

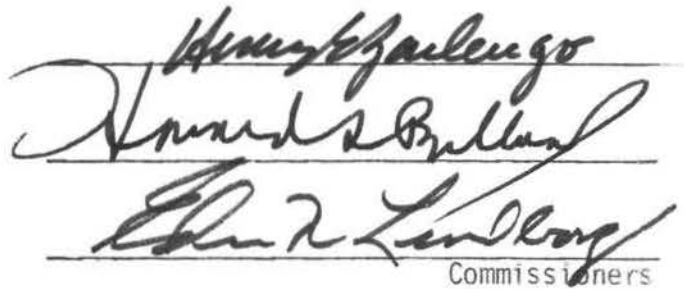
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

/

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
TO TRANSFER PUC NO. 1681 FROM)
LITTLE PERCENT, INC., A COLORADO)
CORPORATION, 426 EAST MAIN, ASPEN,)
COLORADO, TO ASPEN CAB COMPANY, A)
COLORADO CORPORATION, AND LITTLE)
PERCENT, INC., A COLORADO CORPORA-)
TION, A LIMITED PARTNERSHIP, DOING)
BUSINESS AS "ASPEN CAB SERVICE COMPANY,")
426 EAST MAIN, ASPEN, COLORADO.)

APPLICATION NO. 24678-Transfer

IN THE MATTER OF THE APPLICATION OF)
GARY C. BOGUE, RAMON D. SPARLING,)
AND J. COOKE WILSON, FOR AUTHORITY)
TO TRANSFER ALL OF THE OUTSTANDING)
CAPITAL STOCK IN AND TO LITTLE PER-)
CENT, INC., A COLORADO CORPORATION,)
RECORD OWNER OF PUC NO. 1681, TO)
ASPEN CAB COMPANY, A COLORADO CORPORA-)
TION, AND LITTLE PERCENT, INC., A)
COLORADO CORPORATION, A LIMITED)
PERTNERSHIP, DOING BUSINESS AS)
"ASPEN CAB SERVICE COMPANY," 426)
EAST MAIN, ASPEN, COLORADO.)

APPLICATION NO. 24679-Stock Transfer

December 24, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 30, 1970, applications were filed in the above-captioned matters. On December 9, 1970, notice of the filing of the within applications was made by the Commission.

On December 15, 1970, Colorado Checker Sales, Inc., by and through its attorney, Walter M. Simon, filed a Petition to Intervene.

The Commission states and finds that applicant for intervention, Colorado Checker Sales, Inc., is not a party who may be affected by any order which may be entered in this proceeding.



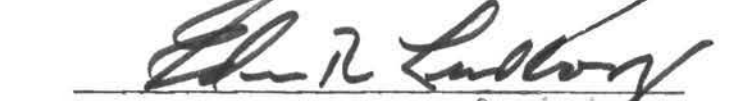
O R D E R

THE COMMISSION ORDERS:

That the Petition to Intervene by Colorado Checker Sales, Inc., be, and the same hereby is, denied.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
24th day of December, 1970.
vjr

(Decision No. 76553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANCIS J. DeLANEY, DOING BUSINESS)
AS "ECONOMY PAVING CO.," 1901 SOUTH)
CHAMBERS ROAD, DENVER, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24707-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

December 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 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 Francis J. DeLaney, doing business as "Economy
Paving Co.," 1901 South Chambers Road, Denver, Colorado, be, and is hereby,
granted emergency temporary authority for a period of fifteen (15) days
commencing December 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 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:

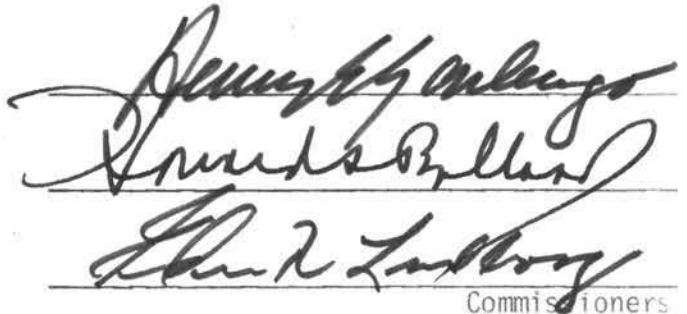
- (a) Against the use of tank vehicles when transporting road-surfacing materials.
- (b) To serving not more than ten (10) customers at any one time";

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 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
24th day of December, 1970.

vjr

(Decision No. 76554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ERNEST E. QUINTANA, BOX 6, CAPULIN,)	APPLICATION NO. 24693-PP
COLORADO, FOR AUTHORITY TO OPERATE)	
AS A CLASS "B" CONTRACT CARRIER BY)	ORDER OF THE COMMISSION
MOTOR VEHICLE.)	

December 28, 1970

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

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

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

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

Wherefore, and good cause appearing therefor:

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

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

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-7339," being the number of a permit formerly held by Applicant.

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

IT IS ORDERED, That Ernest E. Quintana, Box 6, Capulin, Colorado, be, and hereby is, authorized to operate as a class "B" contract carrier by motor vehicle for hire for the following:

"Transportation of

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

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

Between all points within a one hundred (100) mile radius of Capulin, 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."

IT IS FURTHER ORDERED, That the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-7339"; and that 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 28th day of December, 1970.
hj