(Decision No. 6757)

A-1070

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF)
JOE HEPPBERGER FOR A CLASS A PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2507-PP
OF ORE MACHINERY AND MINE SUPPLIES,)
WITHIN A RADIUS OF 50 MILES OF BLACK)
HAWK, COLORADO.)

October 26, 1935.

Appearances: Mr. Joe Heppberger, Black Hawk, Colorado, pro se.
A. E. Aldrich, Esq., Idaho Springs, Colorado, for Curnow Livery & Transfer Company and George Ramstetter.
Mr. J. F. Rowan, Denver, Colorado, for the Motor Truck Common Carriers Association.

STATEMENT

By the Commission:

Applicant herein seeks a Class A permit to haul ore, machinery and mine supplies.

The evidence disclosed that he owns a G.M.C. one and a half ton truck; that he has been engaged in hauling operations since 1917, he at that time succeeding his father, who had been so engaged for twelve years preceeding. He formerly had a permit but allowed it to lapse. However, he has paid road tax since last spring. He wants to haul ore from certain mines within a radius of twenty miles of Black Hawk to mills at Idaho Springs and Black Hawk, and to haul machinery and mine supplies from Central City and Black Hawk to his customers. He also thought he might be called upon to make an occasional emergency trip to Denver.

His responsibility, financially and otherwise, was established to the satisfaction of the Commission. However, it also appeared that his proposed operation, so far as it contemplates carrier service of any sort between Denver and Black Hawk, Idaho Springs or Central City, and the mines adjacent thereto will impair the efficiency of motor vehicle common carriers

now adequately serving said territory. On the contrary, it did not appear that his contemplated service will impair the efficiency of common carriers engaged in hauling ore and mine supplies between said mines and Black Hawk and Idaho Springs.

The Commission is of the opinion and finds that said applicant should be granted a permit as hereinafter limited.

O R D E R

IT IS THEREFORE ORDERED, That said Joe Heppberger should be, and he hereby is, authorized to operate as a Class A private carrier by motor vehicle for hire, for the transportation of ore from mines within a radius of twenty miles of Black Hawk, Colorado, to mills and railroad loading points at Black Hawk and Idaho Springs, and to transport mining machinery and mining supplies from Central City or Black Hawk to the mines of his said customers; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1935.

B-1080

(Decision No. 6758)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF PAUL SILVERS FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ALL COMMODITIES EXCEPT LIVE STOCK OVER IRREGULAR ROUTES.

APPLICATION NO. 2540-PP

October 28, 1935.

Appearances: D. B. Potter, Esq., Rocky Ford, Colorado, for applicant;
Mr. A. J. Freegaa, Denver, Colorado, for Weicker Transportation Company and Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado, for Colorado Trucking Association, Joe Harris and Fowler Truck Line.

S T A T E M E N T

By the Commission:

As limited by the evidence at the hearing, applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products from farms within a radius of twenty miles of Rocky Ford, Colorado, to the nearest shipping or marketing points, farm supplies, including machinery, from Rocky Ford to farms in said area, and farm machinery, equipment and supplies and household goods from farm to farm within said radius.

For applicant, it appeared that for a number of years he had been engaged in marketing and transporting farm products raised within said area, said products ordinarily being hauled to Rocky Ford, trips, however, occasionally being made to Denver, Colorado Springs, Pueblo and other points in the State where there has been a market for cantaloupes, watermelons and other perishable products; that in his judgment it will require the service of fifty for-hire trucks during the 1935 season to market the crops produced.

A number of certificated carriers operating under revers' certificates testified in opposition. Mr. R. M. Jackson, of Rocky Ford, stated that he had fourteen trucks which he could put into service if required; that ordinarily only two or three were in use; that he doesn't do any-hauling for customers listed by applicant, except for Bingfelder & Balish, Inc., possibly because his rate is too high; that probably there were 100 for-hire trucks now operating in the vicinity of Rocky Ford and all of said trucks were without authority from the Public Utilities Commission to operate; that if the illegal haulers were eliminated, there would be plenty of business for him, but if ten or twelve permits were to issue, each having ten or twelve customers, his business would be adversely affected.

Mr. J. L. Williams, who operates within a radius of 20 miles of Ordway under common carrier certificate No. 869, testified that he has three trucks operating; that he had no authority to haul into Rocky Ford; that Mr. Silvers' proposed operation if extended north from Rocky Ford 20 miles, will conflict with his service; that his chief competition comes from unlicensed truckers - possibly 150 in number; that crops during the past two or three years have been very poor, but he anticipates a heavy crop next year on account of additional water being available through the Twin Lakes diversion project.

It seemed from the evidence that the business of the common carriers operating under revers' certificates in the vicinity of Rocky Ford and Ordway, has not been profitable. However, the evidence clearly disclosed that a great many trucks under ordinary circumstances have been and will be required to transport crops from farms to market. Probably, if there were enough authorized carriers operating in the territory, the unauthorized carriers who afford the competition complained of by certificated carriers, would be put out of business. With

unfair competition eliminated, common carriers should be able to get a fair proportion of the business and operate profitably.

After a careful consideration of the evidence, the Commission is of the opinion and finds that the proposed operation of applicant will not impair the efficiency of any authorized common carrier service operating in the same or substantially the same territory, and that the permit as hereinafter limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Paul Silvers should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products from farms within a radius of twenty miles of Rocky Ford, Colorado, to the nearest shipping or marketing points, including Denver, Pueblo and Colorado Springs but excluding Ordway; farm supplies, including machinery, from Rocky Ford to farms in said area; and farm machinery equipment and supplies and household goods from farm to farm within said radius, said permit to issue if and when, but not before applicant has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Neill

W. L. Parks

Marion Evans

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1955.

(Decision No. 6759)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF A. L. LAW FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT WITHIN A RADIUS OF FIFTY MILES OF ROCKY FORD, COLORADO, WITH AN OCCASIONAL TRIP BEYOND IN INTRA-STATE AND INTERSTATE COMMERCE VIA U. S. 50 TO COLORADO-KANSAS STATE LINE.	APPLICATION NO. 2547-PP

October 28, 1935.

Appearances: Mr. A. L. Law, Rocky Ford, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company and Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado, for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On August 24, 1935, applicant A. L. Law applied for a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of general commodities, except live stock, within a radius of 50 miles of Rocky Ford, Colorado, and occasional trips beyond in intra-state and interstate commerce, via U. S. Highway No. 50 to the Colorado-Kansas state line.

At the hearing, it developed that applicant is the owner of a 1935 one and a half ton Chevrolet truck, and has been engaged;in trucking farm products and produce for a number of;years, and at times has hauled onions, cantaloupes and honeydews from various farms within a radius of twenty miles of Rocky Ford, Colorado, to produce houses in Rocky Ford, various warehouses in said area, and occasionally to Wichita, Kansas, over U. S. Highway No. 50. Also during the melon season he has transported a load of melons every other day from Rocky Ford to Denver. During the winter months, from time to time he has moved sacked onions from onion houses of farmers or warehouses of produce dealers to the William Randle

warehouse in the San Luis Valley. During the peach season, he has transported peaches from the Western Slope to Rocky Ford for Randle. Except for an occasional load of freight from Denver to Rocky Ford he has not "back hauled" freight on his return trips from points outside of the described territory, and indicated his willingness, should permit be granted, to eliminate all "back hauls" in competition with motor truck common carriers.

No evidence was offered in opposition to the application, although Mr. Fregeau, appearing for Weicker Transportation Company and Motor Truck Common Carriers Association, stated that he had no objection to issuance of permit if limited to the transportation of produce within a twenty-mile radius of Rocky Ford.

It did not appear that the permit requested will impair the efficiency of any motor vehicle common carrier service, and it would seem to be desirable to afford ample for-hire motor vehicle service for movement of crops in Rocky Ford district.

After a careful consideration of the record, the Commission is of the opinion and finds that said application, subject to the limitations hereinafter expressed, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said A. L. Law be, and he hereby is authorized to operate as a Class B private carrier for hire for the transportation of (a) farm products and produce from the farms within a radius of twenty miles of Rocky Ford, Colorado, to warehouses and shipping points in Rocky Ford and elsewhere in said area and over U. S. Highway No. 50 from Rocky Ford, Colorado, to a point on said highway where it intersects the Colorado-Kansas state line (b) melons from Rocky Ford to Pueblo, Colorado Springs and Denver; and (c) onions for William Randle only from points within a radius of twenty miles of Rocky Ford, Colorado, to his warehouses in the San Luis Valley; also (d) peaches for said

William Randle from the Western Slope to Rocky Ford; without the right to back haul freight to Rocky Ford or intermediate points or to transport freight from Rocky Ford to the Western Slope or intermediate points, said permit to issue if and when, but not before applicant has filed the necessary insurance and a list of his customers, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1935.

(Decision No. 6760)

B-1101

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF GIBBENS AND SON FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT AND LIVE STOCK WITHIN A RADIUS OF 150 MILES OF PUEBLO, COLORADO.	APPLICATION NO. 2567-PP

October 28, 1935.

Appearances: E. F. Gibbens and Ted Gibbens, Pueblo, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company and Motor Truck Common Carriers Association;
Devine, Preston and Storer, Esqs., and Harry Peterson, Pueblo, Colorado, for L. W. Baldwin and Guy A. Thompson, as Trustees of Missouri Pacific Railroad Company;
J. D. Blunt, Esq., Canon City, Colorado, for Southwestern Transportation Company;
Mr. Murray Owenby, Longmont, Colorado, for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the evidence, applicants, E. F. Gibbens and Ted Gibbens, co-partners, doing business as Gibbens and Son, seek a Class B permit to operate as private carriers by motor vehicle for hire for the transportation of farm products, including live stock, from farms in Pueblo County to the nearest market in said county, farm supplies and machinery from said market points to said farms, and live stock, used farm machinery, equipment and supplies from farm to farm in said Pueblo County.

The evidence disclosed that applicants for a number of years had engaged in trucking feed, hay, grain and other farm supplies in said Pueblo County, with an occasional lead to some points outside of the county; that they have a commercial carrier permit which covers their operations outside of Pueblo County. They have two trucks and the necessary experience to successfully carry on their proposed operation.

It did not appear that as limited said operation will affect or impair the efficiency of any authorized motor vehicle common carrier

service.

After a careful consideration of the record and evidence, the Commission is of the opinion and finds that said permit, as limited by the evidence, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said E. F. Gibbens and Ted Gibbens, co-partners, doing business as Gibbens and Son, should be, and they hereby are granted a Class B permit to operate as private carriers by motor vehicle for hire for the transportation of farm products, including live stock, from farms in Pueblo County to the nearest market in said county, farm supplies and machinery from said market points to said farms, and live stock, used farm machinery, equipment and supplies from farm to farm in said Pueblo County, said permit to issue if and when, but not before applicants have filed a list of their customers and the necessary insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1935.

(Decision No. 6761)

B-1142

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF CHARLES AND ELMER HAMM FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT WITHIN A RADIUS OF FIFTY MILES OF ROCKY FORD, COLORADO, WITH AN OCCASIONAL TRIP BEYOND SAID RADIUS.

APPLICATION NO. 2546-PP

October 28, 1935.

Appearances: Mr. Elmer Hamm, Rocky Ford, Colorado, for applicants.
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association, Joe Harris, and Fowler Truck Line.

STATEMENT

By the Commission:

Charles and Elmer Hamm of Rocky Ford apply for a Class B permit to operate as a private carrier by motor vehicle for hire, to transport freight in and around Rocky Ford and other points.

The evidence disclosed that they will use a 1933 Chevrolet one and a half ton truck to conduct their operations; that they propose to haul farm products to market, beets to loading dumps, and hay to mills and railroad loading points. It appears that the applicants conduct a hay baling business, and usually in connection therewith transport the baled hay to the nearest railroad loading point, and at times when there is but a part of a carload left over, it is transported to the next nearest loading point where their baling business is conducted; that they have had such contracts at places in the Arkansas Valley, also at Sterling, Colorado; that they desire authority to take such contracts at any point in eastern Colorado during the haying season; and that they desire to haul loose alfalfa hay to mills in the Arkansas Valley. At the hearing it appeared that these applicants had been engaged in buying, baling, and selling hay, and dealing in other farm produce during the seasonal period in the various farming districts in the state. In

connection with their activities many farmers have solicited their services for hire during the rush season in crop movements, and they want to be authorized to render this service. It appears that they are financially responsible and it does not appear that this operation will adversely affect the efficient operation of any common carrier service.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the permit requested, as limited at the hearing, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Elmer Hamm and Charles Hamm be, and they hereby are, granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products only during seasonal movements thereof from the farms in various farming districts in the State, to the respective railroad shipping points or nearest market in said district; said permit to issue if and when, but not before they have filed a list of their customers and the necessary insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1935.

(Decision No. 6762)

B-105-S

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF CLAUD SILVERS FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT WITHIN A RADIUS OF TWENTY MILES OF ROCKY FORD, COLORADO.

APPLICATION NO. 2541-PP

October 28, 1935.

Appearances: D. D. Potter, Esq., Rocky Ford, Colorado, for applicant.
Mr. A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company and the Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks the same authority sought by Paul Silvers in Application No. 2540-PP, that is, to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products from farms within a radius of twenty miles of Rocky Ford, Colorado, to nearest shipping and marketing points, farm supplies, including machinery from Rocky Ford in said area, and farm machinery, equipment, and supplies, and household goods from farm to farm within said radius. In addition, he wants the right to transport onions from farms to various onion houses and warehouses of customers in said area and from said onion houses and warehouses to railroad loading points.

By stipulation parties agreed that the evidence offered in behalf of applicant and protestants in said Application No. 2540-PP should be considered as offered and admitted in the instant case. For applicant it therein appeared that for a number of years he and said Claud Silvers had been engaged in marketing and transporting farm products produced within said area, said products ordinarily being hauled to Rocky Ford, trips, however, occasionally being made to Denver, Colorado Springs, Pueblo, and other points in the State

where there has been a market for cantaloupes, watermelons, and other perishable products; that in his judgment it will require the service of fifty for-hire trucks during the 1935 season to market the crops produced. Also, in said cause a number of certificated carriers operating under rovers' certificates testified in opposition. Mr. R. M. Jackson of Rocky Ford stated that he had fourteen trucks which he could put into service if required; that ordinarily only two or three were in use; that he doesn't do any hauling for customers listed by applicant except for Dingfelder and Balish, Inc., possibly because his rate is too high; that probably 100 for-hire trucks are now operating in the vicinity of Rocky Ford and all of said trucks were without authority from the Public Utilities Commission to operate; that if the illegal haulers were eliminated, there would be ample business for him, but if ten or twelve permits were to issue, each having ten or twelve customers, his business would be adversely affected. Also, Mr. J. L. Williams, who operates within a radius of 20 miles of Ordway under common carrier certificate No. 369, testified that he has three trucks operating; that he had no authority to haul into Rocky Ford; that Mr. Silvers' proposed operation, if extended north from Rocky Ford twenty miles, will conflict with his service; that his chief competition comes from unlicensed truckers--possibly 150 in number; that crops during the past two or three years have been very poor, but he anticipates a heavy crop next year on account of additional water being available through the Twin Lakes diversion project.

Mr. Arlington Blotz, of the Blotz-Henneman Seed Company in the instant case testified generally regarding the necessity for trucking service during movement of crops. He stated that cantaloupes must move immediately "when ready" because the condition of the melons, as well as the condition of the market, might change. He is a large grower of Spanish onions, and stated that they should be allowed to grow as long as possible, and when necessary to move must all be moved at one time to the warehouses. Besides cantaloupes, melons and onions, grain, tomatoes and beets should be considered as within the provisions for "emergency" crop movement. A great number of

of trucks are required at one time, or as he expressed it, "We all want them now, or none of us want them", and he stated that he thought the question of granting or denying authority for additional for-hire operations should be considered from the"standpoint of the farmer - his accommodation, not the enrichment of the trucker."

After a careful consideration of the evidence, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Claud Silvers be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products from farms within a radius of twenty miles of Rocky Ford, Colorado, to the nearest shipping or marketing points, including Denver, Pueblo and Colorado Springs but excluding Ordway; farm supplies, including machinery, from Rocky Ford to farms in said area; and farm machinery, equipment and supplies, and household goods from farm to farm within said radius; also the transportation of onions from farms to warehouses in said area; and from said warehouses to railroad shipping points, said permit to issue if and when, but not before applicant has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1935.

(Decision No. 6763)

B-1061

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF EARL R. HUBBARD FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT AND LIVESTOCK.

APPLICATION NO. 2561-PP

October 28, 1935.

Appearances: D. D. Potter, Esq., Rocky Ford, Colorado, for applicant.
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association, Joe Harris, and Fowler Truck Line.

S T A T E M E N T

By the Commission:

Earl R. Hubbard, of La Junta, Colorado, seeks a Class B permit to operate as a private carrier for hire for the transportation of freight and livestock between points in Otero and Las Animas Counties and from this area and from Denver to Kansas and Oklahoma points, and for occasional hauls of livestock to Denver and Pueblo.

The evidence disclosed that the applicant has a 1934 one and a half ton Chevrolet truck, and is able to conduct the proposed operation. It appears that the applicant desires to transport farm products and farm supplies, including livestock, from point to point in Otero County and all of that part of Las Animas County east of the west boundary line of Otero County extended; to transport beans from La Junta and from Denver to Oklahoma and Kansas; to transport cement and plaster from Portland, Colorado, to La Junta; to transport repossessed machinery from farmers in the area described to La Junta; and at times to move machinery from Fowler to La Junta and Rocky Ford, for customers as listed; and that he desires to make occasional trips for the transportation of livestock and melons from the farms in this area to markets in Denver, Pueblo and La Junta.

After a careful consideration of the evidence, the Commission is of the opinion and finds that a permit to operate as a Class B private carrier, as limited, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicant, Earl R. Hubbard, be, and he is hereby, granted a Class B permit to operate as a motor vehicle carrier for hire for the transportation of farm products, including livestock, farm machinery, and farm supplies from point to point in Otero County and all that part of Las Animas County east of the west boundary line of Otero County extended, with occasional trips from and to La Junta to and from Fowler, Colorado, with farm machinery only for the La Junta Hardware Company; live stock from points within said area to markets in Denver, Pueblo and La Junta, with back haul of lime, plaster, and cement only from Portland to La Junta for the La Junta Trading Company; beans from Denver and points in Arkansas Valley for Ady and Crowe Mercantile Company to point of intersection of U.S. Highway No. 50 with Colorado-Kansas State line or to point of intersection of U.S. Highway No. 59 with Colorado-Oklahoma State line, with back haul of coke; said permit to issue if and when, but not before, he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1935.

A-1058

(Decision No. 6764)

A-1058

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF C. M. PERRY FOR A CLASS A PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF EXPRESS AND PACKAGE FREIGHT BETWEEN MEEKER AND RANGELY AND INTERMEDIATE POINTS.

APPLICATION NO. 2631-PP;

October 29, 1935.

Appearances: John R. Clark, Esq., Meeker, Colorado, for applicant.

S T A T E M E N T

By the Commission:

The applicant, C. M. Perry, operates a Star Mail Route between Meeker and Rangely in Rio Blanco County. In addition he desires to transport express and package freight in connection with his mail route for approximately thirty ranchers.

The only motor vehicle common carriers affected by the proposed operation of the applicant herein are Peterson Truck Line and Harp Brothers, both of whom appeared and filed a written waiver of notice and consented to the issuance of the permit as limited by the application. No other common carriers by motor vehicle have been authorized by this Commission to operate in said territory and the record does not show that his proposed operation will adversely affect or impair the efficiency of any authorized motor vehicle common carrier with whom the applicant may compete.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the application as hereinafter limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the said C. M. Perry should be, and he is hereby, authorized to operate as a class "A" private carrier

by motor vehicle for the transportation of express and package freight in shipments not exceeding 200 lbs. in weight for any one shipment, for the customers whose names appear in the above entitled application, between Meeker and Rangely and intermediate points when transported in connection with the operation by the applicant of a mail route along said routes; said permit to issue if and when but not before he has filed a list of his customers and the necessary public liability and property damage insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the permit herein granted and ordered issued shall remain in effect only for such period as said applicant holds a contract with the United States Government for the transportation of the mail over said routes.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of October, 1935.

(Decision No. 6765)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF F. W. HOSSACK FOR A CLASS A PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF EXPRESS AND PACKAGE FREIGHT BETWEEN MEEKER AND TRAPPERS LAKE AND INTERMEDIATE POINTS.

APPLICATION NO. 2630-PP

October 29, 1935.

Appearances: John R. Clark, Esq., Meeker, Colorado, for applicant.

S T A T E M E N T

By the Commission:

The applicant, F. W. Hossack, operates a Star Mail Route between Meeker and Trappers Lake in Rio Blanco and Garfield Counties. In addition he desires to transport express and package freight in connection with his mail route for a number of ranchers residing along said route.

The only motor vehicle common carriers affected by the proposed operation of the applicant herein are Peterson Truck Line and Harp Brothers, both of whom appeared and filed a written waiver of notice and consented to the issuance of the permit as limited by the application. No other common carriers by motor vehicle have been authorized by this Commission to operate in said territory and the record does not show that his proposed operation will adversely affect or impair the efficiency of any authorized motor vehicle common carrier with whom the applicant may compete.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the application as hereinafter limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the said F. W. Hossack should be, and he is hereby, authorized to operate as a class "A" private carrier by motor vehicle for the transportation of express and package

freight in shipments not exceeding 200 lbs in weight for any one shipment for the customers whose names appear in the above entitled application between Meeker and Trappers Lake and intermediate points when transported in connection with the operation by the applicant of a mail route along said routes; said permit to issue if and when but not before he has filed a list of his customers and the necessary public liability and property damage insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the permit herein granted and ordered issued shall remain in effect only for such period as said applicant holds a contract with the United States Government for the transportation of the mail over said routes.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward C O'Connell

W. L. Danks

Thomas Simon

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1935.

(Decision No. 6767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE BARNES.)

Permit No. A-888

October 29, 1935.

S T A T E M E N T

By the Commission:

On July 23, 1935, the Commission entered its order revoking the above numbered permit, with the proviso that said permit might be reinstated at any time within six months from date of said revocation upon the filing of the necessary insurance and otherwise complying with our rules and regulations.

It now appears from our records that applicant has filed the required insurance and requests reinstatement of said permit.

After careful consideration of said request, the Commission is of the opinion, and so finds, that said private permit No. A-888 should be reinstated.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-888, heretofore issued to Lee Barnes, be, and the same is hereby, reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dunn

W. W. Dawkins

Marion Simson

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1935.

B 307

(Decision No. 6768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. S. MORSE.)

PRIVATE PERMIT NO. B-307

October 29, 1935.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication from the above named permit holder, requesting the suspension of his permit until June 1, 1936.

Under the practice of the Commission, suspensions are not granted. It is customary to cancel the permit with the right of reinstatement upon application within eight months, provided applicants have filed the necessary insurance with the Commission and have otherwise complied with the law and our rules and regulations.

After a careful consideration of the record, the Commission is of the opinion, and finds that Permit No. B-307, heretofore issued to J. S. Morse, should be cancelled, with the proviso that same may be reinstated at any time within eight months from the date hereof upon full compliance with all the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. B-307, heretofore issued to J. S. Morse, be, and the same hereby is cancelled; provided, however, that said permit may be reinstated at any time within eight months from the date hereof upon written request for such reinstatement and the filing of the necessary insurance.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1935.

(Decision No. 6769)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF S. T. MANGNELL FOR A PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF MERCHANDISE AND COAL BETWEEN GLENWOOD, ASPEN, EAGLE, AND RIFLE, COLORADO, OVER IRREGULAR ROUTES.	APPLICATION NO. 2475-PP

October 29, 1935.

Appearances: Mr. T. S. Mangnell, Glenwood Springs, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for the Rio Grande Motor Way, Inc;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association;
Mr. Murray Owenby, Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

One S. T. Mangnell filed application herein for a Class "B" permit to operate as a private carrier by motor vehicle for hire, stating that the nature of his service would be "delivery" along Highway 40 and Highway 82.

At the hearing it developed that he was employed to deliver merchandise for a co-operative known as Farmers Milling and Power Company and/or Mangnell, Ford, and Benedict. He was somewhat vague about the exact business set-up and the respective relationships among the parties and the ownership or association of the various business enterprises. It would, however, appear that his employer or employes as the case may be, are engaged in selling merchandise of all kinds to a great number of customers of, as well as stock owners in said co-operative organization who reside at Rifle, Silt, Eagle, Aspen, and other places, and that he is engaged daily in making trips to some one or more of these places with freight, the freight charges on the shipment being assumed by the shipper, that is, as expressed by

applicant "freight is laid in f.o.b. their customers' place of business." The one and a half ton International truck which he drives is owned by Mangnell, Ford, and Benedict.

It would seem that a commercial carrier permit should be sufficient for the operation heretofore outlined. However, it also appeared that Mr. Ford is a coal mine operater, and at times applicant hauls coal to persons other than members of the co-operative organization from South Canon and New Castle, he in such instances collecting the hauling charges from customers. He also stated that occasionally customers asked him to bring them small shipments from Glenwood, which they had overlooked ordering in time to be sent out on the Rio Grande Moter Way or other common carrier service.

It appeared that the common carrier service in the territory is adequate, and the proposed operation of applicant, insofar as it involves the carriage of merchandise including accommodation shipments for hire, would impair the efficiency of the authorized common carrier services.

Also, insofar as we can determine from the evidence, it would appear that applicant in all instances, except the proposed coal haul and accommodation delivery of other parcels for shippers' customers, is merely driving a truck for the shipper, which as heretofore suggested, is not a for-hire operation.

After a careful consideration of the evidence, the Commission is of the opinion and finds that applicant should be granted a permit to haul coal only.

O R D E R

IT IS THEREFORE ORDERED, That applicant S. T. Mangnell should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of coal only from Glenwood Springs, the Ford Mine, and mines at South Canon and New Castle, to customers along Highway 40, between Rifle and Eagle and

Highway 82 between Glenwood and Aspen; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele

W. C. Banks

Marian Simon

Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1935.

A-1060

(Decision No. 6770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF CHESTER I. MEAD FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF EXPRESS AND PACKAGE FREIGHT BETWEEN MEEKER AND MAYBELL AND MEEKER AND THORNBURG AND INTERMEDIATE POINTS.)

APPLICATION NO. 2629-PP

October 30, 1935.

Appearances: John R. Clark, Esq., Meeker, Colorado, for applicant.

STATEMENT

By the Commission:

The applicant, Chester I. Mead, operates a Star Mail Route triweekly between Meeker and Maybell in Rio Blanco and Moffat Counties and between Meeker and Thornburg in Rio Blanco County. In addition he desires to transport express and package freight in connection with his mail route for approximately eighteen ranchers residing along his route between Meeker and Maybell and twelve ranchers residing between Meeker and Thornburg.

The only motor vehicle common carriers affected by the proposed operation of the applicant herein are Peterson Truck Line and Harp Brothers, both of whom appeared and filed a written waiver of notice and consented to the issuance of the permit as limited by the application. No other common carriers by motor vehicle have been authorized by this Commission to operate in said territory and the record does not show that his proposed operation will adversely affect or impair the efficiency of any authorized motor vehicle common carrier with whom the applicant may compete.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the application as hereinafter limited should be granted.

ORDER

IT IS THEREFORE ORDERED, That the said Chester I. Mead should be,

and he is hereby, authorized to operate as a class A private carrier by motor vehicle for the transportation of express and package freight in shipments not exceeding 200 lbs. in weight for any one shipment for the customers whose names appear in the above entitled application, between Meeker and Maybell, Colorado, and Meeker and Thornburg, Colorado, and intermediate points when transported in connection with the operation by the applicant of a mail route along said routes; said permit to issue if and when but not before he has filed a list of his customers and the necessary public liability and property damage insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the permit herein granted and ordered issued shall remain in effect only for such period as said applicant holds a contract with the United States Government for the transportation of the mail over said routes.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may nor or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1935.

(Decision No. 6771)

A-1052

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AUGUST HIGDON FOR A PERMIT TO OPERATE)
AS A CLASS "A" PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2646-PP
OF COAL ONLY FROM BALDY COAL MINE)
THREE MILES SOUTHWEST OF TRINIDAD)
TO TRINIDAD, COLORADO.)
* * * * * * * * * * * * * * * * * * * *

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October 30, 1935.

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Appearances: Mr. August Higdon, Trinidad, Colorado, pro se;

S T A T E M E N T

By the Commission:

Applicant seeks a Class A private permit authorizing the transportation of coal only from Baldy Coal Mine, three miles southwest of Trinidad, to Trinidad, Colorado.

Our records disclose that applicant has filed a list of his proposed customers with the Commission and has the necessary insurance on file. Due to the fact, of which the Commission takes judicial knowledge, that no common carrier motor vehicle service exists for the transportation of coal in the area sought to be served by applicant, the Commission has determined to grant the permit sought without notice of any hearing.

O R D E R

IT IS THEREFORE ORDERED, That August Higdon be, and he is hereby, granted a Class A private permit authorizing the transportation of coal only from the Baldy Coal Mine, three miles southwest of Trinidad, to Trinidad, Colorado, said permit to issue if and when, but not before applicant has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate

under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Stuller

W. L. Dawkins

Walter Evison

Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1935.

B 1066

(Decision No. 6772)

A-1055

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF GEORGE W. ROBERTSON FOR A PERMIT TO OPERATE AS A CLASS"A"PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ORES AND CONCENTRATES FROM THE MINES IN THE VICINITY OF IDAHO SPRINGS TO IDAHO SPRINGS AND/OR LEADVILLE, COLORADO.

APPLICATION NO. 2575-PP

October 30, 1935.

Appearances: Frank L. Jones, Esq., Idaho Springs, Colorado, attorney for applicant.
Mr. J. F. Rowan, Denver, Colorado, for Curnow Livery and Transfer Company and The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited by evidence offered in behalf of applicant, protestants offering no testimony, authority is herein sought to transport ore and concentrates from mines within a radius of 15 miles of Idaho Springs, Colorado, to railroad cars at Idaho Springs, Colorado, and ore and concentrates from said mines and/or Idaho Springs, Colorado, to Leadville via Loveland Pass or Hoosier Pass, with back haul of ore and concentrates from Leadville and intermediate points to mill at Silver Plume, Colorado.

Applicant owns two Ford V-8 trucks, for which he paid $2,360. At present, he has been or expects to haul for Frank Gustafson, Central Gold Mining Company, R. B. Mining Company, Phoenix Mining Company, Kangaroo No. 1 Mining Company, Kangaroo No. 2 Mining Company, U. S. Gold R. Company, Midland Brokerage Company, John Jensen, Commonwealth Transportation Company and Queen Ranch Mining Company; and stated that so long as conditions continued as they are now, he would confine his operations to said list of customers.

It did not appear that his proposed operation will impair the

efficiency of any motor vehicle common carrier service now operating in said district.

After careful consideration of the evidence, the Commission is of the opinion and finds that said application, as limited by the testimony offered at the hearing, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said George W. Robertson should be, and he hereby is, granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of ore and concentrates from mines within a radius of 15 miles of Idaho Springs, Colorado, to Silver Plume and railroad loading points at Idaho Springs, and the transportation of ore and concentrates from said mines and/or Idaho Springs to Leadville, Colorado, via Berthoud Pass, Loveland Pass or Hoosier Pass, with back haul of ore and concentrates from said Leadville and intermediate points to the mill at Silver Plume, said permit to issue if and when, but not before, applicant has filed the necessary insurance and a list of his customers, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest C. Stuart

W. E. Danks

Evans Swisher

Commissioners

Dated at Denver, Colorado,
this 30th day of October, 1935.

(Decision No. 6773)

B-1069

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF T. J. BAER FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT INCLUDING LIVESTOCK TO AND FROM AN AREA FIVE MILES SOUTH AND TEN MILES EAST OF A POINT SIX MILES SOUTHEAST OF SIMLA, COLORADO, OVER IRREGULAR ROUTES.

APPLICATION NO. 2559-PP

October 31, 1935.

Appearances: T. J. Baer, Simla, Colorado, pro se.
D. Edgar Wilson, Esq., Denver, Colorado, for The Chicago, Rock Island & Pacific Railway Company.
Marion F. Jones, Esq., Longmont, Colorado, for the Colorado Trucking Association.
A. J. Fregeau, Denver, Colorado, for Oren Hartsel.

STATEMENT

By the Commission:

The applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of freight including livestock to and from an area six miles southeast of Simla, Colorado.

It appeared at the hearing that the applicant lives on a farm six miles southeast of Simla, Colorado, and desires to serve a territory around his place described, as follows: "Extending two and one-half miles south thereof; five miles west; two and one-half miles north and five miles east."

The applicant seeks authority to transport farm products from farmers in this area to Simla and Calhan with a back haul of farm supplies including coal, cement and lumber. The applicant also stated that he paid his lumber bills by transporting cement and plaster from the mill at Portland to Simla for the lumber company and desired authority to make this haul. Witnesses testified to the standing and reliability of the applicant and that there was a great need for more transportation facilities in the movement of crops; that at the present time many farmers

were using trailers back of their cars which they would gladly abandon if the applicant gets a permit.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

Oren A. Hartsel, who operates under P.U.C. No. 565, making regular trips to Denver, has authority to serve this same territory but it appeared that his trucks were not available when needed by the farmers and that the seasonal movement of crops and the moving of grain from the threshing machines, causes a peak demand for trucks. The evidence also tended to show that the proposed services of the applicant would not unduly impair the efficient services of any authorized common carrier.

After careful consideration, the Commission is of the opinion, and so finds, that the permit requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That T. J. Baer be, and he is hereby, granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products from an area around his ranch home situated six miles southeast of Simla, Colorado, described, as follows: "Extending two and one-half miles south of his place; five miles west; two and one-half miles north; and five miles east thereof, to Simla and Calhan," with a back haul of farm supplies including coal, cement and lumber; with authority to transport cement and plaster from the mill at Portland to Simla, Colorado, said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby,

made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of October, 1935.

(Decision No. 6774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF THE COLORADO AND SOUTHERN RAILWAY COMPANY FOR AUTHORITY TO SUBSTITUTE NON-SCHEDULED FREIGHT TRAIN SERVICE BETWEEN DENVER AND ELIZABETH, COLORADO, FOR THE FORMER SERVICE ON ITS FALCON BRANCH.

APPLICATION NO. 2410

IN THE MATTER OF THE PETITION OF BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY TO REQUIRE THE COLORADO AND SOUTHERN RAILWAY COMPANY, a CORPORATION, TO RENEW SERVICE OVER ITS RAILROAD LINE TO THE TOWN OF ELBERT, COLORADO.

CASE NO. 1593

October 31, 1935.

Appearances: J. L. Rice, Esq., Denver, Colorado, for The Colorado and Southern Railway Company;
Worth Allen, Esq., Denver, Colorado, for The Board of County Commissioners of Elbert County, and the Town of Elbert, Colorado;
Richard E. Conour, Esq., Denver, Colorado, for the Public Utilities Commission of the State of Colorado;
George M. Gibson, Esq., Colorado Springs, Colorado, for The Board of County Commissioners of El Paso County, Colorado;
Harry F. Anderson, Esq., Kiowa, Colorado, for the Town of Elizabeth, Colorado, and Town of Kiowa, Colorado.

S T A T E M E N T

By the Commission:

On June 18, 1935, the applicant, The Colorado and Southern Railway Company, filed its application No. 2410 for authority to discontinue the train service heretofore furnished on its Falcon Branch and to substitute therefor the operation of such non-scheduled freight trains between Denver and Elizabeth, Colorado, for the transportation of carload freight only, as the applicant should find reasonably necessary to transport, carload freight originating at or destined to points on the Branch between Denver and Elizabeth, Colorado. Answers and protests to this

application were filed by the Board of County Commissioners of Elbert County, the Towns of Elizabeth, Kiowa and Elbert, and various others who did not participate in the hearing. Thereafter, on August 3, 1935, there was filed the petition of The Board of County Commissioners of Elbert County, Colorado, Case No. 1593, requesting the order of the Commission requiring the applicant herein to resume service over its line from Denver to at least as far as the Town of Elbert, in Elbert County, Colorado, without specifying the type of service demanded. The applicant, The Colorado and Southern Railway Company, answered the petition, and thereupon the above entitled matters were consolidated for hearing and were heard on October 14, 1935.

The Falcon Branch here in question extends from Denver to Falcon, in El Paso County, a distance of 73.49 miles. It is of standard gauge construction and was formerly the main line of The Colorado and Southern Railway Company between Denver and Colorado Springs. Falcon is a station on The Chicago, Rock Island and Pacific Railway Company, and served by that line. Since the application in No. 2410 seeks to discontinue service south of Elizabeth only, and the complaint in Case No. 1593 seeks restoration of service only as far as Elbert, it becomes unnecessary to give more than casual investigation to that portion of the Branch south of Elbert, being approximately twenty-one miles in length, in view of the evidence concerning the segment from Elbert to Falcon.

On or about May 30, 1935, torrential rains occurred in the vicinity of the Branch, causing large floods which washed out and destroyed a part of the Branch in and in the vicinity of Elbert, and washed out long stretches of track and practically all of the bridges south of Elbert.

The applicant has filed its application with the Interstate Commerce Commission, being Finance Docket No. 10912, for authority to abandon all of said Branch from Conners mile post 8.41 to Falcon, a distance of 65.16 miles, which application is set for hearing on November 23,

1935. Whatever is done in this proceeding would, of course, depend upon the ultimate disposition of the abandonment case. In any event, several months will elapse before any decision will be reached in Finance Docket No. 10912, and it is necessary that some disposition be made of the application and complaint here under consideration.

From Denver to a point near Parker, the Branch follows Cherry Creek, and from Parker to a point near Elizabeth, crosses over a low height of land. No damage occurred to the line between Denver and Elizabeth. Between Elizabeth and Elbert, the line follows a creek for some distance and then crosses another higher point to Elbert on Kiowa Creek. Only minor damage occurred at Elizabeth and practically no damage is shown between Elizabeth and Elbert, the point where the greatest destruction took place. South of Elbert the Branch follows Kiowa Creek, and it is in this segment where much grade and nearly all bridges were destroyed.

According to the evidence of the carrier, it is estimated that the cost of restoring service as far as Elbert, Mile Post 52.02, would be $4,135.00, not including a wye. The following items are included in the estimate (Exhibit 5): Engineering, $100.00; Grading, $1,215.00; Bridge material and labor, $889.00; Track material and labor, $971.00; and cost of replacing station and water facilities at Elbert, $960.00. Exhibit 6 contains an estimate of restoring service between Elbert and Falcon, and fixes the cost of $25,919.00, not including right-of-way fence or telegraph line.

The Commission's engineer, C. H. Rankin, examined the Branch and made a written report which was received in evidence as Exhibit 22. The evidence of both Mr. Rankin and the carrier's engineer shows that the greatest damage occurred south of Mile Post 52, which is located at the stock yards in Elbert. Consequently, Mr. Rankin, in his estimates, has offered three plans for restoration of service. His first plan contemplates temporary repairs as far as Mile Post 52 at an estimated cost of

$1,200.00, which would be sufficient to render temporary service for the present. His second plan, denominated "Plan No. 1" in Exhibit 22, would include rebuilding the main track from the stockyards to a point about 100 feet south of the water tank in Elbert, and put in about 450 feet of spur track to serve the elevator and lumber yard. By using salvaged rail and ties, he estimates the cost of trackage at $2,000.00, and adds $800.00 for restoring pumping plant at tank in Elbert, the tank having suffered negligible damage. To these items of cost should be added his estimate of $600.00 for making repairs at Elizabeth and $2,500.00 for construction of a wye at Elbert, which items, added to the estimate of the cost for restoring temporary service, makes a total estimated cost of $7,100.00 for restoring permanent service to Elbert in much the same manner as existed prior to the flood.

"Plan No. 2", as set forth in Exhibit 22, suggests the possibility of connecting the end of the present main track at the stockyards with the present damaged side track to the elevator and then extend it to a point about 200 feet beyond the elevator. The pumping plant at the water tank could be restored and a stand pipe installed to serve engines on the siding just opposite the tank. The south end of the spur track at the stockyards could then be connected with the track to the elevator, thereby becoming the future main track. Col. Rankin estimates the cost of his "Plan No. 2" of restoration, including a wye track, to be about $6,600.00. An identical plan was offered by the railroad engineer, Mr. Gowdy, as set forth in Exhibit 7, although his estimate, including a wye track at Elbert, amounts to $7,585.00, including $3,450.00 for construction of a wye and necessary real estate estimated to cost $750.00. For convenience, there is set forth below a summary from Exhibit 22 showing the various plans of restoration offered by the Commission's engineer:

Temporary Service

Repairs to Tracks and bridges, Elizabeth to Stockyards at Elbert $1,200.00

Permanent Service

By Plan No. 1,	roadbed M.P. 39.75	$ 600.00		
	Trackage	2,000.00		
	Pumping service	800.00		
	Wye	2,500.00	Total	$ 5,900.00
			Total cost	$ 7,100.00
By Plan No. 2,	roadbed M. P. 39.75	$ 600.00		
	Trackage & stand pipe	1,500.00		
	Pumping service	800.00		
	Wye	2,500.00	Total	$ 5,400.00
			Total cost	$ 6,600.00

In connection with any estimate of the cost of restoring service as far as Elbert, it becomes necessary to consider certain items of expense which might be considered as credits against the cost of restoring service. At the present time, twelve freight cars are stranded at Elbert. The evidence shows that these cars have a depreciated value of about $7,500.00, and that the railroad company intends to salvage these cars in any event. The testimony is in conflict concerning the said cost, a railroad witness testifying that they had a tentative estimate from a private trucking contractor of $160.00 per car, or a total of $1,920.00 for recovery of the twelve cars in question. The Commission's engineer estimated the cost of recovering these cars at from $2,000.00 to $2,500.00. If service is restored to Elbert, this expense would be saved, and should be deducted from the cost of restoring service, less $400.00 for wrecking service in Elbert, leaving a credit of $1,850.00 against the cost of restoring the line to Elbert, assuming the cost of recovering the cars to be not less than $2,250.00.

Furthermore, the record shows that it will be necessary to construct a wye track at Elizabeth, even in the event the application in No. 2410 be granted. The railroad estimates the cost of the wye track at $3,450.00, including $750.00 for land, as the old right-of-way of the Elbert wye is now part of the stream bed of Kiowa Creek. Col. Rankin estimates the cost of a wye to be $2,500.00, without land. The evidence

indicates that the residents of Elbert are willing to contribute the necessary land for a wye if service is restored. Therefore, we have concluded that the cost of a wye, which is hereby found to be not in excess of $2,500.00, should be deducted from the cost of restoring service, since a wye must be built either at Elizabeth or Elbert, in any event. The cost of restoring service as far as Elbert based upon the plan offered by the railroad in Exhibit 7, and by Col. Rankin in his "Plan No. 2", less the credits mentioned above, may be tabulated, as follows:

Repairs to tracks and bridges, Elizabeth to stockyards at Elbert	$ 1,200.00
Plan No. 1 - Repairs in Elbert	5,400.00
	$ 6,600.00
Less cost of salvaging cars	1,850.00
Less cost of building wye	2,500.00
Cost of riprapping at Mile Post 39.75	500.00
Net cost of restoring service	$ 1,750.00

We have also deducted $500.00 as the estimated cost of riprapping the stream bank at Mile Post 39.75 as it does not appear that riprapping will be necessary to restore temporary service during the coming winter months. If applicant obtains authority to abandon the branch, this will not be necessary. If not, it should be able to install riprapping for not to exceed $500.00.

The evidence offered by the carrier, and which appears to be substantiated by various shippers who testified, concerning traffic to and from various points on the line, shows a substantial increase in traffic during the year 1934 over the previous two years. Exhibits 10 and 11, containing a statement of carloads of freight forwarded from and received at stations on the Branch is recapitulated, as follows, with respect to traffic as far as and including Elbert:

Carloads of Freight for Year

Station	1930	1931	1932	1933	1934	Jan.1 to June 30,1935
Shepherd	13		13	6	13	5
Floral	22	22	26	19	23	15
Connors	199	117	18	8	14	-
Sullivan	14	2	-	-	4	28
Burnside	-	-	-	-	-	17
Melvin	16	7	1	3	4	2
Parkers	177	91	33	40	77	66

Hill Top	21	11	6	13	5	1
Elizabeth	398	259	161	179	229	79
Elbert	295	201	136	94	117	41
Grand Total	1155	710	394	362	486	254

While carload traffic is increasing on the Branch, it is apparent that less than carload traffic has been decreasing, evidently due to truck competition. The traffic to Elbert and Elizabeth for the first six months of 1935 cannot be said to be representative of the period, due to the fact that there have been no trains into Elbert since May 30, 1935. As a result, some Elbert traffic has gone to trucks and the rest has been hauled by rail to Elizabeth, resulting in a greater increase in traffic to Elizabeth. Restoration of service to Elbert would restore considerable amount of this traffic to the railroad since the bulk of the freight moving into and out of Elbert is of a nature which is not handled satisfactorily by trucks.

The evidence discloses that conditions on the Branch have been far from normal during the past few years. The territory served by the Branch is predominently agricultural, dependent upon adequate rainfall for the production of crops. It would appear that 1930 was the last good year, and that since that time the precipitation has been progressively less until this year, when there was somewhat greater rainfall, although generally coming in storms which quickly ran off. The evidence shows that this district must have at least thirteen inches of precipitation during the growing season to produce a normal crop. The precipitation has been much less than thirteen inches during the period from 1931 to 1934, inclusive. The crop conditions in the district reflect themselves in the net operating revenues of the railroad during the period in question.

The applicant railroad claims losses in the operation of the Branch of $74,184.16 in 1931, $69,981.05 in 1932, $53,228.59 in 1933, $40,828.97 in 1934, and $32,972.11 for the first six months of 1935. However, the loss per mile on the system was greater than the loss claimed on

the Branch. Exhibit 8 shows a system loss of $854,137.55 in 1934. The total mileage of the system is 740 miles, which gives a system loss of $1,154.00 per mile. The loss on the Branch was only $559.00 per mile, as shown by Exhibit 9. These alleged losses are exclusive of taxes, and are based upon daily operation as far as Elbert, and maintenance and other expenses chargeable for the whole line. It seems apparent that operation only as far as Elbert, twice weekly, would be sufficient to retain the carload traffic and eliminate any losses claimed under former operating conditions. This is evidenced by Exhibit 12, which charges about one-third of the loss claimed to the line south of Elizabeth. We assume that had Elbert been the breaking point, that an even greater proportion of the loss would have appeared against the line south of Elbert. In Exhibit 14, it is estimated that the loss based upon operation twice weekly to Elizabeth would be only $2,538.00 per year. If the revenues and expenses are allocated to the Branch upon a more equitable basis, we believe that little, if any, loss will be shown from operation of the branch as far as Elbert. In any event, any trifling loss would be overcome by the feeder value of the Branch to the whole Colorado and Southern system. It is possible to show that any Branch line of railroad is operating at an apparent loss, regardless of the amount of business on the line, and it would appear that the Falcon Branch is no exception. This was circumstance pointed out by the Interstate Commerce Commission in Louisville and Nashville R.R. Co. Abandonment, 187 I.C.C. 311, 314, when that body refused to accept the carrier's showing of losses as correct:

> "It is not assumed that this statement of losses is a correct showing. A mileage prorate of revenues from hauls extending over lines of greatly differing traffic density and other varying circumstances is at best a rough and unsatisfactory method of segregating income of a portion of a system, and usually tends to depreciate the revenue producing value of a branch line."

To the same effect is D. T. & I. Railroad Co. Abandonment 187 I.C.C. 433.

All of the evidence points to the fact that traffic on this Branch is showing a definite upward trend. For instance, Exhibit 23 shows that during the year 1934, only twenty-three cars of beans were shipped from Elizabeth. So far this year, fifty cars of beans have been shipped and ten or twelve more cars will be shipped. There is nothing in the record to show that the livestock traffic will be any less than usual. If service is maintained as far as Elbert, cattle raisers as far south as Falcon will ship from Elbert rather than suffer the long haul via Limon to Denver. Another item of traffic which should show an increase is coal shipped to points on the Branch. The record shows that for the past several years, very little coal has been used in the territory served by the Branch due to a rather general use of tree tops left after tie cutting operations. This source of fuel has been exhausted and commencing immediately, the consumption of coal in the district should return to somewhere near normal. In 1930, 153 cars of coal were received at various points on the Branch between Denver and Elbert. By 1934, this traffic had dropped to seventy-eight cars.

The flood which damaged the railroad also destroyed many highway bridges in the territory served by the Branch. The record shows that Works Progress Administration expects to ship by rail a total of 108 carloads of various construction materials into the district, of which eighty-nine will be destined to Elbert, if service is restored, and nineteen cars to Elizabeth. Furthermore, a C.C.C. camp has been installed near Elbert, which is certain to be in active operation for at least six months and probably for a longer time. This camp will require at once about twelve cars of coal and other material, and during the period of its existence, will require about two and one-half cars of supplies per month, or an estimated total of at least twenty-seven cars in all during the six month period. In addition, the soil erosion work to be done by this camp will

require an unknown quantity of tractors, machinery, cement, dynamite and other materials. A witness connected with the Quartermaster in charge of purchases for the camp expressed a definite perference for rail transportation, and stated that this material would be transported by rail, and that his department preferred Elbert to Elizabeth as the unloading point on account of the shorter truck haul.

The flood which damaged the railroad also destroyed about half of the dwellings in Elbert. Most of the owners of these are awaiting the determination of the abandonment proceedings affecting the line here in question. It will be necessary to rebuild these destroyed homes somewhere, which will require a considerable quantity of building materials at Elbert if the line remains in place. In addition to all this, it appears that practically no farm machinery has been purchased in the locality served by the Branch since 1930. Existing machinery has been repaired and kept in operation, but cannot be kept in service indefinitely. Machinery dealers predict an almost unlimited market for farm machinery and tractors in this territory in the near future, all of which will probably be hauled in by the railroad.

During the year 1934 a total of 100 cars of freight were forwarded from Falcon and Eastonville, and twenty-eight cars were received. Assuming that only half of this freight would be shipped or received at Elbert, this would mean that the traffic to and from Elbert would be increased by at least sixty-four carloads, which otherwise would move from Eastonville and Falcon if the Branch were in operation throughout its length.

In 1930 there was a total of 295 carloads of freight received at and forwarded from Elbert, and by 1934, this had dropped to 117 cars. Assuming for the moment that 117 cars is normal, we arrive at 297 cars as the probable amount of traffic received at and forwarded from Elbert during the next few months.

Normal freight to and from Elbert	117 cars
Eastonville and Falcon freight from Elbert	50 "
Eastonville and Falcon freight to Elbert	14 "
Cars to C.C.C. camp	27 "
W.P.A. Materials	89 "
Total	297 cars

The Commission has heretofore allowed the closing of the stations at Parker and Eastonville, and the curtailment of service between Elbert and Falcon. The evidence shows a large investment necessary to restore the Branch between Elbert and Falcon, and insufficient traffic to justify the expenditure, especially when the territory served by that portion of the Branch may be served either at Falcon or at Elbert. Therefore, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity does not justify the continuance of train service between Elbert and Falcon, Colorado, and that as to that portion of the Branch, Application No. 2410 should be granted.

The Commission is further of the opinion, and so finds, that the cost of restoring service between Elizabeth and Elbert will not exceed the sum of $2,150.00 after making deductions for the cost of riprapping at Mile Post 39.75, the cost of salvaging twelve freight cars at Elbert, and the cost of building a wye track, as it appears that these expenditures, with the possible exception of the riprapping, will have to be made regardless of whether service is rendered to Elizabeth or Elbert, and that the present and future public convenience and necessity outweighs the rather trifling burden upon the carrier in the present case and under the facts disclosed by the evidence, and requires the restoration of freight train service on said Falcon Branch between Denver and Elbert, Colorado, and that twice weekly service between said points is sufficient to meet the needs of the public.

The Commission is further of the opinion, and so finds, that the present and future public convenience and necessity does not require the transportation of passengers to and from Denver and Elbert and

intermediate points.

The Commission is further of the opinion, and so finds, that no agency station is necessary at Elbert, Colorado, and that authority should be granted to the railroad, at its option, to discontinue an agency station at Elbert.

O R D E R

IT IS THEREFORE ORDERED, That in Case No. 1593, The Colorado and Southern Railway Company be, and it is hereby, required to restore, within thirty days from the date hereof, freight train service between Denver and Elbert and intermediate points, which service shall be furnished at least twice each week and more frequently if the public convenience and necessity shall require.

IT IS FURTHER ORDERED, That in Application No. 2410, applicant be, and it is hereby, granted authority to discontinue all train service between Elbert and Falcon, Colorado.

IT IS FURTHER ORDERED, That said The Colorado and Southern Railway Company be, and it is hereby, authorized to discontinue its agency station at Elbert, Colorado, at its option.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1935.

(Decision No. 6775)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CHARLES E. EVERETT TO TRANSFER TO BENNIE GOLDSTEIN THAT PORTION OF HIS PRIVATE CARRIER PERMIT NO. A-469 AUTHORIZING OPERATION BETWEEN DENVER AND TRINIDAD, BUT LIMITED TO FREIGHT ORIGINATING AT OR DESTINED TO POINTS SOUTH OF PUEBLO, COLORADO.	APPLICATION NO. 2555-PP-A

October 31, 1935.

Appearances: Worth Allen, Esq., Denver, Colorado, attorney for applicants, Charles E. Everett and Bennie Goldstein;
J. F. Rowan, Denver, Colorado, for Weicker Transportation Company;
T. A. White, Esq., Denver, Colorado, for The Denver & Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

Charles E. Everett, doing business as A-1 Transportation Company, is the present owner of private permit No. A-469, which authorizes the transportation of freight between Denver and Trinidad, Colorado, and intermediate points. In the instant application, he is seeking authority to transfer to Bennie Goldstein that portion of said permit which authorizes the transportation of freight between Denver and Trinidad, but limited to freight originating at or destined to points south of Pueblo. Transferor would retain his right under said permit to transport freight between Denver and Pueblo.

The evidence disclosed that Bennie Goldstein is now operating under permit No. A-450 between Denver and Pueblo and seeks by the instant application to extend his operations to include the right to transport freight from Denver to Trinidad. He was heretofore in Application No. 2327-PP-B denied the right to extend his own permit from Pueblo to Trinidad.

It was further disclosed that the said Charles E. Everett has

not been operating under his permit south of Pueblo.

On behalf of protestants, evidence was introduced to show that ample common carrier motor vehicle service now exists between Denver and Trinidad to take care of all the traffic, and the granting of the transfer was protested upon the ground that it would in effect grant an additional permit for the transportation of freight between Denver and Trinidad to the detriment of existing common carrier motor vehicle service. The right to transfer private permits is governed by Rule 7 of the Rules and Regulations Governing Private carriers for hire by motor vehicle, effective May 1, 1955, as follows:

> "No private carrier shall sell, assign, lease or transfer his permit unless and until he has made application to the Commission for authority to transfer such permit, nor until the Commission has authorized the same.
>
> "Applications for transfer of any permit shall contain all information concerning the transferee or transferees now or hereafter required in original applications.
>
> "No application to transfer a permit will be approved until the financial standing of the transferee has been established to the satisfaction of the Commission."

Section 5 of Chapter 120, Session Laws of 1951, upon which the above Rule No. 7 is based, provides, inter alia, as follows:

> "It shall be unlawful for any private carrier by motor vehicle, as defined in Section 1 of this Act, to engage in or transact the business of transporting passengers, freight, merchandise or other property over the public highways of the State of Colorado, without first having obtained a permit therefor from the Public Utilities Commission of the State of Colorado. It is hereby declared that the business of private carriers by motor vehicle as defined in this Act, is affected with a public interest and that the safety and welfare of the public traveling upon such highways, the preservation and maintenance of such highways, and the proper regulation of motor vehicle common carriers using such highways require the regulation of private carriers by motor vehicle to the extent hereinafter provided, for which purposes, the Commission is hereby vested with the authority to issue a permit to a private carrier by motor vehicle, and may attach to such permit and to the exercise of the rights and privileges granted thereunder, such terms and conditions as are reasonable,

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes. The Commission shall give written notice of such hearing to all persons, firms or corporations interested in or affected by the issuance of such permit at least ten (10) days prior to the time fixed for such hearing. No existing permit shall be transferred until the financial standing of the transferee is established to the satisfaction of the Commission."

In the instant case, the financial standing of the transferee was established to the satisfaction of the Commission. However, we are of the opinion that to permit the transfer of portions of private permits whereby two or more operators will then be operating and serving separate and distinct lists of customers, is such an enlargement of the original permit that the Commission should not grant the same, provided it is of the opinion that such enlargement will impair the efficient public service of any motor vehicle common carrier then adequately serving the territory over the same general highway route or routes.

We are further of the opinion that the granting of the authority sought in the instant case would in effect impair the efficient public service of the motor vehicle common carrier service now existing between Denver and Trinidad.

In Application No. 2261-PP, Decision No. 6325, one Ben Adams sought authority to lease a portion of his private permit to Glenn Whaley and Gene Simkins, who theretofore had been denied permits to operate in a portion of the territory that Adams was authorized to serve under his permit. In denying said authority to lease, the Commission stated:

"Assuming that in the ordinary case we would authorize somewhat as a matter of course the holder of a private permit to transfer the same to a third person, we do not believe that the transfer provision in the statute was ever intended to be used in any such manner as it is attempted to be used here.

Assuming that the applicant and the proposed lessors have brought themselves with the strict letter of the law, they have used the law for a purpose for which it was never intended. Gregory vs. Helvering, 55 S. Ct. 266.

To permit the indiscriminate transfer of portions of private permits would, in our opinion, result in chaos in the transportation situation in Colorado, and would increase the number of private carrier operations to a point where it might be questionable whether any common carrier motor vehicle operations could continue to exist. In our opinion, such is not the intent or purport of the statutes or of our Rules and Regulations.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought in the instant application to transfer a portion of private permit No. A-469 should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the authority sought in the instant application be, and same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele

W. E. Danks

Walter Wilson

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1935.

(Decision No. 6776)

B-1063

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY B. BATEMAN FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF SAND, GRAVEL, BRICK AND HAY WITHIN A 20-MILE RADIUS OF SAID APPLICANT'S RESIDENCE IN WHEATRIDGE, COLORADO.

APPLICATION NO. 2588-PP

October 31, 1935.

Appearances: Mr. Harry Bateman, Wheatridge, Colorado, pro se;
Mr. J. F. Rowan, Denver, Colorado, for Motor Truck Common Carriers Ass'n;
Mr. A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

As limited at the hearing, applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from gravel pits in the Platte River Calley within a radius of six miles of Wheatridge, Colorado, and brick from Golden, Colorado, to points in said area; hay from farms within a radius of five miles of Wheatridge, Colorado, to the dairy at said Wheatridge; coal from mines near Littleton and from northern Colorado coal fields near Boulder, Marshall and Frederick to Denver, Wheatridge, Lakewood and Edgewater. He does not intend to transport general freight or establish a line haul operation.

Applicant has been engaged in trucking for some time and has a 1935 1½-ton Dodge truck of a net value of $250. He has a commercial permit which he thought covered his operation. Upon learning to the contrary, he filed this application.

It did not appear that the operation, as limited, will impair the efficiency of any existing motor vehicle common carrier service.

After a careful consideration of the evidence, the Commission is of

the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Harry Bateman be, and he hereby is authorized to operate as a Class "B" private carrier, for hire, for the transportation of sand and gravel from gravel pits and hay from farms, all within a radius of six miles of Wheatridge, Colorado, and brick from Golden to Wheatridge or other points in said area, also coal from coal mines near Littleton, Colorado, and northern Colorado coal fields near Boulder, Marshall and Frederick, to Denver, Wheatridge, Lakewood and Edgewater, without the right to back haul freight, said permit to issue if and when, but not before applicant has filed the necessary insurance and a list of his customers, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Keeler

W. L. Danks

Duncan Smith

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1935.

(Decision No. 6782)

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF JACK PERRY, doing business as SERVICE TRUCK LINE.	)))	CASE NO. 1579
RE MOTOR VEHICLE OPERATIONS OF JACK PERRY, doing business as SERVICE TRUCK LINE.	)))	CASE NO. 1588

November 1, 1935.

Appearances: Marion F. Jones, Esq., for Respondent.

Richard E. Conour, Esq., for The Public Utilities Commission.

S T A T E M E N T

By the Commission:

Two orders were made by the Commission against the respondent Jack Perry, doing business as Service Truck Line, one being in Case No. 1579, the other in Case No. 1588. The two orders were in effect complaints on the Commission's own motion against the said respondent.

In Case No. 1579 the respondent is charged with having made and filed false and perjured monthly reports of the tonnage hauled by him upon the highways of the State during the months of October, November, and December, 1934, and January, 1935, the purpose of making such false and perjured reports being to avoid payment of the highway compensation taxes required by law to be paid to the State. The respondent is further charged in Case No. 1579 with having failed and neglected to file with the Commission a written statement of the names and addresses of all his customers, both consignors and consignees, as required by Rule 15.

In Case No. 1588 the respondent is charged with having operated over routes which his permit does not name, and in particular with

having operated over the route extending from Pueblo through Walsenburg to Trinidad, as well as over routes leading to other points named in the order constituting the complaint.

The respondent was required in both cases to show cause by written statement to be filed with the Commission within ten days from the date on which the orders were made, inter alia why the Commission should not make an order suspending or revoking his said permit, and why there should not be made such other order or orders as may be meet and proper in the premises. The order in Case No. 1579 was dated April 5, 1935, the order in Case No. 1588, May 9, 1935. The respondent filed an answer in Case No. 1579, but did not file an answer in Case No. 1588. Both cases were heard on a joint record in the hearing room of the Commission in Denver on May 21.

The respondent in his answer filed in Case No. 1579 denied that the respondent is or has been engaged as a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927. He further denied that he had made any false or fraudulent statements to the Commission or that he ever had made any reports or statements for the purpose of and with the intent of defrauding the Commission and the State of Colorado of highway compensation taxes; "that if any statements or reports were made to the Commission which were erroneous, they were so made by mistake and without the knowledge of respondent, that if there is such error respondent stands willing to immediately pay any tax which may be due." He further alleged in his said answer "that any failure to comply with Rule 15 has been through oversight and will immediately file a complete and accurate list of all customers."

The evidence showed that a private motor permit No. A-16 was issued to the respondent on June 24, 1931. Said original permit authorized the respondent to transport freight between Denver and Pueblo. There-

after at various times the Commission upon the application of the respondent added other routes to the said permit. However, the records of the Commission fail to show that the said permit was ever extended so as to authorize the transportation of freight to points intermediate to Denver and Pueblo, or between Pueblo and Trinidad, although the respondent claims that he at one time filed with the Commission a letter requesting such extension, and that some representative of the Commission had informed him orally that that was all that was necessary for respondent to do before beginning operations over said route. No such letter was found in the files of the Commission, and no further testimony as to the conversation with some inspector or other representative of the Commission was given. However, at the time these alleged extensions took place respondent could have obtained the same as a matter of course.

Section 6 of Chapter 120, Session Laws of 1951, governing the operations of private motor carriers and imposing a highway compensation tax, is as follows:

> "Every Class A. Private Carrier by motor vehicle referred to in or contemplated by this Act shall keep daily records upon such forms prescribed by the Commission of all motor vehicles and trailers used on public highways during the current month. On or before the tenth day of the month following they shall certify under oath to the Commission upon forms prescribed thereby summaries of their daily records which shall show the ton miles and passenger miles traveled by such Class A Private Carrier by motor vehicle during the preceding month, and such other information as the Commission may require. The daily records shall be filed and preserved for a period of at least six years, and thereafter until permission for their destruction shall have been given by the Commission. Any person who shall wilfully make a false return to the Commission affecting any of the information required to be supplied by this Act or the rules, regulations and orders of the Commission shall be deemed guilty of perjury."

Section 10 of said Act is as follows:

"The Commission shall promulgate such rules and regulations as may be reasonably necessary for the effective administration of the provisions of this Act."

Pursuant to said Section 10, the Commission made a general rule, being Rule 15, which has been in full force and effect at all times since October 1, 1934, which reads in part as follows:

"Every private motor vehicle carrier operating upon the highways of the State of Colorado shall, on or before October 1, 1934, file with the Commission a written statement of the names and addresses of all customers of such private motor vehicle carrier, and whether the same are consignors or consignees. The person paying the transportation charges directly or indirectly shall be considered the customer in the absence of a showing to the contrary."

Section 17 of said Chapter 120, Session Laws of 1931 provides that the Commission "may at any time, upon complaint by any interested party, or upon its own motion, by order duly entered, after hearing had upon notice to the holder of any permit issued hereunder, and when it shall have been established to the satisfaction of the Commission that such holder has violated any of the provisions of this Act, or any of the terms and conditions of his permit, or has exceeded the authority granted by such permit, or has violated or refused to observe any of the proper orders, rules or regulations of the Commission, revoke, suspend, alter or amend any such permit issued hereunder."

The evidence showed further that the respondent had filed with the Commission sworn highway compensation tax reports for the months of October, November, and December, 1934, and January, 1935, which said reports were introduced in evidence herein.

The Commission, through some of its employes, made an extensive check of the business done by respondent during the four months in question.

It found a large volume of freight which was carried by the respondent upon the highways of the State, which had never been reported. How much more freight was carried which the Commission never learned about, we are of course unable to hazard a guess. A large number of exhibits were introduced, showing in detail the business done by respondent during said months.

At the hearing practically all of the evidence submitted by the attorney for the Commission was admitted by the respondent through his attorney to be substantially correct. There was some question as to a small part of the evidence presented, particularly with respect to the freight hauled to or for Nuckolls Packing Company. However, since the hearing the attorney for the respondent and the attorney for this Commission have stipulated that amended "Exhibit No. 25" contained a true and correct statement of the shipments handled for Nuckolls Packing Company after all questioned items had been eliminated. The stipulation above referred to also provided that Exhibit 26, not introduced at the hearing might be received in evidence.

Exhibits 1 and 4, inclusive, are the original, sworn, monthly reports filed by Respondent for the months of October, November and December, 1934, and January, 1935, and show that during said months there was reported 11,620 ton miles of revenue freight hauled, upon which there was assessed a total tax of $57.61 for said period. Exhibits 5 to 26, inclusive, show that for 22 shippers served during said months, respondent hauled freight upon which he should have reported taxes amounting to $177.37, whereby respondent is indebted to the State of Colorado for highway compensation tax on account of freight hauled by him over the public highways of the State of Colorado during the months in question in the amount of $119.76, not including penalties,

which is over and above the amount shown by the monthly reports of respondent for the four months in question.

The evidence further showed that the respondent had not filed his list of customers with this Commission, as required by Rule 15, supra, until after April 5, the date on which the order or complaint was filed in Case No. 1579.

Respondent testified that he did not keep any daily records until after the first complaint herein was filed; that he got rid of his bills of lading when he collected the freight charges from the customers; that when he came to make out his monthly reports he made all of them out from memory.

The evidence herein does not show that the respondent has been operating as a common or motor vehicle carrier, as that term is defined by Section 1 D, Chapter 134, Session Laws of Colorado, 1927.

In view of the testimony of the respondent with respect to his conversation with somebody in the office of the Commission as to his operation between Pueblo and Trinidad, we are inclined to ignore the complaint on that account made by the Commission, and to base no action herein on his alleged unlawful action in operating over a route not authorized by the Commission.

We are inclined to regard as quite serious the conduct of respondent in reporting to the Commission tonnage, the tax on which amounts to only $57.61, when the evidence shows that he transported at least three times that much tonnage. Unfortunately, this is not the first time that we have had this respondent before us for misconduct. In our order of May 1, 1930, made in Case No. 529, in which the respondent had been charged with operating as a common or motor vehicle carrier, we said concerning the evidence of the respondent, "The evidence of the respondent was characterized throughout by equivocation and an attempt

at concealment of facts obviously known to him." In view of the fact that the tonnage reported was only thirty-two per cent of the total carried, it is difficult to avoid the conclusion that the respondent in swearing to his reports knew they were false. However, the law does not require fraud to be based upon proof that the one guilty thereof knew that his statements were false. It is satisfied if it be shown that the one making the statements did so in ignorance of their truth. The following statement of the law is taken from 26 Corpus Juris, 1109, "The knowledge necessary to establish scienter may be constructive, scienter being implied from a statement made as of the speaker's knowledge and in ignorance of its truth. The unqualified affirmation of a fact not know to be true may constitute fraud, subjecting the speaker to liability for its falsity, even though he lacked actual knowledge thereof. The unqualified assurance of what one does not know to be true is equivalent to and as unjustifiable as the assurance of a known falsehood."

To the same effect is the following, found in 12 Ruling Case Law 337 et seq.

> "Whether a person misrepresenting a fact knows it to be false, or makes the assertion without any precise knowledge on the subject, is immaterial, for the affirmation of what one does not know or believe to be true is equally, in morals and law, as unjustifiable as the affirmation of what is known to be positively false. If one asserts that a thing is true within his personal knowledge, or makes a statement as of his own knowledge, or makes such an absolute, unqualified and positive statement as implies knowledge on his part, when in fact he has no knowledge whether his assertion is true or false, and his statement proves to be false, he is as culpable as if he had wilfully asserted that to be true which he absolutely knew to be false, and is equally guilty of fraud. . . . . .
>
> "A statement made as of one's own knowledge, or so positively as to imply knowledge on his part, not only includes a representation that the fact is as stated, but also the further representation that the maker knows it to be so, and necessarily implies a belief on his part that it is true. Moreover, a representation recklessly made, without knowledge of its truth, cannot be a statement honestly believed, but, on the contrary, is regarded as a false statement knowingly made. If the maker of a statement does not

know it to be true, he must ordinarily be deemed to know that he does not; and if he knowingly states what is untrue, then in putting his statement in such form as to amount to an assertion that he has knowledge of its truth, he is guilty of an intentional falsehood."

The law stated generally in these two encyclopedias has long been the law in Colorado. In Sellar et al vs. Clelland, et al, 2 Colo. 532, it was strenuously insisted by counsel that in order to show fraud it is necessary that it be shown that the person making false representations knew them to be false. But the court held otherwise saying:

"But when one has made a representation positively, or professing to speak as of his own knowledge on the subject, the intentional falsehood is disclosed, and the intention to deceive is also inferred, or at all events, this is so when the matters falsely represented are pecularily within the knowledge of the party making them, and are not known to the party to whom they are made." (544)

Here assuming, which is difficult, that the respondent did not know that he was making false statements in reporting his tonnage in his reports for the four months in question, it is quite obvious that he made his statements with a reckless disregard of the truth, although he took a formal oath to their veracity.

Respondent is not a new comer in the field of motor transportation. The evidence shows that he has been engaged in the same for a long time. The order in Case No. 529 to which reference has been made, was made over five years ago. The act requiring private carriers to make sworn reports became a law on May 16, 1931, over four years ago.

After careful consideration of the evidence the Commission is of the opinion and so finds that the respondent, Jack Perry, made false reports to the Commission of the freight hauled by him during the months of October, November, and December, 1934, and the month of January, 1935; that he made said reports which were filed by him either with a knowledge that they were grossly false and fraudulent or with a reckless and contemptous disregard of the truth, and with a conscious lack of knowledge of their truth or falsity.

We are further of the opinion, and so find, that the respondent failed to file with the Commission a written list of his customers, and that such failure continued from October 1, 1934, until after April 3, 1935, when his failure and refusal was made the subject of the complaint in Case No. 1579.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-16, heretofore issued to respondent, Jack Perry, and all authority that he may now have to operate as a private carrier by motor vehicle be, and the same is hereby, suspended for a period of six months from November 10, 1935, and that for a period of six months commencing on said date, the respondent, Jack Perry, be, and he is hereby, ordered and required to cease and desist from operating, managing or controlling motor vehicles over the public highways of the State of Colorado as a private carrier by motor vehicle.

IT IS FURTHER ORDERED, That respondent, Jack Perry, immediately pay to the Commission, the sum of $119.76, delinquent highway compensation taxes, together with the statutory penalty thereon of 1½ per cent. per month from February 10, 1935, to the date of payment.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1935.

(Decision No. 6783)

a-1078

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN SEWELL FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ORE CONCENTRATES AND MINING SUPPLIES BETWEEN CARIBOU, COLORADO, AND DENVER AND INTERMEDIATE POINTS VIA VARIOUS COUNTY ROADS, COLORADO 119, COLORADO 7, U. S. 285 OR VIA NEDERLAND, COAL CREEK, AND COLORADO 58.

APPLICATION NO. 2506-PP.

November 4, 1935

Appearances: Mr. John Sewell, Cardinal, Colorado, pro se;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association, and for J. D. McKenzie.

S T A T E M E N T

By the Commission:

As limited by the testimony at the further hearing before the Commission in Denver on October 24, 1935, applicant seeks authority to haul ore, concentrates, and mining supplies for The Rocky Mountain Gold Mining Company, from and to its mine distant about three and a half miles from Nederland, Colorado, to and from Rollinsville, Boulder, Denver and Littleton, Colorado.

As so limited, it appeared from the evidence and protestant agreed, that said proposed operation would not impair the efficiency of any authorized motor vehicle common carriers serving said territory. It further appeared that said applicant resided at the mine of The Rocky Mountain Gold Mining Company, and was ready to serve and served said company at any time during the twenty-four hour day; during the time he was not so employed, he worked for the company as a day laborer.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit, as limited, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said John Sewell should be, and he hereby is, authorized to operate as a Class A private carrier by motor vehicle for hire, for the transportation of ore, concentrates, and mining machinery and supplies for The Rocky Mountain Gold Mining Company, from and to its mine distant about three and a half miles from Nederland, Colorado, to and from Rollinsville, Boulder, Denver, and Littleton; said permit to issue if and when, but not before he has filed the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1935.

(Decision No. 6784)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

791

* * *

IN THE MATTER OF THE APPLICATION OF JOHN W. LOENS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A GENERAL TRUCKING AND TRANSPORTATION BUSINESS BETWEEN THE TOWNS OF WESTCLIFFE AND SILVERCLIFFE IN THE COUNTY OF CUSTER, STATE OF COLORADO, AND THE CITY OF FLORENCE, IN THE COUNTY OF FREMONT, THE CITY OF PUEBLO, IN THE COUNTY OF PUEBLO AND THE VILLAGE OF WETMORE IN THE COUNTY OF CUSTER, ALSO TO MAKE AN OCCASIONAL TRIP TO DENVER, BUT NOT TO SERVE ANY INTERMEDIATE POINTS BETWEEN PUEBLO AND DENVER, COLORADO.

APPLICATION NO. 2317

November 4, 1935.

Appearances: Mr. J. F. Rowan, Denver, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, attorney for The Denver and Rio Grande Western Railroad Company, Railway Express Agency, Inc., and Rio Grande Motor Way, Inc.
Mr. A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity to operate a general trucking business between the towns of Westcliffe and Silver Cliff and Pueblo, Colorado, including the right to serve intermediate points. Authority was also sought to make occasional trips to Denver, without the right to serve any intermediate points between Pueblo and Denver. However, this operation was waived at the hearing.

The evidence developed that applicant proposes to operate from Westcliffe over Highway No. 96 to Pueblo, Colorado, and from Pueblo via Highway No. 50 to Florence and Canon City, returning to Florence, and from Florence via Highway 67 back to Highway 96 at Wetmore, without any authority to transport freight from Pueblo to Canon City or to duplicate any service now existing between said points and any intermediate points. The only authority sought so far as

Florence and Canon City are concerned would be for the purpose of collecting freight originating at said points for the towns of Wetmore, Westcliffe and Silver Cliff and delivering freight from said towns to Florence and Canon City.

As so limited, no objection was made to the granting of the application, except by the clients represented by Mr. White. The financial standing and the ability of applicant to conduct the operation were established to the satisfaction of the Commission.

Evidence was introduced to the effect that the railroad and express companies, as well as the Rio Grande Motor Way, Inc., do not render a satisfactory service to the shippers in the territory sought to be served by applicant, and that a need exists for the proposed operation.

On behalf of protestants, it was developed by the evidence that The Denver and Rio Grande Western Railroad Company operates a train weekly between Texas Creek and Westcliffe provided any freight is to be moved. However, it was disclosed that trains may not operate between said points for as long a period as one month. The Rio Grande Motor Way operates daily except Sunday service between Texas Creek and Westcliffe via Highway No. 69. The equipment used is a combination bus and truck. This service is rendered in connection with the Denver and Rio Grande railroad trains, and it developed that said bus left Texas Creek too early in the afternoon to handle shipments out of Pueblo made the same day for the Westcliffe territory. Protestants testified that they expected to remedy this situation so that freight leaving Pueblo at 1:00 P. M. would arrive in Westcliffe at 5:00 P. M. the same day. At the time of the hearing, Rio Grande Transport Service did not extend into Westcliffe, but protestants stated that they intended to extend the same to that point in the near future and to make a rate three times a week from Pueblo to Westcliffe of 50 cents per cwt.

No motor vehicle common carrier operation now exists via the route over which applicant intends to operate between Pueblo and Westcliffe, and the competition which will exist if applicant is granted his certificate, would be with the combined service of the Denver and Rio Grande Western

Railroad and Rio Grande Motor Way, Inc. It is possible that the improved service which protestants state they intend rendering would take care of the needs of the shippers in the Westcliffe and Silver Cliff district. Of course, this would not apply to the points intermediate between Westcliffe and Pueblo which applicant proposes to serve. The service of protestants require the transfer of freight at Texas Creek, while that proposed by applicant will be truck transportation direct from point of origin to point of destination.

The town of Wetmore, which would be a point served by applicant which is not served by protestants, is small and the business there is not large, but nevertheless its shippers desire common carrier truck service. The evidence disclosed that during the summer and fall there is a considerable movement of fresh vegetables and live stock out of this district, and direct truck transportation is needed, particularly for the movement of fresh vegetables.

The Commission recently denied a private carrier operator, who was hauling gasoline between Pueblo and Westcliffe, the right to increase his service to the transportation of freight generally on the ground that ample common carrier service already existed. However, when this decision was made, the Commission was aware of the fact that the instant application had been filed, even though no hearing had been held upon the same.

It is probably true that there is not sufficient business in the entire territory to justify two common carrier operations if they were strictly in competition with each other and over the same routes. However, after a careful consideration of the entire record, and in view of the fact that applicant intends to operate over a different route and serve different intermediate points than protestants, the Commission is of the opinion, and so finds, that the instant application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed operation of applicant for the transportation of freight generally to and from Westcliffe from and to Pueblo, via Highway No. 96, including all intermediate points, with the further right to operate from Pueblo via Highway No. 50 to Florence and Canon City, returning to Florence; thence via Highway No. 61 back to Wetmore, Colorado, and via Highway No. 96 to Silver Cliff and Westcliffe; provided, however, that the operation from Pueblo to

Florence and Canon City is limited to the right to transport freight to said points which originates in Westcliffe, Silver Cliff and Wetmore only, including the right to transport freight which originates in Florence and Canon City back to Wetmore, Westcliffe and Silver Cliff only, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS THEREFORE ORDERED, That applicant shall file his rate schedules, rules and regulations, and time and distance schedules, as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislatuve action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Keller

Walter Simpson

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1935.

[Decision No. 6786]

B-1243

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF RUTH DERMODY FOR A PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER FOR THE TRANSPORTATION OF MERCHANDISE IN LARIMER COUNTY ONLY.

APPLICATION NO. 2577-PP

November 4, 1935.

Appearances: Mrs. Ruth Dermody, 303 No. Meldrum St., Fort Collins, Colorado, pro se;
Mr. J. F. Rowan, Denver, Colorado, for The Moter Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association, and Jefferes Auto Company.

S T A T E M E N T

By the Commission:

Ruth Dermody, the applicant herein, seeks a Class B permit to operate as a private carrier for the transportation of merchandise in Larimer County. At the hearing it was disclosed that the applicant operates as The Dermody Transfer; that most of her business was confined to the City of Fort Collins, where she had been in the transfer business for about eighteen years; that the proposed operation is to be conducted with the use of a 1927 Graham one ton truck; that the applicant has agreements with the nine customers listed, several of whom filed letters to this effect; that the hauling proposed to be done consisted chiefly of coal, feed, and building material from firms in Fort Collins to their customers in different parts of Larimer County, occasional movements of household goods from point to point in Larimer County and general drayage and transfer work in Fort Collins for the aforesaid firms. It was understood that no freight will be accepted by the applicant at Loveland or Berthoud, and with this limitation included, there was no objection coming from protestants to the granting of the application.

After a careful consideration of the evidence, the Commission is of the opinion and so finds that as limited by the evidence, the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Ruth Dermody, doing business as The Dermody Transfer, be, and she is hereby granted a permit to operate as a Class B private carrier by motor vehicle for hire for the operation of a drayage business in Fort Collins and the transportation of coal, feed, household goods, and building materials from point to point within Larimer County, Colorado except between Fort Collins, Loveland, Berthoud and intermediate points served by common carrier service; said permit to issue if and when, but not before she has filed a list of her customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1955.

(Decision No. 6787)

B-1161

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF T. C. NEWPORT FOR A CLASS B PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ALL CLASSES OF COMMODITIES INCLUDING LIVESTOCK, BULK OF HAULING TO BE DONE WITHIN A 50-MILE RADIUS OF YUMA, COLORADO.

APPLICATION NO. 2557-PP

November 5, 1935.

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for applicant;
Mr. L. P. Davis, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

T. C. Newport applies herein for a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of commodities including livestock within a radius of 50 miles of Yuma, Colorado.

The evidence disclosed that the applicant proposed to use a 1935, 1½ ton Dodge truck in the conduct of his operation; that he desired authority to transport farm supplies, farm products and livestock from point to point within a radius of 25 miles of Yuma, Colorado, with occasional trips outside of the 25-mile radius, but within a 50-mile radius of Yuma, transporting farm machinery to points therein where regular common carrier truck service cannot be had; and also occasional trips with grain to brewery points.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the permit requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicant, T. C. Newport, be and he is hereby, granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm supplies, farm products and livestock from point to point within a radius of 25 miles of

Yuma, Colorado, with occasional trips outside of the 25-mile radius but within a 50-mile radius of Yuma, Colorado, transporting farm machinery to points therein where regular common carrier truck service cannot be had. He is also granted authority to make occasional trips with grain to brewery points. Said permit shall issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1935.

A-1085 (Decision No. 6788)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF C. R. VASSAU FOR A CLASS A PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF CEMENT BETWEEN FORT MORGAN AND BOETTCHER, COLORADO, VIA U.S. 6, COLORADO 16 AND U.S. 285.

APPLICATION NO. 2550-PP

November 5, 1935.

Appearances: Mr. C. R. Vassau, Fort Morgan, Colorado, pro se;
Mr. L. P. Davis, Denver, Colorado, for The Motor Truck Common Carriers Association;
Mr. J. R. Arnold, Denver, Colorado, for Northeastern Motor Freight;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of cement between Fort Morgan, Colorado, and Boettcher, Colorado, by way of U.S. 6, Colorado 16 and U.S. 285.

The evidence disclosed that the applicant had made arrangement with the Burton & Reid Lumber Company, the Platte Valley Lumber Company, Warren Lumber Company, and the Home Lumber Company, all of Fort Morgan, to transport cement and plaster from the mill at Boettcher, Colorado, to Fort Morgan, as and when their needs required the same; and that he also desired authority to transport brick from the brickyard near Fort Collins, and brick yards near Denver to Fort Morgan; that he desired to conduct his operation by way of U.S. 6, Colorado 16 and 81 and U.S. 285 and 85, and that he proposed to use a 1934, 1½ ton Chevrolet truck to conduct his operation.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the permit requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicant, C. R. Vassau be, and he is hereby, granted a permit to operate as a Class A private carrier by motor vehicle for hire for the transportation of cement and plaster from Beettcher, Colorado to Fort Morgan, Colorado, by way of U.S. 6, Colorado 16/81 and U.S. 285/85 and for the transportation of brick from the brick-yards near Fort Collins/and brick yards near Denver to Fort Morgan, Colorado, said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell

W. L. Dennis

Miriam Simon

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1935.

[Decision No. 6790]

a-1090

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF LEVI VAN VALKENBURG AND DELBERT HAWKINS FOR A CLASS A PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF LIVESTOCK BETWEEN COLORADO SPRINGS AND DENVER, VIA U.S. 85.	APPLICATION NO. 2555-PP.

November 5, 1935.

Appearances: Mr. Levi Van Valkenburg and Mr. Delbert Hawkins, pro se;
Mr. L. P. Davis, Denver, Colorado, for The Motor Truck Common Carriers Association;
Mr. J. R. Arnold, Denver, Colorado, for The Northeastern Motor Freight;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicants seek a Class A permit to operate as a private carrier for hire for the transportation of freight and livestock from Peetz, Colorado, to Sterling by way of Colorado 113, also from Sterling to Denver by way of Colorado 138 and U.S. 6 and 85.

At the hearing it developed that Levi Van Valkenburg and Delbert Hawkins were partners and intend to use a 1931, 1½ ton Chevrolet truck and a 1931, 2 ton Studebaker truck in the conduct of their proposed operation; that they desire to transport farm products from customers within a radius of 15 miles of Peetz, Colorado, to Sterling, with a back haul of feed and merchandise; and to transport livestock, raised in the Peetz territory to sale barns and markets at Sterling and Denver, with a back haul of coal and oil only from Denver to customers in the Peetz area.

As limited to the above, all objection was withdrawn by these appearing at the hearing.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the permit requested by the applicants should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicants be, and they are hereby, granted permit to operate as a Class A private carrier by motor vehicle for hire for the transportation of farm products from points within a radius of 15 miles of Peetz, Colorado, to Sterling with a back haul of merchandise and feed for customers, as listed; and to transport livestock raised in the Peetz territory above described, to sale barns and markets at Sterling and Denver, with a back haul from Denver of coal and oil only to be delivered to customers in the Peetz territory, said permit to issue if and when, but not before, they have filed a list of their customers and the required insurance and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1935.

B-1120

(Decision No. 6791)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOE GOSNER FOR A CLASS B PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF HAY WITHIN A FIFTY MILE RADIUS OF STERLING, COLORADO.

APPLICATION NO. 2555-PP.

November 5, 1935.

Appearances: Mr. Joe Gosner, Sterling, Colorado, pro se;
Mr. L. P. Davis, Denver, Colorado, for The Motor Truck Common Carriers Association;
Mr. J. R. Arnold, Denver, Colorado, for The Northeastern Motor Freight;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier for the transportation of hay, feed, livestock and machinery by motor vehicle within a radius of 55 miles of Sterling, Colorado.

The evidence disclosed that the applicant was equipped with a 1935, 1½ ton Dodge truck and trailer and a 1935 International truck and trailer and had other property; that he has been hauling hay, feed, livestock and machinery for the Harris Livestock Company for the past five years; that the bulk of this movement was to and from the feed lots of said company near Sterling and near Loveland, Colorado; that he desires to continue his hauling of hay, feed, livestock and machinery to points within a radius of 25 miles of Loveland, Colorado, for the one customer, the Harris Livestock Company; that ninety per cent of his hay, feed, livestock and machinery hauling is done within a radius of 55 miles of Sterling, Colorado, principally for the Harris Livestock Company, but that at times, when this firm does not need his services, he desires to make like hauls for other feeders in this territory; and that he desires to make occasional trips for the Harris Livestock Company transporting hay, feed, livestock and machinery

between the Loveland territory to the Sterling territory, herein described.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the permit requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicant, Joe Gosner, be, and he is hereby, granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of hay, feed, livestock and machinery within a radius of 25 miles around Loveland for the Harris Livestock Company; that he is also authorized to transport hay, feed, livestock and machinery from point to point within a radius of 35 miles of Sterling, Colorado for feeders, with occasional trips for the transportation of hay, feed, livestock and machinery between the areas hereinabove described for the Harris Livestock Company, only, said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of November, 1935.

(DECISION NO. 6792)

A-1092

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF JOHN BIGHERA FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL PRINCIPALLY BETWEEN BRODHEAD, COLORADO, AND TRINIDAD, COLORADO WITH OCCASIONAL HAULS OVER OTHER ROUTES.

APPLICATION NO. 2572-PP.

November 5, 1935.

Appearances: Mr. John Bighera, 1615 Linden Ave., Trinidad, Colorado, pro se
Mr. A. J. Fregeau, Denver, Colorado, for the Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of coal from Temple Fuel Company mine at Brodhead, Colorado, to Trinidad, Colorado.

The evidence disclosed that he is the owner of a 1934 Chevrolet one and a half ton truck and has other assets, and that by reason of experience and equipment is able to carry on the proposed operation. It appeared that the contemplated operation is that of a Class A Private Carrier and that it will not impair the efficiency of any motor vehicle common carrier service operating in said territory. Protestant Motor Truck Common Carriers Association withdrew objections to the issuance of permit.

After a careful consideration of the evidence, the Commission is of the opinion and finds that application should be amended to show that it is for a Class A permit, and that said permit should issue to applicant.

O R D E R

IT IS THEREFORE ORDERED, That said John Bighera should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire, for the transportation of coal from Brodhead, Colorado, to Trinidad, Colorado; said permit to issue if and when, but

not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of November, 1935.

(Decision No. 6795)

B-1089

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF RICHARD HOLT FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT WITHIN THE VICINITY OF WALSENBURG, COLORADO.	)	APPLICATION NO. 2518-PP

November 6, 1935.

Appearances: Sam T. Taylor, Esq., Walsenburg, Colorado, for applicant;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association, Dale Jellison, Mulkey Transfer and Storage Company, The Weicker Transportation Company, and W. Lee Sharp.
Mr. W. L. Couey, Trinidad, Colorado, for Couey Transfer and Storage Company.

S T A T E M E N T

By the Commission:

As limited by his testimony at the hearing, applicant herein seeks authority to operate as a private carrier by motor vehicle for hire, for the transportation of hay and grain from the San Luis Valley, Wet Mountain Valley, La Veta, Colorado, and the Green Horn, and coal from mines within a radius of twelve miles of Walsenburg, Colorado, to various customers residing within said area, including Walsenburg; coal for The Trinidad Electric Company and its officials from Walsenburg to Trinidad; fresh fruit from Grand Junction to Walsenburg; poles for T. E. Ry. G. & T. Co., to Trinidad and La Veta and along the high line between La Veta and Walsenburg; household goods, junk, mine equipment, heavy machinery, highway equipment and supplies, ranch supplies, lumber and building supplies from and to Walsenburg, to and from points in said area and from point to point within the afore-described area; and finally a general transfer and cartage business (particularly furniture) in Walsenburg, Colorado and trade area adjacent thereto. He expressly waived merchandise hauls Denver to Walsenburg and Trinidad.

It ap

It appeared that applicant had been engaged in the aforedescribed and other transportation operations for the public generally for a period of five years last past. It is evident that his business has been that of a common carrier, and unless hereafter restricted, can not be conducted under a private carrier permit.

A number of common carrier operaters testified in opposition to granting permit. Mr. Jellison stated that he was well equipped to engage in a general transfer and storage business in Walsenburg; that he had three trucks, furniture pads, etc., but had no equipment for heavy hauling; that he had moved very little furniture during the past three years; that recently at times his trucks have been busy only two or three hours a day; that a few years ago he had four times as much business; that he has no opportunity to increase the total volume, due to economic situation in Walsenburg; that he has no objection to issuance of permit if transfer, drayage, and furniture moving operation in Walsenburg is eliminated. Mr. Mulkey testified along the same line, stating that he had two trucks available, but was operating one, and that one only part of the time; that his business was not showing a profit.

After a careful consideration of the evidence, the Commission is of the opinion and finds that that part of the proposed operation of applicant which contemplates a continuation (rather than inauguration) of a general transfer, drayage, and furniture moving business in Walsenburg, Colorado, will impair the efficient, adequate common carrier service of the certificated carriers, and should not be authorized; and that a Class B private permit to operate as a private carrier by motor vehicle for hire should issue to him, subject to the limitations hereinafter expressed.

O R D E R

IT IS THEREFORE ORDERED, That said Richard Holt should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation ~~of fresh fruit from Grand Junction~~

deletes underlining no decision

to Walsenburg, hay and grain from the San Luis Valley, Wet Mountain Valley, La Veta, Colorado, and the Green Horn and coal from mines within a radius of twelve miles of Walsenburg, Colorado, to points within said twelve mile radius, including Walsenburg; poles for The Trinidad Electric Company from Walsenburg to Trinidad and La Veta and along the high lines between said points; coal for said company and its officials from Walsenburg to Trinidad; household goods, junk, lumber and building supplies, mine equipment, heavy machinery, highway equipment and supplies and ranch supplies from and to Walsenburg, Colorado, to and from Points in said Area, and from point to point therein; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1935.

n93

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

193

IN THE MATTER OF THE APPLICATION OF P. E. HANSON TO OPERATE LIVE STOCK SERVICE ONLY FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BETWEEN FORT COLLINS, COLORADO, AND DENVER, COLORADO.

APPLICATION NO. 2480.

November 6, 1935.

Appearances: Mr. P. E. Hanson, 1620 South College, Fort Collins, Colorado, pro se.
J. Q. Dier and E. B. Burnside, Esqs., Denver, Colorado, for The Colorado and Southern Railway Company.

S T A T E M E N T

By the Commission:

On August 9, 1935, applicant's petition for a certificate of public convenience and necessity was filed, and after notice duly given, the matter was heard at the hearing room, Denver, Colorado, on September 23, 1935.

At the hearing it appeared that the applicant is the owner of a 1934 Chevrolet truck properly equipped for the hauling of live stock, the value being $800, which truck he proposes to use in the operation; that the applicant proposes to transport live stock only from point to point within the territory around Fort Collins described as follows:

> Extending north to the Colorado-Wyoming state line, east to the Larimer County line, south a distance of five miles, and west a distance of twenty-five miles,

and that he also seeks authority to transport live stock from this area to markets in Denver. It also appeared that this portion of Larimer County has a great many sheep and cattle feeding activities and many of the farmers having a few head of stock demand the services of truckers who will serve them on call, that this local hauling would constitute the major portion of the applicant's proposed operation, and that he desires to serve no intermediate points between the Fort Collins area and Denver. The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the evidence and record, the Commission is of the opinion and finds that the public convenience and necessity requires the motor vehicle common carrier services of the applicant; that inasmuch as the applicant chiefly serves farmers having only a few head of stock, his operation will not unduly interfere with the operation of any authorized common carriers now serving this territory, and that the certificate as requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant P. E. Hanson, for the(transportation of live stock only from point to point within the territory surrounding Fort Collins, described as follows:

> Extending north to the Colorado-Wyoming state line, east to the Larimer County line, south a distance of five miles, and west a distance of twenty-five miles,

and for the transportation of live stock only in less than carload lots from the above described area to markets in Denver, and feeder cattle from Denver to farms in said area;) and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules, and regulations, and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

Dated at Denver, Colorado,
this 6th day of November, 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Clark
W. H. Banks
Grace Ellison

Commissioners.

(Decision No. 6796)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF RODNEY S. THOMPSON FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT IN THE VICINITY OF KIM, COLORADO AND OTHER EASTERN POINTS WHEN NOT IN CONFLICT WITH A COMMON CARRIER.	)	APPLICATION NO. 2590-PP

November 7, 1955.

Appearances: Mr. Rodney S. Thompson, Kim, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited by the evidence at the hearing applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of freight, including live stock and dairy products from and to points in so-called "Kim, Colorado, territory," being the territory within a radius of twenty-five miles of Kim, Colorado, to and from Trinidad, La Junta, and Pritchett, and from point to point in said area.

The evidence disclosed that Mr. Thompson is the owner of a one and a half ton Chevrolet truck, and that Kim, a town of about 200 people, located in the eastern part of Las Animas County, is without railroad or motor vehicle common or private carrier transportation service, and it is necessary to transport all merchandise sold at Kim from Trinidad, Pritchett, and La Junta to said Kim, and that crops and live stock produced in said area must be marketed in or shipped from said points.

It appearing that the proposed operation will not impair the efficiency of any authorized motor vehicle common carrier service, protestants withdrew objection to the issuance of permit.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That said Rodney S. Thompson should be, and hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of freight, including live stock and dairy products from and to points within a radius of twenty-five miles of Kim, Colorado, to and from Trinidad, Colorado, La Junta, Colorado, and Pritchett, Colorado, and from point to point in said area; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1935.

(Decision No. 6797)

B 1308

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF GEORGE WRIGHT FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT AND LIVE STOCK FROM KIM, COLORADO, AND VICINITY TO TRINIDAD, WITH OCCASIONAL TRIPS FROM TRINIDAD TO ALAMOSA VIA WALSENBURG, ALSO FROM KIM TO SPRINGFIELD AND WALSH AND MIDWAY.	APPLICATION NO. 2606-PP

November 7, 1935.

Appearances: J. W. Hawley, Esq., Trinidad, Colorado, for applicant;
Mr. A. J. Fregeau, Denver, Colorado, for Springfield-Lamar Truck Line, Weicker Transportation Company, Keith Truck Line, San Luis Valley Transportation Company, and Warner Truck Line.

S T A T E M E N T

By the Commission:

As limited by the evidence at the hearing, applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of freight, including live stock and dairy products from and to points in so-called "Kim, Colorado, territory," being the territory within a radius of twenty-five miles of Kim, Colorado, to and from Trinidad, La Junta, and Pritchett, and from point to point in said area; and the right to transport beans from said area to a point on U.S. Highway 59 where it intersects the Colorado-Oklahoma State Line, and a point on U. S. Highway No. 51 where it intersects the Colorado-Kansas State line, with back haul of ranch and farm supplies.

The evidence disclosed that applicant is the owner of a 1935 one and a half ton G.M.C. truck, and by reason of experience, equipment,

and other resources is able to carry on the proposed operation.

It appearing that said applicant did not propose to serve Branson, Colorado, or points from the afore-described area intermediate to Trinidad on U. S. Highway No. 160, and was willing to eliminate service beyond or west of Trinidad, Colorado, protestants withdrew their objection to issuance of permit. It further appeared that said Kim area is not served by any motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should issue as requested at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That said George Wright be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of freight generally, including live stock and dairy products, from and to points within a radius of twenty-five miles of Kim, Colorado, to and from La Junta, Pritchett, and Trinidad, Colorado, and from point to point in said area, and for the transportation of beans from points in said area to a point on U. S. Highway No. 50, where said highway intersects the Colorado-Kansas State line, and a point on U. S. Highway No. 59 where said highway intersects the Colorado-Oklahoma State line, with back haul of ranch and farm supplies, said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1935.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE PETITION OF THE WESTERN UNION TELEGRAPH COMPANY TO CLOSE ITS AGENCY STATION AT ALLISON, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 215.

November 7, 1935.

Appearances: Mr. A. A. Gargen, Denver, Colorado, for the petitioner.
Mr. B. C. Lewis, San Francisco, California, for The Order of Railroad Telegraphers.

S T A T E M E N T

By the Commission:

The Western Union Telegraph Company seeks authority to discontinue its public telegraph service at Allison, Colorado. The record discloses that on September 17, 1935, a suspension order was entered herein suspending the discontinuance during an investigation by the Commission. It now appears that The Denver and Rio Grande Western Railroad Company has changed its type of representative at Allison, Colorado, so that no railroad telegraph operator is on duty with the railroad at that point. Heretofore the railway telegraph operator at Allison served the Western Union Telegraph Company on a commission basis. It further appeared at the hearing that the total revenue received at Allison for commercial telegraph business during the year ending August 1, 1935, amounted to $48.38, there being 104 messages sent during the year and 114 messages received, or a monthly revenue of only $4. It also appeared that there was no chance of developing a business at this point which would justify the maintenance of a separate office by the Telegraph Company, and that The Western Union Telegraph Company proposes to serve this point by telephone from Durango, Colorado.

Should The Western Union Telegraph Company provide its own operator and office at Allison, it would cost approximately $115 per month.

After careful consideration of the record, the Commission is of the opinion and finds that there is not sufficient business at Allison to justify the maintenance of an office and an operator by The Western Union

Telegraph Company, and that the petition should be granted.

O R D E R

IT IS THEREFORE ORDERED, That The Western Union Telegraph Company be, and it is hereby authorized to discontinue its agency station at Allison, Colorado, effective November 15, 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1935.

B-1081

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF SAM D. BURTON FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FARM PRODUCE AND MACHINERY OVER IRREGULAR ROUTES WITHIN A RADIUS OF 30 MILES OF BYERS WITH OCCASIONAL TRIPS TO DENVER, COLORADO.

APPLICATION NO. 2537-PP.

November 7, 1935.

Appearances: Mr. Sam D. Burton, Byers, Colorado, pro se.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association, Thomas Haugen, Arnold Andersen, F. G. Merrick, Harry C. Flanders, and Lloyd Gentry.
Mr. V. G. Garnett, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

By application filed September 10, 1935, Sam D. Burton seeks authority to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm produce and machinery, excluding live stock, from point to point within a radius of thirty miles of Byers, Colorado, and occasional trips to Denver.

The evidence disclosed that he owns a 1931 one and a half ton truck in good condition, and from time to time has hauled beans, grain, and feed, and farm machinery from point to point in the territory around Byers, with occasional trips to Denver. Primarily he has been engaged in second-hand business, buying and selling second-hand machinery and furniture, and occasionally he has transported a load of furniture for hire within the afore-described area.

Protestants Arnold Andersen, Thomas Haugen, and Lloyd Gentry, line haul common carrier operators, testified that the efficiency of their respective services would be impaired by additional competition, and that they served all or part of the territory sought to be served by applicant. They agreed that if crop conditions improve in the years to come, there would be need for additional service unless they put more trucks in

operation.

There seemed to be some dispute as to the rights of the respective certificated carriers. Arnold Anderson was under the impression that he was authorized to engage in a point to point service within the territory allocated to him. Mr. Burton stated that his examination of the records had disclosed that Anderson did not have that authority.

The records disclose Mr. Anderson's certificate authorizes transportation of freight and merchandise between Denver (no intermediate points), and points within an area described as one mile west, four miles east, and twenty miles north and south of Byers. He is not authorized to engage in a point to point service. Harry C. Flanders is authorized to transport beans and grain from point to point (including Denver) within a twenty-five mile radius of Bennett, Colorado, and cattle from an area described as three miles east, ten miles west, and twenty-five miles north and south of Bennett, Colorado, but not nearer than five miles of the C & S Railway on the south, and the C B & Q Railway on the north, with the right also to transport grain and feed in less than carload lots from Denver to elevators and farmers within said twenty-five mile area. F. G. Merrick is authorized to transport freight and merchandise from Strasburg and surrounding territory to Denver and return, but not to intermediate points. The surrounding territory is described as the north and south highway through Bennett on the west, Bijou Creek on the east, the north line of Adams County on the north, and the township line between Townships 6 and 7 on the south; also he is authorized to transfer freight from and to Denver to and from the territory described as a line north and south through Bennett on the west, a line north and south through a point one mile east of Bennett on the east, and lines running east and west located respectively ten miles north and ten miles south of Bennett and points intermediate Denver and said territory. He is not authorized to engage in a point to point service within either area. Thomas Haugen is authorized to transport freight between Denver, Colorado, and points in the territory bounded by a line running east and west about

ten miles north of the town of Wolf Creek, Colorado, and a line running east and west about eight miles south of said Wolf Creek, Bijou Creek on the east, and Kiowa Creek on the west, without the right to serve intermediate points; also between said above described territory and Strasburg, Colorado; and from point to point within said described territory. Territory embraced in Lloyd Gentry's certificate is described as

> "Commencing at the northwest corner of Section 4, Township 4, Range 60 west; thence east on north Township line 4 through Ranges 60, 59, 58, and 57 to the northeast corner of Arapahoe County; thence due south on County line between Arapahoe and Washington Counties to the southeast corner of Section 13, Township 5 south, Range 57 west, thence west on the center township line 5 through Ranges 57 and 58 to the southeast corner of Section 13, Township 5 south, Range 59; thence south on the east line of Range 59 three miles to the southeast corner of Section 36, Township 5 south, Range 59; thence west on Arapahoe and Elbert County line six miles to the southeast corner of Section 36, Township 5 south, Range 60; thence south on the east line of Range 60 five miles to the southeast corner of Section 25, Township 6 south, Range 60; thence due west on south section lines 25 to 30 inclusive; thence north on west range line 60 to the southwest corner of Township 4, Range 60; thence east on south line Township 4, two miles to the southeast corner of Section 32, Township 4, Range 60; thence north six miles to place of beginning."

and service is authorized from point to point within said territory and between Deer Trail and said territory and Denver, Colorado, but not to any intermediate points except shipments originating at Byers, Strasburg, or Aurora destined for Deer Trail, Colorado or points within the aforedescribed territory, and those shipments originating in said territory and destined to said towns.

It will be observed that the only operators authorized to engage in a point to point service within the respective areas allocated to them are Mr. Flanders, Mr. Haugen, and Mr. Gentry. However, neither Mr. Haugen's nor Mr. Gentry's territory extends as far north as Byers. Mr. Flanders' headquarters is at Bennett.

It is desirable that each town should have a local carrier authorized to engage in a point to point transportation service in its trade area. Except for the service of Mr. Flanders, it would seem that

Byers community does not have an authorized carrier to transport the crops grown in its vicinity to Byers, or from point to point therein, although said area is well supplied with authorized line haul transportation service to and from Denver, and it is evident that additional transportation line haul services will impair the efficiency of said authorized operations.

After a careful consideration of the record and evidence, the Commission is of the opinion and finds that said Sam D. Burton should be granted a Class B permit for the transportation of farm products and supplies, including machinery and household goods from point to point within the area hereinafter described.

O R D E R

IT IS THEREFORE ORDERED, That Sam D. Burton should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products, machinery, and supplies, including household goods, from point to point within the territory bounded by Middle Bijou Creek on the east and the range line between Ranges 61 and 62 on the west, the Arapahoe County Line on the south, and the township line between Townships 2 and 3 on the north; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1935.

cision No. 6801)

B-1083

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF GARRETT AND QUINN FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF MONUMENTS, BUILDING STONE, AND CEMENT VAULTS, BULK OF HAULING TO BE WITHIN A TEN MILE RADIUS OF DENVER, COLORADO.

APPLICATION NO. 2584-PP.

November 7, 1935.

Appearances: Hindry Friedman & Brewster, by Mr. Brewster, 911 University Building, Denver, Colorado, for applicants.
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company.
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Charles Garrett and William Quinn seek a Class B permit for the transportation of monuments, building stone, and cement vaults, the bulk of the hauling to be within a ten mile radius of Denver.

The evidence disclosed that Charles Garrett and William Quinn are partners doing business as Garrett and Quinn; that they have operated in Denver for some eleven years and built up an excellent reputation as careful and dependable men in handling tombstones, monuments, building stones, and cement vaults; that they have a Ford truck and trailer specially equipped for the handling of dressed and polished memorials without the same being crated; and that inasmuch as many of the hauls require them to pass over highways outside of the City of Denver, a permit is necessary.

At least three witnesses representing firms engaged in the monument and mausoleum building testified that they preferred the applicants to anyone else in Denver for the handling of their materials, and testified that they preferred to employ the applicants at a much higher rate, on account of the careful and excellent services rendered, and for the further reason that they were the only firm handling large finished

memorials without the same being crated; that the service rendered by the applicants and for which they preferred to pay a higher rate was in fact "haul plus service." These witnesses further testified that most of their hauling was within a radius of ten miles of Denver, with occasional trips to outside points.

The applicants testified that they made occasional hauls to Pueblo, Colorado Springs, Fort Collins, and as far east as Sterling, Colorado, and desired permission to go to points within a radius of 150 miles of Denver. At the conclusion of this testimony, it was stipulated that numerous other witnesses present in the hearing room, being customers of the applicants, would testify to the same effect as previous witnesses, but on account of the limited time were not heard.

After a careful consideration of the evidence, the Commission is of the opinion and so finds that the permit requested by the applicants should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Charles Garrett and William Quinn, doing business as Garrett and Quinn, be, and they hereby are granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of memorials, monuments, building stone, and cement vaults from point to point within a radius of one hundred and fifty miles of Denver, that when hauls are made in competition with scheduled carriers a rate at least 20 per cent in excess of the scheduled carriers' rate will be charged; said permit to issue if and when, but not before they have filed a list of their customers and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules, and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1935.

(Decision No. 6802)

A-772

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A-772

IN THE MATTER OF THE APPLICATION TO TRANSFER PRIVATE PERMIT NO. A-772 TO MINERAL TRANSFER, SAID PERMIT COVERING OPERATION BETWEEN MINING DISTRICTS OF GEORGETOWN, SILVER PLUME, CENTRAL CITY, BLACKHAWK, IDAHO SPRINGS, AND LEADVILLE, COLORADO, AND BETWEEN ABOVE MINING DISTRICTS AND COLORADO SPRINGS.

APPLICATION NO. 2469-PP-A

November 7, 1935.

Appearances: Mr. H. Frohardt Idaho Springs, Colorado, for J. D. Frohardt.
Arthur E. Aldrich, Esq., Idaho Springs, Colorado, for Curnow Livery and Transfer.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company.

STATEMENT

By the Commission:

Since the setting of the above styled matter for further hearing for October 24, 1935, at ten o'clock a. m., the Commission has been informed by J. D. Frohardt, doing business as Mineral Transfer, that he has decided to abandon the proposed transportation service, and wants said application for transfer dismissed.

After a careful consideration of the evidence, the Commission is of the opinion and so finds, that said application should be dismissed.

ORDER

IT IS THEREFORE ORDERED, that Application No. 2469-PP-A should be, and the same hereby is dismissed, and further, that the said J. D. Frohardt should be and hereby is notified and required to cease and desist from using permit No. A-772 in the proposed or any other hauling operation.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1935.

(Decision No. 6803)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

a-1103

IN THE MATTER OF THE APPLICATION OF HUBERT McNEILL FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT, EXCEPT LIVE STOCK, BETWEEN POINTS WITHIN THE IMMEDIATE VICINITY OF JAMESTOWN TO BOULDER AND LONGMONT, COLORADO.

APPLICATION NO. 2587-PP

a 1103-I

November 7, 1935.

Appearances: Mr. Hubert McNeill, Longmont, Colorado, pro se.
Mr. A. J. Fregeau, Denver, Colorado, for Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

On August 15, 1935, applicant by application filed herein sought authority to operate as a Class A private carrier by motor vehicle for hire, for the transportation of all classes of commodities, except live stock, from points within the immediate vicinity of Jamestown to Boulder and Longmont.

At the hearing, it developed that since filing application, applicant moved to New Mexico and does not care to engage in the transportation service between the points mentioned. However, he is contemplating engaging in a feeding operation in said territory which will require as an incident thereto the transportation of feed for hire. He was not prepared to furnish a description of the territory or a list of his customers and suggested that the matter be held in abeyance.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be dismissed, subject to the provision hereinafter set forth.

O R D E R

IT IS THEREFORE ORDERED, That Application No. 2587-PP of Hubert McNeill should be, and the same hereby is dismissed, with the proviso that said applicant may at any time within thirty days from the date hereof request further hearing of same.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1935.

(Decision No. 6805)

A-1091

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF ALBERT IUPPA FOR A PERMIT TO OPERATE AS A CLASS "A" PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL FROM COAL MINES IN THE TRINIDAD-AGUILAR COAL MINING DISTRICT TO TRINIDAD.

APPLICATION NO. 2652-PP.

November 9, 1935.

S T A T E M E N T

By the Commission:

Applicant seeks a Class A private permit authorizing the transportation of coal only from coal mines in the Trinidad-Aguilar coal mining district to Trinidad, Colorado.

Our records disclose that applicant has filed a list of his proposed customers with the Commission and has the necessary insurance on file. Due to the fact, of which the Commission takes judicial knowledge, that no common carrier motor vehicle service exists for the transportation of coal in the area sought to be served by applicant, the Commission has determined to grant the permit sought without notice of any hearing.

O R D E R

IT IS THEREFORE ORDERED, That Albert Iuppa be, and he hereby is granted a Class A private permit authorizing the transportation of coal only from coal mines in the Trinidad-Aguilar coal mining district to Trinidad, Colorado, said permit to issue if and when, but not before applicant has filed a list of his customers and the necessary insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1935.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
TED SMITH, ELBERT, COLORADO,) CASE NO. 1603.
UNDER PRIVATE PERMIT NO. A-944.)

November 9, 1935.

Appearances: Richard E. Conour, Esq., Denver, Colorado,
for The Public Utilities Commission.
Mr. Ted Smith, Elbert, Colorado, pro se.

S T A T E M E N T

By the Commission:

Pursuant to application No. 2379 heretofore made by the respondent herein, an order was entered by the Commission on June 1, 1935 (Decision No. 6488) granting to Ted Smith Permit No. A-944 to operate as a private carrier by motor vehicle for the transportation of milk and cream only from the territory described in said application, to Colorado Springs.

The record shows that complaints were made against Ted Smith on account of his operating outside of his territory, and on July 2, 1935, a letter was written by the Commission addressed to Ted Smith, warning him to read his order and confine his operations to the territory granted in the order, or action would be taken to revoke his permit.

Section 17, Chapter 120, Session Laws of 1931, provides that the Commission

> "may at any time, upon complaint by any interested party, or upon its own motion by order duly entered after hearing had upon notice to the holder of any permit issued hereunder, and when it shall have been established to the satisfaction of the Commission that such holder has violated any of the provisions of this Act, or any of the terms and conditions of his permit, or has exceeded the authority granted by such permit, or has violated or refused to observe any of the proper orders, rules or regulations of the Commission, revoke, suspend, alter or amend any such permit issued hereunder."

Pursuant to an order duly entered on October 10, 1935, a hearing was had at Denver, Colorado, on the 28th day of October, 1935, at which time the respondent appeared. The evidence produced at the hearing disclosed that, notwithstanding the admonition from the Commission, and in direct violation of his permit, the respondent did on or about September

24, 1935, transport five loads of live stock from Elbert, Colorado, to Denver, Colorado, for hire, delivering them to the stockyards and collecting his charges for such transportation.

At the hearing all of the evidence submitted by the attorney for the Commission was admitted by the respondent to be correct, and he stated under oath that he made the unauthorized hauls complained of, all of which were outside of the territory granted under his permit.

After careful consideration of the record and the evidence, the Commission is of the opinion and finds that the respondent did transport five loads of live stock from Elbert County, Colorado, to Denver, Colorado, without any authority therefor, all of which was admitted by the respondent.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-944 heretofore issued to respondent Ted Smith, and all authority that he may now have to operate as a private carrier by motor vehicle, be, and the same is hereby revoked, effective November 25, 1935, and that from and after said date, the respondent Ted Smith be, and he is hereby, ordered and required to cease and desist from operating, managing or controlling motor vehicles over the public highways of the State of Colorado as a private carrier by motor vehicle.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1935.

(Decision No. 6807)

B-1170

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF V. F. BILLINGTON FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ICE AND CUCUMBERS BETWEEN FORT COLLINS AND TIMNATH, COLORADO.	APPLICATION NO. 2581-PP

November 9, 1935.

Appearances: Mr. V. F. Billington, Timnath, Colorado, pro se.
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The applicant herein seeks a permit to operate as a private carrier for the transportation of ice and cucumbers between Fort Collins and Timnath, Colorado. The evidence disclosed that the applicant proposes to use a one and a half ton Chevrolet truck in the conduct of his proposed operation; that he desired authority to transport ice for the Riverside Ice and Storage Company at Fort Collins to customers within a radius of eight miles of Timnath, Colorado; to transport cucumbers from the Timnath territory to factories at Fort Collins, at Mead, and at Loveland; to transport beets during the beet season, grown within the Timnath area, to dumps, and to transport farm supplies from Fort Collins to customers in the described Timnath area, and farm produce from this area to markets at Fort Collins.

The financial standing of the applicant was established to the satisfaction of the Commission.

After a careful consideration of the evidence, the Commission is of the opinion and so finds, that the permit requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That V. F. Billington be, and he hereby is granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of ice and farm supplies from Fort Collins

to customers within a radius of eight miles of Timnath, Colorado; for the transportation of cucumbers from the described Timnath area to factories at Fort Collins, Mead, and Loveland; beets to dumps; and farm products from said area to markets at Fort Collins, said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of November, 1935.

(Decision No. 6808)

a-1076

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
O. N. BUNYARD FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF COAL AND WOOD BETWEEN DENVER AND) APPLICATION NO. 2582-PP
COAL MINING DISTRICTS OF ERIE,)
LAFAYETTE, LOUISVILLE, CLAYTON,)
MORRISON, AND BOULDER VALLEY.)

November 9, 1935.

Appearances: Mr. O. N. Bunyard, 2828 West Short Place, Denver, Colorado, pro se.
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association and The Colorado Rapid Transit Company.

S T A T E M E N T

By the Commission:

O. N. Bunyard seeks a Class A permit to transport coal and wood for hire between Denver and Erie, Lafayette, Louisville, Clayton, Morrison, and Boulder Valley districts. At the hearing it appeared that the applicant proposes to use a 1935 one and a half ton Chevrolet truck to conduct the operation; that he desires authority to transport coal from the northern Colorado coal fields to distributing firms and customers in Denver; mine props from Bergen Park, Shaffer's Crossing, and Golden Gate Canon to the coal mines in northern Colorado; and to transport fire wood from the points above mentioned, where mine props are to be cut, to Denver, and occasional trips with hay from South Park ranches to Denver.

The financial standing of the applicant was established to the satisfaction of the Commission.

After a careful consideration of the evidence the Commission is of the opinion and so finds, that the permit requested by the applicant should be granted.

O R D E R

IT IS THEREFORE ORDERED, That O. N. Bunyard be, and he hereby is granted a permit to operate as a Class A private carrier by motor vehicle for hire for the transportation of coal from the northern Colorado coal

fields to markets in Denver; mine props from timberlands in Park and Jefferson Counties to coal mines in northern Colorado coal fields; and firewood from points where mine props are cut in Park and Jefferson Counties to markets in Denver, and hay from South Park to markets in Denver; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dewey
W. R. Dawley
Nathan Wilson
Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1935.

(Decision No. 6809)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF T. G. BROKAW AND ROY THOMPSON, DOING BUSINESS AS BROKAW AND THOMPSON, FOR A CLASS B PRIVATE PERMIT TO TRANSPORT LIVE STOCK AND FARM PRODUCE WITHIN A RADIUS OF 20 MILES OF WRAY, COLORADO.

APPLICATION NO. 2596-PP.

November 9, 1935.

Appearances: Mr. Roy Thompson, Wray, Colorado, pro se, and for Mr. T. G. Brokaw.
Mr. L. P. Davis, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicants herein seek a Class B permit giving them authority to transport farm produce and live stock within a radius of 25 miles of Wray, Colorado.

It appeared at the hearing that T. G. Brokaw of Wray, Colorado, and Roy Thompson of Vernon, Colorado, were partners operating as Brokaw & Thompson; that they own a 1935 one and a half ton Chevrolet truck, which is to be used in the proposed operation; that their hauling for hire will be confined to the transportation of farm products and live stock from point to point within a radius of 25 miles of Wray, Colorado, with occasional hauls of live stock, by way of U. S. 54, U. S. 6 and Colorado 81, to market in Denver, with a back haul of young live stock, cement, plaster, and brick.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the proposed operation of the applicants will not impair the efficient public service of any common carrier now serving this territory and that the permit, as requested, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicants, T. G. Brokaw and Roy Thompson, be, and they are hereby, granted a permit to operate as a Class B private carrier by motor vehicle for the transportation of farm products and

live stock from point to point within a radius of 25 miles of Wray, Colorado, and with authority to transport live stock from said points to markets at Denver, traveling by way of U. S. Highways 54 and 6, and Colorado 81, with the privilege of a back haul of young live stock, cement, plaster, and brick, said permit to issue if and when, but not before they have filed a list of their customers and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules, and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of November, 1935.

B-1096

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF J. E. GREGG FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF GRAIN FROM FARMERS TO ELEVATORS AND FROM ELEVATOR TO DENVER (NO LIVE STOCK) BROOMFIELD, ARVADA, AND GOLDEN, WITHIN A RADIUS OF 50 MILES.

APPLICATION NO. 2586-PP.

November 15, 1935.

Appearances: Mrs. J. E. Gregg, Arvada, Colorado, for J. E. Gregg.
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited at the hearing, applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire, for the transportation of grain and feed from farms or elevators within a radius of ten miles of Arvada, Colorado, to elevators or mills in Golden, Arvada, Broomfield, and Denver, and to brewery in Golden. Applicant does not intend to back haul freight of any description.

Applicant owns a 1931 Chevrolet 1½-ton truck, and has been engaged in seasonal hauling of grain for a number of years. It did not appear that his proposed operation will impair the efficiency of any motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. E. Gregg should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of grain and feed from farms or elevators within a radius of ten miles of Arvada, Colorado, to elevators or mills in Denver, Broomfield, and Arvada, and the brewery in Golden, without the right to back

haul freight, said permit to issue if and when, but not before said applicant has filed the necessary insurance and a list of his customers, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1935.

(Decision No. 6812)

a-657

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF FLOYD E. JACOBSON TO TRANSFER TO HARRY C. DAVIS MOTOR VEHICLE PRIVATE PERMIT NO. A-657, AUTHORIZING AN OPERATION BURLINGTON TO DENVER, VIA U. S. 40 NORTH.

APPLICATION NO. 2591-PP-A

November 15, 1935

Appearances: Gordon H. Thomas, Esq., Burlington, Colorado, for applicants.
A. J. Fregeau, Denver, Colorado, for Motor Truck Common Carriers Ass'n;
Marion F. Jones, Esq., Longmont, Colorado, for Colorado Trucking Association;
Frank W. Miller, Denver, Colorado, for Denver-Limon and Burlington Transfer.

STATEMENT

By the Commission:

Floyd E. Jacobson seeks authority to transfer to Harry C. Davis of Burlington, Colorado, Permit A-657 heretofore issued to him.

The financial standing and responsibility of transferee were established to the satisfaction of the Commission, and it does not appear that any outstanding obligations exist against the operations of transferor. However, the transferee is to assume and pay any such obligations if it develops that same do exist.

The original permit issued to transferor provided for a route between Burlington, Colorado, and vicinity, and Denver, Colorado. At the hearing, transferee testified that he desired the right to serve an area contained within a radius of thirty miles of Burlington, Colorado, in the transportation of live stock, feed, grain, hay and coal from point to point within said area and from said area to Denver and from Denver to said area.

Transferee further testified that he would be willing to eliminate the right to transport furniture and general freight.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority herein sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Floyd E. Jacobsen to transfer to Harry C. Davis, of Burlington, Colorado, private permit No. A-657; provided, however, that in his operations under said permit transferee shall limit himself to the transportation of live stock, feed, grain, hay and coal from point to point within the area contained within a radius of thirty miles of Burlington, from points within said area to Denver and from Denver to points in said area, said transfer to become effective if and when, but not before transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dierker

M. E. Danks

Grace Timson

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1935.

(Decision No. 6813)

a 1098

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF J. C. GORDON, FOR A PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT BETWEEN PIKE VIEW AND COLORADO SPRINGS, COLORADO, AND INTERMEDIATE POINTS.

APPLICATION NO. 2237-PP.

November 15, 1935.

Appearances: Foard Bros., Colorado Springs, Colorado, for applicant.
A. J. Carruthers, Esq., Colorado Springs, Colorado, for The Midland Terminal Railway.
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

At Colorado Springs on Friday, January 18, 1935, at 9:30 o'clock a. m., the above styled matter was duly heard pursuant to setting.

Thereafter applicant was duly notified that upon his filing insurance, a Class A private permit authorizing him to operate as a private carrier by motor vehicle for hire, for the transportation of coal, sand, rock, and gravel between Pike View and Colorado Springs, Colorado, and intermediate points would issue to him. Insurance has been duly filed.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue.

O R D E R

IT IS THEREFORE ORDERED, That said J. C. Gordon should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of coal, sand, rock, and gravel, between Pike View and Colorado Springs, Colorado, and intermediate points.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of November, 1935.

(Decision No. 6814)

B-1099

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
A. B. ASHTON FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2560-PP.
OF LIVE STOCK AND FREIGHT, BULK OF)
HAULING TO BE WITHIN A RADIUS OF)
30 TO 50 MILES OF ARRIBA, COLORADO.)

November 15, 1935.

Appearances: Mr. A. B. Ashton, Arriba, Colorado, pro se.
D. Edgar Wilson, Esq., Denver, Colorado, for The Chicago, Rock Island and Pacific Railway Company.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association, Clarence Wright, and Peterson Truck Line.
Mr. Frank W. Miller, 1815 Blake Street, Denver, Colorado, for Denver Limon Burlington Transfer.
Mr. A. J. Fregeau, Denver, Colorado, for Oren Hartsel.

S T A T E M E N T

By the Commission:

The applicant seeks a Class B permit to operate as a private carrier by motor vehicle for the transportation of live stock and freight within a radius of 30 to 50 miles of Arriba, Colorado.

The evidence disclosed that the applicant had a 1931 International one and one-half ton truck which he has been using in his implement business and on his ranch near Arriba; that he desired to do emergency hauling only for hire when not otherwise engaged; and that he desired to serve a territory around Arriba described as follows:

"East to Stratton; west to Limon; north a distance of thirty-five miles; and south, a distance of ten miles."

The applicant desires to haul grain for farmers to elevators and to market during the harvest season, within the above area and to transport seed, feed, and lumber from point to point along U. S. Highway 40 north, between Limon and Stratton and intermediate points for the Hardman Lumber Company, the Snell Grain Company, and the Arriba Lumber and Coal Company, with occasional hauls of live stock for farmers living in an area around Arriba, to-wit:

"Six miles east thereof; ten miles south; six miles west, and thirty-five miles north; to markets in Denver."

The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the permit requested should be granted as limited in the order.

O R D E R

IT IS THEREFORE ORDERED, That A. B. Ashton be, and he is hereby granted a permit to operate as a Class B private carrier by motor vehicle for hire, for the transportation of live stock and grain in bulk only for farmers living in an area around Arriba, to-wit: Six miles east thereof, ten miles south, six miles west, and thirty-five miles north, to markets in Denver; also for the transportation of lumber, from point to point along U. S. Highway 40 north between Limon and Stratton and intermediate points; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1935.

(Decision No. 6815)

B 1097

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
BERTIE TOWERS FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY) APPLICATION NO. 2594-PP.
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF FARM PRODUCTS, COAL, AND LIVE STOCK.)

November 15, 1935.

Appearances: Gordon H. Thomas, Esq., Burlington, Colorado, for applicant.
D. Edgar Wilson, Esq., Denver, Colorado, for the Chicago, Rock Island, and Pacific Railway Company.
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.
Mr. Frank W. Miller, 1815 Blake Street, Denver, Colorado, for Denver, Limon, Burlington Transfer.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited at the hearing, the applicant herein seeks authority to transport farm products to market, farm machinery, and household goods where small moving jobs are offered from point to point within an area, as follows: A strip 25 miles wide off of the east side of Kit Carson, Yuma, Phillips, and Sedgwick Counties.

It further appeared at the hearing that the applicant's principal business would consist of movements from farms in the described territory to markets at Burlington, Julesburg, and other points therein, with an occasional trip with live stock to market at Denver, coal from mines and railroad points, and small moving jobs for farmers from point to point in the described area.

At least three business men testified that the applicant was dependable and able to conduct the operation; also, that the services proposed were badly needed and would not unduly interfere with any established carrier.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicant, Bertie Towers, be and he is hereby, granted a permit to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products, farm machinery, and household goods from point to point within the territory described, as follows: A strip 25 miles wide off of the east side of Kit Carson, Yuma, Phillips, and Sedgwick Counties, and the transportation of live stock from the described area to market at Denver, and a back haul of coal from Denver and railroad points, and small moving jobs for farmers from point to point in the described area, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation, which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of November, 1935.

(Decision No. 6816)

794

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

794

IN THE MATTER OF THE APPLICATION OF R. L. ATKINSON FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TRUCK SERVICE FOR THE TRANSPORTATION OF LIVESTOCK, FARM PRODUCE AND MERCHANDISE BETWEEN VARIOUS POINTS WITHIN THE FOLLOWING TERRITORY WHICH IS: TEN MILES WEST, TEN MILES NORTH, FIFTEEN MILES EAST, AND THIRTY MILES SOUTH OF SIMLA.	APPLICATION NO. 2598

November 18, 1935.

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for applicant.
D. Edgar Wilson, Esq., Denver, Colorado, for The Chicago, Rock Island & Pacific Railway, and Trustees.
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association and Oren A. Hartsel.

S T A T E M E N T

By the Commission:

This application was heard at Limon, Colorado, on October 17, 1935, pursuant to proper notice thereof.

At the hearing it appeared that the applicant is the owner of a 1935 one and a half ton Ford V-8 truck with grain box and stock rack for the same, worth $800, and that he owns other property. The applicant stated that he desired to transport farm products and livestock from farms situated in the territory around Simla, to-wit: An area extending ten miles west, ten miles north, fifteen miles east and thirty miles south, to markets at Simla, Ramah and Matheson; that he desired authority to transport back to this area coal, building material, farm machinery, feed, seed and merchandise; also, he desired to transport household goods from point to point within said area.

Witnesses testified that the applicant was reliable and well able to conduct the operation and that there was a definite need for the services proposed. Oren A. Hartsel, operator under P.U.C. No. 565,

appeared at the hearing and stated that there was a public need for the service proposed by the applicant and that, inasmuch as there was to be no hauling outside of the area described, he had no objection.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission. After careful consideration of the evidence and record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle common carrier services of the applicant and that a certificate should be granted to the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant, R. L. Atkinson, for the movement of farm products and livestock from farms in the area around Simla, Colorado, to-wit: extending ten miles west, ten miles north, fifteen miles east and thirty miles south thereof, to markets at Simla, Ramah and Matheson; for the transportation of coal, building material, farm machinery, feed, seed and merchandise back to farms in this area; and for the transportation of household goods from point to point within the above described territory, and that this order shall be taken deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to

motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1935.

(Decision No. 6817)

B-1107

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF ROY E. JOHNSON FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT AND LIVE STOCK WITHIN A 150 MILE RADIUS OF ARRIBA, COLORADO.

APPLICATION NO. 2589-PP

November 19, 1955.

Appearances: Roy E. Johnson, Arriba, Colorado, pro se;
D. Edgar Wilson, Esq., Denver, Colorado, for The Chicago, Rock Island & Pacific Railway;
Marion F. Jones, Esq., Longmont, Colorado, for Colorado Trucking Association, Clarence Wright, and The Peterson Truck Line;
Frank W. Miller, 1615 Blake St., Denver, Colorado, for the Denver, Limon & Burlington Transfer.
A. J. Pregeau, Denver, Colorado, for H. M. Jessup and Oren Hartsel.

S T A T E M E N T

By the Commission:

As limited at the hearing, the applicant seeks authority to transport farm products for hire from an area around Arriba, Colorado, described as follows:

"Six miles east thereof; ten miles south, six miles west and twenty-five miles north, to markets at Stratton, Hugo and Limon; live stock from the above described area to markets at Pueblo and Denver; household goods from point to point;within said Arriba area to points outside within 150 miles radius of Arriba; and to transport coal from Arriba to Shaw, Colorado."

It also appeared at the hearing, that the applicant was an experienced trucker with adequate equipment to conduct the proposed operation. His financial standing was established to the satisfaction of the Commission.

It also appeared that the proposed operation would not unduly interfere with the operations of any established common carrier system serving this territory.

After careful consideration, the Commission is of the opinion and so finds, that the permit as requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the applicant, Roy E. Johnson be, and he is hereby, granted a Class B Permit to operate as a private carrier by motor vehicle for the transportation of farm products from an area around Arriba, Colorado, described as follows; "Six miles east thereof; ten miles south, six miles west and 25 miles north;" to markets at Stratton, Hugo and Limon; live stock from points in this area to markets at Pueblo and Denver; household goods from point to point in said area and occasional trips outside thereof to points within a radius of 150 miles of Arriba; and to transport coal from Arriba to Shaw, Colorado, said permit to issue if and when, but not before applicant has filed a list of his customers, the necessary insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of November, 1955.

(Decision No. 6819)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS)
CHARLES J. LA BORDE.) CASE NO. 1522

November 19, 1935

S T A T E M E N T

By the Commission:

On March 1, 1935, an order was entered in the above entitled matter revoking permit No. A-640 for failure to file insurance. The Commission is now in receipt of a written request from Charles J. La Borde, the former owner of said permit, requesting that same be reinstated. Our records disclose that the necessary and proper insurance is now on file with the Commission and that applicant has also fully complied with our other rules and regulations.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-640, heretofore revoked by the Commission, be, and the same is hereby reinstated as of November 1, 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1935.

(Decision No. 6821)

B-1100

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOHN WHYTE FOR A CLASS B PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT (NO LIVE STOCK) BETWEEN POINTS WITHIN A RADIUS OF 25 MILES OF SIMLA, COLORADO.	APPLICATION NO. 2592-PP

November 19, 1935

Appearances: Mr. John Whyte, Simla, Colorado, pro se.

S T A T E M E N T

By the Commission:

As limited at the hearing, applicant herein seeks authority to transport farm products from farm to farm within a radius of twenty miles of Simla, Colorado to the elevator, building material from Simla to farmers in this area and to move small loads of furniture for farmers moving to Simla during the school months.

It further appeared at the hearing that the applicant conducted a drayage business in Simla by the use of a 1929 one and a half ton Ford; and that there were at least five others in this territory doing about the same kind of hauling now proposed by applicant but that during the crop season additional truck service was badly needed. Oren A. Hartsel, who operates under P.U.C. No. 565 and conducts a scheduled operation from Simla to Denver with authority to serve the same country, did not believe that the applicant's proposed service would affect the scheduled service. Hartsel also stated that during the seasonal movement of crops, additional trucks were needed in this territory.

The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the permit requested, as limited at the hearing, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That John Whyte be, and he is hereby, granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products from farms within a radius of twenty miles of Simla to elevators in said area; building material from Simla to farmers in this area; and small loads of furniture from point to point in said area and that this permit shall issue if and when, but not before, the applicant shall file a list of customers, arrange for the required insurance, and shall have complied with all rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1935.

(Decision No. 6824)

A-1182

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF LEWIS C. BENNETT FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT BETWEEN GOLDEN, COLORADO, AND PUEBLO, COLORADO, AND INTERMEDIATE POINTS VIA U. S. 40 AND U. S. 85.

APPLICATION NO. 2531-PP.

November 19, 1935.

Appearances: Mr. Lewis C. Bennett, 511 W. 8th, Pueblo, Colorado, pro se.
Mr. A. J. Fregeau, Denver Colorado, for The Weicker Transportation Company and The Motor Truck Common Carriers Association.
Mr. J. D. Blunt, Canon City, Colorado, for The Southwestern Transportation Company.
Mr. Murray Gwenby, Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On October 26, 1935, an order was entered herein (Decision No. 6749), denying a permit to the applicant.

The applicant now requests a rehearing in said matter upon the ground that his testimony and that of another witness was misconstrued.

After a careful consideration of said request, and upon referring to the record, the Commission is of the opinion and finds that same should be granted, and that a rehearing should be allowed.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be set down for rehearing at Pueblo, Colorado, on December 2, 1935, at 10:30 o'clock a.m.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado.
this 19th day of November, 1935.

(Decision No. 6826)

158

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE WRIGHT, RESPONDENT.) CASE NO. 1601

cc 551

November 19, 1935

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
attorney for respondent;
Richard E. Conour, Esq., Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 17, 1935, the Commission entered its order requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 2391 should not be revoked or suspended for the violation of its terms and provisions. Said certificate authorizes respondent to transport general freight and live stock within certain described areas, but specifically excluded and excepted any service between Denver and Flagler, Colorado, and points intermediate thereto.

The specific charge against respondent was to the effect that notwithstanding the prohibitions in the above certificate, respondent had been, and at the date of the show cause order was engaged in the transportation of freight from various Denver wholesale houses to merchants in the town of Flagler on a tri-weekly schedule.

A further charge was made in said show cause order to the effect that respondent had failed to comply with our order relative to the filing of tariffs of rates, rules and regulations within a period not exceeding twenty days from the date said certificate was granted to him.

Respondent filed a written answer to the said show cause order through his attorney, Marion F. Jones, wherein it is admitted that respondent was transporting freight between Denver and Flagler, but alleged that it was done under the authority of a private permit held by respondent

which had been cancelled for failure to file insurance.

It was further alleged that respondent, through his attorney, had applied for reinstatement of said permit, and that by letter dated July 31, 1935, to said attorney, notice was given that said application for reinstatement had been denied. The claim is then made that respondent's attorney assumed a copy of our refusal to reinstate said permit had been mailed to respondent and therefore he failed to notify him.

It is clear from the evidence, and admitted by respondent, that he continued his operations under said Class A permit after receipt of our notice of cancellation of same.

Accepting the written answer filed in the instant case at its face value, it yet presents a very flimsy excuse, if any, for an admitted violation of the terms of respondent's certificate. All of the facts relative to the operation of respondent under his private permit were brought out at the hearing when he applied for his certificate, and he well knew, or at least must admit that he should have known that he was not authorized to transport freight between Denver and Flagler and intermediate points, either under the terms and provisions of his certificate or under a private permit.

As we pointed out at the time of granting him this certificate in said Application No. 2391, respondent has been a conspicuous, continuous and persistent violator of the motor vehicle carrier Acts of Colorado. How much of this is due to actual ignorance, or how much may be due to the intention of respondent to continue in his methods, we do not know. Certainly, the present violation cannot be passed unnoticed. Respondent testified in effect that if he could not have a back haul of general freight from Denver to Flagler, his certificate would be of little use to him.

We are not inclined to penalize respondent for his failure to file his tariffs and rules and regulations, due to the fact of the pending rate case hearing. However, we can see no other course open to us except to revoke respondent's certificate for the violation of its terms relative

to the transportation of freight from Denver to Flagler.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 2391, should be and the same is hereby, revoked effective December 1, 1935.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 2391, be, and the same is hereby, revoked effective December 1, 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1935.

(Decision No. 6827)

992

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLARENCE H. BROENDEL FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TRUCK SERVICE BETWEEN SEDGWICK COUNTY AND OTHER POINTS IN THE STATE OF COLORADO, IN IRREGULAR SERVICE FOR THE TRANSPORTATION OF USED HOUSEHOLD FURNITURE AND OFFICE EQUIPMENT.	)	APPLICATION NO. 2488.

November 19, 1935

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for applicant;
Mr. L. P. Davis, Denver, Colorado, for The Motor Truck Common Carriers Association;
Mr. J. R. Arnold, Denver, Colorado, for The Northeastern Motor Freight;
McConley and McConley, Esqs., Sterling, Colorado, for Charles Archer Monroe;
Mr. R. J. Robinson, Sterling, Colorado, for Northeastern Freight Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of convenience and necessity to operate a truck service in Sedgwick County, Colorado, and other points in the state in irregular service for the transportation of used household furniture and office equipment.

Heretofore, Broendel has been operating a freight line between Sterling and the Nebraska state line through Julesburg under Permit A-463, and is an experienced operator. He requests that his A permit be so modified as to exclude used furniture and office equipment therefrom in order to avoid any conflict herewith.

From the evidence it appears that no adequate common carrier service is now available in said Sedgwick County for the hauling herein proposed, inasmuch as most of it originates off of the scheduled carriers' line haul; that the applicant possesses a 1933 International truck worth $1600 which he proposes to use; has a dock and storage facilities at Julesburg

and has arranged to get additional equipment from O. L. McKay of Sterling to use in cases of emergency; and that he has calls for this character of service from numerous people in various parts of Sedgwick County and seeks authority to render this service. The applicant stipulated with the North Eastern Motor Freight and the North Eastern Freight Company to eliminate all towns except Julesburg which are now served along the line of these companies between Julesburg and Denver.

Witnesses testified to the positive needs of such a service as the applicant proposes to offer, especially in those parts of Sedgwick County not reached by the line carriers and that there was quite a heavy movement of household goods from and to Sedgwick County at this time.

The record and the evidence disclose a need to exist on the part of the public in Sedgwick County for the proposed operation. It also disclosed the financial standing and liability of the applicant to the satisfaction of the Commission.

After careful consideration of the evidence and the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the motor vehicle common carrier services of the applicant for the movement of used household furniture and office equipment as proposed and that a certificate of public convenience and necessity, subject to the conditions herein expressed, should be granted the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant, Clarence H. Broendel, for the movement of used household furniture and office equipment from point to point within the County of Sedgwick, Colorado, and the transportation of the same from points in Sedgwick County to points in the State of Colorado; except, however, all points along the line of the North Eastern Motor Freight and the North Eastern Freight Company now being served singly or in combination by these firms; that this order is issued with the understanding that used household furniture and office equipment are not to be transported under applicant's private permit A-463; and this order shall be taken, deemed

and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1935.

A-1106

(Decision No.6829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. E. DRUMRIGHT FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ORE AND MINE SUPPLIES BETWEEN POINTS IN THE MINING DISTRICTS ADJACENT TO ROLLINSVILLE, BLACKHAWK, CENTRAL CITY, AND IDAHO SPRINGS, COLORADO.

APPLICATION NO. 2519-PP.

November 19, 1935

Appearances: Mr. J. E. Drumright, Central City, Colorado, pro se;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The applicant herein seeks a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of ore and mining supplies between Blackhawk, Central City, Rollinsville and Idaho Springs, Colorado.

At the hearing it developed that the applicant has but one customer, The Central City Gold Mining Corporation, which company takes up his entire time in the transporting of ore and mining supplies between Central City and Blackhawk; that he has an agreement to transport concentrates from the mill to railroad loading points at Blackhawk, and is required to make occasional trips with concentrates to Idaho Springs and Rollinsville. Protestants appearing at the hearing withdrew all opposition. The applicant proposes to use a one and a half ton Ford truck to conduct his operation.

After a careful consideration of the evidence, the Commission is of the opinion and finds that the permit requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. E. Drumright be, and he is hereby, granted a permit to operate as a Class A private carrier by motor vehicle for hire for the transportation of ore, concentrates, and mining supplies between Central City and Blackhawk, Colorado, and for the transportation of concentrates to Idaho Springs and Rollinsville, Colorado, for the Central City Gold Mining Corporation, only, said permit to issue if and when, but not before the applicant has filed the necessary insurance and secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1935.

(Decision No. 6831)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF J. L. GRAVES FOR A CLASS B PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT WITHIN A 50 MILE RADIUS OF FORT LUPTON, COLORADO.

APPLICATION NO. 2585-PP.

November 20, 1935.

Appearances: Mr. J. L. Graves, Fort Lupton, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers' Association.

S T A T E M E N T .

By the Commission:

J. L. Graves seeks a Class B permit for the transportation of freight for hire within a 50 mile radius of Fort Lupton, Colorado.

The evidence disclosed that the applicant intends to use a 1929 Dodge truck to conduct the proposed operation; that he has been serving the farmers in the Fort Lupton vicinity for the past twenty-five years; that he desires authority to do general farm hauling, such as wheat, corn, and livestock to Fort Lupton and to Denver, and at times authority to haul livestock from farms to distant pastures, and that all his operations will be carried on within a radius of ten miles of Fort Lupton, with occasional hauls to Denver, with no back haul in competition with scheduled carriers.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the permit requested as limited by the evidence should be granted.

O R D E R.

IT IS THEREFORE ORDERED, That J. L. Graves be, and he hereby is, granted a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products and farm supplies from point to point within a radius of ten miles of Fort Lupton, Colorado, with occasional hauls of livestock to markets in Denver and from farms in the Lupton area to summer pastures; said permit to issue

if and when, but not before, he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Creel

W. L. Dawkins

Miriam Ericson

Commissioners

Dated at Denver, Colorado,
this 20th day of November, 1935.

(Decision No. 6854)

Case 2003 Exhibit #1 Rec'd

B-1124

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF F. F. DUNBAR FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF LIVESTOCK BETWEEN DENVER, COLORADO, AND DEL NORTE, COLORADO, BULK OF TRANSPORTING TO BE WITHIN A RADIUS OF 50 MILES OF DEL NORTE.	APPLICATION NO. 2601-PP.

November 20, 1935.

Appearances: Mr. F. F. Dunbar, Box 122, Del Norte, Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers' Association.

S T A T E M E N T.

By the Commission:

Applicant herein seeks authority to operate as a private carrier by motor vehicle for hire for the transportation of livestock within a radius fifty-eight miles west, and fifteen miles north, south, and east of Del Norte, into Denver and machinery from Denver into said area. At the hearing he agreed to eliminate his machinery hauling and he also agreed to eliminate any livestock to be picked up between Monte Vista and Del Norte.

Applicant's financial status was established to the satisfaction of the Commission. As limited by the evidence, at the hearing, it does not appear that the proposed operations of applicant will impair the efficiency of any common carrier service.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the authority requested, as limited at the hearing, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That F. F. Dunbar, applicant herein, be granted a Class B permit to operate as a private carrier by motor vehicle

for hire, for the transportation of livestock from points within a radius fifty-eight miles west, and fifteen miles north, south and east of Del Norte to Denver, without the right to pick up any livestock between Monte Vista and Del Norte; said permit to issue if and when, but not before, he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Chandler

M. C. Banks

Evan Evans

Commissioners

Dated at Denver, Colorado,
this 20th day of November, 1935.

(Decision No. 6835)

A 339

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF J. W. KIRWIN FOR AN EXTENSION OF HIS CLASS A PERMIT TO INCLUDE OPERATIONS DENVER TO BURLINGTON OVER U. S. 40 AND 40 NORTH, AND WRAY TO BURLINGTON OVER COLO. 51 FOR FREIGHT ORIGINATING IN STERLING, COLORADO.	APPLICATION NO. 2382-PP-BB

November 26, 1935.

Appearances: Marion F. Jones, Esq., Longmont, and
Samuel Chutkow, Esq., Denver, Colorado,
attorneys for applicant;
A. J. Fregeau, Denver, Colorado,
for Motor Truck Common Carriers' Association.

S T A T E M E N T.

By the Commission:

Applicant seeks authority to transport for the Safeway Stores system only, freight originating in Sterling, Brush or Wray, Colorado, from Wray to Burlington, Colorado, via Colorado Highway No. 51. In addition to the above operation, authority is also sought to transport freight for the same customer from Denver to Burlington via U. S. 40 and U. S. 40 North.

The above routes are extensions which applicant is seeking over the authority heretofore granted to him under permit No. A-339. So far as the operation from Wray to Burlington is concerned, it does not appear that the operations of any common carrier will be adversely affected. However, objection was made to the granting of the authority sought between Denver and Burlington by the present common carrier operating over said route.

From the record before us, the Commission is unable to determine that the present common carrier operator is not rendering adequate and efficient service between said points, and it would also appear that the granting of any further private permits to operate over said route would impair the efficiency of the present common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the extension sought by applicant authorizing the transportation of freight between Wray and Burlington should be granted, and that the application seeking authority to transport freight between Denver and Burlington should be denied.

O R D E R.

IT IS THEREFORE ORDERED, That J. W. Kirwin be, and he is hereby, authorized by way of extension of his present permit No. A-339, to transport, for the Safeway Stores System only, such general merchandise freight as may originate in Sterling, Brush or Wray, Colorado, from Wray to Burlington, via Colorado Highway No. 51, or via Highways Nos. 54 and 40 through St. Francis and Goodland, Kansas.

IT IS FURTHER ORDERED, That applicant's petition for an extension of his route to include the right to transport freight from Denver to Burlington be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operations which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit heretofore issued to applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1935.

m (Decision No. 6836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

A-554

IN THE MATTER OF THE APPLICATION OF F. W. MILLER FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FLOUR AND SUGAR BETWEEN BURLINGTON AND WRAY AND BRUSH AND INTERMEDIATE POINTS VIA COLO. 51 AND COLO. 54, SAID OPERATION BEING AN EXTENSION OF PERMIT A-554.	)	Application No. 2653-PP.

November 26, 1935.

Appearances: George Swerer, Esq., Denver, Colorado, attorney for applicant;
A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T.

By the Commission:

In the original application filed, which was for an extension of Permit A-554, applicant sought authority to transport flour and sugar only for the Great Western Sugar Company and Western Stores and Wholesale Grocery Company between Burlington and Wray and Brush and intermediate points, via Colorado Highways 51 and 54. Authority was sought at the hearing and granted to amend the application to authorize the transportation of general merchandise for Western Stores and Wholesale Grocery Company only from Brush and Wray to Burlington, Colorado, and to the Kansas state line in interstate commerce.

The financial reliability of applicant was admitted, and the evidence disclosed that no common carrier service is now available between Brush and Wray and Burlington, Colorado.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the extension sought should be granted.

O R D E R.

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to F. W. Miller to extend his operations under permit A-554 as a Class A private carrier for the transportation of general

Merchandise for the Western Stores and Wholesale Grocery Company only between Brush and Wray, Colorado, and Burlington, Colorado, and intermediate points via Colorado Highways Nos. 51 and 54 in intrastate commerce.

IT IS FURTHER ORDERED, That said F. W. Miller, subject to the provisions of the Federal Motor Carrier Act of 1935, be, and he is hereby, authorized to operate in interstate commerce between Wray, Brush and Burlington, Colorado, and the Colorado-Kansas state boundary line at the point where U. S. Highway No. 40 North crosses the same.

IT IS FURTHER ORDERED, That the interstate permit herein authorized to be issued shall bear the same number as the intrastate permit permit heretofore granted, to-wit, A-554, followed by the letter "I".

IT IS FURTHER ORDERED, That said extension of intrastate permit and interstate permit shall issue if and when but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permits herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1935.

B-1292

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK BUSHNELL FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT OUT OF AND INTO, BETWEEN POINTS WITHIN 10 MILE AREA OF FORT COLLINS, OCCASIONAL LOAD OF FREIGHT TO AND FROM POINTS EXCEPTING DENVER.	)	APPLICATION NO. 2583-PP.

November 21, 1935

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for applicant;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carrers Association and The Consolidated Fast Freight.

S T A T E M E N T

By the Commission:

Frank Bushnell applies for a Class B permit to transport freight out of, into and between points within a ten mile area of Fort Collins, with occasional load of freight to and from points excepting Denver. The evidence disclosed that the applicant proposes to use a 1929 Chevrolet one and a half ton truck in the conduct of his operation; that he had other property and was an experienced trucker; that he desired authority to transport building material and farm supplies from Fort Collins to farmers within a radius of ten miles of Fort Collins, Colorado, and farm produce from farms within this radius back to Fort Collins; cement and plaster from the cement mill at Boetcher to Fort Collins and Loveland, with occasional trips from the Fort Collins area with pipe to oil fields and farm machinery to farmers in Larimer County; and that no trips would be made to Denver.

After a careful consideration of the evidence, the Commission is of the opinion and so finds, that the permit requested by Frank Bushnell as hereafter limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Frank Bushnell be, and he hereby is, granted a permit to operate as a Class B private carrier for hire for the transportation of building material and farm supplies from Fort Collins to farmers within a radius of ten miles of Fort Collins, for the transportation of farm products from farms situated in this area to Fort Collins; to transport plaster and cement from the cement mill at Boetcher to customers in said area, and occasional trips to transport pipe from said area to oil fields; and farm machinery from Fort Collins to farmers in Larimer County; said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carroll

W. A. Danks

Dated at Denver, Colorado,
this 21st day of November, 1935.

CONTROL

(Decision No. 6843)

a-453

Case 1838
Ext. no 2
11/17/36

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF F. W. SULLIVAN TO TRANSFER TO F. H. LANG, MOTOR VEHICLE PRIVATE PERMIT NO. A-453 AUTHORIZING OPERATION BETWEEN DENVER AND FORT COLLINS AND INTERMEDIATE POINTS VIA U. S. 285.)	)	APPLICATION NO. 2604-PP-A.

November 23, 1935

Appearances: F. W. Sullivan, Longmont, Colorado, pro se;
J. F. Rowan, Denver, Colorado, for Motor Truck Common Carriers Association;
George G. Garrett, Longmont, Colorado, McKie Transfer Company and Golden Transfer Company.

S T A T E M E N T

By the Commission:

On May 10, 1933, F. W. Sullivan of Longmont was granted private permit No. A-453. He seeks herein to transfer said permit to F. H. Lang of Longmont, Colorado.

The record and the evidence disclosed that the permit authorizes an operation from Denver to Fort Collins and intermediate points by way of U. S. Highway 285.

It also appears that Sullivan has been conducting a freight haul from Denver to Longmont but has made no trips between Longmont and Fort Collins since March, 1935, and Lang states that he has no customers at points north of Longmont and if the transfer is granted is willing to waive any service north of Longmont.

The financial standing and responsibility of the transferee were established to the satisfaction of the Commission.

After careful consideration, the Commission is of the opinion, and so finds, that the application of F. W. Sullivan for authority to transfer to F. H. Lang private permit A-453 heretofore issued to Sullivan by the Commission should be granted, subject to the limitations hereinafter

prescribed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to F. W. Sullivan to transfer his private permit No. A-453 to F. H. Lang, eliminating from said permit any authority to operate north of Longmont, Colorado, said transfer to take effect if and when, but not before the transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23d day of November, 1935.

(Decision No. 6845)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CITIZENS UTILITIES COMPANY AND PUBLIC UTILITIES CONSOLIDATED CORPORATION FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE CERTAIN RIGHTS AND PRIVILEGES.	)	APPLICATION NO. 1356-A

November 26, 1935.

S T A T E M E N T

By the Commission:

This is an application by Citizens Utilities Company and Public Utilities Consolidated Corporation for authority to transfer to Citizens Utilities Company the certificate of public convenience and necessity, authorizing it to exercise the rights and privileges conferred by franchises granted by the County of Otero, Colorado, the City of La Junta, Colorado, the Town of Swink, Colorado, and the City of Rocky Ford, Colorado, for the construction, operation and maintenance of facilities and appliances for the supply and distribution of natural gas for light, heat, power and other purposes. No objection to the application has been filed or made.

The evidence shows that transferee is a corporation, organized, created and existing under and by virtue of the laws of the State of Delaware, that it is authorized under its Certificate of Incorporation to engage in the public utility business in the State of Colorado, and that it has qualified itself to exercise its corporate powers, rights and privileges in, and to engage in the utility business in, the state of Colorado.

Pursuant to and by virtue of Ordinance No. 319 duly adopted and approved on January 9, 1929, by the City Council of the City of La Junta, Colorado, Ordinance No. 224 duly adopted and approved on January 15, 1929, by the City Council of the City of Rocky Ford, Colorado, Ordinance No. 60 duly adopted and approved on January 22, 1929, by the Board of Trustees of the Town of Swink, Colorado, and a resolution duly adopted on December 28, 1928,

by the Board of County Supervisors of the County of Otero, Colorado, franchises to construct, operate and maintain gas facilities, lines and systems in each of said respective territories, and to furnish, distribute and supply natural gas, manufactured gas, or mixed manufactured and natural gas for light, heat, power, and other purposes in and to each of said respective territories, were duly granted to Public Utilities Consolidated Corporation, for itself, and its successors and assigns. Each of said respective franchises are granted for a period of twenty-five years from and after adoption and approval. That a certificate of public convenience and necessity to exercise said franchise rights was granted to transferor on July 5, 1929, Decision No. 2348, and transferor has held and exercised all rights under said certificate since said date.

Public Utilities Consolidated Corporation is a corporation organized, created and existing under and by virtue of the laws of the State of Arizona, and is duly authorized under its Articles of Incorporation and by the State of Colorado to engage in the public utility business in this state.

The evidence further shows that in a proceeding, under Section 77B of the Acts of Congress relating to Bankruptcy, in the United States District Court, District of Minnesota, Fourth Division, wherein said Public Utilities Consolidated Corporation is Debtor and Joseph Chapman is Trustee of said Debtor's properties, franchises and business, a plan of reorganization is about to be consummated pursuant to which all the properties, franchises and business, including the property, franchises and business in the State of Colorado, of said Public Utilities Consolidated Corporation and its said Trustee will be transferred to and acquired by Citizens Utilities Company, applicant herein. As a consequence, upon consummation of said plan of reorganization, applicant will become the owner not only of all the physical properties and assets of said Public Utilities Consolidated Corporation and its said Trustee, but also of all the rights and privileges thereof. Under said Section 77B of the Acts of Congress relating to Bankruptcy, it is necessary before the consummation of a plan of reorganization pursuant thereto that all necessary authorizations, approvals or consents of a regulatory commission of a state wherein a utility corporation

operates properties be first obtained.

The evidence further shows that transferee, Citizens Utilities Company, will be a responsible operating company upon consummation of said plan of reorganization. The capital investment in the State of Colorado of the enterprise now before this Commission will not be changed or affected by or upon consummation of said plan of reorganization, but will remain the same after said consummation as before. However, any such figures as to capital investment shall not be binding on this Commission in any valuation hearing held for the purpose of determining reasonable rates.

The record does not show any public convenience or necessity for any generating plant or plants. On the contrary, it appears that the public convenience and necessity will be fully and adequately served by the furnishing and distribution of natural gas exclusively.

After considering the evidence adduced, and upon all the files and records before it, this Commission is of the opinion, and so finds, that the public convenience and necessity does require and will require, immediately upon applicant's acquisition of said franchises herein described, the exercise by applicant, Citizens Utilities Company, of the rights and privileges conferred by said franchises granted by the County of Otero, Colorado, the City of La Junta, Colorado, the Town of Swink, Colorado, and the City of Rocky Ford, Colorado, for the construction, operation and maintenance of facilities and appliances for the supply and distribution of natural gas for light, heat, power and all other purposes to which natural gas may be applied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity does require and will require, immediately upon applicant's acquisition of said franchises herein described, that applicant, Public Utilities Consolidated Corporation, be, and it is hereby authorized to transfer the aforesaid certificate of public convenience and necessity to said Citizens Utilities Company,

and that from and after the date of this order, said Citizens Utilities Company be, and it hereby is authorized to exercise the rights and privileges conferred by said franchises granted by the County of Otero, Colorado, the City of La Junta, Colorado, the Town of Swink, Colorado, and the City of Rocky Ford, Colorado, for the construction, operation and maintenance of facilities and appliances for the supply and distribution of natural gas for light, heat, power and all other purposes to which natural gas may be applied, heretofore granted to said Public Utilities Consolidated Corporation in Decision No. 2348, dated July 5, 1929.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1935.

(Decision No. 6849)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BEN F. McDONOUGH FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY) APPLICATION NO. 2173
TO OPERATE TRANSPORTATION SERVICE)
BETWEEN PARLIN, COLORADO, AND)
PITKIN, COLORADO.)

November 26, 1935

Appearances: Mr. Ben McDonough, Parlin, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing the operation of a transportation service for mail, freight, express and passengers between Parlin, Colorado, and Pitkin, Colorado, and intermediate points.

We do not believe that any certificate is needed from this Commission to authorize the transportation of the United States mail in Colorado, and at the hearing applicant stated that due to the excessive cost of insurance, he would have to eliminate any passenger service.

It was further developed that the railroad line formerly operating between Parlin and Pitkin was recently discontinued and that the service proposed by applicant would meet a real public need of shippers and residents of the Pitkin area.

No objection to the granting of the certificate was interposed by anyone, and the financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operation of applicant for the transportation of general freight and express to and from Parlin and Pitkin, Colorado, and intermediate points, and this order shall be taken,

deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1935.

(Decision No. 6850)

797

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOHN BETZ FOR CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE MOTOR TRUCK AND FREIGHT) APPLICATION NO. 2676.
SERVICE FROM GUNNISON, IN GUNNISON)
COUNTY, COLORADO.)

November 26, 1935

Appearances: Robert G. Porter, Esq., Gunnison, Colorado, attorney for applicant;
T. W. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., The Denver and Rio Grande Western Railroad Company, and American Railway Express Agency.

S T A T E M E N T

By the Commission:

Applicant seeks authority to transport general freight in an irregular service within a radius of 50 miles of Gunnison, Colorado.

At the hearing, attorneys for protestants stipulated that all objections to the granting of the application would be withdrawn, provided the certificate, if issued, would be conditioned that the applicant would not transport general merchandise of the nature handled by retail and wholesale stores between towns on State Highway No. 135 between Gunnison and Crested Butte, on U. S. Highway No. 50 between Gunnison and Montrose, and on U. S. Highway No. 50 between Gunnison and Salida. The attorney for applicant agreed to the above conditions.

It was further stipulated and agreed between all the parties that nothing in the stipulation above mentioned would prevent Mr. Betz from transporting other commodities to and from the towns referred to and from the towns referred to to any other points within this fifty-mile radius of Gunnison, and also that Mr. Betz should have the privilege of hauling livestock to and from all points within this area.

It was further disclosed that some public convenience and necessity exists for the proposed operation of applicant, as a number of points

within the area he desires to serve are not on the route of any railroad or common carrier trucking service. The construction of the Taylor dam at Taylor Park, which is 30 miles from Gunnison, is an example of the public convenience and necessity that exists for ample truck transportation service, particularly in the transportation of materials and supplies from the railroad head to Taylor Park.

The financial standing and reliability of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the certificate sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicant for the transportation of freight in an irregular service between points within a radius of 50 miles of Gunnison, Colorado, subject to the following conditions, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor:

(a) Applicant shall not be permitted to transport general merchandise of the nature handled by retail and wholesale stores between towns on State Highway route 135 between Gunnison and Crested Butte, on U. S. route No. 50 between Gunnison and Montrose, or on U. S. route No. 50 between Gunnison and Salida and all intermediate points.

(b) Nothing in the above condition shall prevent applicant from transporting other commodities to and from the towns referred to and from the towns referred to to any other points within said fifty-mile radius of Gunnison, and also that applicant shall have the privilege of hauling live stock to and from all points within this area.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1935.

(Decision No. 6856)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF CHARLES LEROW FOR A PERMIT TO OPERATE AS A CLASS "A" PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT BETWEEN THE COAL MINING DISTRICTS ADJACENT TO MARSHALL, LOUISVILLE, LAFAYETTE, ERIE, ALSO ELDORADO SPRINGS, AND BOULDER, COLORADO, INCLUDING INTERMEDIATE POINTS, VIA COUNTY ROADS TO BOULDER, ALSO VIA U. S. 285.

APPLICATION NO. 2431-PP.

November 26, 1935.

Appearances: Mr. Charles Lerow, Box 482, Boulder, Colorado, pro se.
Mr. V. G. Garnett, Denver, Colorado, for Colorado Rapid Transit.
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

On August 12, 1935, Charles Lerow was granted a Class B private permit authorizing among other things the transportation of coal only from Marshall, Colorado, to Eldorado Springs, Colorado.

Immediately following receipt of copy of our decision No. 6621 in said matter, said applicant directed the attention of the Commission to the fact that he asked in said application for authority to haul coal to Boulder, Colorado, as well as Eldorado Springs.

After a careful consideration of the record, the Commission is of the opinion and finds that the first paragraph of said order (Decision No. 6621) should be amended by inserting the words "and Boulder, Colorado," after the words "Eldorado Springs."

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of said order (Decision No. 6621) should be amended nunc pro tunc as of August 12, 1935, to read: "It is therefore ordered that Charles Lerow be and he hereby is granted a permit to operate as a Class A private carrier for hire for the transportation of milk and ice cream only from Boulder, Colorado, and coal

only from Marshall, Colorado, to Elderado Springs and Boulder, Colorado, said permit to issue if and when but not before applicant has filed a list of his customers and insurance and has secured identification cards."

IT IS FURTHER ORDERED, That said order (Decision No. 6621) in all other particulars shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1935.

(Decision No. 6857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF JENNIE AND LESTER L. ADAMSON FOR A CLASS "A" PERMIT TO OPERATE AS PRIVATE CARRIERS BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL AND MILK, COAL FROM NORTHERN COAL FIELD AREA TO DENVER VIA U. S. 285 AND MILK HAUL ILIFF TO MERINO.

APPLICATION NO. 2641-PP.

B-1351

November 26, 1935.

Appearances: Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicants herein sought a Class A permit to operate as private carriers by motor vehicle for hire. Notwithstanding said application was regularly set for hearing, applicants being duly notified thereof, before the Commission on November 6, 1935, at 10 o'clock a. m., said applicants failed to appear. Thereupon protestants moved that said application be dismissed for want of prosecution.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be dismissed for lack of prosecution.

O R D E R

IT IS THEREFORE ORDERED, That application of Jennie and Lester L. Adamson be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1935.

(Decision No. 6859)

B-1114

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. A. SHERMAN AND E. W. O'NEIL, DOING)
BUSINESS AS THE BOULDER TRANSFER)
COMPANY, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY) APPLICATION NO. 2674-PP
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF FREIGHT FROM A RADIUS OF 15 MILES)
OF BOULDER TO POINTS IN COLORADO.)

November 26, 1935

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for applicants.
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Ass'n.
Mr. V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit Company.

S T A T E M E N T

By the Commission:

As limited by the evidence, the applicants herein seek authority to transport light freight by motor vehicle for regular customers at Boulder and vicinity to various points in Colorado.

It appears that the applicants have been doing a general drayage business in Boulder for many years, conducting the same as The Boulder Transfer Company, and at times have been called upon to go outside of the city, in which event they operated under private permit No. A-537, issued October 11, 1933, and that under this permit the outside operation being confined to one route only, prevented them from properly serving their customers. It appeared that the applicants while doing a drayage work for Boulder merchants, are requested to make special deliveries for these customers at points outside of Boulder; that among the deliveries were small odd lots of lumber, odd lots of household goods and baggage for football teams when they were playing at points other than Boulder. The applicants desire authority to serve Boulder customers within the city and within a radius of five miles of the City of Boulder, and they desire a B permit to transport baggage and light freight

for regular customers in the Boulder area to various points in Colorado over irregular routes. No general freight hauling will be undertaken in competition with authorized scheduled carriers. The applicants also request that in the event they are granted a B permit, their private permit A-537 be cancelled.

After careful consideration, the Commission is of the opinion and so finds, that as limited by the evidence, the application sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That G. A. Sherman and E. W. O'Neil, doing business as The Boulder Transfer Company be, and they hereby are granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of light freight and baggage for regular Boulder customers from Boulder, Colorado, with a pick up radius of five miles around the city to various points in Colorado, as required by said customers. No general freight hauling in competition with authorized scheduled carriers is contemplated hereby. Said permit will issue if and when, but not before applicants have filed a list of their customers and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That Permit No. A-537 be, and the same is hereby cancelled.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operations which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1935.

(Decision No. 6862)

B-1113

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES E. DECKER FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR THE)
TRANSPORTATION OF SAND AND GRAVEL) APPLICATION NO. 2666-PP
FROM DENVER, COLORADO, TO POINTS)
WITHIN A RADIUS OF SEVENTY-FIVE)
MILES THEREOF.)

November 29, 1935.

Appearances: Mr. Charles E. Decker, 2147 So. Clarkson St., Denver, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant Charles E. Decker herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel, from Denver, Colorado, to points within a radius of seventy-five miles thereof.

It developed that he owns a one and a half ton Ford dump truck, and has been employed by the J. W. Brannan Sand and Gravel Company. His operating experience and responsibility were established to the satisfaction of the Commission, and as limited, protestants withdrew objections to the issuance of a permit.

After a careful consideration of the record, the Commission is of the opinion and finds that, as limited, permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Charles E. Decker be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from Denver, Colorado, to points within a radius of seventy-five miles thereof, said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operations which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 29th day of November, 1935.

(Decision No. 6863)

B-1112

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. H. WILSON FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2634-PP
OF LIME, CEMENT AND COAL WITHIN A)
50-MILE RADIUS OF DENVER, COLORADO.)

November 29, 1935.

Appearances: Mr. W. H. Wilson, 161 Perry St., Denver, Colorado, pro se;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
Mr. V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit Company;
Mr. A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
Mr. L. P. Davis, Denver, Colorado, for Consolidated Fast Freight;
Mr. George D. Garrett, Longmont, Colorado, for McKie Transfer Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to haul lime, cement and coal within a radius of fifty miles of Denver.

It developed at the hearing that he owns a 1935 one and a half ton Chevrolet truck, and that for sometime last past he has been hauling lime and cement from the yards of a number of customers in Denver to various building jobs in and near Denver; also occasionally he has been hauling coal from the Monarch, State and other coal mines in northern Colorado coal fields to Denver. His financial responsibility and operating experience were established to the satisfaction of the Commission. It appeared that his operations, except on rare occasions, did not conflict with those of common carrier lines; that most of his out-of-town business was to farms east of Denver and out North Tejon Street to Eastlake, and that said areas are not

served by motor truck common carrier lines.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That W. H. Wilson should be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for the transportation of lime and cement only for the customers listed in his application, within a radius of fifty miles of Denver, Colorado, and the transportation of coal from the norther Colorado coal fields to Denver, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 29th day of November, 1935.

(Decision No. 6864)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE MOUNTAIN UTILITIES CORPORATION)
FOR AUTHORITY TO PURCHASE AND) APPLICATION NO. 931-A
OPERATE THE PROPERTIES AND PLANT OF)
THE BUENA VISTA POWER COMPANY.)

November 26, 1935.

Appearances: Frank McDonough, Jr., Esq., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

This is an application by The Mountain Utilities Corporation seeking the approval of the Commission of a certain contract of sale dated July 6, 1935, between the Buena Vista Power Company and said The Mountain Utilities Corporation, wherein the latter company has agreed to purchase upon the terms specified in said contract, all of the property, both real and personal, of said Buena Vista Power Company situate at Buena Vista, Colorado, and used by said company for the purpose of generating and distributing electric current for power and lighting purposes to the residents of Buena Vista, Colorado.

Included in said contract of sale is the certificate of public convenience and necessity issued by the Commission to Buena Vista Power Company authorizing it to exercise certain franchise rights in the Town of Buena Vista on December 2, 1927. The permission of the Commission is further sought to authorize said The Mountain Utilities Corporation to take over, operate and improve all of the said properties of Buena Vista Power Company at Buena Vista, Colorado, if and when the contract of purchase heretofore referred to is consummated.

As we understand the petition filed with us, what is sought at this time is in the nature of an order preliminary to the effect that if said

contract of sale is duly consummated, the Commission will thereafter, upon due application, authorize the transfer of the certificate of public convenience and necessity above referred to from Buena Vista Power Company to the Mountain Utilities Corporation.

It further appears that Buena Vista Power Company is a subsidiary of General Service Corporation, which is now undergoing proceedings in bankruptcy for reorganization under the Federal statutes in such cases made and provided.

It further appears that on the 10th day of July, 1935, the Federal Court in and for the District of Colorado entered its order approving said contract of purchase. It further appears that on the 12th day of June, 1935, an agreement was entered into by and between the Town of Buena Vista and said The Mountain Utilities Corporation, wherein said Town, in consideration of certain covenants of said The Mountain Utilities Corporation, agrees to the assignment by Buena Vista Power Company of its franchise rights in the Town of Buena Vista to The Mountain Utilities Corporation.

After careful consideration of the allegations contained in said petition, as well as of the records on file herein, the Commission is of the opinion, and so finds, that the prayer of said petition should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the terms and conditions of the contract of purchase entered into on July 6, 1935, between Buena Vista Power Company and The Mountain Utilities Corporation be, and the same are hereby, approved by the Commission.

IT IS FURTHER ORDERED, That if and when said contract of purchase has been fully consummated, and upon due and proper application to this Commission, an order will be entered approving the transfer by Buena Vista Power Company to said The Mountain Utilities Corporation of that certain certificate of public convenience and necessity heretofore issued by the

Commission to said Buena Vista Power Company on December 2, 1927, wherein said Buena Vista Power Company is authorized to exercise certain franchise rights within the town of Buena Vista, Colorado.

IT IS FURTHER ORDERED, That jurisdiction of the instant matter be, and the same is hereby, retained for the purpose of entering such further orders as may be necessary by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of November, 1935.

(Decision No. 6868)

774

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. J. HORN FOR CERTIFICATE OF) APPLICATION NO. 2273.
PUBLIC CONVENIENCE AND NECESSITY.)

November 30, 1935

Appearances: E. H. Houtchens, Esq., Greeley, Colorado, for applicant;
Mr. R. M. Slapper, La Salle, Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

On September 23, 1934, applicant R. J. Horn was granted a certificate of public convenience and necessity for the transportation of live stock from point to point in the territory within a radius of fifteen miles of Kersey, Weld County, Colorado, and the transportation of live stock from auction sales pavilions in and about Greeley, Colorado, over Highway No. 85 from Greeley, Colorado, to Denver, Colorado. Immediately after entry of said order attention of the Commission was directed by attorney for applicant to the fact that applicant sought and should have been granted authority to back haul cattle from Denver, Colorado, to points in the territory within a radius of fifteen miles of Kersey.

Examination of the record discloses that applicant's contention is well founded. The Commission is of the opinion, and so finds, that said decision No. 6687 heretofore entered herein should be amended so as to authorize the transportation of live stock by applicant on call and demand from Denver, Colorado, to points in the territory within a radius of fifteen miles of Kersey, Weld County, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of the order in said Decision No. 6687, heretofore, to-wit, on September 23, 1935, entered herein, should be and the same is hereby amended nunc pro tunc as of said day, to read "It is therefore ordered, that the public convenience and necessity requires the motor vehicle common carrier service of applicant for the transportation of live stock from point to point in the territory within a radius of fifteen miles of Kersey, Weld County, Colorado, and also the transportation of live stock from auction sales pavilions in and about Greeley, Colorado, over Highway No. 85 from Greeley, Colorado, to Denver, Colorado, and from Denver, Colorado over U. S. Highway No. 85, to points within a radius of fifteen miles of Kersey, Weld County, Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor"; and it is further ordered, that said decision and order No. 6687 heretofore entered herein, in all other respects, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1935.

(Decision No. 6869)

213

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF A. J. WALKER TO TRANSFER HIS)
CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 915-AA.
AND NECESSITY TO ROBERT BROWNING.)

November 30, 1935

Appearances: Mr. A. J. Walker, Manitou, Colorado, pro se;
Mr. Robert Browning, Colorado Springs, Colorado, pro se;
J. A. Carruthers and J. F. Quine, Esqs., Colorado Springs, Colorado, for Pikes Peak Auto Company;
Merrill Shoup, Esq., Colorado Springs, Colorado, for Cripple Creek Stage Lines.

S T A T E M E N T

By the Commission:

Authority is sought by Arthur J. Walker to transfer to Robert Browning the certificate of public convenience and necessity heretofore issued to Harry Fraser in Application No. 915, and by him transferred to said Arthur J. Walker.

The evidence disclosed that Mr. Walker has been operating one car in the sightseeing business in Colorado Springs, and that consideration for transfer of car and certificate free and clear of debt is $125. Mr. Browning stated that he was satisfied there was no outstanding indebtedness against the operation, but that he was willing to assume and pay any and all obligations that may exist against said operation, to the full extent of the consideration paid for the car and certificate. It further developed that transferee is responsible and experienced, and that protestants have no objection to transfer.

After a careful consideration of the record, the Commission is of the opinion and finds that the authority herein sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same hereby is granted to Arthur J. Walker to transfer to Robert Browning the certificate of public convenience and necessity heretofore issued in Application No. 915 to Harry Fraser, provided that transferee assumes and pays all outstanding obligations of transferor incurred by him in connection with his operation under said certificate, if any there be.

IT IS FURTHER ORDERED, That the authority herein granted shall not become effective until transferee shall have on file with the Commission the necessary insurance required by law and the rules and regulations.

IT IS FURTHER ORDERED, That the tariffs of rates, rules and regulations of the transferor herein shall become and remain those of the transferee until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1935.

(Decision No. 6870)

A-1103-I

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

A-1103

IN THE MATTER OF THE APPLICATION OF)
HUBERT McNEILL FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR THE TRANSPORTATION OF FREIGHT,) APPLICATION NO. 2587-PP.
EXCEPT LIVESTOCK, BETWEEN POINTS WITHIN)
THE IMMEDIATE VICINITY OF JAMESTOWN TO)
BOULDER AND LONGMONT, COLORADO.)

November 30, 1935.

Appearances: Mr. Hubert McNeill, Longmont, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers' Association.

S T A T E M E N T.

By the Commission:

Heretofore, to-wit, on November 7, 1935, an order was entered herein denying application of above named applicant for a Class "A" permit, with the proviso that said applicant might apply for further hearing at any time within thirty days from the date thereof. Within the time limit said applicant orally requested further hearing, stating that he desired a permit to haul freight from Boulder and Longmont to Jamestown, and vice versa.

After a careful consideration of the record and his request, the Commission is of the opinion, and finds, that said matter should be set for further hearing.

O R D E R.

IT IS THEREFORE ORDERED, That the above styled matter should be, and the same hereby is, set for further hearing before the Commission on Wednesday, December 11, 1935, at 10 o'clock A.M., at Room 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dana
H. A. Dawks
Malcolm Graham
Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1935.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF JOE AND LUPE SANDOVAL FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT (NO LIVE STOCK) WITHIN A FIFTY MILE RADIUS OF SOUTH FORK WITH OCCASIONAL TRIPS BEYOND.	APPLICATION NO. 2614-PP
IN THE MATTER OF THE APPLICATION OF DESIDERIO SANDOVAL FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT (NO LIVE STOCK) WITHIN A FIFTY MILE RADIUS OF SOUTH FORK WITH OCCASIONAL TRIPS BEYOND.	APPLICATION NO. 2616-PP
IN THE MATTER OF THE APPLICATION OF PAT SANDOVAL FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT (NO LIVE STOCK) WITHIN A FIFTY MILE RADIUS OF SOUTH FORK, COLORADO.	APPLICATION NO. 2617-PP

November 30, 1935.

Appearances: Mr. Charles A. Galbreath, South Fork, Colorado, for applicants.
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.
Mr. A. J. Fregeau, Denver, Colorado, for E. B. Faus, and The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

The above applications were consolidated for hearing at Alamosa, Colorado, on October 22, 1935.

The evidence disclosed that applicants are engaged in transportation of freight for Galbreath Tie & Timber Company only. Mr. Galbreath testified that he had employed applicants for a number of years, first as drivers, and later had equipped them with their own trucks, which arrangement he found to be more satisfactory. The transportation for Galbreath Tie & Timber Company consists of lumber, ice, coal, and supplies from camp to camp of said Galbreath Tie & Timber Company, and from Alamosa to said various camps, for the company, and occasionally a load of household furniture and supplies for an incoming employe of said company. Mr. Galbreath stated,

however, that movements of furniture and household goods for their employes would be only under their direction.

The financial responsibility of applicants was established to the satisfaction of the Commission.

After a careful consideration of the evidence, the Commission is of the opinion and so finds, that the authority herein requested, as limited by the evidence, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Joe and Lupe Sandoval, Desiderio Sandoval, and Pat Sandoval, applicants in Applications No. 2614-PP, No. 2616-PP, and No. 2617-PP, be, and they are hereby granted Class B permits to operate as private carriers by motor vehicle for hire, for the transportation for Galbreath Tie & Timber Company only of lumber, ice, coal, and supplies from camp to camp of said Galbreath Tie and Timber Company, and from Alamosa to said various camps, and occasionally a load of household furniture and supplies for employes of said company; said permits to issue if and when, but not before they have filed the necessary insurance and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules, and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permits herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1935.

(Decision No. 6872)

A-1324

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A-1324

IN THE MATTER OF THE APPLICATION OF)
PAT SADLER FOR A CLASS "A" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR THE TRANSPORTATION OF LOGS) APPLICATION NO. 2702-PP
FROM FOREST TO JARRE CANON ROAD, TO)
SEDALIA, TO MILL OVER HIGHWAY NO. 85.)

December 4, 1935.

Appearances: Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above styled matter was regularly set for hearing at Colorado Springs before the Commission on Tuesday, the 3d day of December, A. D. 1935, at 1:30 o'clock p. m. Applicant failed to appear.

However, the Commission, being in receipt of a communication from Mr. Sadler requesting a hearing in Denver, is of the opinion that said application should be set for further hearing in Denver.

O R D E R

IT IS THEREFORE ORDERED, That said application of Pat Sadler for a Class A permit should be, and the same hereby is set for hearing before the Commission on December 11, 1935, at 10 o'clock a. m.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of December, 1935.

(Decision No. 6874)

A-529

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF S. H. BUCKNER TO TRANSFER HIS PRIVATE PERMIT NO. A-529 TO F. TEEL AND HAROLD ADAIR, SAID PERMIT COVERING OPERATION LARKSPUR AND VICINITY TO DENVER, COLORADO.

APPLICATION NO. 2672-PP-A

December 3, 1935.

Appearances: Mr. S. H. Buckner, Larkspur, Colorado, pro se;
Messrs. F. Teel and Harold Adair, Castle Rock, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for Castle Rock Transfer, and The Motor Truck Common Carriers' Association;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T.

By the Commission:

On September 21, 1933, S. H. Buckner was granted Private Permit No. A-529. He seeks herein to transfer the same to F. Teel and Harold Adair.

The record and evidence disclose that the permit authorizes a milk haul from Larkspur and vicinity to Denver, Colorado. It also appeared that Buckner has been hauling milk for the Carlson-Frink Company from Larkspur to Denver, Colorado, and that he has made a deal to dispose of one truck and the rights under this permit to the transferees. Teel and Adair propose to continue the operation for the Carlson-Frink Company with no extension of the right granted to Buckner. The transferees desire to transport small articles of freight for the Larkspur garage in case of urgent need for such articles.

The financial standing and reliability of the transferees was established to the satisfaction of the Commission, and Teel agreed to assume any and all obligations which might arise out of the previous conduct of this operation.

After careful consideration, the Commission is of the opinion, and so finds, that the application of S. H. Buckner for authority to transfer to F. Teel and Harold Adair private permit No. A-529, heretofore issued to said Buckner by the Commission, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to S. H. Buckner to transfer his private permit No. A-529 to F. Teel and Harold Adair, with authority to continue the transportation of milk from Larkspur and vicinity to Denver, Colorado, and for the transportation of small articles of freight for the Larkspur Garage, said transfer to become effective if and when, but not before the transferees have filed a list of their customers and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1935.

(Decision No. 6877)

B-1121

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOHN S. COBBAN FOR A PERMIT TO OPERATE AS A CLASS B PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF TIMBER, ORE AND COAL FROM PITKIN TO PARLIN, ORE TO LEADVILLE, AND COAL FROM THE CRESTED BUTTE MINES.	)	APPLICATION NO. 2649-PP

December 3, 1935.

Appearances: Robert G. Porter, Esq., for Stone and Porter, Esqs., Gunnison, Colorado, attorneys for applicant.

S T A T E M E N T

By the Commission:

Applicant seeks a Class B private permit. The original application requested authority to transport timber products, ore and coal from Pitkin to Parlin, Colorado, ore from the Pitkin area to Leadville, and coal from the Crested Butte district to Pitkin. At the hearing, a request was made and granted that the application be amended to include the transportation of general freight from Crested Butte and Gunnison to Ohio City and Pitkin.

It did not appear that any common carrier service would be affected by the operation proposed by applicant. His financial standing and general reputation were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the permit sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That applicant, John S. Cobban, be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle, for hire, for the transportation of timber products, coal and ore from Pitkin to Parlin, ore in less than carload lots from the Pitkin and Ohio City districts to Leadville, and general freight and coal from the Crested Butte district and Gunnison, Colorado, to Ohio City and Pitkin, said permit to issue if and when, but not before applicant has filed a list

of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right to operate under this order shall be dependent upon applicant's compliance at all times with all the laws, rules and regulations pertaining to his operations which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of December, 1935.

(Decision No. 6879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF CRIPPLE CREEK, VICTOR AND COLORADO SPRINGS STAGE COMPANY, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A MOTOR VEHICLE FREIGHT LINE BETWEEN COLORADO SPRINGS AND CRIPPLE CREEK AND VICTOR AND INTERMEDIATE POINTS.	APPLICATION NO. 2369
IN THE MATTER OF THE APPLICATION OF JOHN SHULL FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, TO OPERATE TRUCK SERVICE BETWEEN DENVER AND INTERMEDIATE POINTS AND CRIPPLE CREEK AND VICTOR, UNDER THE NAME AND STYLE OF DENVER AND CRIPPLE CREEK TRUCK LINE.	APPLICATION NO. 2186

December 3, 1935.

Appearances: Warren B. Hale, Esq., Cripple Creek, Colorado, and Merrill Shoup, Esq., Colorado Springs, Colorado, for Cripple Creek Victor and Colorado Springs Stage Company;
J. A. Carruthers, Esq., Colorado Springs, Colorado, for The Midland Terminal Railway Company;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association and The Weicker Transportation Company;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers' Association;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association and C. & S. Truck Line;
Mr. J. D. Blunt, Canon City, Colorado, for Southwestern Transportation Company and Keith Truck Line.

S T A T E M E N T.

By the Commission:

John Shull and Cripple Creek Victor and Colorado Springs Stage Company, a corporation, filed separate applications for certificates of public convenience and necessity, authorizing the operation of a motor vehicle line for the transportation of freight. The first named wants to haul freight originating in Denver and Colorado Springs to Victor and Cripple Creek, and vice versa, and interline freight originating at points without the State of Colorado to Colorado Springs. The last named wants to transport freight between Colorado Springs, Cripple Creek and Victor and intermediate points.

Hearings were had at Colorado Springs on August 16, and at Cripple Creek on October 8.

The Cripple Creek Victor and Colorado Springs Stage Company is a Colorado corporation. Its stock is owned by the same interests who own the Midland Terminal Railway Company which operates a railroad between Victor, Cripple Creek and Colorado Springs. For a number of years under certificate of public convenience and necessity it has operated a passenger service between the same points it now seeks to serve with a freight line. Its financial statement showed that its operations had not been profitable and that it is indebted to the Golden Cycle Mining and Milling Company in the sum of $2500, said indebtedness being secured by a pledge of capital stock of the company.

Mr. Shull has been transporting freight for some time between Denver, Colorado Springs, Victor, and Cripple Creek and intermediate points under Private Permit No. A-693. He offered a satisfactory financial statement showing a successful and profitable operation in his truck service between said points. He has ample equipment to handle the operation satisfactorily.

Considerable evidence was offered by both parties, going to the question of public convenience and necessity, and it was established to the satisfaction of the Commission that a common carrier motor vehicle freight line service is required between Colorado Springs, Victor, and Cripple Creek and intermediate points. Mr. Shull proposes one schedule daily leaving Denver at six p.m., and arriving Cripple Creek 6 a.m., and Victor 9 a.m. the following morning. The return trip would leave Victor 11 a.m., Cripple Creek 12 noon, Colorado Springs 2:30 p.m., and arrive Denver at 4:30 p.m. Cripple Creek Stage Lines indicated at Colorado Springs that it would have one schedule a day out of Colorado Springs, but at the Cripple Creek hearing stated that it proposed to operate two schedules a day seven days a week, as set forth in its application, one leaving Colorado Springs in the morning, the other in the afternoon, and one leaving Victor in the morning, the other in the afternoon. While, as aforestated, Shull intends to haul freight out of Denver consigned to Cripple Creek and Victor, the Stage Line intends to establish a joint rate with Weicker Transporta-

tion Company for freight out of Denver. Weicker Transportation Company will handle the freight Denver to Colorado Springs, and the Stage Line from Colorado Springs to Victor and Cripple Creek. Mr. Shull will make store door deliveries from his truck, and the stage line proposes to operate a pick-up and delivery service at all terminals. A number of witnesses testified that Shull's service had been very satisfactory, and they were anxious to have it continued.

Witnesses for the Stage Line also testified that they hauled two hundred passengers in July between Colorado Springs and Cripple Creek; that they had been unable to make any money out of the operation; that its passenger service was absolutely essential for the convenience of the public, and that it needed the extra revenue which it would secure from transportation of freight, in order to continue its passenger operation.

Mr. Fregeau, of the Weicker Transportation Company, testified that his company was willing to make terminal and interline connections and joint through tariffs with applicant, and that its agents had received numerous requests at Pueblo and Denver for truck service into the Cripple Creek-Victor district.

For Mr. Shull it was urged that the Stage Line application should be denied and his granted, because the company's passenger operation in the past has not been profitable and there is no reason to believe that the freight operation will be any more successful; that the merchants of the Cripple Creek-Victor district need through motor vehicle freight service out of Denver which will be furnished by the Shull line, and that it is not desirable to grant a certificate to a carrier who will be dominated by the railway serving the same territory, and that the certificate should be issued to a carrier who will insure the maximum competition for the railroad. On the other hand, the Stage Line contends that it has ample credit facilities to acquire equipment of the approximate value of $2,500.00, which it contemplates using in its proposed operation and otherwise adequately finance its passenger, freight and express operations; that while it is true that it has lost money on its passenger operation, it has provided an essential service for the people of the district for many years, and

that it now appears that a substantial business revival has occurred in that district, and that it would be unfair to permit Shull, a comparatively new comer, to come in and inaugurate a new service, and that the Stage Line should be given an opportunity to recoup its losses, and incidentally insure continuation of its passenger service, which otherwise it might be compelled to abandon; that its contemplated freight service is more desirable than that proposed by the Shull line, because it expects to operate twice daily, morning and night, and to combine its service with Weicker's, who operate a common carrier service between Greeley, Trinidad and Lamar and intermediate points; that this will help Weicker, who needs the business, and will furnish common carrier service through interline arrangements to and from many towns and cities in the State of Colorado besides Denver; that its connection with the Midland Terminal Railway Company, instead of being urged as a reason why certificate should be denied the Stage Line, is a substantial and controlling reason why the certificate should be granted the Stage Line. It urges that the railroad has paid seventy per cent of the taxes in the district for years; that it has operated at a loss; that it made possible the revival of business in the district; for without the railroad line, ore could not have been profitably hauled out of the district and necessary freight transported into the district; that the railroad is the only essential transportation service in the community, and that without it the district could not survive; that if any money is to be made out of the freight business between Colorado Springs, Victor and Cripple Creek, the railroad should make it, and by reason of its interest in the stage line, profits accruing to that line eventually will go in a large measure to the railroad company.

The Commission is of the opinion that both applicants are experienced operators and are able, by reason of that experience, financial condition, and credit facilities, to furnish an adequate satisfactory common carrier service between Cripple Creek, Victor and Colorado Springs. The Commission on numerous occasions, other things being equal, has favored the railroad owned applicants. We think that rule should be adhered to.

Moreover, considering the fact that Mr. Shull already is operating a freight service as a private carrier and the denial of his application probably will not affect his business, and in view of the fact that the other matters developed by the evidence and urged by the Stage Line in support of its application impress the Commission favorably, the Commission is of the opinion, and so finds, that the application of Cripple Creek, Victor, and Colorado Springs Stage Company, a corporation, in Application No. 2369, should be granted, and the application of John Shull, in Application No. 2186, should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant Cripple Creek, Victor, and Colorado Springs Stage Company, a corporation, for the transportation of freight between Colorado Springs, Victor, and Cripple Creek and intermediate points, via U. S. Highway No. 40 south and Colorado Highway No. 67, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That Application No. 2186 of John Shull for a certificate of public convenience and necessity should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of December, 1935.

(Decision No. 6332)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE AUTO RENTAL SERVICE, INC., A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 2309

December 6, 1935

Appearances: A. D. Quaintance and E. B. Evans, Esqs., Denver, Colorado, for applicant, The Auto Rental Service.
Robert Gee, Esq., Fairplay, Colorado, for Park County.
Worth Allen, Esq., Denver, Colorado, for Mr. Frank Egley.
John M. Boyle, Esq., Salida, Colorado, for Gateley Motor Company.
D. A. Maloney, Esq., Denver, Colorado, for Mr. M. L. Miller.
Colin Smith, Esq., Denver, Colorado, for Hitchcock Brothers.
Glen L. Daly, Esq., Denver, Colorado, for Barlow Truck Line.
Mr. Robert Colman, Grand Junction, Colorado, for Colman Truck Line.
John Q. Dier, Esq., and H. J. Alders, Esq., Denver, Colorado, for the C & S Railway Company.
Marion F. Jones, Esq., Longmont, Colorado, for Shull Truck Line.
Mr. Carl A. Kaiser and Mr. E. C. Peabody, Breckenridge, Colorado, for Summit County Metal Miners Association, Dillon Chamber of Commerce, and Board of County Commissioners of Summit County.

S T A T E M E N T

By the Commission:

On August 26, 1935, a certificate of public convenience and necessity was granted to applicant, authorizing the operation of a motor vehicle carrier service for the transportation of passengers, baggage, and express shipments of less than fifty pounds in weight, between Denver and Alma, Colorado, and intermediate points.

On October 31, 1935, said company filed its application herein praying that said order granting said certificate of public convenience and necessity be amended by changing the limitation of express shipments from fifty pounds to three hundred pounds.

The matter was duly set for hearing at Fairplay, Colorado, on November 12, 1935, at ten o'clock a. m.

All the common and private carriers appearing at said hearing and

interested in or affected by said application consented to the amendment of said certificate, and evidence addnced in behalf of applicant clearly showed that the public convenience and necessity of the public residing along and served by said transportation system required the amendment.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said Application No. 2309, Decision No. 6642, and the certificate of public convenience and necessity thereby granted, should be amended so as to authorize the transportation of express in shipments of not to exceed three hundred pounds each instead of fifty pounds, and that the second paragraph of the order in said Decision No. 6642 should be amended nunc pro tunc as of the 26th day of August, 1935, to read:

"IT IS FURTHER ORDERED, That the public convenience and necessity requires the proposed motor vehicle carrier service for the transportation of passengers, baggage, and express shipments of less than three hundred pounds in weight by the applicant The Auto Rental Service, Inc., a corporation, between Denver and Alma, Colorado, and intermediate points, over Colorado Highway No. 8, with detour Morrison to Conifer by way of Evergreen, excluding, however, the right to serve locally points Denver to Evergreen and intermediate points, except when due to weather conditions or otherwise said mines are not served by present certificated carriers, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor."

IT IS FURTHER ORDERED, That said Decision No. 6642 in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund H. O'Connell

W. L. Dawkins

Marian Epis

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6884)

A 554-I

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF F. W. MILLER FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FLOUR AND SUGAR BETWEEN BURLINGTON AND WRAY AND BRUSH AND INTERMEDIATE POINTS VIA COLO. 51 and COLO. 54, SAID OPERATION BEING AN EXTENSION OF PERMIT A-554.

APPLICATION NO. 2653-PP-B

December 6, 1935.

S T A T E M E N T

By the Commission:

It has been brought to the attention of the Commission that in the order entered in the instant case on November 26, 1935, the town of Sterling was inadvertently omitted as one of the originating points from which applicant might transport general merchandise in both the interstate and intrastate permit granted him.

After a careful consideration of the matter, the Commission is of the opinion, and so finds, that said order should be corrected to conform to the facts.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission dated November 26, 1935, Decision No. 6836, be, and the same is hereby, amended nunc pro tunc by the insertion of the word "Sterling" followed by a comma, before the word "Brush" in the second line on the second page of said original order, and by the further insertion of said word "Sterling" followed by a comma, between the words "between" and "Wray" in the sixth line of the second page of said original order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6885)

B.1136

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF ELMER DUNN FOR A PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF DAIRY PRODUCTS WITHIN A RADIUS OF TWENTY-FIVE MILES OF MANASSA, WITH AN OCCASIONAL TRIP THROUGHOUT THE STATE.

APPLICATION NO. 2401-PP

December 6, 1935.

Appearances: Mr. Elmer Dunn, Manassa, Colorado, pro se.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.,
Mr. A. J. Fregeau, Denver, Colorado, for Pueblo-San Luis Valley Transportation Company and The Motor Truck Common Carriers Association.

S_T_A_T_E_M_E_N_T

By the Commission:

Applicant herein seeks authority to transport milk, cream, and cheese for Frink Creamery Company from Manassa and Sanford, Colorado, to the New Mexico state line in interstate commerce, and in intrastate commerce from Manassa and Sanford to Pueblo and Colorado Springs, with occasional hauls of cement, hardware, and lumber for the Haney Hardware Company from Pueblo to Manassa, or carload shipments for same company from Romeo to Manassa.

Applicant's financial and operating reliability were established to the satisfaction of the Commission.

At the hearing applicant stated that he would be willing to eliminate any transportation service so far as it would compete with the Pueblo San Luis Valley Transportation Company. This would eliminate the haul from Pueblo to Manassa.

After a careful consideration of the evidence, the Commission is of the opinion and so finds, that the authority requested, as limited at the hearing, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Elmer Dunn, applicant in Application No. 2401-PP, should be, and he is hereby granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of milk, cream, and cheese for Frink Creamery Company only from Manassa and Sanford, to the Colorado-New Mexico State Line in interstate commerce and from said points to Pueblo and Colorado Springs in intrastate commerce, with the further right to transport freight for the Haney Hardware Company from Romeo to Manassa.

IT IS FURTHER ORDERED, That the interstate permit herein granted shall be subject to all the provisions of the Federal Motor Carrier Act of 1935, and shall carry the same number as the intrastate permit, followed by the letter "I"; said permits to issue if and when, but not before applicant has filed the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permits herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6886)

B-1151

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF LUTE VANCE FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT (NO LIVE STOCK) WITHIN A FIFTY MILE RADIUS OF LA JARA, COLORADO, WITH AN OCCASIONAL TRIP BEYOND.

APPLICATION NO. 2612-PP.

December 6, 1935.

Appearances: Mr. Lute Vance, La Jara, Colorado, pro se.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.
Mr. A. J. Fregeau, Denver, Colorado, for Pueblo-San Luis Valley Transportation Company, and The Motor Truck Common Carriers Association.
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation from point to point within a fifty mile radius of La Jara, of potatoes and grain from the farms into La Jara, and coal from La Jara out to said farms. He also sought authority to transport flour from the La Jara Flour Mills to Manassa and Antonito, Colorado, but waived same at the hearing.

Applicant's financial stability and general reliability was established to the satisfaction of the Commission.

In his application applicant requested authority to make an occasional trip beyond the fifty mile radius of La Jara, but at the hearing he also agreed to eliminate this part of his application, inasmuch as such operation would compete with an authorized common carrier now serving the same territory.

After a careful consideration of the evidence, the Commission is of the opinion and so finds, that the authority requested, as limited by testimony offered at the hearing, should be granted.

AMB

O R D E R

IT IS THEREFORE ORDERED, That Lute Vance, the applicant in Application No. 2612-PP, be and he is hereby authorized to operate as a private carrier by motor vehicle for hire, for the transportation from point to point within a fifty-mile radius of La Jara of potatoes and grain from the farms into La Jara, coal from La Jara out to said farms, said permit to issue if and when, but not before he has filed a list of his customers, and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Clayton
W. L. Davies
Isaac Epinoza
Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6887)

B-1131

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN A. OTTEN FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2624-PP
OF FREIGHT (CHIEFLY FARM PRODUCE) TO)
RAILROAD AND TO MARKET WITHIN A)
FIFTY MILE RADIUS OF SILT, COLORADO.)

December 6, 1935.

Appearances: Mr. John A. Otten, Silt, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of potatoes, grain, hay, fruit, feed and farm supplies, including coal, and an occasional load of furniture for farmers from point to point within a radius of thirty miles of Silt, Colorado.

At the hearing it developed that Mr. Otten is the owner of a 1931 one and a half ton Ford truck, and has been engaged in general hauling for farmers for the past eight years. He does not intend to establish a line haul service or to transport merchandise ordinarily sold by wholesale or retail grocery stores.

As limited, it does not appear that his proposed operation will adversely affect that of any authorized motor vehicle common carrier service now operating in said territory.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit, as limited, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said John A. Otten should be and be hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of potatoes, grain, hay, fruit, feed and

farm supplies, including coal, and an occasional load of furniture for farmers from point to point within a radius of thirty miles of Silt, Colorado, said applicant not to establish a line haul service or to engage in the transportation, in competition with scheduled carriers, of merchandise ordinarily sold by wholesale and retail grocery stores; said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6888)

A-36

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SMALL BROTHERS TO TRANSFER THEIR PRIVATE PERMIT NO. A-36 COVERING OPERATIONS ONE MILE EAST OF WATKINS TO 3 MILES NORTH VIA COUNTY ROADS TO ONE MILE WEST OF WATKINS TO AURORA AND DENVER VIA U.S. 40, TO JESS McKINSTER..

APPLICATION NO. 2633-PP-A

December 6, 1935.

Appearances: Mr. Jess McKinster, 1526 Williams St., Denver, Colorado, pro se;
Mr. David Small, Aurora, Colorado, for Small Brothers;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Ass'n;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On July 1, 1931, David and Roy Small, of Aurora, Colorado, doing business as Small Brothers, were granted Private Permit No. A-36. They now apply for authority to transfer the same to Jess McKinster, of 1526 Williams Street, Denver, Colorado.

The record and evidence disclose that the permit authorizes a milk haul from an area north of Watkins described as follows:

> "One mile east of Watkins, along U. S. 40, thence north three miles, thence west four miles, thence south three miles, by way of county roads, and by way of U. S. 40, to Aurora and Denver."

It also appeared that Small Brothers have agreed to sell one truck and the rights under the permit for the sum of $1100; that they know of no unpaid bills in connection with their operations to date, and that the transferee will continue the service with the use of two 1934 Chevrolet trucks and one 1929 G.M.C. truck. The transferee also agreed to assume any unpaid obligations which may appear.

The responsibility and standing of the transferee were established

to the satisfaction of the Commission.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the application for authority to transfer to Jess McKinster Private Permit No. A-36, heretofore issued to the applicants, Small Brothers, by the Commission, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby granted to David and Roy Small to transfer said permit No. A-36 to Jess McKinster, transferee to assume all unpaid obligations, if any there be, incurred by transferor in the conduct of said operation.

IT IS FURTHER ORDERED, That the transfer herein authorized shall not become effective until the transferee shall have filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1129

(Decision No. 6889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD BARCUS FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF SAND, GRAVEL AND ROCK FROM DENVER,) APPLICATION NO. 2661-PP
COLORADO, TO POINTS WITHIN A RADIUS)
OF SEVENTY-FIVE MILES THEREOF, AND)
THE TRANSPORTATION OF COAL FROM MINES)
IN THE NORTHERN COLORADO COAL FIELDS)
TO DENVER,, COLORADO.)

December 6, 1935.

Appearances: Mr. Floyd Barcus, 4036 Milwaukee St., Denver, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant Floyd Barcus herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel and rock from Denver, Colorado, to points within a radius of seventy-five miles thereof, and coal from mines in the northern Colorado coal field to Denver.

It developed that he owns a 1934 Ford truck with dump body, and has been employed by the J. W. Brannan Sand and Gravel Company. His operating experience and responsibility were established to the satisfaction of the Commission, and as limited, protestants withdrew objections to the issuance of a permit.

After a careful consideration of the record, the Commission is of the opinion and finds that permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Floyd Barcus be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel and rock from Denver, Colorado, to points within a radius of seventy-five miles thereof, and coal from mines in the northern Colorado coal fields to Denver, said permit to

issue if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1126

(Decision No. 6890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
PAUL MARTIN FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2668-PP
OF SAND AND GRAVEL FROM DENVER,)
COLORADO, TO POINTS WITHIN A RADIUS)
OF SEVENTY-FIVE MILES THEREOF.)

December 6, 1935.

Appearances: Mr. Paul Martin, Denver, Colorado,
pro se;
Mr. A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant Paul Martin herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from Denver, Colorado, to points within a radius of seventy-five miles thereof.

It developed that he owns a Reo dump truck, and has been employed by the J. W. Brannan Sand and Gravel Company. His operating experience and responsibility were established to the satisfaction of the Commission, and as limited, protestants withdrew objections to the issuance of a permit.

After a careful consideration of the record, the Commission is of the opinion and finds that permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Paul Martin be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from Denver, Colorado, to points within a radius of seventy-five miles thereof, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6891)

a-469

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES EVERETT TO TRANSFER TO)
BENNIE GOLDSTEIN THAT PORTION OF HIS)
PRIVATE PERMIT NO. A-469 AUTHORIZING)
OPERATION BETWEEN DENVER AND TRINIDAD) APPLICATION NO. 2535-PP-A
BUT LIMITED TO FREIGHT ORIGINATING)
AT OR DESTINED TO POINTS SOUTH OF)
PUEBLO, COLORADO.)

December 6, 1935.

S T A T E M E N T

By the Commission:

On October 31, 1935, the Commission entered its order denying authority to transfer as prayed in the application on file. Thereafter, a motion for rehearing was filed and oral argument in support of said motion, as well as in opposition thereto, was presented to the Commission.

The Commission has carefully considered said motion for rehearing, as well as the arguments of counsel both in support and in opposition to the granting of same, and has determined that no good purpose would be served by granting a rehearing in said matter.

O R D E R

IT IS THEREFORE ORDERED, That said petition for rehearing be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E Wheeler

W LeDanks

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6892)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF MRS. M. V. HORN FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL FROM MINE TO DENVER (LAWRENCE COAL COMPANY.)	)))))	APPLICATION NO. 2638-PP.

December 6, 1935.

Appearances: Mr. C. A. Easter, 5130 St. Paul Street, Denver, Colorado, for applicant;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
Mr. V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit.

S T A T E M E N T.

By the Commission:

Applicant herein seeks a Class A permit for the transportation of coal as a private carrier by motor vehicle for hire from mines in the northern Colorado coal field to Denver.

The evidence disclosed that applicant has been operating a coal haul from said mines for the Lawrence Coal Company in Denver, that she is the owner of a 1934 Chevrolet one and a half ton truck of the value of $700, and her responsibility otherwise was established to the satisfaction of the Commission.

It did not appear that the proposed operation as limited will affect the service of any motor vehicle common carrier.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should issue.

O R D E R.

IT IS THEREFORE ORDERED, That Mrs. M. V. Horn should be, and she hereby is, granted a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver, Colorado, said permit to issue if and when, but not before, she has filed a list of her customers and

the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon her compliance at all times with all the laws, rules and regulations pertaining to her operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1123

(Decision No. 6893)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF HOWARD R. BACHMAN FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF SAND, GRAVEL, AND ROCK FROM DENVER, COLORADO, TO POINTS WITHIN A RADIUS OF SEVENTY-FIVE MILES THEREOF, AND THE TRANSPORTATION OF COAL FROM MINES IN THE NORTHERN COLORADO COAL FIELDS TO DENVER, COLORADO.	Application No. 2666-PP.

December 6, 1935.

Appearances: Mr. Howard R. Bachman, 444 South Lincoln Street, Denver, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

STATEMENT.

By the Commission:

As limited by the testimony offered at the hearing, applicant Howard R. Bachman herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, and rock from Denver, Colorado, to points within a radius of seventy-five miles thereof, and coal from mines in the northern Colorado coal field to Denver.

It developed that he owns two Ford trucks with dump bodies, and has been employed by the J. W. Brannan Sand and Gravel Company. His operating experience and responsibility were established to the satisfaction of the Commission, and as limited, protestants withdrew objections to the issuance of a permit.

After a careful consideration of the record, the Commission is of the opinion, and finds, that permit as limited should be granted.

ORDER.

IT IS THEREFORE ORDERED, That Howard R. Bachman be, and he hereby is, granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, and rock from Denver, Colorado, to points within a radius of seventy-five miles thereof, and coal from mines in the northern Colorado coal fields to Denver, said permit to

issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6895)

A-1134

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF L. F. BARNES FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL FROM THE NORTHERN COAL FIELD AREA TO DENVER VIA U.S. 285 AND FROM COAL MINES S.W. OF DENVER VIA U.S. 85.) APPLICATION NO. 2642-PP.

December 6, 1935.

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T.

By the Commission:

n Applicant herein seeks a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of coal only from northern Colorado coal fields area to Denver, via U.S. 285 and from coal mines located southwest of Denver via U.S. 85 to Denver.

The hearing was regularly set before the Commission for November 6, 1935, 10 o'clock A.M. Although notice thereof was duly given applicant, he failed to appear. However, Mr. Jones, representing The Colorado Trucking Association, stated that in view of the fact that there was no authorized common carrier hauling coal in the territory mentioned, he thought application should be granted, and that The Colorado Trucking Association had no objection to its issuance.

The record disclosed that applicant is the owner of an International two-ton truck, and is hauling coal for National Oil Company.

It appearing that the granting of said permit will not impair the efficiency of any authorized motor vehicle common carrier service, the Commission is of the opinion, and finds, that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said L. F. Barnes should be, and he is hereby, authorized to operate as a Class A private carrier by motor vehicle for hire, for the transportation of coal from northern

Colorado coal field area to Denver via U.S. Highway No. 285, and from coal mines situated southwest of Denver via U.S. 85 to Denver, said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1136

(Decision No. 6897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

IN THE MATTER OF THE APPLICATION OF AL PIERCE FOR A PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL, WOOL, AND GRAIN BETWEEN POINTS WITHIN A RADIUS OF 150 MILES OF GREELEY, COLORADO.	)	APPLICATION NO. 2579-PP

December 6, 1935.

Appearances: Mr. Al Pierce, 1124 Fourth Street, Greeley, Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association;
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company.

S T A T E M E N T.

By the Commission:

Al Pierce, of Greeley, Colorado, applies for a Class B permit to operate as a private carrier by motor vehicle for the transportation of coal, grain, and wool within a radius of 55 miles of Greeley, Colorado.

At the hearing it developed that chiefly the proposed operations were to include the following: Transportation of coal from mines in the northern Colorado coal fields, brick from Denver and Longmont, fresh fruit from Western Slope points, and wool and pipe from Colorado-Wyoming State line to Greeley, Colorado; wool from ranches in Weld and Morgan Counties to Greeley and Denver; corn from farms in Phillips County to feeding points in Weld County; hides, seed, grain, hay, feed, and irrigation and reservoir supplies from point to point in Weld County and from Weld County points to Colorado-Wyoming State line; irrigation and reservoir supplies to irrigation ditches and reservoirs in Morgan and Logan Counties; junk and hides from Greeley to Denver, Colorado. It further appeared that said freight, with the exception of seed, hides, junk, and occasional shipments of irrigation and reservoir supplies, will originate on farms, and that applicant does not intend to haul merchandise in competition with line haul carriers in or out of Greeley or between points intermediate Denver to Greeley and Greeley to Sterling,

and that for all transportation in competition with scheduled carriers he is willing to add a twenty per cent differential to his charges.

He has a Diamond T one and a half ton truck, and is able, by reason of financial standing and operating experience to conduct the proposed operation.

After a careful consideration of the evidence, the Commission is of the opinion, and finds, that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Al Pierce should be, and he hereby is, granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from mines in the northern Colorado coal fields, brick from Denver and Longmont, fresh fruit from Western Slope points, and wool and pipe from Colorado-Wyoming State line to Greeley, Colorado; wool from ranches in Weld and Morgan Counties to Greeley and Denver; corn from farms in Phillips County to feeding points in Weld County, hides, seed, grain, hay, feed, and irrigation and reservoir supplies from point to point in Weld County and from Weld County points to Colorado-Wyoming State line; irrigation and reservoir supplies to irrigation ditches and reservoirs in Morgan and Logan Counties, junk and hides from Greeley to Denver, Colorado.

IT IS FURTHER ORDERED, That applicant shall not engage in the transportation of merchandise in competition with common carriers operating on schedule, and in all cases of transportation of other freight in competition with scheduled carriers, he shall charge a rate twenty per cent in excess of that of said common carrier, said permit to issue if and when, but not before he has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS GRANTED BY THE TOWN OF RED CLIFF IN EAGLE COUNTY, COLORADO.	)	APPLICATION NO. 2627

December 6, 1935.

Appearances: Lee, Shaw and McCreery, Denver, Colorado, attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted by the town of Red Cliff in Eagle County, Colorado, in and by Ordinance No. 136.

On October 9, 1935, the Board of Trustees of said Town passed, and the Mayor approved said Ordinance No. 136, granting to the applicant, its successors and assigns, the right, privilege, and authority to erect, construct, maintain and operate a substation or substations, electric light and power plants, transmission lines and a distribution system for the distribution and sale of electricity within the corporate limits of the town of Red Cliff, Eagle County, all of which is more particularly set forth in a certified copy of said ordinance attached to the application herein and admitted in evidence as Exhibit A.

The term of said franchise is twenty-five years from and after its passage, approval and publication, and acceptance and approval by the applicant. Said applicant duly accepted and approved said franchise on October 19, 1935.

The evidence disclosed that applicant is a corporation duly organized and existing and doing business as a public utility under and by

virtue of the laws of the State of Colorado, having its principal office and place of business in the City and County of Denver in said state. It is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and transmitting and distributing such energy by means of transmission and distribution lines, for heat, light and other purposes, to consumers. It was further disclosed that no other utility is now serving the town of Red Cliff, which has a population of approximately 544 and that said town was formerly served by Colorado Power Company, applicant being the successor and assignee of said company.

The evidence further showed that the capital investment in the distribution system by which the town is served, current being generated at the Shoshone plant of applicant, is approximately $50,000. However, this figure was not offered for the purpose of determining rates, and will not preclude the Commission from adopting a different valuation should the question of valuation hereafter arise in a rate hearing.

No objection to the application has been filed or made.

After a careful consideration of the evidence, the Commission is of the opinion and finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the town of Red Cliff, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the Town of Red Cliff, Colorado, in Ordinance No. 136, passed on October 9, 1935, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its records of meters, transformers and complaints into compliance with the

Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK W. EGLEY FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF FREIGHT BETWEEN ALMA, FAIRPLAY,)
BUENA VISTA AND LEADVILLE: BETWEEN) APPLICATION NO. 2632-PP
ALMA, FAIRPLAY AND GARO AND THE CITY)
AND COUNTY OF DENVER, VIA COMO,)
JEFFERSON AND BAILEY, COLORADO.)

December 6, 1935.

Appearances: Worth Allen, Esq., Denver, Colorado,
for applicant;
Mr. J. F. Rowan, Denver, Colorado,
for The Motor Truck Common Carriers
Association and Colman Truck Line;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association and
Shull Truck Line.

S T A T E M E N T

By the Commission:

Applicant seeks a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of general freight between Alma, Fairplay and Garo, and points within a radius of fifteen miles of said points and the City and County of Denver, via Como, Jefferson and Bailey.

The evidence disclosed that Mr. Egley has a "B" permit and has been operating an occasional service for his customers over substantially the same territory he now seeks to serve under a Class A permit. He owns two trucks and his financial statement shows a net worth of $1650. A number of witnesses testified to his responsibility and the reliability of his service. The territory is not served by any authorized motor vehicle common carrier. However, a number of applications for common carrier certificates are now pending before the Commission, and it was urged by protestants that action on the instant application should be deferred until after hearing and decision in said matters. However, action on said applications for

common carrier certificates may be deferred for some time, and we know of no reason, legal or otherwise, why Mr. Egley's application should not be considered on its merits and disposed of in the usual manner.

After a careful consideration of the record and evidence, the Commission is of the opinion and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Frank W. Egley should be and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of general freight, and the rendering of the usual service of a Class A carrier between Alma, Fairplay, Buena Vista and Leadville; also between Alma, Fairplay and Garo and points within a radius of fifteen miles of said points and the City and County of Denver, via Como, Jefferson and Bailey, said permit to issue if and when but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6901)

A-1130

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT HAMMER FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2637-PP
OF COAL FROM COAL MINES IN NORTHERN)
COLORADO COAL FIELDS TO DENVER.)

December 6, 1935.

Appearances: Mr. Albert Hammer, 1151 S. Fillmore St., Denver, Colorado, pro se;
Mr. J. F. Rowan, Denver, Colorado for The Motor Truck Common Carriers Ass'n;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
Mr. V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to transport coal from the coal mines in northern Colorado coal fields to Denver.

It appearing that the application as limited would not interfere with the service of any authorized motor vehicle ommon carrier, protestants withdrew objections to issuance of permit.

After careful consideration of the evidence, the Commission is of the opinion and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Albert Hammer should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire, for the transportation of coal only from coal mines in northern Colorado coal fields to Denver, said permit to issue if and when but not before he has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may

now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1128

(Decision No. 6902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY E. MEININGER FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF SAND AND GRAVEL FROM DENVER, COLORADO, TO POINTS WITHIN A RADIUS OF SEVENTY-FIVE MILES THEREOF.

APPLICATION NO. 2669-PP

December 6, 1935.

Appearances: Mr. Harry E. Meininger, 3475 West 33rd Avenue, Denver, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant Harry E. Meininger herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from Denver, Colorado, to points within a radius of seventy-five miles thereof.

It developed that he owns two trucks, and has been employed by the J. W. Brannon Sand and Gravel Company. His operating experience and responsibility were established to the satisfaction of the Commission, and as limited, protestants withdrew objections to the issuance of a permit.

After a careful consideration of the record, the Commission is of the opinion and finds that permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Harry E. Meininger be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from Denver, Colorado, to points within a radius of seventy-five miles thereof, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with

all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6903)

B-1141

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF GLENN D. AND F. D. ROWLAND FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL AND GRAVEL WITHIN A RADIUS OF 75 MILES OF DENVER, COLORADO.

APPLICATION NO. 2657-PP

December 6, 1935.

Appearances: Mr. F. D. Rowland, Broomfield, Colorado, for applicants;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Glenn D. Rowland and F. D. Rowland, co-partners, seek a Class B permit to operate as private carriers by motor vehicle for hire, for the transportation of coal from the northern Colorado coal fields to Denver, and sand and gravel from Brannan Sand and Gravel Company pit at Sixty-sixth Street and Federal Boulevard near Denver to points within a radius of seventy-five miles thereof.

Their operating experience and financial responsibility were established to the satisfaction of the Commission, and as limited, protestant stated that it had no objection to issuance of permit.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Glenn D. Rowland and F. D. Rowland, co-partners, should be and they hereby are authorized to operate as Class B private carriers by motor vehicle for hire, for the transportation of coal from mines in the northern Colorado coal fields to Denver, and the transportation of sand and gravel from Brannan Sand and Gravel Company pit at

Sixty-sixth Street and Federal Boulevard near Denver to points within a radius of seventy-five miles thereof, said permit to issue if and when but not before they have filed a list of their customers and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Oliver

W. C. Dankenbring

Malcolm Enckson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1154

(Decision No. 6904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF EVERETT SCHMELZLE FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL AND BRICK ONLY, WITHIN A RADIUS OF 150 MILES OF DENVER, BULK OF HAUL WITHIN CITY LIMITS.

APPLICATION NO. 2656-PP

December 6, 1935.

Appearances: Everett Schmelzle, 654 King Street, Denver, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of brick within a radius of seventy-five miles of Denver, Colorado, and occasional trips to Pueblo, and the transportation of clay from pits of Denver Pressed Brick Company, about nine miles from Denver and coal from northern Colorado coal fields to Denver.

While the occasional transportation of brick for Denver Pressed Brick Company to Pueblo might in a sense compete with the line haul carrier, in view of the fact that applicant testified that his rate for transportation of a thousand brick to Pueblo is $40, and the railroad rate is approximately $8, we believe that the degree of competition would be more fancied than real.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Everett Schmelzle should be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of brick for Denver Pressed Brick Company only, from Denver to points within a radius of seventy-five miles thereof and occasionally to Pueblo, and the transportation of clay from pits of Denver Pressed Brick Company pits about nine miles from Denver to the plant of said company in Denver and coal from mines in the northern Colorado coal fields to Denver, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Keller

W. C. Banks

Chas. Ennison

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

Form No. 7 (Decision No. 6905)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CHESTER D. McMILLAN Respondent.)
(300 N. College Ave., Ft. Collins)

CASE NO. 1600

December 12, 1935.

STATEMENT

By the Commission:

The records of the Commission disclose that the above named respondent was (~~were~~) heretofore issued a permit No. A-623 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him, ~~them, it~~ to engage in the business of a private carrier by motor vehicle.

Information has come to and the records of the Commission disclose that the above named permit holder has violated the Rules and Regulations of the Commission, effective October 1, 1934, in the following particulars, to-wit:

1. By failing to file monthly reports and pay highway compensation taxes for the months of November and December, 1934, and July, August, September, October and November, 1935.

2. By failing to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle.

ORDER

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the respondent permit holder has failed or refused to comply with any or all of the above mentioned Rules and Regulations of the Commission governing private carriers, and if so, whether his, ~~their or its~~ permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M. on Monday, December 23, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

xxxxxxxxxxxxxxxxxxxxxxxx

Commissioners.

B-11-56

(Decision No. 6906)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF CARL MARTINSON FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF SAND, GRAVEL, AND CEMENT WITHIN A RADIUS NEAR DENVER, COLORADO.

APPLICATION NO. 2659-PP

December 6, 1935.

Appearances: Mr. Carl Martinson, 1216 Pontiac, Denver, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Applicant Carl Martinson herein seeks a Class B permit to transport sand, gravel, and cement from Denver to points within a radius of sixty miles thereof.

At the hearing it developed that he owns two 1936 Ford Dump trucks, and has been engaged in hauling sand and gravel for the Brannan Sand and Gravel Company to Eldorado Springs, and cement for his father, Carl J. Martinson, who is a Denver cement contractor, to various "jobs" in and near Denver.

As limited protestants waived objection to the issuance of permit.

After a careful consideration of the record, the Commission is of the opinion and finds that the permit as requested should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Carl Martinson should be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel for the Brannan Sand and Gravel Company to Eldorado Springs, and cement for Carl J. Martinson to various "jobs" within a radius of fifty miles of Denver, said permit to issue if and when but not before he has filed the required insurance and has

secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1160

(Decision No. 6907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF L. R. SNYDER FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ORE AND COAL WITHIN A RADIUS OF 15 MILES OF IDAHO SPRINGS AND TO LEADVILLE, AND OCCASIONALLY COAL FIELDS NORTH OF DENVER, COLORADO.	)	APPLICATION NO. 2675-PP

December 6, 1935.

Appearances: Mr. L. R. Snyder, Lawson, Colorado, Pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
Mr. V. G. Garnett, Denver, Colorado, for The Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

As limited at the hearing applicant herein seeks authority to transport ore from mines in the vicinity of Lawson, Colorado, to Idaho Springs and to Leadville, and coal from the northern Colorado coal fields of the Lawson District.

It further appeared at the hearing that Carl Clark is opening up certain mines in Clear Creek County, and that he has made arrangements with the applicant to transport the ore taken therefrom, and that the applicant desires authority to haul ore for Clark only. Most of this ore will move from a radius of fifteen miles of Lawson to shipping point at Idaho Springs, but at times, in case of high-grade ore haul will be made to Leadville. Also the applicant desires authority to haul coal from the northern Colorado coal field to customers in the Lawson area. The applicant is equipped with a 1935 V 8 dump truck specially fitted for the handling of ore and coal, and he desires to transport no general freight.

It did not appear that his proposed operation as limited will impair the efficiency of any authorized motor vehicle common carrier now serving this territory.

MR

After careful consideration, the Commission is of the opinion and so finds, that the application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said L. R. Snyder be, and he is hereby granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of ore only from the properties of Carl Clark, situated within a radius of fifteen miles of Lawson, Colorado, to shipping point at Idaho Springs, and to mills and smelters at Leadville, Colorado, and for the transportation of coal from the northern Colorado coal fields to customers residing in the Lawson area, said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Creeden

W. E. Banks

Graham Emison

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6908)

B-1155

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
A. P. HALL FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR THE TRANSPORTATION OF) APPLICATION NO. 2675-PP
GRAIN FROM (AND WITHIN) AREAS AROUND)
LONGMONT AND FORT MORGAN TO DENVER,)
COLORADO.)

December 6, 1935.

Appearances: Mr. A. P. Hall, Great Western Hotel,
Longmont, Colorado;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited at the hearing, the applicant herein seeks authority to transport grain in bulk from Grove, Colorado, for the Colorado Milling and Elevator Company to Denver, Colorado, and to transport grain in bulk from points in Nebraska near where U. S. Highways 6 and 138 and Colorado Highway 113 cross the Colorado-Nebraska boundary line to Denver, Colorado, also to haul coal from the northern coal fields in Colorado to customers at Fort Morgan, Colorado.

It also appeared at the hearing that the applicant wanted to haul grain in bulk from an area around Longmont and around Fort Morgan. Protestants showed that Atwood Brothers served the Fort Morgan area adequately and that a number of authorized common carriers served the Longmont area, whereupon the applicant withdrew his request to serve the Longmont territory, with the exception of Grove, Colorado, at which point his customer, the Colorado Milling and Elevator Company have an elevator. He also waived his request for authority to serve in this same capacity customers in the Fort Morgan area. However, the applicant desired authority to pass through this point with grain and to transport coal from the northern coal fields to customers at Fort Morgan. On this statement of the applicant the protestants withdrew all objections.

MR

The applicant proposes to use a 1935 Dodge truck in the conduct of his operation, and established his financial standing to the satisfaction of the Commission.

After careful consideration, the Commission is of the opinion and so finds that the permit as limited by the evidence should be granted.

O R D E R

IT IS THEREFORE ORDERED, That A. P. Hall be, and he is hereby granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of grain in bulk from Grove, Colorado, to Denver, and authority to transport coal from mines in the northern Colorado coal fields to customers at Fort Morgan, Colorado.

IT IS FURTHER ORDERED, That A. P. Hall, subject to the provisions of the Federal Motor Carrier Act of 1935, be, and he is hereby authorized to operate in interstate commerce between those points on the Colorado-Nebraska state boundary line where U. S. Highways 6 and 138, and Colorado Highway 113 crosses the same, to Denver, Colorado.

IT IS FURTHER ORDERED, That the interstate permit herein authorized to be issued shall bear the same number as the intrastate permit followed by the letter "I", said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935

(Decision No.6909)

802

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ELDON W. WALLACE TO OPERATE A FREIGHT SERVICE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY WITHIN A RADIUS OF FIFTY MILES AROUND RIFLE, COLORADO, AND ALSO OCCASIONAL TRIPS THROUGHOUT THE STATE.

APPLICATION NO. 2620.

December 6, 1935.

Appearances: Mr. Eldon W. Wallace, Rifle, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant Eldon W. Wallace herein seeks a certificate of public convenience and necessity for the transportation of freight within a radius of fifty miles of Rifle, Colorado, and occasional trips throughout the state, and intermediate points, in the operation of transfer and drayage business in Rifle.

The matter was regularly set for hearing and heard at Glenwood Springs on November 1, 1935, at 9:30 A.M.

The evidence disclosed that Mr. Wallace has been operating a transfer and drayage business in Rifle, a city of 1500 to 2000 people, for some time past; that as an incident to his transfer business, he has operated a pick-up and delivery service for the Denver and Rio Grande Western Railroad Company in Rifle, in which service he uses a two-ton Graham truck of the value of $200, and with an International truck valued at $1400.00 has hauled feed, flour and grain in and to points out of Rifle, he being a distributor for the Macy Mills which consigns products to him in carload lots. Occasionally he has transported a load of furniture, some heavy machinery and building supplies. In addition to continuing his past transportation service, he also wants to move live stock to Denver in less than carload lots. He stated that he will use his present equipment, valued at $1600.00,

and that he does not propose to compete with line haul carrier services, and that his hauling will consist chiefly of transportation to and from farms and ranches not on main highways. For all hauls made in competition with line haul carriers he is willing to charge a rate twenty per cent in excess of that filed by such carriers. As limited by his testimony, there seems to be a considerable demand for his services on the part of people residing in the vicinity of Rifle. However, Glenwood Springs, Carbondale, Meeker and other points on the Western Slope served by local common carrier services, would be included in a fifty mile limit, and it would seem that the scope of his operation should be restricted.

After a careful consideration of the evidence, the Commission is of the opinion and finds that the public convenience and necessity requires the motor vehicle common carrier service of applicant as hereinafter limited for the transportation of freight from, to and between points within an area hereinafter described, and that certificate of public convenience and necessity therefor should be granted to said applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant Eldon W. Wallace for the transportation not on schedule of general freight and live stock from point to point within all that part of Garfield County which is west of a line drawn north and south through New Castle, Colorado; live stock from all points in said area to markets in Pueblo and Denver; farm machinery, farm products and farm supplies, coal, furniture and household goods (specifically excluding merchandise) from and to points within said area to and from points within the State, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor; provided that said applicant shall not establish a line haul carrier service under this certificate and for the transportation of all freight other than farm products, live stock, furniture and household goods between points served by scheduled motor vehicle or railroad common carrier service, he shall charge rates which in all cases shall be at least twenty per cent in

excess of those charged by said scheduled carriers, and his rates for transportation of furniture and household goods shall not be less than those provided by tariff of Colorado Transfer and Warehousemen's Association now or hereafter on file with the Commission.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of the Commission governing motor vehicle carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions, and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

B-1326

IN THE MATTER OF THE APPLICATION OF ROBERT STEELE FOR A PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL, JUNK AND WOOL BETWEEN POINTS WITHIN A RADIUS OF 100 MILES OF GREELEY, COLORADO, AND TO COLORADO-WYOMING STATE LINE IN INTERSTATE AND INTRASTATE COMMERCE.

APPLICATION NO. 2574-PP.

December 6, 1935.

Appearances: Mr. Robert Steele, Greeley, Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association;
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association;
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Robert Steele, of Greeley, Colorado, applies for a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of coal, grain and wool within a radius of fifty-five miles of Greeley, Colorado.

At the hearing it developed that chiefly the proposed operations were to include the following: Transportation of coal from mines in the northern Colorado coal fields, brick from Denver and Longmont, fresh fruit from Western Slope points, and wool and pipe from Colorado-Wyoming State line to Greeley, Colorado; wool from ranches in Weld and Morgan Counties to Greeley and Denver; corn from farms in Phillips County to feeding points in Weld County; hides, seed, grain, hay, feed and irrigation and reservoir supplies from point to point in Weld County and from Weld County points to Colorado-Wyoming State line; irrigation and reservoir supplies to irrigation ditches and reservoirs in Morgan and Logan Counties, junk and hides from Greeley to Denver, Colorado. It further appeared that said freight, with

the exception of seed, hides, junk and occasional shipments of irrigation and reservoir supplies, will originate on farms, and that applicant does not intend to haul merchandise in competition with line haul carriers in or out of Greeley or between points intermediate Denver to Greeley and Greeley to Sterling, and that for all transportation in competition with scheduled carriers, he is willing to add a twenty per cent differential to his charges.

He has a Diamond T one and a half ton truck and is able, by reason of financial standing and operating experience to conduct the proposed operation.

After a careful consideration of the evidence, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Robert Steele should be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from mines in the northern Colorado coal fields, brick from Denver and Longmont, Colorado, fresh fruit from Western Slope points, and wool and pipe from Colorado-Wyoming State line to Greeley, Colorado; wool from ranches in Weld and Morgan Counties to Greeley and Denver; corn from farms in Phillips County to feeding points in Weld County, hides, seed, grain, hay, feed, and irrigation and reservoir supplies from point to point in Weld County and from Weld County points to Colorado-Wyoming State line; irrigation and reservoir supplies to irrigation ditches and reservoirs in Morgan and Logan Counties, junk and hides from Greeley to Denver, Colorado.

IT IS FURTHER ORDERED, That applicant shall not engage in the transportation of merchandise in competition with common carriers operating on schedule, and in all cases of transportation of other freight in competition with scheduled carriers, he shall charge a rate twenty per cent in excess of that of said common carrier, said permit to issue if and

when, but not before he has filed a list of his customers and the necessary insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Neal

W. C. Dunks

Ralph Carlson

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1478

(DECISION NO. 6912)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
STEVE PUKSTA FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION) APPLICATION NO. 2658-PP
OF GRAVEL AND CONSTRUCTION MATERIALS)
WHEREVER CALLED.)

December 6, 1935.

Appearances: Mr. Steve Puksta, 3122 Marion Street, Denver Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Applicant herein sought authority to operate as a Class B private carrier by motor vehicle for hire, for the transportation of gravel and construction materials "wherever called."

It developed that he is now engaged in hauling sand and gravel for Brannan Sand and Gravel Company of Denver, and that he expected to be called upon to transport cement and possibly some other construction materials to other points distant perhaps a hundred miles from Denver. He has a one and a half ton dump truck, and his operating experience and financial responsibility were established to the satisfaction of the Commission.

Protestants urged that hauling of gravel to points distant more than seventy-five miles from Denver would not be a satisfactory haul for his customers, and that the hauling of construction materials probably would compete with line haul common carrier operations running out of Denver.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should be granted, limited, however, to the transportation of sand, gravel, and cement from Denver for Brannan Sand and Gravel Company to points within a radius of seventy-five miles thereof.

O R D E R

IT IS THEREFORE ORDERED, That Steve Puksta should be, and he hereby

MR

is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, and cement from Denver for Brannan Sand and Gravel Company to points within a radius of seventy-five miles thereof, said permit to issue if and when but not before he has filed the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1955.

(Decision No. 6915)

B-1157

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF HENRY C.MINKLER FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF SAND, GRAVEL, AND ROCK FROM DENVER, COLORADO, TO POINTS WITHIN A RADIUS OF SEVENTY-FIVE MILES THEREOF, AND THE TRANSPORTATION OF COAL FROM MINES IN THE NORTHERN COLORADO COAL FIELDS TO DENVER, COLORADO.

APPLICATION NO. 2665-PP

December 6, 1935.

Appearances: Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant Henry C.Minkler herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, and rock from Denver, Colorado, to points within a radius of seventy-five miles thereof, and coal from mines in the northern Colorado coal field to Denver.

It developed that he owns a 1936 one and a half ton dump truck, and has been employed by the J. W. Brannan Sand and Gravel Company. His operating experience and responsibility were established to the satisfaction of the Commission, and as limited, protestants withdrew objections to the issuance of a permit.

After a careful consideration of the record, the Commission is of the opinion and finds that permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Henry C.Minkler be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, and rock from Denver, Colorado,

MR

to points within a radius of seventy-five miles thereof, and coal from mines in the northern Colorado coal fields to Denver, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

B-1153

(Decision No. 6914)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOHN KNIPPEL FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF SAND AND GRAVEL FROM DENVER, COLORADO TO POINTS WITHIN A RADIUS OF SEVENTY-FIVE MILES THEREOF, AND THE TRANSPORTATION OF COAL FROM MINES IN THE NORTHERN COLORADO COAL FIELDS TO DENVER, COLORADO.

APPLICATION NO. 2670-PP

December 6, 1935.

Appearances: Mr. John Knippel, Denver, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant John Knippel herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from Denver, Colorado, to points within a radius of seventy-five miles thereof, and coal from mines in the northern Colorado coal fields to Denver.

It developed that he owns a 1936 one and a half ton Ford truck, and has been employed by the J. W. Brannan Sand and Gravel Company. His operating experience and responsibility were established to the satisfaction of the Commission, and as limited, protestants withdrew objections to the issuance of a permit.

After a careful consideration of the record, the Commission is of the opinion and finds that permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That John Knippel be, and he here is, granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand and gravel from Denver, Colorado, to points within a radius of seventy-five miles thereof, and coal from mines in

the northern Colorado coal fields to Denver, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1935.

(Decision No. 6915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF LEWIS C. BENNETT FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT BETWEEN GOLDEN, COLORADO, AND PUEBLO, COLORADO, AND INTERMEDIATE POINTS, VIA U.S. 40 AND U.S. 85.

APPLICATION NO. 2531-PP

December 16, 1935.

Appearances: Mr. Lewis C. Bennett, 511 West Eighth, Pueblo, Colorado, pro se.
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company, and The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for Harold Swena, and The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above styled matter in the first instance was heard at Pueblo on October 2, 1935, and thereafter, to-wit, on October 26, 1935, an order was entered, Decision No. 6749, denying said application. Thereafter, upon application of Mr. Bennett, the matter was set for further hearing at Pueblo and heard on December 2, 1935.

At the first hearing it developed that applicant had been employed by Adolph W. Otterstein, wholesale distributor at Pueblo for the Coors Brewing Company, to drive Otterstein's truck between Golden, Colorado, and Pueblo, Colorado. Chiefly he has been hauling beer from Golden to Pueblo, and back hauling empty kegs and bottles. The evidence disclosed that it is necessary, under existing conditions, that beer be hauled by truck. On account of the large amount of cooperage that would be required if the movement were handled by rail, Otterstein and the brewery have believed it to be impractical and expensive to use that service. They have not resorted to the common carrier service in combination of the Weicker Transportation Company and Harold Swena, because there is no through rate, and the existing rate is more than twice the rail rate. Mr. Otterstein claims that operating his own trucks

he has been able to handle the beer at less than rail cost. He stated that he was willing to contract the haul to Mr. Bennett at existing or future rail rates, and Bennett is anxious to undertake the operation, believing that he can make more out of the contract than he is receiving as wages. Mr. Otterstein was asked if he would contract the haul to applicant upon the basis of rates hereafter to be fixed by the Commission, but stated that he would not do so if the rate was in excess of the rail rate; and the Commission, having in mind that by that statement he meant the existing rail rate and knowing that rail rates probably were to be advanced in order that they might be comparable with the rates to be fixed by the Commission for common carrier motor vehicle operators, denied the application.

At the hearing in Pueblo on December 2, it developed that Mr. Otterstein is willing to pay the rate to be adopted by the railroads which will be in line with the motor vehicle carrier rate prescribed by the Commission so in view of that fact and the further facts that the transportation of beer is a specialized service requiring special equipment which the motor vehicle common carriers at this time are not prepared to furnish (although their representative stated that they expected to procure such equipment in the near future), and the business is not being taken from them but merely involves a change in the method of paying for the service - the same man doing the hauling, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Lewis C. Bennett should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle, for the transportation of brewery products only from Coors Brewery at Golden, Colorado, to the warehouse of Adolph W. Otterstein at Pueblo, Colorado, with back haul of empty containers only, and without the right to add to the number of his customers except upon special permission of the Commission, said permit to issue if and when but not before he has filed the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16th day of December, 1935.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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315

IN THE MATTER OF THE APPLICATION OF THE COLO-MEX TRANSPORTATION COMPANY, A CORPORATION, FOR AUTHORITY TO TRANSFER ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1769

December 14, 1935.

STATEMENT

BY the Commission:

E. Cory, doing business as Colo-Mex Transportation Company, in the above styled matter seeks approval of his action in mortgaging his certificate, heretofore granted in Application No. 1769, to secure payment of the sum of $1,000 which he has borrowed from John Ross of Golden, Colorado, for the purpose of resuming operations under said certificate heretofore suspended by the Commission.

After a careful consideration of the record and of said application, the Commission is of the opinion and finds that the authority sought should be granted.

ORDER

IT IS THEREFORE ORDERED, That E. Cory, doing business as Colo-Mex Transportation, should be and hereby is authorized to pledge and, or, mortgage said certificate to John Ross to secure repayment to the said John Ross of the sum of $1,000, heretofore loaned by him to the said Colo-Mex Transportation Company.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of December, 1935.

(Decision No. 6917)

315

BEFORE THIS PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE COLO-MEX TRANSPORTATION COMPANY, A CORPORATION, FOR AUTHORITY TO TRANSFER ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1769

December 14, 1935.

S T A T E M E N T

By the Commission:

In the above styled matter, applicant has requested an extension of time within which to consummate arrangements heretofore made for resuming operations under his certificate granted in Application No. 1769.

It appears that said Colo-Mex Transportation Company has arranged to borrow $1,000 from John Ross, of Golden, Colorado, to finance its operations; that it may take a short period of time beyond the period of suspension of operations under said certificate heretofore granted by the Commission, said period expiring on December 15, 1935.

It now appearing to the Commission that applicant is in a position to resume operations in the near future, the Commission is of the opinion, and finds that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said Colo-Mex Transportation Company should be, and hereby is allowed to suspend its operations under said certificate granted in Application No. 1769 for an additional period of thirty days, that is, until January 15, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver Colorado,
this 14th day of December, 1935.

CONTROL

(Decision No. 6918)

803

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF GUY D. RAMSAY FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TRANSFER AND TRUCKING SERVICE IN AND AROUND THE TOWN OF WINDSOR, COLORADO.

APPLICATION NO. 2684.

December 16, 1935.

Appearances: Mr. Guy D. Ramsay, Windsor, Colorado, pro se.
Mr. J. F. Rowan, Denver, Colorado, for Inter-City Truck Line and The Motor Truck Common Carriers Association.
Mr. E. E. Shumacher, Denver, Colorado, for The C & S Railway Company.
Marion F. Jones Esq., Longmont, Colorado, for The Colorado Trucking Association.
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company.

STATEMENT

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate a transfer and motor truck service in the town of Windsor, Colorado and a radius of 110 miles thereof.

The matter was regularly set for hearing and heard at Greeley on November 25, 1935.

The evidence disclosed that Mr. Ramsay had been operating a licensed transfer system in Windsor for approximately two years, and employs in his operation equipment werth approximately $2000. He proposes to confine his operations to the transportation of cement, coal, dirt, gravel, sand, plaster, grain, and hay in truck load lots, and the occasional transportation of horses from North Park to Windsor, and a team or two during haying season, from Windsor to North Park. All gravel, sand, dirt, and grain will be hauled within a radius of ten miles of Windsor, Colorado, only. He expects to transport coal from mines in the northern Colorado coal field, a distance of thirty-three miles, to points within said ten mile area, and to procure the cement and plaster for distribution to said points from Greeley or Fort Collins. His proposed rate schedule contemplates rates based on truck loads.

It appeared that there was considerable demand for his services in the town of Windsor and vicinity thereof, and there seemed to be no objection to the issuance of certificate as limited by applicant.

After a careful consideration of the evidence, the Commission is of the opinion and finds that public convenience and necessity requires the motor vehicle common carrier service of applicant as hereinafter limited from, to, and between points within a radius of ten miles of Windsor, Colorado, and that certificate of public convenience and necessity therefor should be granted to said applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicant Guy D. Ramsay, for the transportation not on schedule of hay, grain, and other farm products, cement, dirt, gravel, sand, plaster, and coal from point to point within a radius of ten miles of Windsor, Colorado; hay and horses from North Park to points in said area, and horses from points in said area to North Park; and cement and plaster from Greeley and Fort Collins, and coal from the northern Colorado Coal fields to points in said area; and this order shall be deemed and held to be a certificate of public convenience and necessity therefor, provided that for the transportation of said freight applicant shall charge his minimum truck load rate and shall not engage in the transportation of merchandise or freight other than cement or plaster from Windsor to Greeley, or otherwise establish a transportation service for the transportation of such merchandise as is ordinarily handled by wholesale and retail grocery stores.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to

compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
This 16th day of December, 1935.

F

(Decision No. 6919)

268 268

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE SOUTHWESTERN TRANSPORTATION COMPANY FOR AUTHORITY TO EXTEND MOTOR VEHICLE FREIGHT SERVICE, NOW OPERATING BETWEEN DENVER, COLORADO SPRINGS, AND CANON CITY, PENROSE, CONCRETE, PORTLAND, AND FLORENCE AND SALIDA, TO ROYAL GORGE, CHANDLER, ROCKVALE, COAL CREEK, AND KENWOOD IN FREMONT COUNTY, AND WESTCLIFFE IN CUSTER COUNTY, COLORADO, AND INTERMEDIATE POINTS, EXCEPT POINTS BETWEEN DENVER AND COLORADO SPRINGS.) APPLICATION NO. 2706

IN THE MATTER OF THE APPLICATION OF THE SOUTHWESTERN TRANSPORTATION COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR TRANSPORTATION OF FREIGHT BY MOTOR VEHICLE BETWEEN CANON CITY, FLORENCE, PENROSE, CONCRETE, PORTLAND, CHANDLER, ROCKVALE, COAL CREEK, ROYAL GORGE, AND THE COAL MINES LOCATED SOUTH OF FLORENCE AND CANON CITY, IN FREMONT COUNTY, AND WESTCLIFFE IN CUSTER COUNTY, COLORADO, AND VICTOR AND CRIPPLE CREEK AND THE MINES AND MINING COMMUNITIES LOCATED IN THE CRIPPLE CREEK MINING DISTRICT, AND INTERMEDIATE POINTS.) APPLICATION NO. 2707

(Canon City, Colorado)

December 16, 1935.

Appearances: J. D. Blunt, Esq., Canon City, Colorado, for applicant
Marion F. Jones Esq., Longmont, Colorado, for O. E. Diehl, L. E. Runkle, John Skull, and The Colorado Trucking Association.
J. A. Carruthers, Esq., Colorado Springs, Colorado, for Midland Terminal Railway Company.
J. A. Carruthers, Esq., Colorado Springs, Colorado, and Troy Wade, Esq., Cripple Creek, Colorado, for Colorado Trading Company and Cripple Creek Victor and Colorado Springs Stage Company.
T. A. White, Esq., Denver, Colorado, for the Denver & Rio Grande Western Railroad Company.
Mr. A. J. Progeau, Denver, Colorado, for the Motor Truck Common Carriers Association.

S T A T E M E N T

BY THE COMMISSION:

The above styled applications were duly filed on September 12, 1935, and regularly set for hearing at Colorado Springs before the Commission on December 3, 1935, at 9:30 o'clock. The matters were consolidated for hearing and heard by the commission at that time.

The Southwestern Transportation Company is a Colorado corporation, operating a freight transportation service by motor vehicle under certificate of public convenience and necessity between Denver and Colorado Springs, Canon City, Penrose, Concrete, Florence and Salida, and between Penrose, Concrete Portland, Florence, Canon City, and Salida and intermediate points.

In Application No. 2706 it seeks authority to extend its motor freight service to include transportation of freight from and to all points. It is now authorized to serve to and from Royal Gorge, Chandler, Rockvale, Coal Creek, Kenwood, Wetmore, and intermediate points, excluding service, however, to or from points between Denver and Colorado Springs.

In Application No. 2707 applicant seeks authority to conduct a common carrier motor vehicle freight service on schedule for the transportation of freight from and to Canon City, Florence, Penrose, Concrete, Portland, Chandler, Rockvale, Coal Creek, Royal Gorge, Wetmore, and the coal mines located south of Florence and Canon City in Fremont County to and from Victor and Cripple Creek and the mines and mining communities located in the Cripple Creek mining district and intermediate points.

The evidence disclosed that applicant for a number of years has been serving the towns and communities mentioned in its first application under a rover's certificate out of Canon City. The towns are within the trade area of Canon City and Florence. Coal Creek, Rockvale, and Kenwood have populations of 200, 250 and 300 respectively. Chandler is a mining town of 250 people with one store that of the Western Stores Company. Wetmore is a county village with a considerable farming area adjacent thereto. The evidence showed all of said communities required regular scheduled motor vehicle truck service, as contemplated by applicant.

As to the other applications, the evidence disclosed that there has been a substantial revival of business in Cripple Creek and Victor, and that merchants of Canon City want regular freight service out of Canon City to Cripple Creek at least once a week. There are a number of A permit holders hauling coal between Canon City and Florence and Cripple Creek, but they make no provision for transportation of merchandise. There is considerable demand in Cripple Creek and Victor and vicinity for lettuce, celery, cauliflower,

rhubarb, and other farm products produced extensively at Canon City. Canon City also is a common point on the railroads for some commodities, and the merchants of Canon City probably are in a position to supply said towns with those commodities on a competitive basis with other towns, if transportation service is provided. Applicant stated that there was no present public convenience and necessity requiring the transportation of coal by his line, and that coal rates would not be published for the present. The Denver and Rio Grande Western Railroad Company and Midland Terminal Railway Company thereupon objected to issuance of certificate authorizing transportation of coal. Applicant also agreed that he would not accept freight at Denver or Colorado Springs consigned to Cripple Creek and Victor or other points proposed to be served by this operation, and that he intends to inaugurate a strictly local service to Cripple Creek and Victor for freight originating in Canon City, Florence, Penrose, Concrete, Portland, Chandler, Rockvale, Coal Creek, Royal Gorge, and the coal mines in Fremont County located south of Florence and Canon City, and Wetmore in Custer County, Colorado.

After a careful consideration of the evidence, the Commission is of the opinion and finds that Application No. 2706 should be granted, and that Application No. 2707, excluding the transportation of coal and limiting the transportation of freight from Canon City, Florence, Penrose, Concrete, Portland, Chandler, Rockvale, Coal Creek, Royal Gorge, and Wetmore Victor, and Cripple Creek to freight originating in said towns, should be granted, and that certificate of public convenience and necessity should issue therefore.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operation of the applicant as outlined in Application No. 2706 for extension of its regular scheduled freight service heretofore authorized by the Commission and now conducted under P.U.C. No. 268, to include Royal Gorge Chandler, Rockvale, Coal Creek, Kenwood, Wetmore, and intermediate points, excepting, however, service to and from points between Denver and Colorado Springs from and to said towns, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the proposed motor vehicle operation of the applicant as outlined in Application No. 2707 for transportation of freight, except coal, on regular schedule from and to Canon City, Florence, Penrose, Concrete, Portland, Chandler, Rockvale, Coal Creek, Royal Gorge, and Wetmore, to and from Victor and Cripple Creek and the mines and mining communities located in the Cripple Creek mining district and intermediate points, said freight to be transported from Canon City, Florence, Penrose, Concrete, Portland, Chandler, Rockvale, Coal Creek, Royal Gorge, and Wetmore, however to be limited to shipments originating in said towns, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tarriffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16 day of December, 1935.

A-494

(Decision No. 6922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF ERNEST E. MARTIN TO TRANSFER HIS PRIVATE PERMIT NO. A-494 TO EDWARD MARTIN, SAID PERMIT COVERING OPERATIONS BETWEEN GRAND JUNCTION AND DENVER OVER HIGHWAYS 40 AND 50 SOUTH.

APPLICATION NO. 2622-PP-A

December 16, 1935

S T A T E M E N T

By the Commission:

On October 17, 1935, Ernest E. Martin filed the above styled application for authority to transfer Permit No. A-494 to Edward Martin. The matter was set for hearing at Glenwood Springs on November 1, 1935, at 9:30 o'clock A.M. Applicant failed to appear. Since that time he has informed the Commission that failure to attend was due to his being delayed by a late passenger train. No one appeared in opposition to the transfer.

From the record herein it appears that said permit was issued to Ernest E. Martin and Edward Martin, copartners, that said Ernest E. Martin on July 1, 1935, retired from said partnership, and since that time said operation has been conducted by Edward Martin. The financial responsibility of said Edward Martin has been established to the satisfaction of the Commission.

After a careful consideration of the record the Commission is of the opinion and finds that said transfer should be authorized.

O R D E R

IT IS THEREFORE ORDERED, That said Ernest E. Martin should be, and he hereby is allowed to withdraw from said partnership and to assign and transfer his interest in said permit No. A-494, to Edward Martin, provided that the said Edward Martin shall assume and pay all outstanding indebtedness, if any there be incurred by said partners, in the conduct of their said operation under permit No. A-494.

IT IS FURTHER ORDERED, That the right of transferee Edward Martin to operate under this order shall be dependent upon his compliance at all times with all the laws and rules and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
This 16th day of December, 1935.

B-3079
CONTROL
Cancelled 9/8

(Decision No. 6924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF J. A. HOLESTINE FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT WITHIN A FIFTY MILE RADIUS OF WETMORE, COLORADO.

APPLICATION NO. 2690-PP

(Wetmore, Colorado)

December 16, 1935

STATEMENT

By the Commission:

The Commission is in receipt of communication from applicant asking that the above styled application be dismissed.

After a careful consideration of the record the Commission is of the opinion and finds that said application should be dismissed.

ORDER

IT IS THEREFORE ORDERED, That the above styled application of J. A. Holestine for a Class B private permit should be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver Colorado,
this 16 day of December 1935.

(Decision No. 6926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF JOHN DILLEY FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF LIVE STOCK AND FEED BETWEEN CANON CITY AND DENVER VIA U.S. 50, 85, AND COLORADO 120 AND 115.

APPLICATION NO. 2695-PP

December 16, 1955.

Appearances: Mr. John Dilley, Canon City, Colorado, pro se.
Mr. A. J. Fregeau, Denver, Colorado, for the Weicker Transportation Company and The Motor Truck Common Carriers Association.
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company
Mr. J. D Blunt, Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T.

By the Commission:

Applicant herein seeks a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of live stock only from ranches within a radius of twenty-five miles of Canon City, Colorado, to Denver, with back haul of feed from Denver for O. M. Stehlin of East Canon by way of U. S. Highways No. 50 and No. 85, and Colorado Highways No. 120 and No. 115.

The evidence disclosed that Mr. Dilley has been engaged in hauling cattle for a number of years and has a 1954 one and a half ton Ford truck equipped with grain body and stock rack. No evidence was offered in opposition to the granting of his permit, and it did not appear that his proposed operation will affect the operation of any authorized motor vehicle common carrier service.

The responsibility of applicant, financially and otherwise, was established to the satisfaction of the Commission.

The Commission is therefore of the opinion and finds that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That John Dilley should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for

hire, for the transportation of live stock only from ranches within a radius of twenty-five miles of Canon City, Colorado, to Denver, with back haul of feed only from Denver for O. M. Stehlin of East Canon by way of U. S. Highways No. 50 and No. 85, and Colorado Highways No. 120 and No. 115; said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may nor or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Otten
W. E. Danks
Green Emmons
Commissioners

Dated at Denver, Colorado,
this 28th day of December, 1935.

Attest: A true copy

Secretary

F

(Decision No. 6927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

9-1368

IN THE MATTER OF THE APPLICATION OF B. R. WOODWARD FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT BETWEEN BEULAH AND PUEBLO, COLORADO (TWENTY-SIX MILES).

APPLICATION NO. 2688-PP

(Beulah, Colorado)

December 16, 1935

Appearances: B. R. Woodward, Beulah, Colorado, Pro se.
A. J. Fregeau, Denver, Colorado, Motor Truck Common Carriers' Association
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association, and Wes. V. McKaughan.

S T A T E M E N T

By the Commission:

As limited by testimony at the hearing, applicant herein seeks authority to transport farm products, including live stock from Beulah, Colorado, to Pueblo, Colorado, with back haul of farm supplies to farmers residing within a radius of eight miles of Beulah, Colorado.

The evidence disclosed that Mr. Woodward has been hauling freight, chiefly grain and live stock, from Beulah to Pueblo, for the past four years; that ordinarily he has no back haul; that he also has been engaged in hauling as a commercial carrier.

The responsibility of applicant, financially and otherwise, was established to the satisfaction of the Commission.

The application was opposed by Mr. Wes. V. McKaughan, of Rye, who has a common carrier certificate authorizing him to operate in Rye and within a radius of thirty-five miles. Protestant stated that he had not served the Beulah territory for a number of years, because there had been no demands for such services. He thought probably this was due to the fact that his rate for truck load lots would be about twenty cents, while Woodward is getting ten or twelve cents, and other carriers even less. On this point Mr. Woodward stated that his rate was based on competitive conditions (unauthorized carriers) and if the rate were increased, people would do their own hauling, and that many

of them already are doing so with trailers and trucks. Mr. McKaughan added that he had two trucks that were operating about half to two-thirds of the time, and that he could not stand very much loss without impairing his operation.

However, in view of the fact that Woodward has been transporting freight for a number of years last past, and is not offering new or additional competition, and that Mr. McKaughan has been able to operate satisfactorily and adequately at a profit during that period, it would seem that Mr. Woodward's proposal to bring his operation within the law will not impair and may increase the efficiency of the authorized common carrier service, for it is possible that with the assistance of Mr. Woodward at Beulah, and Mr. McKaughan at Rye, the Commission may be able to eliminate the unauthorized carriers.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited to the transportation of farm products, including live stock, with back haul of farm supplies, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said B. R. Woodward should be and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire, for the transportation of farm products, including live stock, from Beulah and farms within a radius of eight miles thereof, to Pueblo, Colorado, with back haul of farm supplies for farmers residing in said area, said permit to issue if and when, but not before, he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16 day of December, 1935.

(Decision No. 6929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF C. C. ROUTH FOR A PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF GENERAL COMMODITIES AND LIVE STOCK TO AND FROM POINTS WITHIN A RADIUS OF 150 MILES OF LAMAR, WITH AN OCCASIONAL TRIP BEYOND.

APPLICATION No. 2571-PP

December 16, 1935

Appearances: Mr. C. C.Routh, Lamar, Colorado
pro se.
Mr. A. J. Fregeau, Denver, Colorado
for The Weicker Transportation Company and
The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of general commodities and live stock from point to point within a radius of 150 miles of Lamar, Colorado, and occasional trips beyond. The matter was heard at Rocky Ford, Colorado, on October 3, 1935, and taken under advisement.

At the hearing it developed that chiefly applicant has hauled flour and feed in truck load lots for the Lamar Flour Mills to its various dealers residing along Highways No. 50 and No. 96, that he had hauled flour as far west as Canon City and Leadville and as far south as Trinidad, and that on a number of occasions he has gone to Enterprise, Kansas for mill rollers and to Pueblo and Denver for other machinery and equipment for said mill. He also has hauled cattle and repossessed cars and other freight for the Eckles Tire Service in Lamar, and once a year made a trip to Denver for said company for tires and equipment. He has been hauling cement from Portland and brick and tile from La Junta and Pueblo to Lamar, and lumber and building materials from Lamar to farmers in Prowers County for the Brown Lumber Company. It also developed that he has been transporting live stock and farm products from point to point in Prowers County and from points in said county to Pueblo, Denver, and La Junta. He has a "C" permit and has been engaged in buying coal, fruit, and vegetables, and transporting them for resale.

He owns two trucks, one of them being a 1930 G.M.C., the other a 1933 G. M.C. He stated that they were worth approximately $1000. His operating experience and pecuniary responsibility were established to the satisfaction of the Commission.

After a careful consideration of the evidence, the Commission is of the opinion and finds that said permit as hereinafter limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That C. C. Routh should be, and he hereby is granted a class B permit to operate as a private carrier by motor vehicle for hire for the transportation of mill products, flour, feed, cattle, farm machinery, repossessed cars and equipment, building materials, and farm products and supplies from point to point within the area bounded by the Colorado-Kansas State line on the east, a line on the west drawn north and south through Las Animas, Colorado, and the Prowers County boundary lines extended on the north and south, respectively; live stock from all points in said area to markets in La Junta, Pueblo, and Denver, mill products from Lamar, Colorado, for the Lamar Flour Mills to its customers residing along U. S. Highways No.50 and No.96, with the right to back haul milling machinery, supplies and equipment from the Colorado-Kansas state line, Pueblo, and Denver for said Lamar Flour Mills; provided that for the transportation of all freight other than live stock, mill products, mill machinery and mill supplies between points served by scheduled motor vehicle or railroad common carrier service, the applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by said scheduled carriers; said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
This 16th day of December, 1935.

CONTROL

(Decision No. 6930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF REIGAN MOTOR COMPANY FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF GASOLINE BETWEEN RIFLE AND MEEKER, COLORADO, VIA COLORADO 13.

APPLICATION NO. 2625-PP

December 16, 1935

Appearances: Mr. R. C Reigan, Rifle, Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of gasoline and other petroleum products from Rifle to Meeker, Colorado, via Colorado Highway No. 13.

At the hearing it developed that applicant is the owner of a 1933 one and a half ton Chevrolet truck, and has been engaged in transporting petroleum products for the Continental Oil Company of Denver, Colorado, over the route mentioned in the application since December 1, 1933. His responsibility, financially and otherwise, was established to the satisfaction of the Commission. It did not appear that his operation as limited would adversely affect the operations of any authorized motor vehicle common carrier serving the same territory.

After a careful consideration of the evidence, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Reigan Moter Company, a corporation, should be, and it hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of gasoline and other petroleum products only from Rifle, Colorado, to Meeker, Colorado, via Colorado Highway No. 13; said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Carroll
W. E. Danks
Mark Eaton
Commissioners.

Dated at Denver, Colorado,
this 16 day of December, 1935

F

(Decision No. 6931)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. R. MARKS AND RALPH T. STEVENSON, PERTAINING TO CORRECTION IN APPLICATION.

APPLICATION NO. 2107-I

December 16, 1935.

S T A T E M E N T

By the Commission:

On May 6, 1935, J. R. Marks filed his verified application which was numbered 2107-I for authority to transport freight in interstate commerce only between CALIFORNIA and the Colorado-New Mexico state boundary line where U. S. Highway No. 85 crosses the same.

In pursuance of this application, Certificate No. 682-I was issued and, from the records and reports in the auditor's office, the applicants have been conducting an interstate commerce operation between DENVER and Los Angeles.

The Commission is now in receipt of a communication from J. R. Marks stating that an error was made in his application and repeated in the authority granted and that it should have been between DENVER (instead of CALIFORNIA) and the Colorado-New Mexico state boundary line.

After careful consideration of the record, the Commission is of the opinion and finds that the error above referred to should be corrected.

IT IS THEREFORE ORDERED, That the wording contained in the certificate of authority issued to J. R. Marks and Ralph T. Stevenson, under date of May 6, 1933, being P.U.C. No. 682-I, be, and the same is hereby, changed to read as follows:

> "The transportation of freight by motor vehicle as a common carrier in interstate commerce only between DENVER and the Colorado-New Mexico state boundary line where U. S. Highway No. 85 crosses the same."

The secretary of the Commission is hereby authorized to correct the original certificate accordingly.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16 day of December, 1935.

Commissioners

CONTROL B-1299

(Decision No. 6252)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF J. H. LANGLEY AND THERON MORGAN FOR A PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF GENERAL FREIGHT OVER IRREGULAR ROUTES.

APPLICATION No. 2678-PP.

December 20, 1935

Appearances: Theron Morgan, pro se.
Marion F. Jones, Esq., for the Colorado Trucking Association
A. J. Fregeau, for the Weicker Transfer Company
J. F. Rowan, for the Motor Truck Common Carriers' Association

S T A T E M E N T

By the Commission:

As limited by the testimony at the hearing, J. H. Langley and Theron Morgan, applicants herein, seek a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of the following only, to-wit: Cement and building material for Osterbaut and Charles from railroad depot to their yards, and from the mill and yards to customers within a radius of ten miles of Windsor, Colorado; coal from mines in the northern Colorado coal fields to points in said Windsor area; sand, gravel, and farm products between points in said Windsor area, and hay from North Park to points in the above described Windsor area. The applicants have two Chevrolet trucks with which they propose to conduct the operation if given authority. They established their financial standing and responsibility to the satisfaction of the Commission.

After careful consideration the Commission is of the opinion and so finds that the permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. H. Langley and Theron Morgan, doing business as Langley and Morgan, of Windsor, Colorado, be and they are hereby granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of the following only: Cement and building material for Osterbaut and Charles from said

gravel, and farm products between points in said Windsor area, and hay from North Park to points in the above described Windsor area; said permit to issue if and when but not before they have filed a list of their customers and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependant upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20 day of December, 1935.

F

B-1163

CONTROL

(Decision No. 6933)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF WALTER RUMNEY FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF SEED, HAY, GRAIN (SOME COAL) AND BUILDING MATERIALS WITHIN A RADIUS OF 75 MILES OF GREELEY AND OCCASIONAL TRIPS TO FARMS OF THE ASSOCIATED SEED GROWERS, INC.	APPLICATION NO. 2680-PP

B-1163 B-1163

December 20, 1935

Appearances: Walter Rumney, pro se.
Marion F. Jones, Esq., Colorado Trucking Association
A. J. Fregeau, Weicker Transportation Company
J. F. Rowan, Motor Truck Common Carriers' Association.

S T A T E M E N T

By the Commission:

As limited by the testimony at the hearing, the applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of the following only: Coal from mines in the northern Colorado coal fields to Greeley; farm products from farms within a radius of twenty miles of Greeley, to Greeley and other loading points in said area; and brick from Denver and Longmont to Greeley, Colorado. The applicant has a 1935 Dodge truck with which he proposes to conduct his operation. His financial standing and reliability were established to the satisfaction of the Commission.

After careful consideration, the Commission is of the opinion that the permit as sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Walter Rumney be, and he is hereby, granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of the following only: Coal from mines in the

northern Colorado coal fields to Greeley; farm products from farms within a radius of twenty miles of Greeley, to Greeley and other loading points in said area; and brick from Denver and Longmont to Greeley, Colorado, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20 day of December, 1935

F

(Decision No. 6934)

CONTROL
AUDITING DEPT.
MR. CONOUR
FILE

B-11 Lg

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF L. E. PLANE FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ALL CLASSES OF COMMODITIES INCLUDING LIVE STOCK, BULK OF HAULING TO BE DONE WITHIN A RADIUS OF 25 MILES OF HUDSON, COLORADO.

APPLICATION NO. 2681-PP

December 20, 1935

+ Permit
C-1316

Appearances: L. E. Plane, pro se.
Marion F. Jones, Esq., Colorado Trucking Association.
A. J. Fregeau, Weicker Transfer Company
J. F. Rowan, Motor Truck Common Carriers' Association.

S T A T E M E N T

By the Commission:

As limited by the testimony at the hearing, L. E. Plane, the applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of the following only, to-wit: Live stock from points within a radius of twelve miles of Hudson, Colorado, to sales yard at Fort Lupton, Greeley and Denver, also to other points in said area; grain from farms in said area to the elevator at Hudson, and feed from the elevator to farms in said area and to feed lots in Denver; beans from points in said Hudson area to Denver and Greeley, Colorado; coal from mines in the northern Colorado coal fields to points in said area, and building material from railroad depot in Hudson and from lumber yards to points in said Hudson area.

The applicant has a 1935 Chevrolet truck which he proposes to use in the conduct of his operation. The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration, the Commission is of the opinion and finds that the permit as limited by the evidence should be granted.

O R D E R

IT IS THEREFORE ORDERED, That L. E. Plane be, and he is hereby granted

a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of the following only: Live stock from points within a radius of twelve miles of Hudson, Colorado, to sales yard at Fort Lupton, Greeley and Denver, also to other points in said area; grain from farms in said area to the elevator at Hudson, and feed from the elevator to farms in said area and to feed lots in Denver; beans from points in said Hudson area to Denver and Greeley, Colorado; coal from mines in the northern Colorado coal fields to points in said area; and building material from railroad depot in Hudson and from lumber yards to points in said Hudson area, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 20 day of December, 1935.

(Decision No. 6935)

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
B. H. HAMLIN FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY) APPLICATION NO. 2682-PP
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF GROCERIES, MEAT, ETC., GREELEY,)
COLORADO TO BRIGGSDALE, COLORADO BY)
WAY OF GILL, CORNISH, AND FOSSTON,)
COLORADO.)

A-1165

2-1165

December 20, 1935

Appearances: B. H. Hamlin, pro se
Marion F. Jones, Esq., Colorado Trucking Association.
A. J. Fregeau, Weicker Transfer Company
J. F. Rowan, Motor Truck Common Carriers' Association.

S T A T E M E N T

By the Commission:

B. H. Hamlin, the applicant herein, seeks a Class A permit to operate as a private carrier by motor vehicle for hire, for the transportation of general freight between Greeley, Colorado, and Briggsdale and intermediate points by way of Gill, Barnesville, Cornish, and Fossston. It also appeared that the applicant has a contract with the United States Government to transport the United States mail between Greeley and Briggsdale and the intermediate points above named, and that inasmuch as there was no regular service offered people along this route, the applicant proposes to conduct the freight haul in connection with his mail route activities. The applicant has a 1934 half-ton Chevrolet truck, which he proposes to use in the conduct of both operations. His financial standing and reliability was established to the satisfaction of the Commission.

After careful consideration of the evidence, the Commission is of the opinion and finds that the permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That B. H. Hamlin be, and he is hereby, granted,

granted a Class A. permit to operate as a private carrier by motor vehicle for hire, for the transportation of general freight from Greeley to Briggsdale and intermediate points, by way of Gill, Bernesville, Cornish, and Fosston, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 20 day of December, 1955.

F

B-1226
CONTROL

(Decision No. 4936)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF G. HENRY CARLSON FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT (NO LIVE STOCK) WITHIN A FIFTEEN MILE RADIUS OF GREELEY, COLORADO.

APPLICATION NO. 2628-PP.

B-1226

December 20, 1935

Appearances: G. Henry Carlson, pro se.
Marion F. Jones, Esq., for the Colorado Trucking Association
A. J. Freggens, for the Weicker Transfer Co
J. P. Rowan, for the Union Pacific Freight Lines, and Motor Truck Common Carriers' Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing G. Henry Carlson, the applicant herein, seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of the following only, to-wit: Farm products from point to point within a radius of fifteen miles of Greeley, Colorado, and grain from farms within a radius of nine miles of Nunn, Colorado, to the elevator at Nunn.

The applicant has a 1929 two ton Moreland truck with which he proposes to conduct said operation. The financial standing and reliability of the applicant was established to the satisfaction of the Commission.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the permit limited by the evidence should be granted.

O R D E R

IT IS THEREFORE ORDERED, That G. Henry Carlson be, and he is hereby granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of the following only, to-wit: Farm products from point to point within a radius of fifteen miles of Greeley, Colorado, and grain from farms within a radius of nine miles of Nunn, Colorado, to the elevator at Nunn: said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured

identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 20 day of December, 1935.

Commissioners

F

(Decision No. 6987)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

805

IN THE MATTER OF THE APPLICATION OF JIM'S TRUCK LINE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TRUCK SERVICE BETWEEN VARIOUS POINTS IN THE STATE OF COLORADO AS HEREINAFTER SET FORTH.

APPLICATION NO. 2202

December 24, 1935

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for applicant.
T. A. White, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc.
B. Edgar Wilson, Esq., Denver, Colorado, for The Chicago Rock Island and Pacific Railway Company (Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, Trustees).
J. Q. Dier, Esq., Denver, Colorado, for The Colorado and Southern Railway Company.
Mr. J. D. Hiatt, Canon City, Colorado, for The Southwestern Transportation Company and Keith Truck Line.
Devine, Preston, and Sterer, Pueblo, Colorado, for L. W. Baldwin and Guy A. Thompson, as Trustees of Missouri Pacific Railroad Company.
J. A. Carruthers, Esq., Colorado Springs, Colorado, for Midland Terminal Railroad Company.
Leon H. Snyder, Esq., Colorado Springs, Colorado, for Verne S. Perrine and William M. Grumb.
Mr. J. F. Rowan, Denver, Colorado, for D. A. Burroughs, H. M. Jessup, S. A. Hartsel, Wandell & Low T. & S. Company, Birch Warehouse Company, The Motor Truck Common Carriers Association, and Colorado Transfer and Warehousemen's Association.
Mr. A. J. Pregeau, Denver, Colorado, for The Weicker Transportation Company and The Weicker Transfer and Storage Company.
Mr. E. B. Faus, Monte Vista, Colorado, for Pueblo San Luis Valley Transportation Company.

STATEMENT

By the Commission:

On October 30, 1934, C. C. Cox, d.b.a. "Jim's Truck Line" filed his application No. 2202 for certificate of public convenience and necessity. The matter was regularly set for hearing at Denver, Colorado, for May 16, 1935, the hearing being continued to Friday, May 17, 1935, at Colorado Springs. At the hearing in Colorado Springs and prior to the taking of testimony, T. A. White, Esq., as attorney for The Denver and Rio Grande Western Railroad Company and

Rio Grande Motor Way, Inc., objected to proceeding with the taking of testimony for a number of reasons, one being that proper service had not been had, it being urged that inasmuch as the application contemplated a statewide call and demand service, all parties holding certificates of public convenience and necessity for transportation of freight within the State of Colorado should be served with copies of the application and notice of hearing. Protestants represented by Devine, Preston and Sterer and Mr. J. F. Rowan joined in the objection. The Commission reserved ruling and proceeded with the taking of testimony, at the conclusion of which said matter was continued, leave being allowed applicant to file an amended application, said amended application and notice of hearing thereon to be served upon all parties who might be affected by the issuance of certificate therein requested.

July 16, 1935, applicant filed his amended application for a certificate of public convenience and necessity, authorizing the occasional transportation by motor vehicle for hire and not on schedule of live stock into, out of, and between various points within the territory described as

> Beginning at Ellicott, thence east to a point fifty miles east of Colorado Springs, thence south thirty-five miles, thence west one hundred miles, thence north to a point due west of Larkspur, thence east to Cherry Creek, thence south to a point three miles south of Falcon, thence east to a point three miles due north of Ellicott, thence south to Ellicott;

for the transportation of heavy machinery between various points in the State of Colorado; for the transportation of household furniture between Colorado Springs and suburban points, and other points in the State of Colorado.

The matter was set for hearing in Denver on August 2, 1935, notice thereof being served on all persons in interest. Some testimony was taken in behalf of applicant at the hearing room in Denver on the day appointed, and said cause was continued for the convenience of all witnesses for further hearing at Colorado Springs on August 16, 1935.

Objections and protests were made to said application by D. A. Burroughs (Peyton Truck Line), Homer Jessup (Elbert Truck Line), The Colorado Transfer and Warehousemen's Association, The Motor Truck Common Carriers Association, Oren A. Hartsel (Hartsel Truck Line), F. M. Keith (Keith Trucking Company), E. F. Anderson, Pueblo-San Luis Valley Transportation Company, William A. Crumb, Verne S. Perrine, Midland Terminal Railway Company, Colorado Rapid Transit Company, The Chicago Rock Island and Pacific Railway Company (Frank O. Lowden, James E. German, and Joseph B. Fleming Trustees), The Denver & Rio Grande Western Railroad Company, Rio Grande Motor Way, Inc., L. W. Baldwin and Guy A. Thompson, as Trustees of Missouri Pacific Railroad Company, Colorado and Southern Railway Company, Wendell and Lew T. & S. Company, The Weicker

Transportation Company, and The Weicker Transfer and Storage Company.

The matter was regularly heard pursuant to continuance at Colorado Springs on August 17, 1935.

For applicant Cox the evidence disclosed that for a number of years he has been operating under a private permit No. A-512 between Denver, Colorado Springs, Pueblo, and Manitou. Numerous people in and around Colorado Springs from time to time had requested him to haul heavy machinery, live stock, and furniture; that except occasionally when Weicker's had a heavy duty truck in Colorado Springs, there was no equipment available in said city to transfer or move heavy machinery and equipment, such as baking ovens, oil well supplies, printing presses, road and construction machinery and supplies, and steam shovels. A number of witnesses testified to their inability to get immediate service on movements of this character. One witness stated that there were some six or seven steam shovels in Colorado Springs, and it had been necessary to telephone Denver to get equipment capable of moving them; that on one occasion he had inquired of The Denver and Rio Grande Western Railroad Company as to its service and received a reply after ten days, and that Jim's Truck Line with borrowed equipment moved the shovel in four hours. He stated that Weicker's service was satisfactory, but on account of equipment being in Denver, slow; that Crumb refused the movement which amounted to 36,000 pounds. It appeared that some of this work had been handled by Mr. Cox through Mr. Cottula in Pueblo. H. H. Moore, representative of Riss and Company, stated that Riss and Company had an interline arrangement with Jim's Truck Line, and that at times they had some difficulty obtaining transportation service to handle shipments originating in their territory consigned by way of Denver to remote points in Colorado; that Weicker's service was adequate but slower than the service of Jim's Truck Line. It also developed that a considerable quantity of farm machinery from time to time moved by truck from and to Colorado Springs to and from farms and ranches in the vicinity thereof and between the various farms, and that the equipment available for such service occasionally has been inadequate.

It appeared that a number of motor vehicle common carriers have been transporting live stock under their certificates in the territory sought to be served by applicant's live stock service.

Dennis A. Burroughs, doing business as the Peyton Truck Line, was authorized in Application No. 2052 to transport live stock and farm products

only between Peyton, Colorado, and points in the territory within a radius of ten miles thereof and Colorado Springs and Denver, Colorado.

In Application No. 1027 Homer Jessup was authorized to transport freight within, and within a radius of ten miles to and from, the town of Elbert, Colorado, and for the transportation of agricultural products, including live stock, between Elbert, Colorado, and the Table Rock territory and Colorado Springs. In Application No. 1964 an extension was authorized to include the transportation of all freight from the town of Elbert, Colorado, and within a radius of ten miles thereof, to Denver, Colorado, and from Denver to said territory, without the right to transport freight between Kiowa and Elizabeth or intermediate points in competition with any certificate holder then authorized to serve said points.

In Application No. 2594 Mr. Jessup was authorized to transport live stock only from the town of Elbert, Colorado, and within a radius of ten miles therefrom, to Denver.

Oren Aaron Hartsel, in Application No. 1789, was authorized to transport live stock from points within a radius of twenty miles of Simla, to Denver and Colorado Springs, and machinery and stock feed from Denver to points in said area. In Application No. 1848 Mr. Hartsel was authorized to (1) transport freight from point to point within an area lying within a radius of twenty miles of Simla; (2) transportation to Denver of farm products and commodities shipped by merchants in Simla; (3) transportation of household goods between points within said area lying within a radius of twenty miles of Simla, and from and to said points to and from other points within the State of Colorado, and (4) the transportation of live stock to Pueblo from said area.

William A. Crumb, Application No. 1425, was authorized to conduct a transfer, moving, and general cartage business in the County of El Paso and other points in the State of Colorado.

Verne S. Perrine was authorized in Application No. 1445 to transport freight (1) within the town of Monument, (2) between Monument and points within a fifteen mile radius thereof, and (3) between Monument and points within said radius and Colorado Springs, Colorado, and for the transportation of live stock only from Monument and a fifteen mile radius thereof to Denver, Colorado.

Live stock moves from farm to farm in the area described, and from farms to Colorado Springs sale yards, from sale yards to farms, and from and to farms and sale yards to and from Denver and other points in the State. Mr. Orr

It also appeared that the demand for trucking service to handle live stock is increasing, due to the fact that a number of live stock sale yards had been established in the territory, and shipments by live stock producers on account of decreased herds due to drought are smaller and can be handled better by trucks than by rail. There was some testimony to the effect that the equipment of some of the carriers engaged in hauling live stock is inadequate to handle large shipments, but Mr. Crumb apparently has been able to meet expeditiously all demands made upon him. Mr. Cox has been handling live stock Colorado Springs to Denver under his permit A-12, and without authority has hauled some cattle from point to point in the territory described. Several witnesses testified as to the inconvenience and delay suffered on shipments of cattle, due to the necessity of calling Blakeley and Stockton in Denver to make the haul, fifty per cent of the cattle moved by truck from said area to Denver being handled by them.

As to furniture transportation, it appeared that a number of carriers are authorized to move furniture in Colorado Springs, a "Home Rule City," but most of the movements between Colorado Springs and points outside seem to be handled by Weisker.

Mr. Cox also stated, through his counsel, that he is not seeking operating rights paralleling his A permit operation, and that he has no objections to the imposition of a twenty-per cent differential on all hauls made in competition with scheduled carriers, and is willing to apply the rate of Colorado Transfer and Warehousemen's Association on transportation of furniture; also that he will not, without first obtaining authority from the Commission, establish a branch office or have an agent employed in any town or city other than Colorado Springs for the purpose of developing business.

William A. Crumb, Verne S. Perrine, J. S. Blunt, and a number of other witnesses testified for protestants. The testimony of Mr. Crumb and Mr. Perrine chiefly was directed toward the facilities available for transportation of live stock, and the live stock situation generally in the territory in question.

Mr. Crumb stated that there has been a considerable demand for trucking of cattle; that on account of so many "hooting truckers" he has not purchased additional equipment and had been able to get another carrier to help him in emergencies; that he would buy additional equipment if needed.

Witnesses generally on this point agreed that if it were possible to eliminate the illegal hauler, the authorized carriers would be compelled to purchase additional equipment or there would be insufficient service available. Mr. Perrine and other carriers thought they could take care of the situation very well in their respective territories, and that additional services would be very detrimental. Mr. Blunt stated that he had ample equipment to move furniture and heavy machinery in the territory where he operated. The other witnesses for protestants generally testified that they knew of no one that had experienced difficulty in getting stock to market because of lack of trucking facilities. Mr. Crumb also testified on the question of furniture hauling, and thought that the facilities available were sufficient to satisfy public convenience and necessity.

It is clear from the evidence that there is insufficient equipment available in Colorado Springs to care for the needs of contractors and other shippers who have heavy machinery, road building equipment, and similar freight to move. Apparently the present ordinary demands of live stock shippers are being satisfied by the authorized carriers perhaps with the aid of some illegal operators, although it is possible that some additional equipment and carriers may be required for movement of cattle, if unauthorized operators are eliminated. With additional inspectors and the new Motor Patrol now available for regulation purposes, the unauthorized carriers may be eliminated in the near future. It then may become necessary to authorize additional service in and from and to the territory now served by the aforementioned authorized common carriers.

Here it might be well to point out that some of the carriers mentioned are not authorized to engage in a point to point cattle transportation service, and others cannot transport cattle from points in the areas allocated to them to points other than Colorado Springs and/or Denver. None of said carriers, with the exception of Mr. Crumb, is authorized to bank haul live stock. Neither Mr. Perrine nor Mr. Jessup is authorized to transport cattle from their respective areas to Colorado Springs. Mr. Perrine is not authorized to move cattle from point to point within the area allocated to him, except from and to Monument, to and from points within the area. Mr. Hartsel is not authorized in the aforementioned order to transport live stock from point to point within the radius allocated to him, but only from points within said area to Denver and Colorado Springs. Mr. Jessup is not authorized to transport live stock from point to point in the area allocated to him, or from points within said area to any place other than Denver. Mr.

Burroughs is not authorized to engage in a point to point service for the transportation of live stock in his territory, but is authorized to transport live stock from said points to Colorado Springs and Denver.

In view of the restricted character of the live stock service which can be furnished by protestants, it would seem that additional competitive service would affect the efficiency of their respective services and might require abandonment thereof. However, a need for additional service limited to service which protestants cannot perform, and therefore non-competitive in character, was shown.

It appeared also that applicant proposes to use equipment worth approximately $7500 in his proposed operation.

After a careful consideration of the evidence, the Commission is of the opinion and finds that public convenience and necessity requires the motor vehicle common carrier service of the applicant, limited to the transportation not on schedule of heavy machinery, road and building materials and supplies and equipment, oil well and mining equipment and supplies, and other types and kinds of heavy machinery equipment and supplies, live stock, farm machinery, farm products, farm supplies, furniture, and household goods from point to point within the area heretofore described and from and to points in said area to and from all other points in the State of Colorado, except where aforesaid transportation would parallel or be identical with the operation authorized in applicant's private permit A-18, or the transportation of live stock would conflict with service of certificated carriers; subject, however, to the conditions hereinafter provided, which the Commission finds the public convenience and necessity requires.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operation of the applicant, O. C. Cox, doing business as Jim's Truck Line, for the transportation of heavy machinery, road building materials and supplies and equipment, oil well and mining equipment and supplies, and all other types of heavy machinery, equipment and supplies, live stock, farm machinery, farm products, and farm supplies, furniture, and household goods from point to point within the area described as

Beginning at Ellicott, thence east to a point fifty miles east of Colorado Springs, thence south thirty-five miles, thence west one hundred miles, thence north to a point due west of Lookout, thence east to Cherry Creek; thence south to a point three miles south of Kiowa, thence east to a point three 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 live stock in competition with service already authorized to be performed under certificates of public convenience and necessity by Dennis A. Burroughs, Homer M. Jessup, Oren Aaron Hartsel, William A. Crumb, and Verne S. Perrine; and this order shall be deemed and held to be a certificate of public convenience and necessity therefor, subject, however, to the following conditions:

(a) That applicant shall not transport cattle or other freight between Denver and Pueblo and points over the same route or a route parallel to the route described in his private permit A-12.

(b) For the transportation of freight other than live stock, furniture, and household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be as much as twenty per cent higher than those charged by scheduled carriers.

(c) His rates for transportation of furniture and household goods shall not be less than those provided by tariff of Colorado Transfer and Warehousemen's Association, now or hereafter on file with the Commission.

(d) The applicant shall not operate on schedule between any points.

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

(f) Jurisdiction of the application herein and the operation of applicant under this certificate of public convenience and necessity shall be, and the same hereby is retained, to the end that if and as occasion may arise, appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers, applicant, however, to be allowed reasonable latitude in the carrying on of his business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates and rules and regulations, as required by the rules and regulations of

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this Commission governing such service, within a period not exceeding twenty days from the date hereof.

IT IS FURTHER ORDERED, That this order is made subject to compliance by applicant with any future legislative action and the rules and regulations now in force or hereafter to be adopted by the Commission with respect to motor vehicle carriers.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21st day of December, 1935.

(Decision No. 6938)

CONTROL B-1168

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF MARTIN J. McCARTHY FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ORE, CONCENTRATES, MINING MACHINERY, AND SUPPLIES WITHIN A RADIUS OF 50 MILES OF BLACK HAWK, COLORADO, WITH OCCASIONAL TRIPS THROUGHOUT THE STATE.

APPLICATION NO. 2509-PP

December 21, 1935

Appearances: Mr. Martin J. McCarthy, 3021 East 32nd Avenue, Denver, Colorado, pro se.
Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association and Curnow Livery and Transfer Company.
Mr. A. J. Fregeau, Denver, Colorado, for The Weicker Transportation Company.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony at the hearing, applicant herein seeks a Class B permit for the transportation of ore and concentrates from certain mines located within a radius of ten miles of Black Hawk, Colorado, to Black Hawk, and the transportation of mine supplies from Black Hawk to said mines, and the transportation of mining compressors, mining machinery and supplies, such as rails and mine cars for Gardner-Denver Company, Harry Sinclair, and the Colorado Builders Supply Company, from Denver to mines located in the various metal mining districts of the State.

From 1919 until 1928 Mr. McCarthy, under certificate from the Commission, operated the A.B.C. Transfer in Denver. On account of lack of business he was compelled to sell the transfer company, and engaged in general t trucking from 1928 until 1934. Since that time he has been engaged in hauling for himself for the most part, but occasionally has hauled for hire. In addition to hauling compressors and mining machinery for Harry Sinclair and the Gardner-Denver Company, he has set up and installed the equipment at point of delivery. He admitted that Gallagher Transfer Company and Weicker Trans-

fer and Storage had ample equipment to make these hauls, but that they were not in a position to install the equipment. It, however, did not appear that his proposed service would impair the efficiency of any common carrier service serving the same territory proposed to be served by applicant.

Applicant owns a 1934 one and a half ton Dodge truck of the value of $500, and his operating experience and pecuniary responsibility were established to the satisfaction of the Commission.

After a careful condideration of the record and evidence, the Commission is of the opinion and finds that said permit as herein limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Martin J. McCarthy should be, and he hereby is, granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of ore and concentrates from mines within a radius of ten miles of Black Hawk, Colorado, to Black Hawk, and the transportation of mine supplies from Black Hawk to said mines, and for the transportation of compressors and mining machinery and equipment only where he,as a part of service to be rendered customer, also is to and does, set up and install the articles transported, from Denver, Colorado, to the various mining districts in the State of Colorado and to the Colorado-New Mexico State line, for Gardner-Denver Company, Harry Sinclair, and Colorado Builders Supply Company, only, said permit to issue if and when,but not before he has filed the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, or made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 21 day of December, 1935.

CONTROL

(Decision No. 6939)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF HENRY O. BROWN FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF MILK, STARTING TEN MILES WEST OF GLENWOOD SPRINGS ON U. S. NO. 40 SOUTH, THENCE TO GLENWOOD SPRINGS ARRIVING WEST TERMINAL AT 6 A. M. DAILY

APPLICATION NO. 2623-PP

A-1166

A-1166

December 21, 1935

Appearances: Mr. Henry O. Brown, Route 2, Glenwood Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant Henry O. Brown herein seeks a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of milk and cream to Glenwood Springs over U. S. 40 south from a point on said highway about ten miles west of Glenwood Springs, with return of empty cans.

At the hearing it developed that Mr. Brown is a purchaser of milk and has been transporting his milk and that of his neighbors as an accommodation for a period of ten years. His operating experience and responsibility, pecuniary and otherwise, was established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That Henry O. Brown should be and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of milk and cream to Glenwood Springs over U. S. 40 south from a point on said highway about ten miles west of Glenwood Springs, with return of empty cans, said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 21 day of December, 1935.

Commissioners

F

CONTROL

(Decision No. 6048)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B-1167

IN THE MATTER OF THE APPLICATION OF GEORGE W. MARCETT FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF ORE, MACHINERY, AND MINING SUPPLIES, WITHIN A RADIUS OF APPROXIMATELY FIFTY MILES OF ALMA, FAIRPLAY AND BRECKENRIDGE MINING TERRITORIES.

APPLICATION NO. 2654-PP

B-1167

December 21, 1935

Appearances: Mr. George W. Marcett, Alma, Colorado pro se.
Marion F. Jones, Esq., Longmont, Colorado, for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of ore from mines within a radius of twenty miles of Breckenridge, Colorado, to Leadville, Breckenridge, and Alma, and the transportation of mining machinery and mining supplies from Leadville, Breckenridge, and Alma to said mines.

It appears that he is the owner of a 1935 Ford one and a half ton truck and other property of the value of $5000. His operating experience and responsibility were established to the satisfaction of the Commission. It did not appear that his proposed operation will affect the service of any authorized motor vehicle common carrier.

After a careful consideration of the evidence, the Commission is of the opinion and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That George W. Marcett should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of ore from mines within a radius of twenty miles of Breckenridge, Colorado, to Leadville, Breckenridge, and Alma, and the transportation of mining machinery and mining supplies from Leadville, Breck-

enridge, and Alma, to said mines; said permit to issue if and when, but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carroll

W. W. Dawks

Byron Sinkon

Commissioners

Dated at Denver, Colorado,
this 21 day of December, 1935.

F

CONTROL

(Decision No. 6941)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B-15-01

IN THE MATTER OF THE APPLICATION OF THEODORE GROVES FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT (AND LIVE STOCK) WITHIN A RADIUS OF FIFTY MILES OF MANITOU AND BETWEEN FLORENCE AND PUEBLO, COLORADO

APPLICATION NO. 3703-PP

December 21, 1935

Appearances: J. F. Quinn, Esq., for applicant.
Mr. A. J. Fregeau, Denver, Colorado, for Elbert Transfer, Oren Hartzel, Forest Woodward, and the Motor Truck Common Carriers Association.
Mr. J. B. Blunt, Canon City, for Southwestern Transportation Company and the Keith Truck Line.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On September 6 applicant filed the above styled application for a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of general commodities, excluding live stock, between points within a radius of fifty miles of Colorado Springs, Colorado.

The evidence disclosed that Mr. Groves has been operating a transfer and dreyage business in Manitou and vicinity since January 1, 1930, and is now using in said operation a 1934 one and a half ton Chevrolet truck and semi trailer. Chiefly his hauling activities which he wants to continue, have been limited to the transportation of coal from Denver and Rio Grande freight yards at Manitou and Colorado Springs and the Pike View Mine to Colorado Springs, Manitou, and Lake George; sand, gravel, and rock, brick, reinforcing iron, and building contractors' equipment from Manitou to Colorado Springs or from Manitou and Colorado Springs to Mountain cabins, suburban towns, and summer resorts in the vicinity thereof; fertilizer from dairies and ranches within a radius of fifty miles of Colorado Springs to Colorado Springs and suburban towns; white quartz from Divide to Colorado Springs for Manitou [illegible]

on Highway No. 50 within a radius of fifty miles of Colorado Springs to Colorado Springs.

Applicant also has hauled some piling in the vicinity of Calhan and Peyton, and has had one or two small additional hauling operations in the same section. However, it appeared that said area already is oversupplied with authorized motor vehicle common carrier service, and in the opinion of the Commission additional transportation service in said section, except as hereinafter allowed, would impair the efficiency of adequate common carrier motor vehicle services now operating.

After a careful consideration of the record and evidence, the Commission is of the opinion and finds that a permit as hereinafter limited should be granted applicant.

O R D E R

IT IS THEREFORE ORDERED, That said Theodore Groves should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of coal from Denver and Rio Grande freight yards at Manitou and Colorado Springs and the Pike View Mine to Colorado Springs, Manitou, and Lake George; sand, gravel, and rock, brick, reinforcing iron, and building contractors' equipment from Manitou to Colorado Springs or from Manitou and Colorado Springs to mountain cabins, suburban towns, and summer resorts in the vicinity thereof; fertilizer from dairies and ranches within a radius of fifty miles of Colorado Springs to Colorado Springs and its suburban towns; white quartz from Divide to Colorado Springs for Manitou-Greenston Company; posts piling and poles from points on Highway No. 50 within a radius of fifty miles of Colorado Springs to Colorado Springs; said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby

made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(SEAL)

Commissioners

Dated at Denver, Colorado,
this 21 day of December, 1935.

CONTROL

(DECISION No. 6943)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF WALTER RUDISILL FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF MILK AND CREAM ONLY WITHIN A RADIUS OF FIFTY MILES OF STEAMBOAT SPRINGS, COLORADO.

APPLICATION NO. 2648-PP

B-1162

B-1162

December 21, 1935

Appearances: Walter Rudisill, Steamboat Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant, Walter Rudisill, is engaged in the transportation of milk and cream only, for the Gold Coin Creamery within a radius of fifty miles of Steamboat Springs, Colorado. He does not transport any other commodities, nor does he desire to transport general freight within the area embraced within his permit.

The only motor vehicle common carriers affected by the proposed operation of the applicant herein are the Larson Transportation Company and the Steamboat Springs Transfer and Storage Company, both of which are operated by Stanley Larson and both of which appeared and filed a written waiver of notice and consented to the issuance of the permit as limited by the application to transportation of milk and cream only, for the the one customer, the Gold Coin Creamery of Steamboat Springs. No other common carriers have been authorized by this Commission to operate in this territory, and the record does not show that the proposed operation will adversely affect or impair the efficiency or ability to serve the public of any authorized motor vehicle common carrier with whom the applicant may compete.

After a careful consideration of the record, the Commission is of the opinion, ad so finds, that the application as hereinafter limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the said Walter Rudisill be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for the transportation of milk and cream only, within a radius of fifty miles of Steamboat Springs, Colorado, for the Gold Coin Creamery of Steamboat Springs, Colorado, which milk and cream shall originate in the country districts within said area, and shall be destined to the Gold Coin Creamery at Steamboat Springs, said permit to issue if and when applicant has filed the necessary public liability and property damage insurance and secured identification cards required by the rules and regulations of the Commission.

Nothing herein contained shall authorize the transportation of any commodities other than milk or cream, nor for any customer other than the Gold Coin Creamery.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund V. Dawes
H. A. Danks
Marion Smith
Commissioners.

Dated at Denver, Colorado,
this 21 day of December, 1935.

F

CONTROL

(Decision No. 6944)

809

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF A. L. AND CLYDE BEESON FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TRUCK SERVICE FOR THE TRANSPORTATION OF MILK AND DAIRY PRODUCTS.

APPLICATION No. 2570.

R u e 809

December 21, 1935

Appearances: Marion F. Jones, Longmont, Colorado for applicants.
Mr. V. G. Garnett, Denver, Colorado, for Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

Applicants herein seek a certificate of public convenience and necessity to operate a truck service for the transportation of milk and dairy products from an area immediately east of Longmont to such points as the shippers may direct as their market.

At the hearing it developed that the applicants possess a 1935 Chevrolet truck which is clear, and that A. L. Beeson is the owner of a farm, stock, and equipment valued at $15,000. It further appeared that A. L. Beeson and Lester Beeson had been operating a milk route east of Longmont under Permit No. A-562, heretofore issued by the Commission; that Lester Beeson had disposed of his interest therein to the applicants, and had retired from the business, and that the applicants, who are now conducting the milk route under said private permit, were desirous of having authority to serve the territory by making delivery of the milk and dairy products of customers, not only to the points authorized in the permit, but to any point where the customers might feel a better market could be had; the proposed pick-up route and territory of applicants being as follows:

> Beginning at a point on U.S.Highway No. 285, three miles north of Longmont, thence east to a point two miles west of U.S.Highway 85, thence south following a line which is two miles west of said highway 85 to a point two and a half miles north of the Fort Lupton-Dacona Highway, thence west along a line 2½ miles north

of the Fort Lupton-Dacona Highway to where such line intersects with Highway 285, thence north to the point of beginning

and to transport milk and dairy products from this area to Johnstown, Fort Lupton, Denver, and/or to the intermediate points between said places, as may be desired by the shippers residing in the territory above described. It was also disclosed that a number of contract carriers did serve this locality, but on account of the variance of prices charged, transportation conditions were very chaotic, and that no common carrier service is at this time available to the shippers living in the above described area.

The applicants stated that if their certificate was granted they desired the cancellation of permit A-562.

It also appeared at the hearing that the area herein described was contained in Certificate No. 575, heretofore issued to Austin Brothers, and that the applicants and their immediate successors had at all times operated under a lease regularly executed by Austin Brothers, which apparently gives them a right to operate over and serve this area, although it also appeared that lessee had an A private permit covering the same territory and under that permit was transporting all his milk to Denver.

Mr. V. G. Garnett, of the Colorado Rapid Transit Company, appeared at the hearing and testified that he served an area immediately south of that being served by the applicants and that in his opinion there was a public necessity for the applicants to have a certificate, in order that they might deliver milk and dairy products to whatever point the shippers might direct, to avail themselves of a better market. Mr. Garnett stated that the public needed the service of these applicants, and that the Beesons were well qualified to undertake the operation. The financial standing and reliability of the applicants was established to the satisfaction of the Commission.

After careful consideration of the evidence and the record, the Commission is of the opinion and finds that the public convenience and necessity requires the motor vehicle common carrier services of the applicants for the movement of milk and dairy products from the area hereinabove described, to markets at Johnstown, Fort Lupton, Denver, and/or to any intermediate points, and that a certificate should be granted to the applicants.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicants A. L. Beeson and Clyde Beeson for the transportation of milk and dairy products from the area described as follows:

> Beginning at a point on U.S. Highway No. 285 three miles north of Longmont, thence east to a point two miles west of U.S.Highway 85, thence south following a line which is two miles west of said highway 85 to a point two and a half miles north of the Fort Lupton-Dacona Highway, thence west along a line 2½ miles north of the Fort Lupton-Dacona Highway to where such line intersects with highway 285, thence north to the point of beginning.

to Johnstown, Fort Lupton, Denver, and/or to the intermediate points between said places as may be desired by the shippers in the territory described, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of the Commission governing Motor Vehicle Carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That in compliance with the request of applicants, Private Permit No. A-562 should be, and the same is hereby cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Oliver

W. C. Dawkins

Walter Fulton

Commission

Dated at Denver, Colorado
this 21 day of December, 1935.

F

CONTROL

B 1201

(Decision No. 6945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF JOHN GOZZA FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FREIGHT WITHIN A 50-MILE RADIUS OF SILT, COLORADO.

APPLICATION NO. 8781-PP

B-1201

December 21, 1935

Appearances: Mr. John Gozza, Silt, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for the Rio Grande Motor Way, Inc., and Colman Freight Service;
Marion F. Jones, Esq., Longmont, Colorado, for the Colorado Trucking Association.

STATEMENT

By the Commission:

As limited by the evidence at the hearing, applicant seeks authority to operate as a Class B private carrier for the transportation of farm products, coal and live stock within a radius of 50 miles of Silt, Colorado, save and except that no freight originating within a radius of 25 miles of Meeker is to be transported by applicant and no freight between Rifle and Meeker, Colorado.

As so limited, all objection to the issuance of the permit was withdrawn by protestants.

The financial reliability of applicant was established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by the evidence, permit should be granted.

ORDER

IT IS THEREFORE ORDERED, That John Gozza of Silt, Colorado, be, and he is hereby authorized to operate as a Class B private carrier for hire, for the transportation of farm products, coal and live stock from point to point within a radius of 50 miles of Silt, Colorado, save and except that no

freight is to be transported by him which originates within a 25-mile radius of Meeker, and no freight is to be transported between Rifle and Meeker, Colorado, said permit to issue if and when, but no before applicant has filed a list of his customers and the necessary insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21 day of December, 1935.

F

CONTROL B-1280

(Decision No. 6946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF FORREST GEORGE FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF COAL IN THE AREA SURROUNDING COLORADO SPRINGS VIA U. S. 40 SOUTH, COLORADO 115, COLORADO 8, AND COLORADO 94	)	APPLICATION No. 2770-PP

B-1280

December 21, 1935

Appearances: Mr. Forrest George, 1528 W. Platte Avenue, Colorado Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of coal only from the Corley, Pike View, City, Altitude, and Keystone Mines to Colorado Springs and suburban towns adjoining, and Fairplay, with back haul of hay only from South Park for Corley Coal Company.

The evidence discloses that Mr. George is the owner of a 1934 one and a half ton Chevrolet truck, of the value of $500, equipped with coal bed. His responsibility was established to the satisfaction of the Commission.

No evidence was offered by anyone in opposition to the application, and it did not appear that his proposed operation will affect the service of any authorized motor vehicle common carrier.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Forrest George should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of coal only from the Corley, Pike View, City, Altitude, and Keystone Mines to Colorado Springs, and suburban towns adjoining, and Fairplay, with back haul of hay only from South Park for Corley Coal Company; said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured

identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 21 day of December, 1935.

F

CONTROL

(Decision No. 6947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF HOWARD NEWBERRY FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR THE TRANSPORTATION OF FARM PRODUCTS, LIVE STOCK, AND AN OCCASIONAL LOAD OF MERCHANDISE WITHIN A RADIUS OF TWENTY-FIVE MILES OF GUFFEY, COLORADO, LIVE STOCK ONLY INTO DENVER, GENERAL FREIGHT FROM CANON CITY AND COLORADO SPRINGS INTO GUFFEY, COLORADO.

APPLICATION NO. 2769-PP

B-1164

B-1164

December 21, 1935

Appearances: Mr. Howard Newberry, Guffey, Colorado, pro se.
Mr. A. J. Fregeau, Denver, Colorado, for The Motor Truck Common Carriers Association.
Marion F. Jones, Esq., Longmont, Colorado, for The Colorado Trucking Association.
Mr. J. D. Blunt, Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

As limited by his testimony at the hearing, applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products, including live stock, farm supplies, including machinery, equipment, and household goods from farm to farm within a radius of twenty-five miles of Guffey, Colorado; farm products, including live stock, from points in said area to Canon City, Colorado Springs, and Denver, with back hauls limited to the transportation of grain from Colorado Springs to points in said area, and general freight, including merchandise to storekeeper at Guffey, from Colorado Springs and Canon City.

The evidence disclosed that he does not propose to serve Cripple Creek and Victor or any points intermediate between, Colorado Springs and said cities; that he resides at Guffey, which is twenty-two miles north of Highway 50 and distant about sixty miles west and fourteen miles south of Colorado Springs. His community is not served by authorized truck service, although he has been doing some hauling for hire for the past five or six years.

The responsibility of applicant, financially and otherwise, was established to the satisfaction of the Commission.

It did not appear that his proposed operation will affect the operations of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said Howard Newberry should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products, including live stock, farm supplies, including machinery, equipment, and household goods from farm to farm within a radius of twenty-five miles of Guffey, Colorado; farm products, including live stock, from points in said area to Canon City, Colorado Springs, and Denver, with back hauls limited to the transportation of grain from Colorado Springs to points in said area, and general freight, including merchandise to storekeeper at Guffey, from Colorado Springs and Canon City; said permit to issue if and when but not before he has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and is hereby, made a part of the permit herein authorized to be issued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 21 day of December, 1935.

Commission

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RUO 29

IN THE MATTER OF THE APPLICATION OF ALBERT FOURET AND JOSEPH FOURET, CO-PARTNERS, DOING BUSINESS AS FOURET BROS., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE LINES OF TRANSPORTATION IN THE STATE OF COLORADO.

APPLICATION NO. 366.

IN THE MATTER OF THE APPLICATION OF FRANK BLASS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A MOTOR BUS LINE ENGAGED IN CARRYING PASSENGERS, FREIGHT, AND MERCHANDISE.

APPLICATION NO. 367.

December 23, 1935.

Appearances: Frank H. Hall, Esq., Trinidad, Colorado, for the applicant.

S T A T E M E N T

By the Commission:

In the above styled matters the Commission by order of December 22, 1924 (Decision No. 791), granted authority to Frank Blass and Dan L. Taylor, applicants in Application No. 367, under the name of the "Interstate Auto Line," to operate an automobile bus passenger line from and to Trinidad, Colorado, to and from points between Morley and the Colorado-New Mexico State line.

On April 23, 1925, Application No. 366, Albert Fouret and Joseph Fouret, co-partners, doing business as Fouret Brothers, by order of the Commission (Decision No. 833), were granted a certificate of public convenience and necessity to operate an automobile passenger transportation line over State Highway No. 1 between Morley, Colorado, and the Colorado-New Mexico State line, they theretofore in said order of date December 22, 1924 (Decision No. 791), Application No. 366, having been granted a certificate of public convenience and necessity to operate an automobile bus transportation line over State Highway No. 1 from Trinidad to Morley, Colorado, and intermediate points.

On June 6, 1925, Frank Blass, sole surviving partner of Frank Blass and Dan L. Taylor, co-partners doing business as the "Interstate Auto Line," by order of the Commission (Decision No. 854) was authorized to assign and transfer to Albert Fouret and Joseph Fouret, co-partners, doing business as Fouret Bros., certificate of public convenience and necessity aforementioned, issued to said Frank Blass and Dan L. Taylor under the name of the "Interstate Auto Line," said transfer being duly consummated under said authority of the Commission.

The Commission is now in receipt of an application from Fouret Bros. reciting that on September 25, 1929, they obtained a certificate of public convenience and necessity from the State of New Mexico authorizing them to carry passengers and express between the Colorado and New Mexico State line and Raton, New Mexico, over U. S. Highway No. 85, and that ever since the commencement of their operation on July 19, 1923, interstate between Trinidad, Colorado and Raton, New Mexico, they have been carrying baggage, express, and newspapers, and that they have been under the impression that it was unnecessary for them to procure a certificate from The Public Utilities Commission of the State of Colorado authorizing the transportation of baggage and express interstate by them, the Commission having ruled in said order of date April 23, 1925 (Decision No. 833), wherein they were granted a certificate to transport passengers interstate, that it had no discretion other than to grant authority upon request of interstate operator for certificate.

Applicants further request that such authority be granted them by this Commission as of the dates of the granting of the original certificates heretofore mentioned.

After a careful consideration of the record and of said application, the Commission is of the opinion and finds that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the third paragraph of the order of the Commission entered in the above styled matter on December 22, 1924 (Decision No. 791), should be, and the same hereby is amended nunc pro tunc as of said 22nd day of December 1924, to read as follows:

"IT IS FURTHER ORDERED, That the public convenience and necessity requires, and will require, the operation of an automobile bus passenger line for transportation of passengers, baggage, and express, including newspapers, by Frank Blass and Dan L. Taylor, applicants in No. 367, under the name of 'The Interstate Auto Line,' from Trinidad and over that portion of the route applied for as lies between Morley, Colorado, and the Colorado-New Mexico State line, but they are limited to the carriage of passengers over the route to and from such territory only, and are not permitted to carry passengers over that portion of the line as lies between the city of Trinidad and Morley, Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity for the operation thereof as to that part of said route only from Trinidad and as lies between Morley and the Colorado-New Mexico State line as aforesaid."

IT IS FURTHER ORDERED, That said order (Decision No. 791) in all other respects shall remain in full force and effect.

IT IS FURTHER ORDERED, That the second paragraph of said order heretofore entered by the Commission in Application No. 366 on April 23, 1925 (Decision No. 833), should be, and the same hereby is amended nunc pro tunc as of said 23d day of April, 1925, to read as follows:

"IT IS FURTHER ORDERED, That in compliance with the law announced by the Supreme Court of the United States in the cases of Buck vs. Kuykendall, 45 Supreme Court Reporter, 324, and Bush & Sons Company vs. Maloy, 45 Supreme Court Reporter, 326, a certificate of public convenience and necessity for an automobile passenger transportation line for transportation of passengers, baggage, and express, including newspapers, over State Highway No. 1 between Morley, Colorado, and the Colorado-New Mexico State line be, and the same is hereby, granted, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor."

IT IS FURTHER ORDERED, That said order (Decision No. 833), in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

COMMISSIONERS

Dated at Denver, Colorado,
this 23d day of December,

Form No. 2. (Decision No. 6949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. T. HARRIS, doing business as) CASE NO. 1605
NORTHWESTERN TRUCK LINE,)
(1315 - 9th St., Greeley) December 24, 1935.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-1050-I under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Has filed no reports and paid no highway compensation tax since issuance of permit.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on January 6, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.