

(Decision No. 82900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF STUART BARRY LIPMAN, 18776 WEST)
59TH PLACE, ~~GOLDEN~~, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26623-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

May 4, 1973

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

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

It is ordered, That Stuart Barry Lipman, 18776 West 59th Place,
Golden, Colorado, be, and is hereby, granted emergency temporary authority
for a period of fifteen (15) days commencing May 4, 1973, as a class "B"
contract carrier by motor vehicle, for the

"Transportation of

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

From pits and supply points in the State of Colorado
to road jobs, mixer and processing plants within a
radius of one hundred (100) miles of said pits and
supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado
to railroad loading points and to homes and small
construction jobs within a radius of one hundred (100)
miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

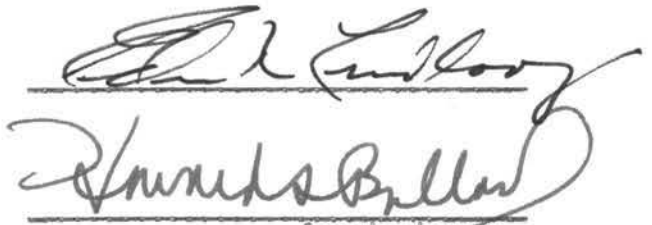
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82901)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELDON L. McDANIEL, GENERAL DELIVERY,)
GRANBY, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26613-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 4, 1973
- - - - -

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

It appearing, That appropriate application has been made to this
Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to satisfy customers needs.

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

It is ordered, That Eldon L. McDaniel, General Delivery, Granby,
Colorado, be, and is hereby, granted emergency temporary authority for a
period of fifteen (15) days commencing May 4, 1973, as a class "B" contract
carrier by motor vehicle, for the

"Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading
points within a radius of one hundred (100) miles of said
forests;

(2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests
to markets in the State of Colorado.

RESTRICTION: This emergency temporary authority is restricted against town-to-town service."

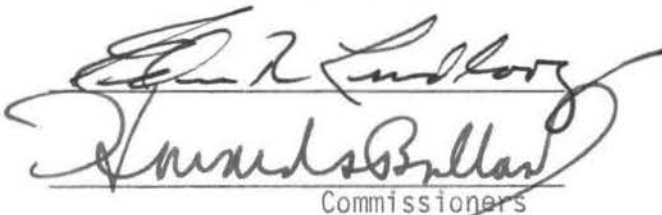
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF EVERETT SEALS, DOING BUSINESS)	APPLICATION NO. 26301-PP
AS "CHARLIE'S EXPRESS AND DELIVERY)	
SERVICE," 2548 HUMBOLDT, DENVER,)	ORDER DENYING EXCEPTIONS TO
COLORADO, FOR A CLASS "B" PERMIT)	RECOMMENDED DECISION NO. 82707
TO OPERATE AS A CONTRACT CARRIER)	OF ROBERT L. PYLE, EXAMINER
BY MOTOR VEHICLE FOR HIRE.)	

- - - - -
May 4, 1973
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Appearances: William Murray, Esq.,
Denver, Colorado, for
Applicant;
Walter M. Simon, Esq.,
Denver, Colorado, for
Yellow Cab, Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 3, 1973, Hearing Examiner Robert L. Pyle entered his Recommended Decision No. 82707 in the above-captioned matter.

On April 30, 1973, Protestant, Yellow Cab, Inc., filed with the Commission Exceptions to the said Recommended Decision No. 82707 of the Examiner.

It is noted that Yellow Cab, Inc., has not ordered a transcript, and, accordingly, the findings of fact of the Hearing Examiner are presumed to be correct. It is further noted that Yellow Cab's exception relates to an alleged error of fact.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Applicant should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 82707 should be adopted as its own, and concludes that the following Order should be entered.

O R D E R



THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Protestant, Yellow Cab, Inc., be, and the same hereby are, overruled and denied.
2. The findings of fact and conclusions of Hearing Examiner Robert L. Pyle in Recommended Decision No. 82707 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 82707 be, and hereby is, entered as the Order of the Commission herein without any change or modification; that the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

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(Decision No. 82903)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE)	
PUBLIC UTILITIES COMMISSION OF THE)	CASE NO. 5320
STATE OF COLORADO REGULATING THE)	
SERVICE OF ELECTRIC UTILITIES)	ORDER GRANTING INTERVENTION
WITHIN THE STATE OF COLORADO.)	

- - - - -
May 4, 1973
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 2, 1973, the City of Fort Morgan, by its attorney David L. Roberts, filed with the Commission a pleading entitled "Entry of Appearance and Objections of the City of Fort Morgan, Colorado, a municipal corporation."

The Commission states and finds that Petitioner, the City of Fort Morgan, is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS THAT:

1. The City of Fort Morgan be, and hereby is, granted leave to intervene in the herein proceeding.

2. Intervenor shall file with the Commission, in writing, any specific objections, suggestions and proposals that it desires the Commission to consider in this proceeding, on or before May 15, 1973.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, 930 15TH STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
FILE AN AMENDED TARIFF SHEET IN)
CONNECTION WITH THE OPTIONAL)
OFFERING OF CENTREX CU SERVICE AS)
FILED IN ADVICE LETTER NO. 861)
APRIL 23, 1973, TO BECOME EFFECTIVE)
ON LESS THAN THIRTY (30) DAYS)
NOTICE.)

APPLICATION NO. 26594-Amended

May 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 23, 1973 Mountain States Telephone and Telegraph Company, Applicant herein, filed its Advice Letter No. 861 on less than statutory notice as authorized by Decision No. 82813 to become effective on May 6, 1973. This filing would make available message-rate out-only trunks to Centrex CU Service. However, in doing so certain errors were made on a tariff sheet as filed whereby charges for certain other trunks were omitted.

By the instant application, authorization of the Commission is sought to file an amended tariff sheet to become effective on less than statutory notice, to correct these errors as follows:

- Change the erroneous reference of "First both-way trunk including individual line message allowance, each" to "Both-way, each."
- Delete the erroneous entry for "Local message in excess of allowance on first trunk . . . Individual line excess message rate" as this no longer applies.

Applicant asks for authorization to place the amended tariff sheet into effect May 6, 1973, cancelling the sheet which was filed April 23, 1973 with Advice Letter No. 861.

The Commission concludes that good cause exists to allow the filing of Applicant's proposed tariff as filed with Application No. 26594-Amended.

O R D E R

THE COMMISSION ORDERS THAT:

1. The relief prayed for in Application No. 26594 - Amended, be, and hereby is, granted, and Applicant be, and hereby is, authorized to file on not less than one (1) day's notice to become effective on May 6, 1973, in accordance with 115-3-4, CRS 1963, as amended, the tariff sheet designated in said application.
2. This Order shall become effective forthwith.
3. DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MICHAEL GUTTERSEN, Cornish, Colorado,)	
)	
Complainant,)	
)	
vs.)	CASE NO. 5519
)	
MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, 931-14th Street, Denver, Colorado,)	
)	
Respondent.)	

- - - - -
May 4, 1973
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 4, 1973, Michael Gutteresen filed with the Commission a Petition, the caption of which is denominated: "In the Matter of the Petition of Michael Gutteresen of Cornish, Colorado, for an Order Allowing Him to Obtain Telephone Service from Mountain Bell." Case No. 5519 was assigned to this matter.

On April 13, 1973, an Order to Satisfy or Answer was served upon the Mountain States Telephone and Telegraph Company.

On April 26, 1973, Mountain States Telephone and Telegraph Company, Respondent, filed a "Motion to Dismiss," which Motion moves to dismiss the Petition, or complaint, of Michael Gutteresen.

The Commission finds that said Motion to Dismiss does not contain sufficient grounds for the granting thereof and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Dismiss filed on April 26, 1973, by Mountain States Telephone and Telegraph Company be, and the same hereby is, denied.
2. Mountain States Telephone and Telegraph Company is ordered to satisfy the matters as complained of in the Petition of Michael Guttensen, or to answer his complaint, in writing, within ten (10) days of the date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

JS

(Decision No. 82906)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IOWA ELECTRIC LIGHT AND POWER COM-)
PANY FOR AUTHORITY TO ENTER INTO A)
GUARANTY AGREEMENT OF POLLUTION)
CONTROL REVENUE BONDS OF THE CITY)
OF CEDAR RAPIDS, IOWA.)

APPLICATION NO. 26549-Securities

- - - - -
May 4, 1973
- - - - -

Appearances: John R. Barry, Esq.,
Denver, Colorado,
for Applicant.
James D. Grundy,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

Applicant, Iowa Electric Light and Power Company, on April 12, 1973, filed with this Commission an application requesting authority to enter into a Guaranty Agreement guaranteeing the payment of principal, premium, if any, and interest on not more than \$17,800,000 principal amount of Pollution Control Revenue Bonds to be issued by the City of Cedar Rapids, Iowa, for the purpose of providing funds for the construction of pollution control facilities to be constructed and owned by Applicant, leased to the City of Cedar Rapids, and subleased to Applicant.

The Commission assigned Docket No. 26549-Securities to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

No petitions or protests were filed in opposition to the application, and no one appeared at the hearing opposing the authority sought in the application.

Pursuant to law, the Commission assigned the application to Thomas M. McCaffrey, Examiner, for the purpose of conducting a hearing and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Hearing

Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Friday, April 27, 1973, at 9 a.m. The hearing was held at the said time and place.

Exhibits A, B, C, D, E, E-1, E-2, E-3, E-4, and F were offered and admitted into evidence.

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

FINDINGS OF FACT

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

1. Applicant, Iowa Electric Light and Power Company, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963, as amended.

2. Applicant is a corporation existing under and by virtue of the laws of the State of Iowa and is qualified to do business in the State of Colorado. Its principal place of business in Colorado is located in the City of Sterling and its principal executive offices are in the Security Building, Cedar Rapids, Iowa.

3. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy and in the purchase, distribution and sale at retail of natural gas in Iowa. It supplies steam and hot water for heating and industrial processing in several cities, all in Iowa. It also purchases natural gas which it distributes at retail in Fairmont, Minnesota; Sterling, Colorado; and five small communities in the eastern part of Nebraska. Electric service is supplied at retail in 51 counties in the State of Iowa, including 272 incorporated cities and towns and 119 unincorporated communities. The company also sells electric energy at wholesale to 18 municipalities, two rural electric cooperatives and one private utility. Natural gas purchased from pipeline companies is supplied at retail to 124 towns in Iowa, of which 80 are also supplied electricity by the company. The company's service area in central Iowa has an estimated population in excess of 800,000.

4. Applicant is not affiliated with any other company.
5. This Commission has jurisdiction over the Applicant and the subject matter of this application.
6. The Commission is fully advised in the premises.
7. The company proposes to enter into a Guaranty Agreement with the Trustee as designated in an Indenture of Trust of pollution control revenue bonds ("Bonds") to be issued by the City of Cedar Rapids, Iowa (the "City") to finance the acquisition of the company's interest in air and water pollution control facilities ("Facilities") to be installed at the company's Duane Arnold Energy Center near Palo, Iowa, and at the company's Sixth Street Station and Prairie Creek Station Unit No. 4 in Cedar Rapids. The pollution control equipment at the Duane Arnold Energy Center will consist of an Offgas System, Cooling Towers and Liquid and Solid Radwaste Systems. The facilities to be constructed at the Sixth Street Station consist of an electrostatic precipitator on one generating unit and equipment for the conversion of another generating unit from coal firing to oil burning, eliminating the need for other emission control facilities. The facility to be installed at the Prairie Creek Station Unit No. 4 will be an electrostatic precipitator. All such facilities will be constructed and owned by the company and will be leased to the City by an Equipment Lease and necessary easements in and over the several project sites, and present facilities thereon will be conveyed by the company to the City. The net proceeds of the bond issue will be paid over to the company as a one-time rent payment under the Equipment Lease. Simultaneously with the execution of said Equipment Lease, the City will sublease all of said facilities and convey such easements back to the company by a Sublease Agreement. The terms of the Equipment Lease and Sublease Agreement will commence with the date of issue of the Bonds and will terminate on the date of final payment of the Bonds.

Construction of all such facilities is anticipated to be completed by approximately June 1975. All of such facilities are being constructed pursuant to applicable permits issued by the Air Quality Commission and Water Quality Commission of the Department of Environmental Quality, as required. Bonds will be issued to provide funds only for the company's 70 percent undivided interest in the pollution control equipment at the Duane Arnold Energy Center, in which Central Iowa Power Cooperative and Corn Belt Power Cooperative have 20 percent and 10 percent undivided interests, respectively.

8. The City considers that the acquisition, improvement and equipment of the pollution control facilities, the leasing of same by the company to the City, and the subleasing of the same to the company will promote the reduction, prevention and elimination of pollution of the air within the City and thereby promote the general health and welfare of the inhabitants of said area. Any portion of the proceeds of the Bonds not required in connection with such acquisition will be used to repurchase Bonds in the open market or to pay principal and interest on the Bonds.

9. The City is authorized and empowered to issue the Bonds under Chapter 419 of the Code of Iowa, 1973, and the City will issue the Bonds pursuant to an Indenture of Trust to be entered into between the City and the Trustee. Interest payable on the Bonds will be exempt from Federal income taxes under the provisions of Section 103 of the Internal Revenue Code of 1954, as amended (except for interest on any Bond during a period in which it is held by a person who is a substantial user of the facilities or a related person).

10. While the City will be issuer of the Bonds, as required for purposes of exemption of the interest on the Bonds from Federal income taxation, the credit of the City will not be pledged to the payment of the Bonds. The Bonds will be payable only from proceeds from the subleasing or sale of the facilities, and all sublease rentals will be assigned to,

and deposited directly with, the Trustee. The Sublease Agreement will require that the company continue to pay rental whether or not the facilities are destroyed. The rentals payable under the Sublease Agreement will be the amount required to pay principal, premium, if any, and interest on the Bonds, the fees and expenses of the Trustee, and the reasonable expenses of the City related to the facilities, subject to approval by the company of such expenses before they are incurred. The Equipment Lease and the Sublease Agreement will provide that the facilities will be conveyed to the company for a nominal sum at such time as all Bonds have been paid or payment thereof has been duly provided for.

11. The guaranty proposed herein is required because, under the United States Bankruptcy Act, the claim provable with respect to a lease is limited to one year's rent in the case of the bankruptcy of a lessee and three years' rent in the event of the reorganization of a lessee. If there is no guaranty as proposed herein, rating agencies customarily rate industrial bonds to be paid out of lease payments one grade lower than they rate the senior unsecured long-term debts of the lessee.

12. The guaranty is to be absolute and unconditional. It will apply notwithstanding any default on the part of the City, or any compromise, settlement, modification, amendment, release or termination of any or all of the obligations, covenants or agreements of the City. The guaranty is desirable since it will permit the City to obtain the most advantageous interest rate for the Bonds.

13. The pollution control revenue bonds will be sold to underwriters by the City, and the bond purchase agreement relating to the Bonds will be entered into by the City and the underwriters. The Company will not be a party to such agreement.

14. While it is impossible to predict the precise interest differential which may be obtained in connection with the issuance of the Bonds, tax-exempt bonds such as these have recently carried an annual

interest rate approximately two percentage points lower than taxable long-term bonds issued by the corporation for which the tax-exempt bonds are issued. Therefore, it is expected that the company will realize substantial savings in connection with this transaction on the interest cost it would otherwise incur by financing the facilities directly through the company's issuance of taxable bonds.

15. The company is advised that the tax-exempt bond market is a different market from the market in which the company usually sells its long-term securities. Their tax-free status and related lower interest rate make them unattractive to institutions which normally purchase taxable utility bonds, such as pension, profit-sharing and mutual funds, savings banks and life insurance companies. Tax-exempt bonds are normally purchased by commercial banks, fire and casualty insurance companies and individuals who do not normally purchase taxable utility bonds. The proceeds to the City from the sale of the Bonds is expected not to exceed in the aggregate \$17,800,000 principal amount.

16. The execution by Applicant of such Guaranty Agreement and related documents, as herein set forth, are reasonably required and necessary for Applicant's proper corporate purposes and should be authorized and approved.

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

Since Chapter 115-1-4, Colorado Revised Statutes 1963, as amended, requires that security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted and that this decision should be the initial decision of the Commission.

CONCLUSION

It is the conclusion of the Commission that the authorization sought in the aforesaid application should be granted and the following order should be entered.

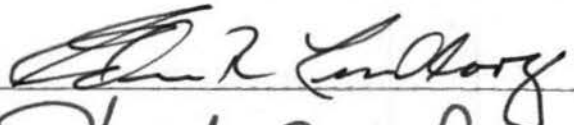
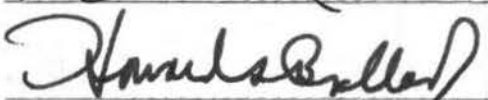
O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant is hereby authorized to execute a Guaranty Agreement of Pollution Control Revenue Bonds to be issued by the City of Cedar Rapids, Iowa, in a principal amount not exceeding \$17,800,000, and related documents.
2. The Securities authorized to be guaranteed hereunder shall bear on their face a serial number for proper and easy identification.
3. Applicant, within ninety (90) days after issuance and sale of said Pollution Control Revenue Bonds and the execution of said Guaranty Agreement, shall file with this Commission a verified report to this Commission setting forth the details of such transaction.
4. Nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said Guaranty Agreement on the part of the State of Colorado.
5. This Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper and desirable.
6. The authority herein granted shall be exercised from and after the date of this Order, and the Order herein contained shall be effective forthwith.
7. The within Decision and Order shall be the initial Decision and Order of the Commission as provided in Chapter 115-6-9(6), CRS 1963, as amended.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 82907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE)
SERVICE OF TELEPHONE UTILITIES)
WITHIN THE STATE OF COLORADO.)

CASE NO. 5323

ORDER OF THE COMMISSION SETTING
ADDITIONAL HEARING DATE

- - - - -
May 4, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 26, 1973, L. David Patterson, by his attorney Maurice R. Franks, filed with the Commission a Motion to make May 31, 1973 setting definite. The purpose of said Motion, as stated therein, is to enable the Intervenor and all other interested parties who are not able to appear on May 30, 1973, but who are able to appear on May 31, 1973, to be heard on the instant matter. The Commission finds that good grounds exist for setting May 31, 1973, as an additional hearing date in this matter. The presence or absence of said Intervenor on May 30, 1973, is optional with him and shall not affect the normal conduct of the hearing on that date, nor should Intervenor construe the Order herein as a special permission under or derogation of Rule 14 P of the Commission's Rules of Practice and Procedure.

The Commission concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. This matter is hereby set for hearing before the Public Utilities Commission as follows:

DATE: May 30 and 31, 1973

TIME: 10 a.m.

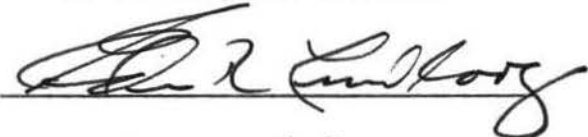
PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

2. This Order shall not be construed to grant special permission under or derogate in any way from Rule 14 P of the Commission's Rules of Practice and Procedure.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ADDITIONS TO AND CHANGES IN
NAMES OF TERMINALS AND REFINERIES;
ADDITION OF A RULE FOR APPLICATION
OF RATES; AND ELIMINATION OF RATES
ON PETROLEUM PRODUCTS FROM REFINERY
AT ALAMOSA, COLORADO

CASE NO. 1585

May 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 6, 1973, the Colorado Motor Tariff Bureau, Inc., Agent, filed revised pages to Motor Freight Tariff No. 7-A, Colorado PUC No. 12* and Motor Freight Tariff No. 22, Colorado PUC No. 21 (*Colorado Motor Carriers' Association, Agent, Series) as set forth in Appendix "A" attached hereto. The schedules are published to be effective May 7, 1973.

The amendments to the tariffs reflect no increased rates and charges. However, the current applicable rates from the refinery at Alamosa, Colorado, to points in the San Luis Valley, Canon City, Trinidad and Walsenburg, Colorado, are eliminated due to the closing of the refinery.

Item No. 52 is an additional rule to clarify the interpretation of the rates in Tariff No. 7-A.

Items 8, 55 and 60 amend the wording to reflect changed names in refineries or terminals.

The Commission finds that, pursuant to Rule 19-B of the Rules of Practice and Procedure, an Order should be entered in Case No. 1585 prescribing the changes set forth in Appendix "A" attached hereto.

O R D E R

THE COMMISSION ORDERS:

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

2. That the rates, rules and provisions as amended, shall be the prescribed rates, rules and regulations of the Commission.

3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published, tariffs reflecting the changes herein.

4. That all contract carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. That on and after May 7, 1973, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed.

6. That on and after May 7, 1973, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier.

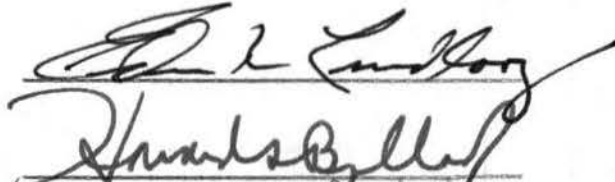
8. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

9. That this Order shall become effective forthwith.

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

DONE IN OPEN MEETING, this 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Appendix "A"

5TH REVISED PAGE No. 10
CANCELS
4TH REVISED PAGE No. 10

COLO. P.U.C. No. 12*
(*COLORADO MOTOR CARRIERS'
ASSOCIATION, AGENT, SERIES)

COLORADO MOTOR TARIFF BUREAU, INC., AGENT
MOTOR FREIGHT TARIFF No. 7-A

ITEM No.	RULES AND REGULATIONS								
55	<p><u>APPLICATION OF RATES AND DISTANCES FROM DENVER, COLORADO:</u></p> <p>THE RATES AND DISTANCES PUBLISHED IN THIS TARIFF FROM DENVER WILL ALSO APPLY FROM THE FOLLOWING REFINERIES AND TERMINALS (SUCH REFINERIES AND TERMINALS MUST BE LOCATED WITHIN 15 AIRLINE MILES OF THE COLORADO STATE CAPITOL BUILDING):</p> <table><tr><td>CHASE TERMINAL COMPANY</td><td>PHILLIPS PIPE LINE TERMINAL</td></tr><tr><td>CONTINENTAL OIL REFINERY</td><td>REFINERY CORPORATION</td></tr><tr><td>DENVER PRODUCTS TERMINAL</td><td>SKELLY OIL COMPANY REFINERY</td></tr><tr><td>DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL</td><td>WYCO PIPE LINE TERMINAL (DUPONT)</td></tr></table>	CHASE TERMINAL COMPANY	PHILLIPS PIPE LINE TERMINAL	CONTINENTAL OIL REFINERY	REFINERY CORPORATION	DENVER PRODUCTS TERMINAL	SKELLY OIL COMPANY REFINERY	DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL	WYCO PIPE LINE TERMINAL (DUPONT)
CHASE TERMINAL COMPANY	PHILLIPS PIPE LINE TERMINAL								
CONTINENTAL OIL REFINERY	REFINERY CORPORATION								
DENVER PRODUCTS TERMINAL	SKELLY OIL COMPANY REFINERY								
DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL	WYCO PIPE LINE TERMINAL (DUPONT)								
60	<p><u>APPLICATION OF RATES AND DISTANCES FROM LA JUNTA, COLORADO:</u></p> <p>THE RATES AND DISTANCES PUBLISHED IN THIS TARIFF FROM LA JUNTA ALSO APPLY FROM THE PHILLIPS PIPE LINE TERMINAL AND DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL, IF THE TERMINAL NAMED IS WITHIN 5 AIRLINE MILES OF THE OTERO COUNTY COURT HOUSE.</p>								

12TH REVISED PAGE No. 9
CANCELS
11TH REVISED PAGE No. 9

52 / A	<p><u>APPLICATION OF DISTANCE SCALES OF RATES:</u></p> <p>DISTANCE OR MILEAGE COMMODITY RATES SHOWN HEREIN MAY BE USED ONLY WHEN NO COMMODITY RATES (OTHER THAN DISTANCE COMMODITY RATES) HAVE BEEN PUBLISHED TO APPLY FROM AND TO THE SAME POINTS OVER THE SAME ROUTE.</p>
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9TH REVISED PAGE No. 19-A
CANCELS
8TH REVISED PAGE No. 19-A

SECTION 1

RATES IN CENTS PER GALLON ON PETROLEUM AND PETROLEUM PRODUCTS, AS DESCRIBED IN ITEM 10 HEREIN, APPLICABLE ON SHIPMENTS WITHIN PLAINS TERRITORY. (SEE ITEM 30)

TO	FROM	MILES	ALAMOSA
			A B

ALL RATES FORMERLY SHOWN FROM ALAMOSA ARE HEREBY CANCELED, ACCOUNT NO APPLICATION, REFINERY CLOSED.

Appendix "A"

COLO. PUC 21*
(COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, SERIES) TARIFF 22 1ST REVISED PAGE 8
COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 1													
RULE	GENERAL RULES AND REGULATIONS												
8	<p><u>DENVER, COLORADO, PRIMARY POINT OF ORIGIN:</u></p> <p>FOR THE PURPOSES OF SECTIONS 3 AND 4 HEREIN, THE PRIMARY POINT OF ORIGIN OF DENVER, WILL BE DEEMED TO INCLUDE THE FOLLOWING REFINERIES AND TERMINALS (PROVIDED SUCH REFINERY OR TERMINAL IS LOCATED WITHIN 15 AIRLINE MILES OF THE COLORADO STATE CAPITOL BUILDING):</p> <table><tbody><tr><td>/CHASE TERMINAL COMPANY</td><td>PHILLIPS PIPE LINE TERMINAL</td></tr><tr><td>CONTINENTAL OIL REFINERY</td><td>/REFINERY CORPORATION</td></tr><tr><td>DENVER PRODUCTS TERMINAL</td><td>/SKELLY OIL COMPANY REFINERY</td></tr><tr><td>/DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL</td><td>(E)</td></tr><tr><td>(E)</td><td>(E)</td></tr><tr><td>(E)</td><td>WYCO PIPE LINE TERMINAL (DUPONT)</td></tr></tbody></table> <p><u>FOUNTAIN, COLORADO, PRIMARY POINT OF ORIGIN:</u></p> <p>FOR THE PURPOSES OF SECTIONS 3 AND 4 HEREIN, THE PRIMARY POINT OF ORIGIN OF FOUNTAIN, WILL BE DEEMED TO INCLUDE THE FOUNTAIN PIPE LINE TERMINAL.</p> <p><u>LA JUNTA, COLORADO, PRIMARY POINT OF ORIGIN:</u></p> <p>FOR THE PURPOSES OF SECTIONS 3 AND 4 HEREIN, THE PRIMARY POINT OF LA JUNTA, WILL BE DEEMED TO INCLUDE THE DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL AND PHILLIPS PIPE LINE TERMINAL, PROVIDED SUCH TERMINALS ARE LOCATED WITHIN 5 AIRLINE MILES OF THE OTERO COUNTY COURT HOUSE.</p>	/CHASE TERMINAL COMPANY	PHILLIPS PIPE LINE TERMINAL	CONTINENTAL OIL REFINERY	/REFINERY CORPORATION	DENVER PRODUCTS TERMINAL	/SKELLY OIL COMPANY REFINERY	/DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL	(E)	(E)	(E)	(E)	WYCO PIPE LINE TERMINAL (DUPONT)
/CHASE TERMINAL COMPANY	PHILLIPS PIPE LINE TERMINAL												
CONTINENTAL OIL REFINERY	/REFINERY CORPORATION												
DENVER PRODUCTS TERMINAL	/SKELLY OIL COMPANY REFINERY												
/DIAMOND SHAMROCK CORPORATION PIPE LINE TERMINAL	(E)												
(E)	(E)												
(E)	WYCO PIPE LINE TERMINAL (DUPONT)												

▲ - DENOTES A CHANGE RESULTING IN NEITHER AN INCREASE NOR A REDUCTION.

(E) - DENOTES ELIMINATE

/ - DENOTES ADDITION

Finis

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN TARIFF COLO. P.U.C.	)	DOCKET NO. 755
NO. 5 - TELEPHONE, OF THE MOUNTAIN)	
STATES TELEPHONE AND TELEGRAPH COMPANY,	)	ORDER OF THOMAS M. McCAFFREY,
UNDER ADVICE LETTER NO. 795.	)	EXAMINER

May 7, 1973

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

On April 4, 1973, hearing was concluded in the above Investigation and Suspension Docket No. 755. Upon conclusion of the hearing, the Examiner ordered that any of the parties in the proceeding could file Statements of Position and Recommendations for Tariff, including Suggested Findings of Fact and Conclusions thereon by May 4, 1973.

On May 4, 1973, Protestant City and County of Denver, by its counsel, filed a "Motion for Additional Time to File Suggested Findings of Fact and Opinion," stating as grounds therefor that two or more of the Protestants, including the City and County of Denver are, as of May 4, 1973, serving copies of their respective Statements of Position and Proposed Standards for Tariff, as said Protestants stated in the hearing may be done. Said Motion requests additional time for the purpose of filing a joint Proposed Findings of Fact and Statement of Position on behalf of the Protestants herein.

O R D E R

THE EXAMINER ORDERS THAT:

1. After due consideration and for good cause shown, the period of time for filing Statements of Position, Recommendations for Tariffs, and Suggested Findings of Fact and Conclusions thereon be, and hereby is, extended to May 15, 1973.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McElroy
Examiner
rw/hbp

(Decision No. 82910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF STANLEY GOLDFEDER, DOING)
BUSINESS AS "BONANZA MOVING &)
STORAGE CO.," 4585 IRLINTON STREET,)
DENVER, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 2589 TO)
BONANZA MOVING & STORAGE CO., INC.,)
4585 IRLINTON STREET, DENVER,)
COLORADO.)

APPLICATION NO. 26111-Transfer

IN THE MATTER OF THE APPLICATION)
OF STANLEY GOLDFEDER, DOING)
BUSINESS AS "BONANZA MOVING &)
STORAGE CO.," 4585 IRLINTON STREET,)
DENVER, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 3383 TO)
BONANZA MOVING & STORAGE CO., INC.,)
4585 IRLINTON STREET, DENVER,)
COLORADO.)

APPLICATION NO. 26112-Transfer

RECOMMENDED DECISION OF
THOMAS M. McCAFFREY,
EXAMINER,
GRANTING APPLICATIONS

May 9, 1973

Appearances: Joseph F. Nigro, Esq.,
Denver, Colorado, for
Transferors and Transferees.

PROCEDURE AND RECORD

On September 26, 1972, Applicant Stanley Goldfeder, doing business as "Bonanza Moving & Storage Co.," filed the above-titled applications for authority to transfer the authorities as specifically set forth in said applications.

On October 24, 1972, Gloria Goldfeder filed with the Commission a document titled "Objection to Transfer."

The Commission assigned Docket No. 26111-Transfer and Docket No. 26112-Transfer to the respective applications, and, after due and proper notice to all interested persons, firms, or corporations, set the herein matters for a hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Monday, April 30, 1973, at 10 a.m. The hearing was held at the said time and place by Thomas M. McCaffrey, Examiner, to whom the applications had been duly assigned pursuant to law. Both applications were consolidated for hearing and heard on a joint record.

Exhibits Nos. 1 through 4, inclusive, were tendered and admitted into evidence. Official notice was taken of the Articles of Incorporation of Bonanza Moving & Storage Co., Inc., and the Equipment List of Bonanza Moving & Storage Co., both of which documents are on file with the Commission.

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

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

FINDINGS OF FACT

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

1. Transferor on both applications herein is an individual, doing business as "Bonanza Moving & Storage Co.," and is the present

owner and operator of Certificates of Public Convenience and Necessity PUC No. 2589 and PUC No. 3383, which authorities are the subject of this proceeding. These authorities have been continually operated in the past and are presently in good standing with the Commission.

2. Transferee on these applications, Bonanza Moving & Storage Co., Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado, and is presently in good standing with and authorized to do business in Colorado.

3. Officers of the Transferee corporation are Stanley Goldfeder, President; Joseph F. Nigro, Vice-President; and Helen Magoon, Secretary-Treasurer. Stanley Goldfeder is the sole stockholder in the corporation.

4. Transferee does not hold previously granted authority from this Commission.

5. The Commission has jurisdiction over the Transferor, Transferee, and the subject matter of these applications.

6. Neither Gloria Goldfeder, who filed an "Objection to Transfer" on these applications, nor any representative on her behalf, appeared in the hearing, and said person's objection to the transfer should be dismissed.

7. The authorities sought to be transferred in these applications are as follows:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 2589:

"Transportation -- on call and demand -- of

(1) Household goods, furniture and office equipment

Between all points within the City and County of Denver, Colorado, and a five-mile radius thereof.

RESTRICTION:

This Certificate is restricted against rendering transportation service within Arvada, Colorado, and Littleton, Colorado."

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 3383:

"Transportation of new and used furniture, between homes, business places, and upholstery shops;

transportation of lumber, between lumber yards and carpenter and repair shops;

transportation of mail, between, from and to business houses, the Post Office, and Post Office Sub-Stations,

all from point to point within the City and County of Denver, State of Colorado."

8. The purpose of these applications is to transfer the respective aforesaid authorities from the individual name of the Transferor to the Transferee corporation of which the Transferor is an incorporator, President, and sole stockholder. All equipment and other assets of the Transferor have been, or will be upon the granting of these applications, conveyed to the Transferee corporation.

9. There is an existing lien upon both of the subject authorities in the form of a Security Agreement and Financing Statement in the amount of \$20,000 held by Herman L. Goldfeder, father of the Transferor herein. This lien, a copy of which is filed as Exhibit No. 3 herein, has been previously approved by the Commission.

10. Transferee owns or has available three tractor vehicles, three vans, and two pickup trucks, which equipment is ample and suitable for the operation of the authorities sought to be transferred herein.

11. Transferee has, or will have, upon the granting of these applications, a net worth of approximately \$118,747, which amount is ample and suitable for the operation of the authorities sought to be transferred herein.

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

13. The chief corporate officers of the Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Transferee has made or will make adequate provision for insurance.

14. The granting of these applications will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The "Objection to Transfer" filed by Gloria Goldfeder should be dismissed.

2. The transfer of the authorities sought by Applicants should be granted as hereinafter set forth.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Objection to Transfer" of Gloria Goldfeder be, and hereby is, dismissed.

2. Stanley Goldfeder, doing business as "Bonanza Moving & Storage Co.," 4585 Ironton Street, Denver, Colorado 80239, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 2589 to Bonanza Moving & Storage Co., Inc., 4585 Ironton Street, Denver, Colorado 80239, subject to encumbrances against said authority.

3. Stanley Goldfeder, doing business as "Bonanza Moving & Storage Co.," 4585 Ironton Street, Denver, Colorado 80239, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 3383 to Bonanza Moving & Storage Co., Inc., 4585 Ironton Street, Denver, Colorado 80239, subject to any and all encumbrances against said authority.

4. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2589 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) Household goods, furniture and office equipment

Between all points within the City and County of Denver, Colorado, and a five-mile radius thereof.

RESTRICTION:

This Certificate is restricted against rendering transportation service within Arvada, Colorado, and Littleton, Colorado.

5. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3383 shall read and be as follows, to-wit:

Transportation of new and used furniture, between homes, business places, and upholstery shops;

transportation of lumber, between lumber yards and carpenter and repair shops;

transportation of mail, between, from and to business houses, the Post Office, and Post Office Sub-Stations,

all from point to point within the City and County of Denver, State of Colorado.

6. The approval of the existing lien on Certificates of Public Convenience and Necessity PUC No. 2589 and PUC No. 3383 be, and hereby is, continued.

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

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McElroy
Examiner
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 26351-PP
VENCES A. TRUJILLO, 533 HURT STREET,)	
P.O. BOX 362, CENTER, COLORADO, FOR	)	RECOMMENDED DECISION OF
A CLASS "B" PERMIT TO OPERATE AS A	)	CHRISTIAN O. IGENBERGS,
CONTRACT CARRIER BY MOTOR VEHICLE	)	EXAMINER,
FOR HIRE.)	
	)	GRANTING APPLICATION

May 9, 1973

Appearances: Vences A. Trujillo,
Center, Colorado,
pro se;
Elizabeth A. Conour, Esq.,
Del Norte, Colorado, for
Fred T. Gibson, doing business
as "Gibson Truck Line," Pro-
testant;
Jean Paul Jones, Esq., Alamosa,
Colorado, for Ashton
Trucking Co.; Phillips
Trucking Company; and
G & G Trucking Co.,
Protestants.

PROCEDURE AND RECORD

Under date of February 2, 1973, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned Docket No. 26351-PP to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Timely protests were filed by the carriers listed above under "Appearances."

On February 26, 1973, Applicant filed an amendment to the application.

The Commission, after due and proper notice to all interested persons, firms, or corporations, set the herein matter to be heard in the Courtroom of the County Court, Courthouse, Alamosa, Colorado, on Thursday,

April 19, 1973, at 9 a.m., at which time and place it was heard by Christian O. Igenbergs, Examiner, to whom it had been assigned, pursuant to law.

Applicant, in addition to the amendment filed on February 26, 1973, which said amendment reduces the radial area proposed to be served from Center, Colorado, from seventy-five (75) miles to twenty-five (25) miles, presented to the Examiner three further amendments, to-wit: (a) limiting his proposed services to one customer only, namely, Fred Fuchs of Del Norte, Colorado; (b) eliminating one commodity, namely, "grain" from the enumeration of commodities to be transported; and (c) limiting his equipment to be used in the proposed services to one truck only.

The proposed amendments, being clearly restrictive in nature and not changing the essence of the proposed services, were ruled upon by the Examiner as follows, to-wit:

The amendment reducing the radial service area from seventy-five (75) miles from Center, Colorado, to twenty-five (25) miles, was granted; the amendment limiting the proposed services to one customer only, namely, Fred Fuchs of Del Norte, Colorado, was granted; the amendment eliminating grain from the list of commodities to be transported was granted; the amendment limiting Applicant's equipment to one truck only was taken under advisement and is hereby rejected.

After the Examiner had ruled on the amendments to the application, all Protestants jointly moved for leave to withdraw their respective protests and for leave to withdraw from further proceedings in the subject matter. The motion was granted by the Examiner and the hearing proceeded and was concluded as a non-protested matter.

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

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

findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. Applicant is an individual, one Vences A. Trujillo, a resident of Center, Colorado.

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

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

4. Applicant requests that, in the event this application is granted, said operating rights be known as "Permit No. B-7682," being the number of a Permit formerly held by him.

5. By this application, as finally amended, Applicant requests Class "B" contract carrier authority to transport by motor vehicle for hire the following designated commodities within the following described territory or area:

Potatoes and hay within a twenty-five (25) mile radius from Center, Colorado, restricted, however, to services for one customer only, namely, Fred Fuchs, of Del Norte, Colorado.

6. Applicant owns one sixteen-foot Ford flatbed truck, which said equipment is found to be suitable to perform the proposed operations.

7. Applicant has a net worth of approximately \$12,000, which said monies are found to be ample and sufficient to finance the proposed operations.

8. Applicant has been, off and on, in the trucking business for about eight years and for this reason has acquired the necessary knowledge and experience to conduct the proposed operations.

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

10. Applicant is amply insured.

11. Applicant has an oral contract or agreement with his prospective customer, Fred Fuchs, to perform the proposed services.

12. According to the testimony given by the aforesaid Fred Fuchs at the hearing, said customer owns or co-owns various farming and ranching undertakings in the San Luis Valley, all within a twenty-five (25) mile radius of Center, Colorado. The various storage sheds and/or stacks are mainly located on the customer's private land away from the highways around Center, Colorado, and it takes a local carrier, well acquainted with the business of said customer, to be able to find, properly load, and then transport and deliver the customer's commodities with a minimum loss of time and expense. Applicant has previously worked as an employee for the aforesaid witness in this type of work and has been found to be a good, experienced and very careful worker. In essence, said customer has a present and special need for the service of Applicant.

13. The operation proposed by Applicant will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

14. Applicant has established that the transportation to be performed is, in truth and fact, contract carriage.

15. Applicant has established that he is fit, willing and able to perform the proposed service.

16. The granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

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

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Vences A. Trujillo, 533 Hurt Street, P.O. Box 362, Center, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

Transportation of

Potatoes and hay

Between all points within a radius of twenty-five (25) miles of Center, Colorado,

RESTRICTION:

This Permit is restricted to serving one customer, Fred Fuchs, only;

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

2. Said operating rights shall be known as "Permit No. B-7682," being the number of a Permit formerly held by Applicant.

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

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

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

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

7. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 26354-PP
GARET J. RUTGERS, DOING BUSINESS AS)	
"CENTRAL FARMS," ROUTE 2, BOX 246,	)	RECOMMENDED DECISION OF
ALAMOSA, COLORADO, FOR A CLASS "B"	)	CHRISTIAN O. IGENBERGS,
PERMIT TO OPERATE AS A CONTRACT	)	EXAMINER,
CARRIER BY MOTOR VEHICLE FOR HIRE.	)	DISMISSING APPLICATION

- - - - -
May 9, 1973
- - - - -

Appearances: Garett J. Rutgers, Alamosa,
Colorado, Applicant, pro se;
Elizabeth A. Conour, Esq.,
Del Norte, Colorado, for
Fred T. Gibson, doing business
as "Gibson Truck Lines,"
Protestant;
Jean Paul Jones, Esq., Alamosa,
Colorado, for Ashton Trucking
Co.; Phillips Trucking Company;
and G & G Trucking Co., Protestants.

PROCEDURE AND RECORD

Under date of January 29, 1973, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned Docket No. 26354-PP to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Timely protests were filed by the carriers listed above under "Appearances."

The Commission assigned the said application to Christian O. Igenbergs, Examiner, and after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the Courtroom of the County Court, Alamosa, Colorado, on Thursday, April 19, 1973, at 9 p.m.

The hearing was held at the aforesaid time and place.

Upon the conclusion of the Applicant's case, all Protestants, through their respective counsel, moved that the application be dismissed on the grounds that Applicant had failed to make a prima facie case, which motion was granted by the Examiner on the basis of the FINDINGS OF FACT and CONCLUSIONS as hereinafter stated.

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

FINDINGS OF FACT

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

1. Applicant is an individual, one Garet J. Rutgers, doing business as "Central Farms."

2. Applicant in this matter proposes to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation of hay, straw, feed grains, and manure, from point to point within the State of Colorado.

3. Applicant has failed to present to this Commission any evidence with respect to the equipment proposed to be used, his financial fitness, trucking experience, knowledge of the Commission's rules and regulations, insurance coverage, and the needs of any shippers to avail themselves of the proposed service.

4. The granting of the subject application will not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant has failed to establish, as a matter of fact, that he intends to and will perform services as a contract carrier by motor vehicle for hire.

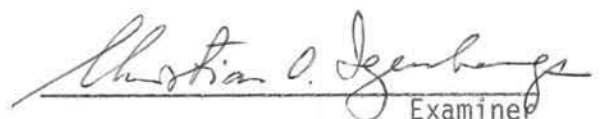
2. The subject application should be dismissed.
3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26354-PP, being an application of Garet J. Rutgers, doing business as "Central Farms," Route 2, Box 246, Alamosa, Colorado, for a Class "B" permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26338-PP-Transfer
JOE NEMECIO ABEYTA AND S. FRANK)	
ABEYTA, P.O. BOX 524, SAGUACHE,)	RECOMMENDED DECISION OF
COLORADO, FOR AUTHORITY TO TRANSFER)	CHRISTIAN O. IGENBERGS,
PERMIT NO. B-5937 TO ALEX ABEYTA,)	EXAMINER,
P.O. BOX 524, SAGUACHE, COLORADO.)	DISMISSING APPLICATION.

- - - - -
May 9, 1973
- - - - -

Appearances: Alex Abeyta, Saguache,
Colorado, Transferee,
pro se;
George W. Woodard, Esq.,
Alamosa, Colorado, for
Joe Nemecio Abeyta,
Protestant.

PROCEDURE AND RECORD

Under date of January 24, 1973, Applicants S. Frank Abeyta and Alex Abeyta filed the above-entitled application with this Commission for authority to transfer Permit No. B-5937, to operate as a Class "B" contract carrier by motor vehicle for hire from Joe Nemecio Abeyta and S. Frank Abeyta, Transferors, to Alex Abeyta, Transferee.

The Commission assigned Docket No. 26338-PP-Transfer to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Joe Nemecio Abeyta, co-owner of record of Permit No. B-5937 timely filed a protest.

The Commission, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Courtroom of the County Court, Alamosa, Colorado, on Thursday, April 19, 1973, at 9 a.m.

The hearing was held at the aforesaid time and place by Christian O. Igenbergs, Examiner, to whom the subject matter had been duly assigned, pursuant to law.

Exhibit No. 1 was tendered and admitted into evidence.

The Examiner, upon his own motion, took official notice of Commission Decision Nos. 72661 and 74168.

Upon the conclusion of Protestant's case, Protestant Joe Nemecio Abeyta, through his counsel, moved that the application be dismissed on the grounds that said Protestant is still a partner in the ownership of Permit No. B-5937, and as a partner he has not authorized anyone to sell and transfer his interest in the said Permit, wherefore the requested transfer of authority could not be lawfully granted. The Examiner granted the motion and dismissed the subject application on the basis of the FINDINGS OF FACT and CONCLUSIONS as hereinafter stated.

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

FINDINGS OF FACT

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

1. The record owner of Permit No. B-5937 is a partnership which consists of two individuals: Joe Nemecio Abeyta and S. Frank Abeyta, residents of Saguache, Colorado.
2. On December 19, 1968, both partners filed with the Commission an application requesting that authority be granted to transfer the said Permit from the partnership to S. Frank Abeyta as a sole proprietor. The Commission granted the request conditionally by Decision No. 72661, dated March 13, 1969.

The requirements of the Commission as contained in the aforesaid Decision were never complied with by Transferors and Transferee, and the Commission, by Decision No. 74168, dated January 15, 1970, set said Decision

No. 72661 aside and directed the Secretary of the Commission to change the subject records to show that both Joe Nemecio Abeyta and S. Frank Abeyta are the owners of Permit No. B-5937. Neither Joe Nemecio Abeyta nor S. Frank Abeyta requested the Commission to reconsider Decision No. 74168.

3. On January 24, 1973, S. Frank Abeyta, purportedly acting for the partnership as Transferor, and Alex Abeyta, as Transferee, signed the subject application. Joe Nemecio Abeyta promptly filed his protest.

4. It appears from the facts in the record that there is disagreement between the two partners and record owners of Permit No. B-5937. Be it as it may, this Commission cannot be used as a vehicle and forum to settle matters that possibly might more properly be decided by a judicial court. This application now before the Commission is, to say the least, premature. Since one record owner proposed to transfer the authority and the other opposes such action, this Commission has no other recourse but to dismiss the application. It is up to the Abeyta family to set their house in order and decide what to do, thereafter filing, if they so elect, a proper pleading with this Commission who then will act as the public interest may dictate.

5. The granting of the subject application is not in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 26338-PP-Transfer should be dismissed.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

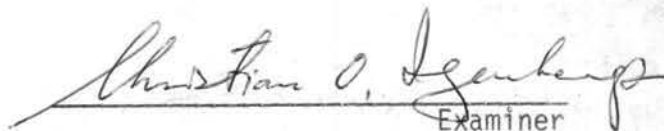
THE COMMISSION ORDERS THAT:

1. Application No. 26338-PP-Transfer, being an application of S. Frank Abeyta, P.O. Box 524, Saguache, Colorado, to transfer Permit No. B-5937 to Alex Abeyta, P.O. Box 524, Saguache, Colorado, be, and hereby is, dismissed.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/js

(Decision No. 82914)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WYCOFF COMPANY, INCORPORATED, 560	)	APPLICATION NO. 25832-Amended
SOUTH SECOND WEST STREET, SALT LAKE)	
CITY, UTAH, AND 5355 HARRISON STREET,	)	ORDER OF ROBERT L. PYLE,
DENVER, COLORADO, FOR A CERTIFICATE	)	EXAMINER, GRANTING CONTINUANCE
OF PUBLIC CONVENIENCE AND NECESSITY	)	FOR FILING STATEMENTS OF
TO OPERATE AS A COMMON CARRIER BY	)	POSITION
MOTOR VEHICLE FOR HIRE.)	

- - - - -
May 9, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

Heretofore and particularly by letter of April 5, 1973, Applicant was granted to and including the date of May 7, 1973, within which to file Statements of Position with respect to the above-entitled application.

Your Examiner is now in receipt of a Motion by Applicant, through its attorney, John J. Conway, to extend the time within which to file Statements of Position to and including May 31, 1973, and, for good cause shown, said extension should be granted.

O R D E R

THE EXAMINER ORDERS THAT:

1. The parties hereto shall have to and including May 31, 1973, at 5 p.m., within which to file Statements of Position in the above-entitled application.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Pyle
Examiner

rw/js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 26329
WESTERN SLOPE TRANSPORTATION COMPANY,)	
A COLORADO CORPORATION, P.O. BOX 31,	)	ORDER OF ROBERT L. PYLE,
EAGLE, COLORADO, 81631, FOR A CERTIFI-	)	EXAMINER, CONTINUING
CATE OF PUBLIC CONVENIENCE AND	)	DATE FOR FILING AMENDMENT
NECESSITY TO OPERATE AS A COMMON	)	TO APPLICATION
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

May 9, 1973

Appearances: Leo W. Kennedy, Esq., Lakewood,
Colorado, for Applicant;
Orville Dunlap, Montrose,
Colorado, president of Orville
Dunlap & Son, Inc., Protestant,
pro se;
Ray Hawks, Montrose, Colorado,
president of Western Slope Truck
Lines, Inc., Protestant, pro se;
Kenuff D. Wolford, Esq., Denver,
Colorado, for Salida Transfer Co.
and Eveready Freight Service,
Inc., Protestants;
John H. Lewis, Esq., Denver,
Colorado, for Harp Transportation
Lines, Inc.; Rio Grande Motor Way,
Inc.; and Larson Transportation
Company, Protestants;
John P. Thompson, Esq., Denver,
Colorado, for David C. Hamilton
and Tony R. Hamilton, doing
business as "Eagle Truck Line,"
Protestant;
Peter J. Crouse, Esq., Denver,
Colorado, for Don Ward, Inc.,
Protestant;
William A. Wilson, Esq., Denver,
Colorado, for Summit Disposal and
Eagle County Trash Removal Service,
Inc., Protestants;
R. D. Spangler, Glenwood Springs,
Colorado, of Spangler & Sons
Moving & Storage, Inc., Protestant,
pro se;
James M. Lyons, Esq., Denver, Colorado,
for Wells Fargo Armored Service
Corporation, Protestant;
Harold D. Torgan, Esq., Denver,
Colorado, for Transit Homes, Inc.,
and National Trailer Convoy,
Protestant;
James A. Windholz, Esq., Boulder,
Colorado, for Aspen Trash Service,
Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

Under date of April 27, 1973, your Examiner was informed that Applicant was called out of the state by reason of a death in the family making it impossible for him to comply with the April 19, 1973, Order regarding the filing of an amended application, and additional time was requested to file such amendment. The request is reasonable and, for good cause shown, such extension of time should be granted.

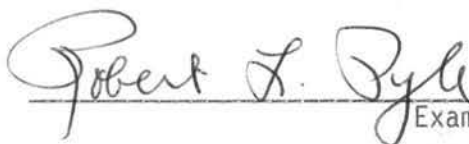
O R D E R

THE EXAMINER ORDERS THAT:

1. The Applicant shall have to and including May 11, 1973, within which to file an amendment to the above-entitled application, upon receipt of which the Commission shall renotice or republish and set for hearing in the usual manner.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOSEPH AGAPITO CHAVEZ, DOING BUSINESS)	APPLICATION NO. 26424-PP
AS "JOSEPH A. CHAVEZ DELIVERY SERVICE,")	
1233 SOUTH GRAY STREET, LAKEWOOD,)	ORDER OF ROBERT L. PYLE,
COLORADO, FOR A CLASS "B" PERMIT TO)	EXAMINER, CONTINUING FOR
OPERATE AS A CONTRACT CARRIER BY MOTOR)	THE FILING OF AMENDED
VEHICLE FOR HIRE.)	APPLICATION

- - - - -
May 9, 1973
- - - - -

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Edson Express, Inc.;
and Overland Motor Express,
Inc., doing business as
"Boulder-Denver Truck Line,"
Protestants.
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Acme Delivery Service, Inc.;
Amick Transfer & Storage Co.;
Bekins Van & Storage Co.;
Berkeley Moving & Storage Co.;
Bonanza Moving & Storage Co.;
Buehler Transfer Co.; Denver
Moving & Storage, Inc.; G. I.
Moving & Storage Co.; Johnson
Storage & Moving Co.; Kamp
Moving & Storage Co.; Merchants
Transfer & Storage Co., Inc.;
Tiller's Moving & Storage, Inc.;
and Weicker Transfer & Storage
Co., Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

Pursuant to notice, the above-entitled application was called for hearing on Wednesday, May 2, 1973, at 10 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time all Protestants entered their appearances. Applicant did not so enter an appearance. However, Applicant, through its attorney, pursuant to letter received by the Commission, advised that the application was to be amended, which would require republication of the notice of the application; and the matter will therefore be continued.

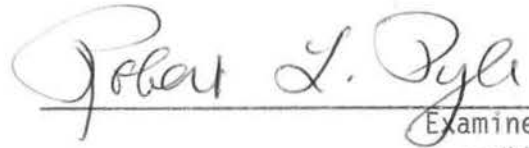
O R D E R

THE EXAMINER ORDERS THAT:

1. Applicant shall, on or before May 15, 1973, file with the Commission an amendment to its application, upon receipt of which the Commission shall republish or renotice in the usual manner; and, if not so filed on or before said date, then the application shall be dismissed without further order of the Commission.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/hbp

(Decision No. 82917)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE HANCOCK, JR. AND ROSE MARIE)
HANCOCK, DOING BUSINESS AS "HANCOCK)
MOVING & STORAGE," 2115 NORTH)
CHELTON ROAD, COLORADO SPRINGS,)
COLORADO, FOR TEMPORARY APPROVAL)
TO CONDUCT OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3539 PENDING)
THE DETERMINATION OF THE APPLICATION)
TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 26567-Transfer-TA

ORDER DENYING TEMPORARY APPROVAL

May 4, 1973

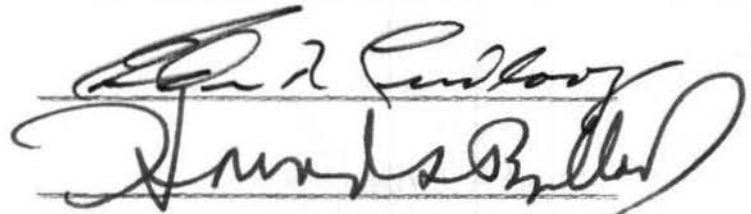
The above-entitled application under CRS 1963, 115-6-20 (2),
being under consideration, and

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

hbp

(Decision No. 82918)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. V. TRUCKING, INC., P. O. BOX 3211,)	APPLICATION NO. 26563-PP-TA
BARTLESVILLE, OKLAHOMA, FOR TEMPO-)	
RARY AUTHORITY TO OPERATE AS A CLASS)	
"B" CONTRACT CARRIER BY MOTOR VEHICLE.)	ORDER DENYING TEMPORARY AUTHORITY

- - - - -
May 4, 1973
- - - - -

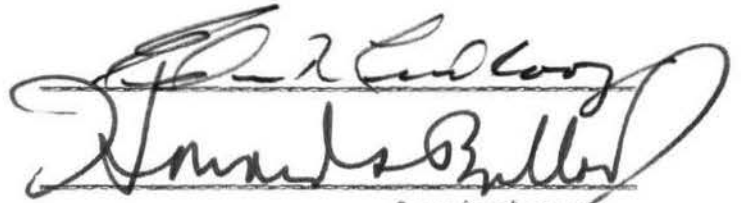
The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING. hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM LYLE EDWARDS, 760)
DEVINNEY STREET, GOLDEN,)
COLORADO, FOR EMERGENCY TEMPO-)
RARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26627-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 8, 1973
- - - - -

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

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

It is ordered, That William Lyle Edwards, 760 Devinney Street,
Golden, Colorado, be, and is hereby, granted emergency temporary authority
for a period of fifteen (15) days commencing May 8, 1973, as a class "B"
contract carrier by motor vehicle, for the

"Transportation of

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

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

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82920)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN R. BOTTERILL, BOX 427,)
BERTHOUD, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26630-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 8, 1973
- - - - -

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

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

It is ordered, That John R. Botterill, Box 427, Berthoud, Colorado,
be, and is hereby, granted emergency temporary authority for a period of
fifteen (15) days commencing May 8, 1973, as a class "B" contract carrier
by motor vehicle, for the

"Transportation of

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

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

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

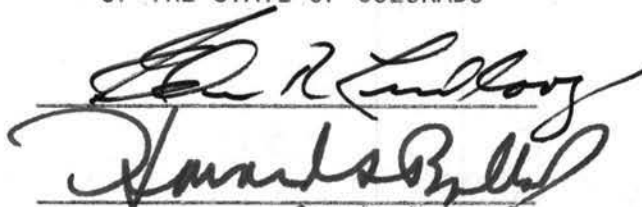
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. D. SASSER, 449 REYNOLDS,)
CANON CITY, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26629-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 8, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

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

It is ordered, That R. D. Sasser, 449 Reynolds, Canon City, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 8, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

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

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MACK STARNES, 549 34 ROAD, PALISADE,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26628-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 8, 1973
- - - - -

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

It appearing, That appropriate application has been made to this
Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

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

It is ordered, That Mack Starnes, 549 34 Road, Palisade,
Colorado, be, and is hereby, granted emergency temporary authority for a
period of fifteen (15) days commencing May 8, 1973, as a class "B" contract
carrier by motor vehicle, for the

"Transportation of

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

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

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

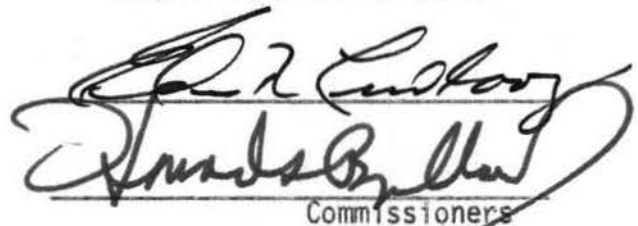
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: REVISION IN ASH & TRASH RATES OF
GRAND COUNTY LAND FILL & TRASH REMOVAL,
INC., INVOLVING INCREASED RATES AND
CHARGES

} Investigation and Suspension
} Docket No. 775

May 8, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On the date of April 13, 1973, 1st Revised Page No. 46, to CMTB Tariff No. 1, Colorado PUC No. 1, was filed with the Commission by J. R. Smith, Chief of Tariff Bureau, for and on behalf of Grand County Land Fill and Trash Removal, Inc. Said tariff reflects many increased rates and charges which are scheduled to become effective on May 15, 1973. Three protests to these increases have been received by the Commission.

The Commission, on its own motion, finds that said changes may result in charges which are not just and reasonable and that said tariff should be suspended and set for hearing.

O R D E R

THE COMMISSION ORDERS:

1. That Item 800, 1st Revised Page No. 46 to Colorado Motor Tariff Bureau, Inc., Tariff No. 1, Colorado PUC No. 1, be, and it is hereby, suspended to and including September 7, 1973.
2. That it shall enter upon a hearing concerning the increased rates and charges set forth in the statement hereof.
3. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

4. That a copy of this Order shall be filed with the schedules in the office of the Commission, and a copy hereof be served upon Chris D. Lorens, President, Grand County Land Fill & Trash Removal, Inc., Grand Lake, Colorado 80447, and that said Corporation is hereby made a Respondent in this proceeding, and that the suspension supplement shall be issued by the publishing agent.

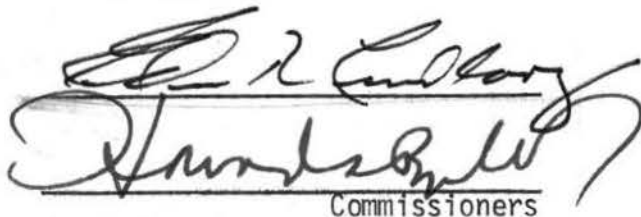
5. That seven (7) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case.

6. That this Investigation and Suspension Docket No. 775, be, and the same hereby is, set for hearing before the Commission on the 19th day of June, at 10 a.m., in the Hearing Room, Community Building at Zero and Jasper, Granby, Colorado 80446

7. That this Order shall be effective forthwith.

DONE IN OPEN MEETING, this 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

(Decision No. 82924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLUTARCO ADAME, 369 JULIAN STREET,)
DENVER, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26631-PP-ETA

ORDER GRANTING

EMERGENCY TEMPORARY AUTHORITY

May 8, 1973

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

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

It is ordered, That Plutarco Adame, 369 Julian Street, Denver,
Colorado, be, and is hereby, granted emergency temporary authority for a
period of fifteen (15) days commencing May 8, 1973, as a class "B" contract
carrier by motor vehicle for the

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

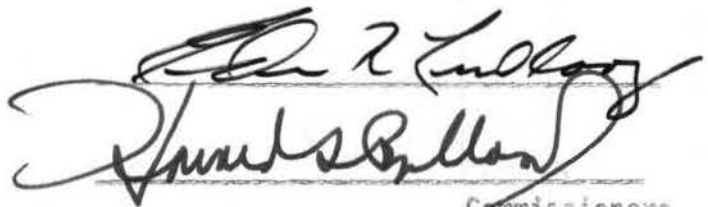
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

And it is further ordered. That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Two handwritten signatures in dark ink, one above the other, both appearing to be cursive and somewhat stylized.

Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

hbp

(Decision No. 82925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDMUND CARDOZA, 1737 PALISADE STREET, GRAND JUNCTION, COLORADO, FOR EMER- GENCY TEMPORARY AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	}	APPLICATION NO. 26626-PP-ETA
	}	ORDER GRANTING
	}	EMERGENCY TEMPORARY AUTHORITY

- - - - -
May 8, 1973
- - - - -

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant
emergency temporary authority may result in undue delay in availability
of equipment to contractors for pending construction projects.

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

It is ordered, That Edmund Cardoza, 1737 Palisade Street,
Grand Junction, Colorado, be, and is hereby, granted emergency temporary
authority for a period of fifteen (15) days commencing May 8, 1973, as a
class "B" contract carrier by motor vehicle for the

"Transportation of

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

From pits and supply points in the State of Colorado to
road jobs, mixer and processing plants within a radius
of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to
railroad loading points and to homes and small construction
jobs within a radius of one hundred (100) miles of said
pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING. hbp

(Decision No. 82926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORMAN W. COYLE, DOING BUSINESS AS)
"CAPITOL CITY DISPOSAL COMPANY,")
2300 JOLIET STREET, AURORA, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTH-)
ORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 3317.)

APPLICATION NO. 25822-Extension

May 8, 1973

Appearances: Martin P. Miller, Esq.,
Littleton, Colorado,
for Applicant.
William A. Wilson, Esq.,
Denver, Colorado, for
Bestway Disposal; Englewood-
Littleton-Arapahoe Rubbish
Removal, Inc.; Commerce
Refuse Disposal, Inc.;
U.S. Cargo Corporation; and
Empire Disposal, Inc.,
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1973, Hearing Examiner Thomas M. McCaffrey entered his Recommended Decision No. 82091 in the above-captioned matter.

On January 18, 1973, Protestants Bestway Disposal, Englewood-Littleton-Arapahoe Rubbish Removal, Inc., Commerce Refuse Disposal, Inc., U.S. Cargo Corporation, and Empire Disposal, Inc., filed with the Commission a request for extension of time for filing of transcript and exceptions to said Recommended Decision No. 82091. The Commission states and finds that said request for extension of time is in the public interest and should be granted.

On April 13, 1973, Protestants Commerce Refuse Disposal, Inc., and Bestway Disposal through their attorney William Andrew Wilson, filed with the Commission Exceptions to the said Recommended Decision No. 82091 dated January 11, 1973.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Commerce Refuse Disposal, Inc., and Bestway Disposal, should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 79720 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Protestants, Bestway Disposal, Englewood-Littleton-Arapahoe Rubbish Removal, Inc., Commerce Refuse Disposal, Inc., U.S. Cargo Corporation, and Empire Disposal, Inc., be, and hereby are, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript of the official reporter, or April 19, 1973.

2. The Exceptions filed herein by Protestants, Commerce Refuse Disposal, Inc., and Bestway Disposal be, and the same hereby are, overruled and denied.

3. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 82091 be, and hereby are, adopted by the Commission.

4. The Examiner's Recommended Order in said Decision No. 82091 be, and hereby is, entered as the Order of the Commission herein without any change or modification; that the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

5. This Order shall become effective forthwith.

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG DISSENTING

CHAIRMAN EDWIN R. LUNDBORG DISSENTING:

I respectfully dissent

I would grant the Exceptions filed by Commerce Refuse Disposal, Inc., and Bestway Disposal, and would accordingly deny the instant application in its entirety.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

js

(Decision No. 82927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN B. FIFIELD, DOING BUSINESS AS)	
"WESTERN ADVENTURE FOUR WHEEL TOURS,")	APPLICATION NO. 26568-Transfer-TA
2241 SADDLEHORN ROAD, P. O. BOX 1732,)	
GRAND JUNCTION, COLORADO, FOR TEM-)	<u>ORDER GRANTING TEMPORARY APPROVAL</u>
PORARY APPROVAL TO CONDUCT OPERATIONS)	
UNDER CERTIFICATE OF PUBLIC CONVEN-)	
IENCE AND NECESSITY PUC NO. 7487,)	
PENDING DETERMINATION OF THE APPLI-)	
CATION TO ACQUIRE SAID CERTIFICATE.)	
-----)	

May 4, 1973

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

It appearing, That appropriate application has been made to
this Commission for permanent authority to transfer Certificate of
Public Convenience and Necessity PUC No. 7487 from Bob G. Morrison, doing
business as "Grand Mesa Safaris" to the above-named Transferee.

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

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

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

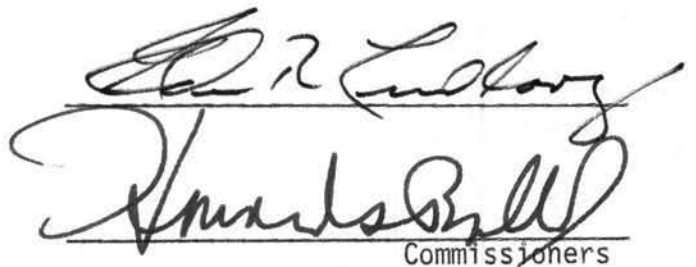
It is further ordered, That upon the approval herein granted becoming effective, failure of the Transferee to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said approval.

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

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

DONE IN OPEN MEETING THE 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

1a

(Decision No. 82927)
May 4, 1973

APPENDIX

Application No. 26568-Transfer-TA

John B. Fifield
Doing Business As
Western Adventure Four Wheel Tours
2241 Saddlehorn Road
P. O. Box 1732
Grand Junction, Colorado

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

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

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 7487 with authority as follows:

Transportation -- on call and demand -- of

Passengers in sightseeing service

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

RESTRICTION: This temporary approval is restricted as follows:

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

(Decision No. 82928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BOB C. HOCHSTETLER, DOING BUSINESS)	
AS "BOB'S APPLIANCE DELIVERY SERVICE,")	APPLICATION NO. 26528-PP-
2529 BUSCH AVENUE, COLORADO SPRINGS,)	Extension-TA
COLORADO, FOR TEMPORARY AUTHORITY TO)	
EXTEND OPERATIONS UNDER CONTRACT)	ORDER GRANTING TEMPORARY AUTHORITY
CARRIER PERMIT NO. B-6709.)	
-----)	

May 4, 1973

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

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

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

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


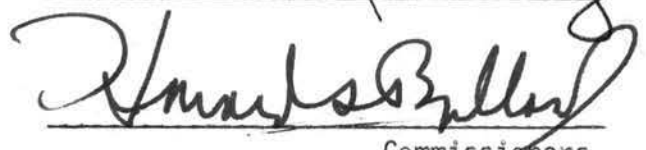
It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicant to maintain compliance
with statutory and Commission requirements shall constitute sufficient
grounds for suspension, change or revocation of the said authority.

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

1a

(Decision No. 82928)
May 4, 1973

APPENDIX

Application No. 26528-PP-Extension-TA

Bob C. Hochstetler
Doing Business As
Bob's Appliance Delivery Service
2529 Busch Avenue
Colorado Springs, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to extend operations under Contract Carrier Permit No. B-6709 with authority as follows:

Transportation of

Appliances and fixtures

From the warehouses of Silo of Colorado, dba "Downing's Corporation," located at 1225 W. Virginia Avenue, Denver, Colorado, to customers of Downing's Corporation located within the County of El Paso, State of Colorado.

RESTRICTION: This temporary authority is restricted to transportation of shipments of appliances or fixtures which are to be installed or serviced at their destination by the permit holder.

(Decision No. 82929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MARJIM, INC., 745 LIPAN STREET,	)	APPLICATION NO. 26581-PP-Transfer-TA
DENVER, COLORADO, FOR TEMPORARY)	
APPROVAL TO CONDUCT OPERATIONS UNDER)	
CONTRACT CARRIER PERMIT NO. B-7065	)	ORDER GRANTING TEMPORARY APPROVAL
PENDING THE DETERMINATION OF THE)	
APPLICATION TO ACQUIRE SAID PERMIT.)	

- - - - -
May 4, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for permanent authority to transfer Contract Carrier Permit No. B-7065 from W. S. Hirstein, to the above-named Transferee.

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

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

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

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

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

1a

(Decision No. 82929)
May 4, 1973

APPENDIX

Application No. 26581-PP-Transfer-TA

Marjim, Inc.
745 Lipan Street
Denver, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary approval to conduct operations under Contract Carrier Permit

No. B-7065 with authority as follows:

Transportation of

Newspapers

Over the following described routes:

- (a) Denver to Trinidad, Colorado, over U. S. Highway No. 85 and Interstate Highway No. 25, serving all intermediate points and the off-route points of Palmer Lake and Larkspur.
- (b) Denver to Trinidad, Colorado, over U. S. Highway No. 85 and Interstate Highway No. 25 to Colorado Springs, thence over Colorado Highway No. 115 to its junction with U. S. Highway No. 50; thence over U. S. Highway No. 50 to Canon City; thence over Colorado Highway No. 120 to its junction with Colorado Highway No. 67; thence over Colorado Highway No. 67 to its junction with Colorado Highway No. 96; thence over Colorado Highway No. 96 to its junction with Colorado Highway No. 165; thence over Colorado Highway No. 165 to its junction with U. S. Highway No. 85 and Interstate Highway No. 25; thence over U. S. Highway No. 85 and Interstate Highway No. 25 to Trinidad, Colorado, with

the right to use U. S. Highway No. 50 between Pueblo, Colorado, and Canon City, Colorado, as an alternate route. Serving all intermediate points.

- (c) Denver to Holly, Colorado, over U. S. Highway No. 85 and Interstate Highway No. 25 to Pueblo, Colorado; thence over U. S. Highway No. 50 to Holly, Colorado, serving all intermediate points on U. S. Highway No. 50 between Pueblo, Colorado, and Holly, Colorado, and the off-route points of McClave and Wiley, Colorado.

RESTRICTION:

This Permit is restricted to the rendering of transportation service for only The Rocky Mountain News, Denver, Colorado.

(Decision No. 82930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE UTILITIES BOARD OF THE CITY)
OF LAMAR, 100 NORTH SECOND STREET,)
LAMAR, COLORADO, FOR A MODIFI-)
CATION OF THE DESCRIPTION OF THE)
AREA ASSIGNED BY THE CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
GRANTED BY DECISION NO. 76027 DATED)
OCTOBER 6, 1970; AND FOR CERTAIN)
OTHER MODIFICATIONS TO SAID CERTI-)
FICATED AREA.)

APPLICATION NO. 26073
ORDER GRANTING MOTION FOR
EXTENSION OF TIME WITHIN
WHICH TO RESPOND TO APPLICATION

- - - - -
May 8, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 3, 1973, the Southeast Colorado Power Association, by its attorney Thomas T. Farley, filed with the Commission a pleading entitled "Motion For Extension Of Time Within Which To Respond To Application" in the above captioned matter.

The Commission finds and concludes that sufficient grounds exist for granting the above-mentioned motion and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Southeast Colorado Power Association be, and hereby is, granted an extension of time within which to respond to Application No. 26073 until and including ten days following the date of adjournment of the

current session of the Colorado State Legislature.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82931)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PATRICK P. PACHECO, DOING BUSINESS AS)	
"GRAND LINE CONTRACT PRIVATE CARRIER,")	
P. O. BOX 503, TABERNASH, COLORADO,)	APPLICATION NO. 26543-PP-TA
FOR TEMPORARY AUTHORITY TO OPERATE)	
AS A CLASS "B" CONTRACT CARRIER BY)	
MOTOR VEHICLE.)	ORDER GRANTING TEMPORARY AUTHORITY

May 4, 1973

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

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

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

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

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

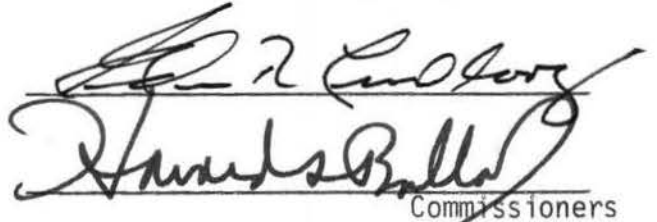
It is further ordered, That if Applicant fails to comply with all applicable statutory and Commission requirements, rules and

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
nto

(Decision No. 82931)
May 4, 1973

APPENDIX

Application No. 26543-PP-TA

Patrick P. Pacheco
Doing Business As
Grand Line Contract Private Carrier
P. O. Box 503
Tabernash, Colorado

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

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

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

"Transportation of

Passengers

Between Tabernash, Granby, Hot Sulphur Springs, Parshall, and all points on Highway 40 between Tabernash and Parshall, on the one hand, and Henderson West on Grand County Road 219, Grand County, Colorado, on the other hand.

RESTRICTION: This temporary authority is restricted as follows:

- (a) Equipment to be used not to exceed 15 passenger capacity;
- (b) To rendering transportation service for only employees of Dravo, Inc., Parshall, Colorado."

(Decision No. 82932)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD C. BROUGH AND RUBEN LEE TO)
TRANSFER ALL OF THE STOCK OF COMMERCE)
REFUSE DISPOSAL, INC., OF 6095 EAST)
64TH AVENUE, P. O. BOX 186, COMMERCE)
CITY, COLORADO, RECORD OWNER OF PUC)
NO. 2212, FOR AUTHORITY TO TRANSFER)
ALL ITS STOCK TO UNITED STATES DISPOSAL)
SYSTEMS, INC., OF 2519 WEST 11TH AVENUE,)
DENVER, COLORADO.)

APPLICATION NO.
26498-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
RICHARD C. BROUGH AND RUBEN LEE TO)
TRANSFER ALL OF THE STOCK OF COMMERCE)
REFUSE DISPOSAL, INC., OF 6095 EAST)
64TH AVENUE, P. O. BOX 186, COMMERCE)
CITY, COLORADO, RECORD OWNER OF PERMIT)
NO. B-7779, FOR AUTHORITY TO TRANSFER)
ALL ITS STOCK TO UNITED STATES DISPOSAL)
SYSTEMS, INC., OF 2519 WEST 11TH AVENUE,)
DENVER, COLORADO.)

APPLICATION NO.
26499-PP-Stock Transfer

- - - - -
May 4, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 1, 1973, Transferors and Transferee, by their attorney William Andrew Wilson, filed with the Commission a Petition to Strike Protest of Denver Cleanup Service, Inc., filed April 12, 1973, in the above-captioned transfers.

The Commission finds that said Petition does not set forth sufficient grounds for the granting of the said Petition and concludes that the following order should be entered.

O R D E R

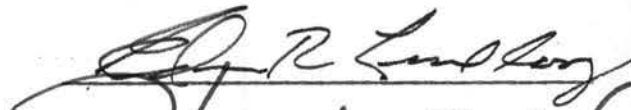

THE COMMISSION ORDERS THAT:

The Petition to Strike Protest filed May 1, 1973, by Transferors Richard C. Brough and Ruben Lee, and Transferee United States Disposal Systems, Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

HENRY E. ZARLENGO ABSENT
nto

(Decision No. 82933)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
EMPIRE DISPOSAL, INC., 2100 WEST)	
OXFORD, ENGLEWOOD, COLORADO 80110	)	PUC No. 2086
UNDER CERTIFICATE OF PUBLIC CON-)	
VENIENCE AND NECESSITY PUC NO.	)	ORDER GRANTING PETITION FOR
2086.	)	REVOCATION
-----)	

April 27, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION

On April 25, 1973, Empire Disposal, Inc., by its attorney William Andrew Wilson, filed with the Commission a pleading entitled "Petition for Revocation of PUC No. 2086."

The Commission finds that sufficient grounds exist for granting the Petition and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The authority granted Empire Disposal, Inc., to operate as a common carrier by motor vehicle for hire under Certificate of Public Convenience and Necessity PUC No. 2086 be, and hereby is, cancelled as requested in the Petition filed with the Commission on April 25, 1973.

This Order shall be effective forthwith

DONE IN OPEN MEETING the 27th day of April, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

COMMISSIONER HOWARD S. BJELLAND ABSENT
LA

(Decision No. 82934)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

PERMIT NO. B-3950
PERMIT NO. B-6024

May 1, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 24, 1972, the Commission entered Decision No. 80081 approving the encumbrance of Contract Carrier Permit No. B-6024 by William L. Blair and Kenneth W. Blair, doing business as "Blair & Sons," to the Montrose National Bank, Montrose, Colorado, to secure payment of the sum of Fourteen Thousand One Hundred Seven Dollars and Six Cents (\$14,107.06).

The Commission is now in receipt of a communication from the United Bank of Montrose (formerly the Montrose National Bank) stating that said encumbrance has been paid off by renewal and requesting release of Chattel Mortgage dated March 24, 1972, and approval of Chattel Mortgage dated March 19, 1973, in the amount of Forty Thousand Seven Hundred Dollars and Fifty-Two Cents (\$40,700.52) and encumbering Permit No. B-3950 as well as Permit No. B-6024 in accordance with the terms and conditions set forth in said Chattel Mortgage.

The Commission states and finds that the said requests are compatible with the public interest and should be granted as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That the mortgage of Contract Carrier Permit No. B-6024 authorized by Decision No. 80081, dated April 24, 1972, be, and the same

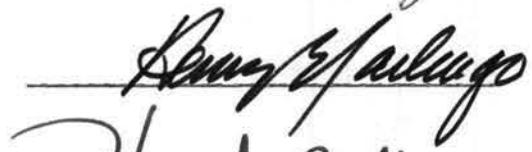
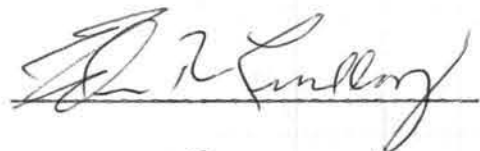
hereby is, released insofar as it concerns the Commission.

That William L. Blair and Kenneth W. Blair, doing business as "Blair & Sons," Box 403, Olathe, Colorado, be, and hereby are, authorized to mortgage all right, title, and interest in and to Contract Carrier Permits No. B-3950 and No. B-6024 to the United Bank of Montrose, Montrose, Colorado, to secure payment of the sum of Forty Thousand Seven Hundred Dollars and Fifty-Two Cents (\$40,700.52), in accordance with the terms and conditions set forth in the Chattel Mortgage dated March 19, 1973, properly filed with the Commission, which is made a part of this order by reference.

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

DONE IN OPEN MEETING the 1st day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

1a

(Decision No. 82935)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
FOR REHEARING, RECONSIDERATION, OR)
REARGUMENT OF THE COLORADO MUNICIPAL)
LEAGUE, FILED ON APRIL 17, 1973, THE)
CAPTION OF WHICH READS: "IN THE)
MATTER OF THE REQUEST OF MOUNTAIN)
STATES TELEPHONE AND TELEGRAPH COMPANY,)
930 - 15TH STREET, DENVER, COLORADO,)
FOR CERTAIN CHANGES IN RATES RULES)
AFFECTING ALL CONSUMERS IN THE STATE)
OF COLORADO, TO BECOME EFFECTIVE)
APRIL 16, 1973.")

CASE NO. 5521

May 8, 1973

Appearances: Leonard M. Campbell, Esq., and
Howard J. Beck, Esq., Denver, Colorado,
for Colorado Municipal League;

Laurence W. DeMuth, Jr., Esq., Denver,
Colorado, and
Jarvis W. Seccombe, Esq., Denver,
Colorado, for Mountain States
Telephone and Telegraph Company;

Dellon E. Coker, Esq., Washington, D. C.,
for the Department of Defense and all
other Executive Agencies of the United
States;

Girts Krumins, Esq., Denver, Colorado, and
John E. Archibold, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 24, 1973, by Commission Decision No. 82833, the Colorado Municipal League was ordered to appear at a hearing before the Commission on May 2, 1973, and to show cause (1) why its pleading entitled "Application for Rehearing, Reconsideration, or Reargument of the Colorado Municipal League" -- more fully described in the caption thereof -- should not be designated as a formal complaint of the Colorado Municipal League, Complainant, vs. the Mountain States Telephone and Telegraph Company, Respondent; and (2) why the Commission should not docket and entertain the same as a formal complaint pursuant to and in accordance with the Commission's Rules of Practice

and Procedure in such matters. Pursuant to the aforesaid Commission Order to show cause -- and after due and proper notice of the hearing thereon to all interested parties -- the matter was heard by the Commission on May 2, 1973.

Since no facts were at issue, no evidence was introduced at the hearing. However, oral arguments by all parties, as well as by the Staff of the Commission, were heard. At the conclusion of the hearing, the matter was taken under advisement by the Commission.

After due consideration of all the arguments of counsel in this matter, the Commission is of the opinion, and so finds, that the pleading of the Colorado Municipal League -- as described in the caption hereof -- should be treated by the Commission as a formal complaint. Any other procedural treatment would prevent the Colorado Municipal League from having an opportunity to be heard on the merits of its pleading.

To treat the Application for Rehearing, Reconsideration or Reargument filed by the Colorado Municipal League on April 17, 1973, as a Petition for Reconsideration, Reargument and Rehearing, pursuant to CRS 115-6-14, procedurally is not possible inasmuch as there is no decision of the Commission to which such an application or petition can be addressed.

The Commission further finds that its own rules permit the liberal construction of any document filed with it, and that unless the herein involved pleading is construed as a formal complaint, a just administrative determination of the issues presented therein is not possible.

The Commission is, of course, mindful of the fact that the Colorado Municipal League unequivocally stated at the hearing that it does not desire its pleading of April 17, 1973, -- as above set forth -- to be considered as a formal complaint. Under this circumstance, it may, of course, be futile to proceed with the matter as a complaint unless the Colorado Municipal League would reconsider its position. Rule 12 C (1) of this Commission's Rules of Practice and Procedure, inter alia, states, with respect to formal complaints,

that "The Complainant must state therein that he will cooperate in the prosecution of such complaint and will appear at the hearing thereon if such complaint is set for hearing."

In view of the above and foregoing, the Commission concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the pleading filed with this Commission by the Colorado Municipal League on April 17, 1973, as more fully described in the caption hereof, be, and hereby is, designated as a formal complaint of the Colorado Municipal League, Complainant, vs. Mountain States Telephone and Telegraph Company, Respondent, and that the same will be entertained as such by the Commission on its own motion pursuant to 115-6-8(b) CRS 1963, as amended.

2. That such complaint of the Colorado Municipal League -- as designated above -- will not be further docketed or considered by the Commission, and will be dismissed, without further action of the Commission, as of the eleventh day following the effective date of this Order, unless the Colorado Municipal League advises the Commission, in writing, within ten (10) days of the effective date of this Order, that it desires to proceed in the matter, and that it will cooperate in the prosecution of such complaint and will appear at the hearing thereon if such complaint is set for hearing by the Commission.

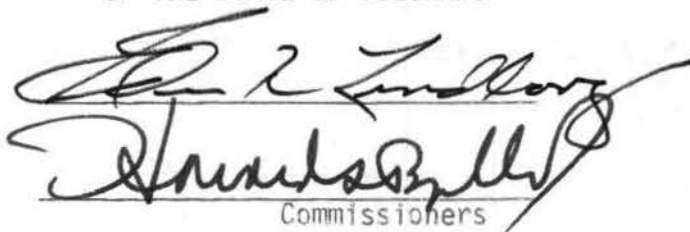
3. That the Secretary of the Commission be, and hereby is, directed to docket the pleading of the Colorado Municipal League filed with this Commission on July 17, 1973 -- as more fully described in the caption hereof -- as a formal complaint, and issue an Order to Satisfy or Answer to the Mountain States Telephone and Telegraph Company as provided for in the Commission's Rules of Practice and Procedure with respect to complaints, but only upon receipt of a written communication from the Colorado Municipal League that it desires to proceed as set forth above. No such action, however, shall be

taken if such written advice is not received by the Commission within the time prescribed.

4. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTING.
did

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent for the following reasons.

Under the facts and circumstances in this proceeding, the Commission has abused its discretion and arbitrarily exercised its judgment to the great harm and prejudice of the public and, in particular, of the Protestants. Having the power under the law it should correct its arbitrary actions and errors and restore the prior status quo.

On March 16, 1973, the Company filed a new rate Tariff (Advice Letter No. 842) providing for increases in the existing rates totaling \$9,800,000 annually, to be borne by a small minority of the customers, and providing for a significant change in the existing rate structure (i.e. the rates established as just and reasonable and nondiscriminatory as between the different classes of service), which then existing rates, and rate structure, only 7 months prior thereto, on September 19, 1972, after complete and exhaustive hearings, were determined by the Commission to be just and reasonable and nondiscriminatory; the new rates, and the new rate structure, to become effective April 16, 1973.

Approximately 400 letters in protest were received by the Commission. On April 3, 1973, the Colorado Municipal League, a non-profit corporation, as agent and instrumentality of approximately 200 member municipalities and of their residents, approximating one million, a very substantial number of whom are telephone users, timely filed on their behalf a written PROTEST and MOTION, thereby becoming a party to the rate proceedings, whereby the Commission was requested to suspend the Tariff and to set the matter for public hearing and whereby protest was made as to the propriety, and the justness and the reasonableness of the Tariff.

Prior to April 16, 1973, the date the new rates were to become effective unless suspended, the Commission Staff initiated an

investigation concerning the Tariff filed involving 4 staff members and several hundred man hours spent in examining, inspection of, and checking the Company books and records, and in querying Company employees. This investigation was conducted EX PARTE without participation by the party Protestants, and even, perhaps without their knowledge.

On April 10, 1973, at an open meeting of the full Commission, the results of this ex parte investigation were reported to the Commission by the staff. A member of the staff read a written report to the Commission as follows, to wit:

"The Financial Analysis Division has completed approximately 248 man hours of auditing work in connection with MST & T Co. Advice Letter #842.

The 1972 Test Year income statement and rate base as submitted in support of the filing have been checked to the books and records of the Company and in my opinion are correct.

The Staff has not found any errors in the support information that would materially affect the results as presented.

I have discussed this with M. R. Garrison, Supervising Financial Analyst and he concurs in this opinion."

It was also orally reported to the Commission that approximately 400 letters of protest were received without mention that the written PROTEST and MOTION of the League had been filed with the Commission. At no time was the League's Motion to suspend the Tariff and set the matter for public hearing placed on the agenda of, or considered by the Commission at, the open meetings.

After considering these reports by the staff, questioning of the staff, and deliberation by the Commission*, involving in all approximately an hour's time, Commissioner Zarlengo, expressing reasons therefor, made a motion to suspend the Tariff and set the matter for public hearing.

* No transcript was kept of the open meetings. Attached is a copy of Press Release of April 13, 1973, by Commission Chairman Lundborg and excerpts from the official minutes.

The motion failed for want of a second. The other Commissioners declined to take action pursuant to said motion to suspend the Tariff and set the matter for public hearing. Such failure by the Commission majority to take action after consideration of, and deliberation over, the motion of Commissioner Zarlengo and the reported results of the staff investigation, and knowing that failure to take action would allow the Tariff to become effective, constituted a de facto decision, no different in substance and in effect than an expressed positive decision finding, and determining, that the proposed new rates and restructure of rates were proper, just, reasonable and nondiscriminatory, and that they be allowed to become effective on April 16, 1973, without public hearing. This summary action, based not on fact but on essentially hearsay and opinion, was taken despite the fact that radical changes in rates were involved, and that only 7 months before the Commission, after 43 days of exhaustive public hearings, found and determined the existing rates and rate structure being changed, to be proper, just and reasonable and nondiscriminatory.

A.

The Commission did not rule on the written Motion of the League to suspend the Tariff and go to public hearing and thus arbitrarily deprived a party Protestant to the proceeding of its rights to orderly fundamental administrative procedure to its great prejudice.

B.

After this ex parte investigation before the Commission and considered by it, the Commission did not make, file, or serve upon the parties to the proceeding a decision, which must be "a report in writing in which the commission shall state its findings of fact and conclusions thereon together with its order or requirement", as required by 115-6-9, CRS 1963, which provides, to wit:

"(3) After the conclusion of any hearing, investigation, or proceeding before the commission, the commission shall make and file its decision. The decision shall be a report in writing in which the commission shall state its findings

of fact and conclusions thereon together with its order or requirement. The decision, under the seal of the commission, shall be served upon all parties to the proceeding." (Emphasis supplied.)

The Commission by failing to perform this mandatory ministerial duty; i. e., to render a decision in writing as provided by the statute, has arbitrarily deprived the Protestants of their rights to orderly fundamental administrative procedure to their great prejudice.

C.

By allowing a substantial increase in rates, and a significant change in the rate structure, as here opposed, to become effective on the basis of an ex parte investigation, rather than after a public hearing providing the Protestants with the opportunity of cross examination and of presenting evidence in rebuttal, the Commission has arbitrarily deprived the Protestants of due process of law.

The law provides that when a tariff is filed with the Commission stating new rates, the Commission upon complaint, or upon its own initiative without complaint, may enter upon a hearing concerning the propriety of such rates and pending the hearing and decision thereon such rates shall not go into effect. CRS 1963, 115-6-11 (1).

Implementing the statute, Rule 18, A. 2. of the Commission Rules of Practice and Procedure provides:

"d. Suspension of Rates.

(1) If protests are received by the Commission at least ten (10) days prior to the effective date of the proposed rates or other changes sufficient in number and importance in the judgment of the Commission to warrant investigation, the effective date of the proposed rates will be suspended until further order of the Commission." (Emphasis supplied.)

It should be noted that in such cases suspension of the proposed rates is mandatory. The Protests received by the Commission in this rate proceeding are so many in number and of such great importance that the Commission's failure to find them adequate to warrant suspension constitutes an abuse and arbitrary exercise of judgment. If such were not the case the Commission would effectively have unlimited discretion.

D.

If rates are to be established, as here, ex parte without a factual basis and without opportunity of rightful participation by party protestants to cross examine and present evidence, a new procedure contrary to the public interest will have been established by the Commission. The burden rests with the utility to establish the justness and reasonableness of rates when sufficiently challenged. To establish, or cause to be established, rates on other than a factual basis ignores the law.

E.

What the Protestant League is requesting is a review of the Commission's actions as being arbitrary in allowing the Tariff to become effective without a public hearing and by default; a rescission and revocation of such actions; restoration of the rates and rate structure to the status quo prior to the Tariff filing; and, a public hearing to determine the justness and reasonableness of the rates leaving the burden of proof on the Company rather than on the protestants. To consider and treat the League's "Application for Rehearing, Reconsideration or Reargument" as a formal complaint denies the relief requested, and to which it is entitled, and seeks to substitute and coerce upon the League a relief not requested, or intended, by it, and, therefore, is an arbitrary and abusive exercise of power by the Commission.

CONCLUSION

I.

CRS 115-6-12 provides, to wit:

"(1) The commission, at any time upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, may rescind, alter, or amend any decision made by it. Any decision rescinding, altering, or amending a prior decision, when served upon the public utility affected, shall have the same effect as original decisions."

As above pointed out, by its failure to act the Commission majority has made a de facto decision, no different in substance and in

effect than an expressed positive decision. The Commission having "at any time upon notice" and "after opportunity to be heard" the power to "rescind . . . any decision made by it" should "rescind" its decision to allow the Tariff to become effective by operation of law, albeit said decision is not in writing, for the reasons set out in this dissent.

II.

The law provides that all rates filed and not "suspended on the effective date thereof . . . shall go into effect and be the established and effective rates . . . subject to the power of the Commission, after a hearing . . . to alter . . . the same." (CRS 1963, 115-6-11 (2)). (Emphasis supplied.)

The Commission has held a hearing on the matter; has heard arguments by the parties; has had the opportunity to reconsider and review its actions, the legality thereof, and the legality of the new rates and rate structure established. Based on the abuse of discretion and arbitrary exercise of judgment, herein indicated, the Commission should exercise its power to alter such rates; it should find that the rates as established under the Tariff were arbitrarily established, and are illegal, and should be altered and made equal to, and be at, the same level as were the effective rates prior to, and at the time, the Tariff was filed, to wit: March 16, 1973, and enter an appropriate order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

hbp

(Decision No. 82936)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO.
MOBILE PRE-MIX TRANSIT, INC., 7620)	26464-PP-Extension
MADISON STREET, ADAMS COUNTY,)	
COLORADO, FOR AUTHORITY TO EXTEND)	ORDER GRANTING MOTION TO INTERVENE
OPERATIONS UNDER PERMIT NO. B-7704.)	

May 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 1, 1973, The Denver and Rio Grande Western Railroad Company, by its attorney Eric Paul, filed with the Commission a Motion to Intervene in the above-captioned proceeding.

The Commission states and finds that Petitioner for Intervention, The Denver and Rio Grande Western Railroad Company, is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

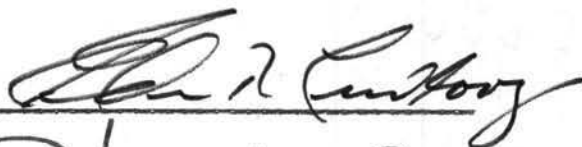

THE COMMISSION ORDERS THAT:

The Denver and Rio Grande Western Railroad Company be, and hereby is, granted leave to intervene as requested in the Motion filed May 1, 1973.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 82937)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COLORADO TRANSFER & STORAGE, INC.,)	
4825 LIMA STREET, DENVER, COLORADO,)	
FOR AUTHORITY TO TRANSFER PUC NO.)	
3539 TO LAWRENCE HANCOCK, JR. AND)	APPLICATION NO. 26567
ROSE MARIE HANCOCK, DOING BUSINESS)	
AS "HANCOCK MOVING & STORAGE,")	
2115 NORTH CHELTON ROAD, COLORADO)	
SPRINGS, COLORADO.)	

May 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 30, 1973, Mountain States Bank, by its attorney Monte Pascoe, filed with the Commission a pleading entitled "Protest of Mountain States Bank to the Request for Temporary Authority to Transfer and to the Application and Request to be Designated a Party," in the above-captioned matter.

The Commission finds that Mountain States Bank may be interested in or affected by any order that may be entered in the above-captioned proceeding and should be allowed to participate as a party therein as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

Mountain States Bank be, and hereby is, designated a party to this proceeding for the purpose stated in the pleading filed April 30, 1973.

This Order shall be effective forthwith:

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT

js

(Decision No. 82938)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S P D TRUCK LINE, INC., 110 NORTH)
CEDAR, ABILENE, KANSAS, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26570-PP-TA

ORDER DENYING TEMPORARY AUTHORITY

- - - - -
May 4, 1973
- - - - -

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

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE R. BRANTNER, DOING BUSINESS)
AS "WESTERN TRASH SERVICE," ROUTE 3,)
BOX 446½, GREELEY, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 26410

ORDER GRANTING MOTION TO
SUBSTITUTE AS A PARTY
PROTESTANT

May 8, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 2, 1973, Robert Reed Reichert, doing business as "Yellow Barrel Disposal," by his attorney David E. Driggers, filed with the Commission a pleading entitled "Motion to Substitute as a Party Protestant," in lieu of Lamb Construction, Inc., in the above-captioned application.

The Commission states and finds that sufficient grounds exist for granting said Motion and concludes that the following Order should be entered.

ORDER

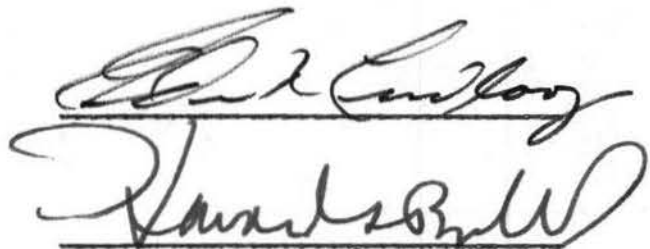
THE COMMISSION ORDERS THAT:

Robert Reed Reichert, doing business as "Yellow Barrel Disposal," be, and hereby is, granted permission to substitute as a party protestant in lieu of Lamb Construction, Inc., in the above-captioned matter.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ANDREW BOSMAN,)
JR., WILLIAM BUIKEMA AND CHARLES A. BOSMAN, DOING)
BUSINESS AS "BEST-WAY DISPOSAL," 2519 WEST 11TH)
AVENUE, DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 2097 TO UNITED STATES DISPOSAL)
SYSTEMS, INC., A COLORADO CORPORATION, 2519)
WEST 11TH AVENUE, DENVER, COLORADO.)

APPLICATION NO.
26476-Transfer

IN THE MATTER OF THE APPLICATION OF ANDREW BOSMAN,)
JR., WILLIAM BUIKEMA AND CHARLES A. BOSMAN, DOING)
BUSINESS AS "BEST-WAY DISPOSAL," 2519 WEST 11TH)
AVENUE, DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 2495 TO UNITED STATES DISPOSAL)
SYSTEMS, INC., A COLORADO CORPORATION, 2519)
WEST 11TH AVENUE, DENVER, COLORADO.)

APPLICATION NO.
26477-Transfer

IN THE MATTER OF THE APPLICATION OF ANDREW BOSMAN,)
JR., WILLIAM BUIKEMA AND CHARLES A. BOSMAN, DOING)
BUSINESS AS "BEST-WAY DISPOSAL," 2519 WEST 11TH)
AVENUE, DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 3270 TO UNITED STATES DISPOSAL)
SYSTEMS, INC., A COLORADO CORPORATION, 2519)
WEST 11TH AVENUE, DENVER, COLORADO.)

APPLICATION NO.
26478-Transfer

IN THE MATTER OF THE APPLICATION OF ANDREW BOSMAN,)
JR., WILLIAM BUIKEMA AND CHARLES A. BOSMAN, DOING)
BUSINESS AS "BEST-WAY DISPOSAL," 2519 WEST 11TH)
AVENUE, DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-5809 TO UNITED STATES)
DISPOSAL SYSTEMS, INC., A COLORADO CORPORATION,)
2519 WEST 11TH AVENUE, DENVER, COLORADO.)

APPLICATION NO.
26479-PP-Transfer

May 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 1, 1973, Transferors and Transferee, by their attorney William Andrew Wilson, filed with the Commission a Petition to Strike Protest of Denver Cleanup Service, Inc., filed April 12, 1973, in the above-captioned transfers.

The Commission finds that said Petition does not set forth sufficient grounds for the granting of the said Petition and concludes that the following Order should be entered.

ORDER

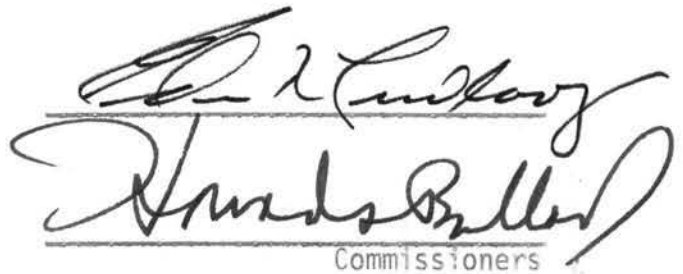
THE COMMISSION ORDERS THAT:

The Petition to Strike Protest filed May 1, 1973, by Transferors Andrew Bosman, Jr., William Buikema and Charles A. Bosman, doing business as "Best-Way Disposal," and Transferee United States Disposal Systems, Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EUGENE R. BRANTNER AND DONALD L.)	APPLICATION NO. 26409-Extension
BRANTNER, DOING BUSINESS AS "BRANTNER)	
TRASH SERVICE," ROUTE 3, BOX 446½,)	ORDER GRANTING MOTION TO SUBSTITUTE
GREELEY, COLORADO, FOR A CERTIFICATE)	AS A PARTY PROTESTANT
OF PUBLIC CONVENIENCE AND NECESSITY)	
AUTHORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 7879.)	

May 8, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 2, 1973, Robert Reed Reichert, doing business as "Yellow Barrel Disposal," by his attorney David E. Driggers, filed with the Commission a pleading entitled "Motion to Substitute as a Party Protestant," in lieu of Lamb Construction, Inc., in the above-captioned application.

The Commission states and finds that sufficient grounds exist for granting said Motion and concludes that the following Order should be entered.

ORDER

THE COMMISSION ORDERS THAT:

Robert Reed Reichert, doing business as "Yellow Barrel Disposal," be, and hereby is, granted permission to substitute as a party protestant in lieu of Lamb Construction, Inc., in the above-captioned matter.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 82942)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
FOR REHEARING, RECONSIDERATION, OR)
REARGUMENT OF THE COLORADO MUNICIPAL)
LEAGUE, FILED ON APRIL 17, 1973, THE)
CAPTION OF WHICH READS: "IN THE)
MATTER OF THE REQUEST OF MOUNTAIN)
STATES TELEPHONE AND TELEGRAPH COMPANY,)
930 - 15TH STREET, DENVER, COLORADO,)
FOR CERTAIN CHANGES IN RATES RULES)
AFFECTING ALL CONSUMERS IN THE STATE)
OF COLORADO, TO BECOME EFFECTIVE)
APRIL 16, 1973.")

CASE NO. 5521

DECISION OF THE COMMISSION
AMENDING DECISION NO. 82935
NUNC PRO TUNC

- - - - -
May 9, 1973
- - - - -

Appearances: Leonard M. Campbell, Esq., and
Howard J. Beck, Esq., Denver, Colorado,
for Colorado Municipal League;

Laurence W. DeMuth, Jr., Esq., Denver,
Colorado, and
Jarvis W. Seccombe, Esq., Denver,
Colorado, for Mountain States
Telephone and Telegraph Company;

Dellon E. Coker, Esq., Washington, D. C.,
for the Department of Defense and all
other Executive Agencies of the United
States;

Girts Krumins, Esq., Denver, Colorado, and
John E. Archibold, Esq., Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 8, 1973, Decision No. 82935 was entered and served upon the parties. It has now come to the attention of the Commission that ordering paragraph No. 3. of said Decision contains a typographical error, to wit: "...the pleading of the Colorado Municipal League filed with this Commission on July 17, 1973...", whereas it should have been April 17, 1973. Accordingly, the Commission concludes that it should enter the following Order.

O R D E R

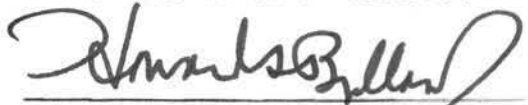
THE COMMISSION ORDERS THAT:

1. Decision No. 82935 be, and hereby is, amended nunc pro tunc as of May 8, 1973, by striking from ordering paragraph No. 3 of said Decision the date "July 17, 1973" and substituting therefor the date of April 17, 1973.

2. In all other respects, Decision No. 82935 as amended herein, shall remain in full force and effect.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

COMMISSIONER EDWIN R. LUNDBORG
ABSENT. did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

L. DAVID PATTERSON,)	
)	
Complainant,	)	CASE NO. 5513
)	
vs.	)	RECOMMENDED DECISION OF
	)	ROBERT L. PYLE, EXAMINER,
THE MOUNTAIN STATES TELEPHONE)	
AND TELEGRAPH COMPANY,	)	DISMISSING COMPLAINT
)	
Respondent.)	

- - - - -
May 10, 1973
- - - - -

Appearances: Maurice R. Franks, Esq.,
Westcliffe, Colorado,
for L. David Patterson,
Complainant;
Luis D. Rovira and Stuart S.
Gunckel, Esqs., Denver,
Colorado, for The Mountain
States Telephone and Tele-
graph Company, Respondent;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

PROCEDURE AND RECORD

Under date of March 2, 1973, L. David Patterson, hereinafter referred to as Patterson or Complainant, filed a Compliant and First Interrogatories to Respondent against The Mountain States Telephone and Telegraph Company, hereinafter referred to as Mountain States or Respondent.

The Commission assigned Case No. 5513 to the Complaint and gave notice in accordance with the provisions of 115-6-8(1)(e), CRS 1963, as amended.

On March 29, 1973, Respondent filed its Motion to Dismiss on the grounds that the Complaint fails to state grounds upon which the requested relief can be granted, and that the Commission does not have authority or jurisdiction to grant or order the relief which was requested in the Complaint.

The Commission, by Decision No. 82754, dated April 6, 1973, set the Respondent's Motion to Dismiss for hearing on April 26, 1973, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m. and gave all parties notice thereof.

On April 13, 1973, Complainant filed a Motion for Leave to Amend Complaint.

On April 23, 1973, Respondent filed a Motion for Stay of Discovery.

Pursuant to law, the Commission assigned the matters to Robert L. Pyle, Examiner, for the purpose of conducting a hearing.

The hearing was held on April 26, 1973, at the aforesaid place and time.

At the commencement of the hearing, the Examiner granted the Motion for Leave to Amend Complaint as more specifically set forth in the filing by Complainant on April 13, 1973.

At the conclusion of the argument on Respondent's Motion to Dismiss, the Examiner ruled thereon and this Decision sets out that ruling.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record of this proceeding, together with a recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order.

FINDINGS OF FACT

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

1. For the purposes of this hearing on Respondent's Motion to Dismiss all well pleaded facts in the Complaint are deemed admitted.
2. The Commission has set down for hearing on May 30, 1973, a rule-making proceeding entitled, "In the Matter of the Rules of the Public Utilities Commission of the State of Colorado Regulating the Service of Telephone Utilities Within the State of Colorado," Case No. 5323.

3. The issues raised by the Complaint and the relief requested will be considered in the aforementioned Case No. 5323.

4. Complainant filed on April 12, 1973, a Motion to Intervene and Petition in Intervention in Case No. 5323 and by Decision No. 82803, Complainant was granted leave to intervene in said proceeding.

5. Complainant will have ample opportunity to seek the relief requested herein in Case No. 5323.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Complaint should be dismissed without prejudice.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

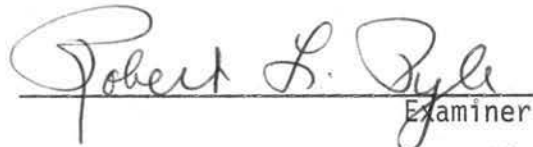
O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5513 be, and hereby is, dismissed without prejudice.
2. Respondent's Motion for Stay of Discovery becomes moot.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties, or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become

the Decision of the Commission and subject to the provisions of 115-6-14,
CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/hbp

(Decision No. 82944)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MATTHEW G. PAPI, JR., DOING BUSINESS	)	APPLICATION NO. 26553-PP
AS "PAPI TRUCKING," 3284 SOUTH)	
DELAWARE, ENGLEWOOD, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B"	)	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

May 4, 1973

It appearing, That by order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

We further find, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-7565," being the number of a permit formerly held by Applicant.

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

It is ordered, That Matthew G. Papi, Jr., doing business as "Papi Trucking," 3284 South Delaware, Englewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto; and that the above class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-7565," and this order shall be deemed to be, and be, a PERMIT therefor.

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

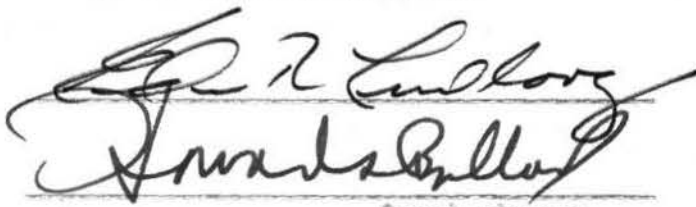
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
- NECESSARILY ABSENT AND NOT PARTICIPATING.

Appendix "A"

Decision No. 82944

May 4, 1973

Papi Trucking

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 82945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
WILLIAM P. KIRBY, BOX 329, WOODLAND }
PARK, COLORADO, FOR AUTHORITY TO }
OPERATE AS A CLASS "B" CONTRACT }
CARRIER BY MOTOR VEHICLE. }

APPLICATION NO. 26582-PP

ORDER OF THE COMMISSION

May 4, 1973

It appearing, That by order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That William P. Kirby, Box 329, Woodland Park, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

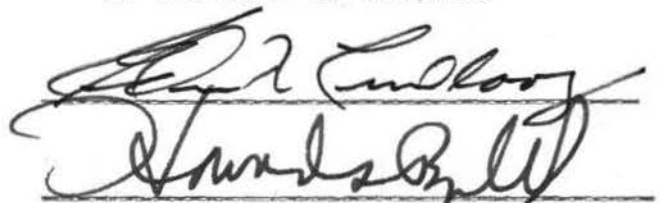
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING.

Appendix "A"

Decision No. 82945

May 4, 1973

William P. Kirby

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 82946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM H. TATRO, JR., BOX 917,	)	APPLICATION NO. 26560-PP
214 HARRIS, BRECKENRIDGE, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A CLASS)	
⁹⁰ B ¹⁰ CONTRACT CARRIER BY MOTOR VEHICLE.	)	ORDER OF THE COMMISSION

- - - - -
May 4, 1973
- - - - -

It appearing, That by order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That William H. Tatro, Jr., Box 917, 214 Harris Breckenridge, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

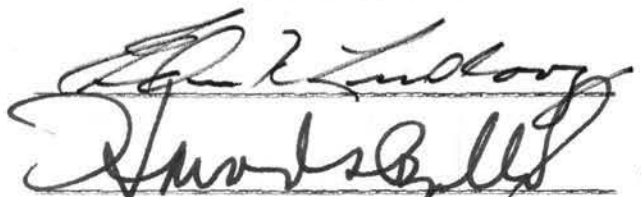
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Two handwritten signatures in dark ink, likely of the commissioners mentioned in the text below.

Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING.

hbp

Appendix "A"

Decision No. 82946

May 4, 1973

William H. Tatro, Jr.

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of twenty (20) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of twenty (20) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of twenty (20) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of twenty (20) miles of said pits and supply points;

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

(Decision No. 82947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY E. ANDERSON, 12357 WEST MISSIS-)
SIPPI, LAKEWOOD, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26587-PP

ORDER OF THE COMMISSION

- - - - -
May 4, 1973
- - - - -

It appearing, That by order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Roy E. Anderson, 12357 West Mississippi, Lakewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be and be, a PERMIT therefor.

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

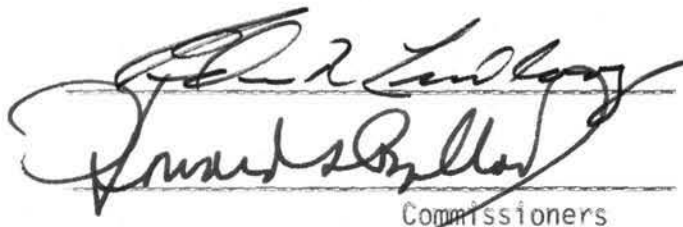
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT PARTICIPATING.

hbp

Appendix "A"

Decision No. 82947
May 4, 1973

Roy E. Anderson

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of thirty (30) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of thirty (30) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of thirty (30) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of thirty (30) miles of said pits and supply points;

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

(Decision No. 82948)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT W. CHASE, DOING BUSINESS AS)
"R. W. CHASE EXCAVATING," BOX 647,)
GRANBY, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)
-----)

APPLICATION NO. 26546-PP
ORDER OF THE COMMISSION

May 4, 1973

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor;

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

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

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

It is ordered, That Robert W. Chase, doing business as "R. W. Chase Excavating," Box 647, Granby, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

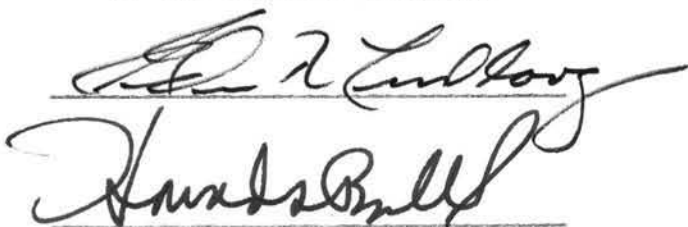
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

Appendix "A"
Decision No. 82948
May 4, 1973

R. W. Chase Excavating

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred twenty five (125) miles and said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred twenty five (125) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred twenty five (125) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred twenty five (125) miles of said pits and supply points;

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GARNETT C. BENNETTS, GARNETT E.)	
BENNETTS, AND RONALD L. BENNETTS,)	
DOING BUSINESS AS "GARNETT C. BENNETTS	)	APPLICATION NO. 26561-PP-Extension-TA
& SONS," ROUTE 2, BOX 822, GOLDEN,)	
COLORADO, FOR TEMPORARY AUTHORITY TO)	
EXTEND OPERATIONS UNDER CONTRACT	)	ORDER GRANTING TEMPORARY AUTHORITY
CARRIER PERMIT NO. B-6475.)	

- - - - -
MAY 4, 1973
- - - - -

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

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

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

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

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

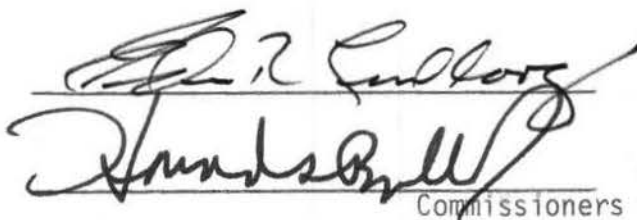
It is further ordered, That if Applicants fail to comply with all applicable statutory and Commission requirements, rules and

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

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

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
nto

(Decision No. 82949)
May 4, 1973

APPENDIX

Application No. 26561-PP-Extension-TA

Garnett C. Bennetts, Garnett E. Bennetts, and Ronald L. Bennetts
Doing Business As
Garnett C. Bennetts & Sons
Route 2, Box 822
Golden, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to extend operations under Contract Carrier Permit No. B-6475 with authority as follows:

"Transportation of
Sludge

From the Coors Waste Treatment Plant, Golden, Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only Adolph Coors Company, Golden, Colorado."

(Decision No. 82950)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OLIVER RICHARDSON, 465 PLAINVIEW,)
STERLING, COLORADO, FOR AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)
-----)

APPLICATION NO. 26406

ORDER OF THE COMMISSION

May 4, 1973

Appearances: Joseph F. Nigro, Esq., Denver,
Colorado, for Applicant.

It appearing, That by Order of the Commission dated February 26, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

It further appearing, That on April 27, 1973, the Commission entered Decision No. 82857 which provided for the dismissal of the above referenced application without prejudice for lack of prosecution unless request for hearing or verified statements were received prior to the effective date of the order. Applicant herein has filed verified statements prior to the effective date of said Decision. The evidence thus submitted amply warrants the grant of authority as hereinafter ordered.

Wherefore, and good cause appearing therefor:

We find, That inasmuch as the Applicant herein has filed the required verified statements, the Commission states and finds that Commission Decision No. 82857 dated April 27, 1973, should be set aside and held for naught and the herein matter should be disposed of under the Commissions modified procedure.

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

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

It is ordered, That Commission Decision No. 82857 dated April 27, 1973, be, and hereby is, set aside and held for naught and the application herein is not dismissed.

It is further ordered, That Oliver Richardson, 465 Plainview, Sterling, Colorado, be, and is hereby, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, 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 tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission within twenty days from date hereof.

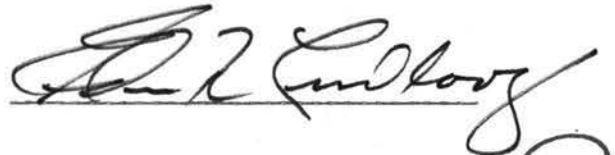
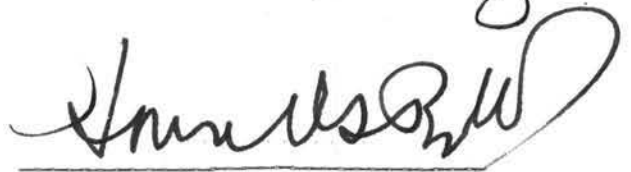
It is further ordered, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

It is further ordered, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this Order shall become
effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "R. L. Lingo", written over a horizontal line.A handwritten signature in cursive script, appearing to read "James H. Smith", written over a horizontal line.

COMMISSIONER HENRY E. ZARLENGO ABSENT

1a

Appendix "A"
Decision No. 82950
May 4, 1973

Oliver Richardson

Transportation of

Ash, trash, and other refuse

From all points located within Yuma County, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This Certificate is restricted against the transportation of waste fluids and bulk in tank vehicles.

(Decision No. 82951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROBERT L. DeQUASIE, DOING BUSINESS)	APPLICATION NO. 26545-PP
AS "R & L TRUCKING," 1212 BOWER)	
CIRCLE, LONGMONT, COLORADO, FOR)	ORDER OF THE COMMISSION
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

- - - - -
May 4, 1973
- - - - -

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Robert L. DeQuasie, doing business as "R & L Trucking," 1212 Bower Circle, Longmont, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

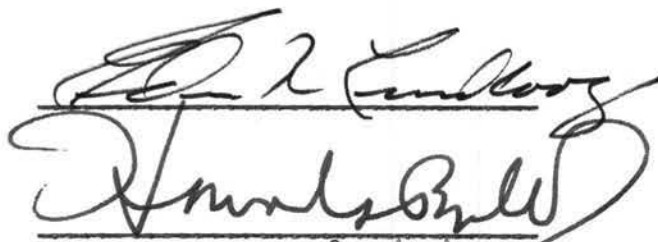
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

Appendix "A"
Decision No. 82951
May 4, 1973

R & L Trucking

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 82952)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DENNIS GRAHAM, 17190 MOUNT VERNON)	APPLICATION NO. 26551-PP
ROAD, GOLDEN, COLORADO, FOR AUTHORITY)	
TO OPERATE AS A CLASS "B" CONTRACT)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

May 4, 1973

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Dennis Graham, 17190 Mount Vernon Road, Golden, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

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

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

Appendix "A"
Decision No. 82952
May 4, 1973

Dennis Graham

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 82953)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD I. GEORGE, DOING BUSINESS AS)
"DICK GEORGE CONSTRUCTION," 303 WEST)
7TH STREET, WALSENBURG, COLORADO,)
FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26585-PP

ORDER OF THE COMMISSION

- - - - -
May 4, 1973
- - - - -

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Richard I. George, doing business as "Dick George Construction," 303 West 7th Street, Walsenburg, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

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

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

Appendix "A"
Decision No. 82953
May 4, 1973

Dick George Construction

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 82954)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALSENBURG SAND AND GRAVEL CO., INC.,)
BOX 879, WALSENBURG, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26586-PP

ORDER OF THE COMMISSION

- - - - -
May 4, 1973
- - - - -

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Walsenburg Sand and Gravel Co., Inc., Box 879, Walsenburg, Colorado, be, and is hereby, authorized to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

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

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

Appendix "A"
Decision No. 82954
May 4, 1973

Walsenburg Sand and Gravel Co., Inc.

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 82955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY L. McCALLISTER, DOING BUSINESS)
AS "M-C TRANSPORTATION," BOX 1106,)
WASHAKIE HOTEL #32, WORLAND, WYOMING,)
FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26558-PP
ORDER OF THE COMMISSION

- - - - -
May 4, 1973
- - - - -

Appearances: Gary Greenhalgh, Esq., Rock Springs,
Wyoming, for Applicant.

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service

of any authorized common carrier adequately serving the same territory over the same general route or routes;

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

It is ordered, That Gary L. McCallister, doing business as "M-C Transportation," box 1106, Washakie Hotel #32, Worland, Wyoming, be, and is hereby, authorized to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

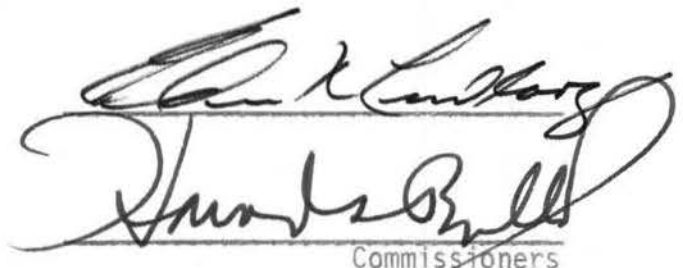
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

Appendix "A"
Decision No. 82955
May 4, 1973

M-C Transportation

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 82956)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DuWAYNE WYNIA, DOING BUSINESS AS)	
"SUMMIT COUNTY CASTING," BOX 398,)	APPLICATION NO. 26556-PP
DILLON, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

May 4, 1973

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That DuWayne Wynia, doing business as "Summit County Casting," Box 398, Dillon, Colorado, be, and is hereby, authorized to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

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

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

Appendix "A"
Decision No. 82956
May 4, 1973

Summit County Casting

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	}	
RICHARD E. BETTS AND VERA P. BETTS,	}	APPLICATION NO. 26583-PP
ROUTE 1, BOX 450, VINELAND, COLO-	}	
RADO, FOR AUTHORITY TO OPERATE AS A	}	ORDER OF THE COMMISSION
CLASS "B" CONTRACT CARRIER BY	}	
MOTOR VEHICLE.	}	

May 4, 1973

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Richard E. Betts and Verna P. Betts, Route 1, Box 450, Vineland, Colorado, be, and are hereby, authorized to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

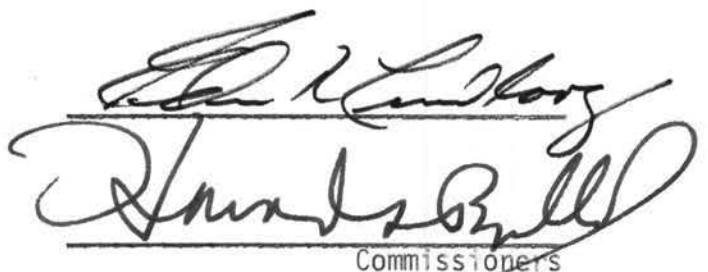
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 4th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

Appendix "A"
Decision No. 82957
May 4, 1973

Richard E. Betts and Verna P. Betts

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 82958)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE SUBURBAN AIRPORT LIMOUSINE CO.,)
A COLORADO CORPORATION, 1449 WEST)
LITTLETON BOULEVARD, LITTLETON,)
COLORADO, FOR AUTHORITY TO SUSPEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 8418.)

PUC NO. 8418

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

GRANTING APPLICATION

- - - - -
May 11, 1973
- - - - -

Appearances: Richard D. Dittemore, Esq.,
Englewood, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of April 2, 1973, Applicant filed the above-entitled application with this Commission for authority to suspend operations as a common carrier by motor vehicle for hire as specifically set forth in the said application.

The Commission assigned Docket No. 8418 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Pursuant to law, the Commission assigned the application to Christian O. Igenbergs, Examiner, for the purpose of conducting a hearing and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, May 1, 1973, at 10 a.m. The hearing was held at the said time and place.

No person or carrier appeared at the hearing to protest the granting of the application, and the files of the Commission in the subject matter contain no protests or objections to such granting.

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

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

FINDINGS OF FACT

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

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. Applicant in this matter holds a certificate of public convenience and necessity, PUC No. 8418, issued by this Commission under Decision No. 79272, which provides generally for the transportation of passengers and their baggage, and express, between Stapleton and certain points mainly along Interstate Highway No. 25 in Denver and south of Denver.

3. By this application Applicant seeks to suspend operations under the aforesaid authority for a period of six months.

4. The evidence of record discloses that the operations under Certificate of Public Convenience and Necessity PUC No. 8418 are highly unprofitable, and in the year 1972 the business lost approximately \$9,900, and during the first three months of the current calendar year, approximately \$3,000.

5. In fact, the only passengers Applicant carries are tendered to him by a few motels. The passenger load factor for each of the four round trips daily is 7.5 percent; whereas, in order to break even or secure even a small profit, Applicant would need at least a 25 percent load factor.

There are several motels being built in the Applicant's service area with a total of 950 to 1,000 rooms. One of these motels is

scheduled for completion in the current calendar year and the other due shortly thereafter. It is expected by Applicant that when the motels are ready for occupancy and actually occupied, his business will pick up, and he will again be able to render service in accordance with the authority granted.

The suspension will cause some inconvenience to the motel owners and their guests presently being served in that the motel owners will again have to offer courtesy car service to Stapleton but they are willing to do so until such time as Applicant is able to again render service.

As the operations stand now, Applicant's services are found to be economically unfeasible.

6. The suspension of the subject authority as applied for herein will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The request for suspension of operations of the authority granted to the Applicant under Certificate of Public Convenience and Necessity PUC No. 8418 should be granted as hereinafter set forth.

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

O R D E R


THE COMMISSION ORDERS THAT:

1. Suburban Airport Limousine Co., a Colorado corporation, 1449 West Littleton Boulevard, Littleton, Colorado, be, and hereby is, granted authority to suspend its operations under Certificate of Public Convenience and Necessity PUC No. 8418 for six (6) months, beginning with the effective date of this Recommended Decision.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

(Decision No. 82959)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR)
VEHICLE CARRIERS LISTED)
ON "APPENDIX A" HERETO,)
Respondents)

PERMIT NO. M-4202

May 8, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION

On April 9, 1973, Decision No. 82729, being the Recommended Decision of Robert L. Pyle, Examiner, was entered in "IN RE THE MATTER OF MOTOR VEHICLE CARRIERS LISTED ON 'APPENDIX A' HERETO" which included Rex L. Poulignot, doing business as "The Paint Shop," 515 Edison Street, Brush, Colorado, Permit No. M-4202. Said Recommended Decision provides for the revocation of the operating authority of each respondent listed on said Appendix A as of the effective date of the Recommended Order except as to any such respondent who files the requested certificate of insurance prior to the effective date of the Recommended Order. Rex L. Poulignot was one of the respondents listed on Appendix A.

On April 26, 1973, Rex L. Poulignot, by and through his attorney C. H. Anderson, filed Exceptions to the foregoing Recommended Decision of the Examiner.

On May 2, 1973, Rex L. Poulignot, by and through his attorney, filed "Withdrawal of Exceptions."

The Commission finds that no exceptions have been filed with respect to Decision No. 82729 other than the exceptions filed by Rex L. Poulignot, which exceptions now have been withdrawn, and concludes that the following Order should be entered.

O R D E R

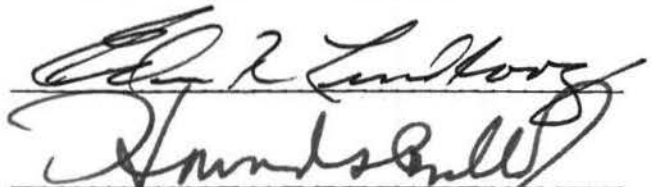
THE COMMISSION ORDERS THAT:

1. Withdrawal of Exceptions to Recommended Decision No. 82729 by Respondent, Rex L. Poulignot be, and the same hereby is, approved.
2. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 82729 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 82729 be, and hereby is, entered as the order of the Commission herein without any change or modification; that the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 8th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)	
OF PUBLIC SERVICE COMPANY OF COLORADO)	APPLICATION NO. 26475
AND THE PUEBLO GAS AND FUEL COMPANY FOR)	
AN ORDER AUTHORIZING THE PUEBLO GAS AND)	RECOMMENDED DECISION OF
FUEL COMPANY TO MERGE INTO PUBLIC SER-)	CHRISTIAN O. IGENBERGS,
VICE COMPANY OF COLORADO AS THE SURVIV-)	EXAMINER,
ING CORPORATION, AND THE TRANSFER TO)	
SUCH CORPORATION OF CERTAIN CERTIFICATES)	GRANTING APPLICATION
OF PUBLIC CONVENIENCE AND NECESSITY.)	

- - - - -
May 11, 1973
- - - - -

Appearances: Donald D. Cawelti, Esq.,
of Lee, Bryans, Kelly &
Stansfield, Denver, Colorado,
for Applicant;
John E. Archibold, Esq.,
Denver, Colorado, for
the Staff of the Commission.

PROCEDURE AND RECORD

Under date of March 22, 1973, Public Service Company of Colorado, hereinafter referred to by the full corporate name or as Public Service, and The Pueblo Gas and Fuel Company (Pueblo Company) filed the above entitled joint application with this Commission for an order authorizing the Pueblo Company to merge into Public Service as the surviving corporation, and approving the transfer thereby to Public Service of the certificates of public convenience and necessity held by the Pueblo Company.

After giving due and proper notice to all interested parties in accordance with 115-6-8(2), CRS 1963, as amended, the Commission set the subject matter for hearing in the Blue Flame Room, 210 West 8th Street, Pueblo, Colorado, on Tuesday, April 24, 1973, at 10 a.m., at which time and place it was heard by Christian O. Igenbergs, Examiner, to whom the application had been assigned pursuant to law.

No protests were received by the Commission, and no one appeared at the hearing in opposition to the granting of the application.

Exhibits A, B, B-1, C, D, E, and F were tendered and admitted into evidence.

Upon motion of the joint Applicants, the Examiner took official notice of Commission Decisions numbered 59189, 68367, 44060, 73710, and 63765.

By testimony at the hearing, the witness for Applicants noted certain errors in Exhibits B and C to the original joint application and counsel requested leave to substitute revised Exhibits B and C as late-filed exhibits. The request was granted by the Examiner, the revised Exhibits B and C were duly and timely filed by Applicant and are hereby admitted into evidence.

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

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

FINDINGS OF FACT

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

1. Public Service is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is an operating public utility, subject to the jurisdiction of this Commission, engaged principally in the generation, purchase, transmission, distribution and sale of electricity, and in the purchase, distribution, and sale of natural gas in various areas in the State of Colorado.

2. Pueblo Company, a wholly owned subsidiary of Public Service, is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is an operating public utility, subject to

the jurisdiction of this Commission, engaged in the purchase, distribution and sale of natural gas in the City of Pueblo, State of Colorado, and its environs.

3. A certified copy of the Restated Articles of Incorporation of Public Service and a certified copy of the Articles of Incorporation of Pueblo Company containing all amendments to date, heretofore have been filed with the Commission.

4. By Resolutions duly adopted by the Boards of Directors of Public Service and Pueblo Company, a Plan of Merger between both companies dated March 21, 1973, was duly adopted whereby the Pueblo Company will merge into Public Service as the surviving and continuing corporation under the name of Public Service Company of Colorado, to be governed by the laws of the State of Colorado. A true copy of such Plan of Merger was admitted into evidence at the hearing as Exhibit A. The Resolutions of the Boards of Directors of the respective companies were admitted into evidence as Exhibit B and Exhibit B-1.

5. The Plan of Merger further provides that on and after the effective date of the proposed merger, the separate existence of the Pueblo Company shall cease. Subject to the approval of this Commission and the issuance of a Certificate of Merger by the Secretary of State, the proposed effective date of the merger is to be July 2, 1973. On and after the effective date of the merger, Public Service shall possess all property, rights, privileges, powers and franchises of the Pueblo Company, and shall assume all duties, liabilities, and debts of the Pueblo Company. The Restated Articles of Incorporation and Bylaws of Public Service, in effect on the day preceding the effective date of the merger, shall be the Restated Articles of Incorporation and Bylaws of Public Service as the surviving corporation. The Plan of Merger further provides that as of the effective date of the merger each share of common stock of the Pueblo Company issued and outstanding shall be surrendered by Public Service to the Pueblo Company for cancellation.

6. On and after the effective date of the proposed merger the assets and liabilities of the Pueblo Company will be carried on the books of Public Service at the amounts at which they were carried on the books of the Pueblo Company, subject to such adjustments as may be made in accordance with the uniform system of accounts prescribed by this Commission.

7. Exhibits C and D admitted into evidence at the hearing disclosed a Pro Forma Condensed Combined Balance Sheet at year end 1972, Combined Income and Retained Earnings for the year 1972, and Combined Capital Structure Year End 1972, giving effect, on a demonstration basis, to the proposed merger and the resulting surviving corporation, although, of course, the actual merger adjustments will depend upon the financial condition of the respective companies on the effective date of the merger.

8. The accounting entry shown on revised Exhibits B and C resulting in a deferred credit of \$304,127 does not appear to be in accordance with the Uniform System of Accounts prescribed for natural gas companies, as adopted by this Commission.

9. The Pueblo Company has been granted certificates of public convenience and necessity by the following Commission Decisions: Decision No. 59189 dated August 30, 1962, granting authority to exercise franchise rights in and adjacent to Boone, Colorado; Decision No. 68367 dated October 19, 1966, granting authority to supply natural gas service to the Colorado Fire Clay Plant and the Pueblo Clay Calcining Plant; Decision No. 44060 dated March 14, 1955, granting authority to supply natural gas service in and around the community of Vineland; Decision No. 73710 dated October 21, 1969, granting authority to supply natural gas in the community of Pueblo West and adjacent areas; and Decision No. 63765 dated September 22, 1964, which is an order granting a certificate of public convenience and necessity to supply propane service in the community known as Colorado City. Public Service, as the surviving corporation to the proposed merger, will succeed to the authority of the Pueblo Company to exercise the rights and assume

the obligations and duties contained and incident to such certificates of public convenience and necessity.

10. As a part of the proposed merger, the Pueblo Company has notified the Trustee under its Indenture of Mortgage and Deed of Trust of its intention to redeem all outstanding bonds as authorized by its Board of Directors. Bonds outstanding are \$680,000 of 3-3/4 percent series, due 1977, and \$1,320,000 of 5-3/4 percent series, due 1985. The Pueblo Company's long-term debt will be replaced temporarily by short-term debt. As a result of the summation of the two companies, the percentage of common equity in the capital structure of the surviving corporation will be substantially the same as that of Public Service as of that date. The combination of interest expense and cash sinking fund requirements of these issues results in a total cash expenditure to maturity of these issues greater than would be the cash requirements for the same period on new Public Service debt at current interest rates. The cost of refunding the outstanding bonds of Pueblo is not significant.

11. Certain other benefits of somewhat lesser importance will result. With the Pueblo Company merged, the natural gas required to supply that area's needs will be contracted for as a part of the total Public Service purchase from Colorado Interstate Gas Company. As a result Public Service will be better able to utilize storage gas purchased from Colorado Interstate Gas Company. Historically it has been necessary in most years to nominate more storage gas for the Pueblo Company than was utilized. Under the merged circumstances, it will be possible to utilize total available gas sources in a more efficient manner. Also, Public Service could, on occasion, make gas available from its Leyden storage facility to assist in meeting peak day and annual requirements of the new Pueblo Division. There is some weather diversity between Denver and Pueblo which again assists in more efficient dispatching and better utilization of supply.

12. There will be some minor reduction in expenses associated with the various reports that now must be prepared separately for each company, as well as the time required for Board meetings and annual shareholders meetings of the Pueblo Company.

13. It is proposed that for the present the existing rates of the Pueblo Company will be adopted by Public Service without change by filing and incorporating such rates into the natural gas tariffs of Public Service on the effective date of the merger. The difference between the base rates of the Pueblo Company and those of Public Service for Denver is slight. Exhibit F admitted into evidence was a comparison of the monthly bills for natural gas of Public Service in Denver and of the existing Pueblo Company rates in Pueblo.

14. It is not anticipated that there will be any changes made as a result of the merger in personnel assignments and employee benefits in the Pueblo Company, except that the officers and employees of the Pueblo Company will become employees of Public Service. Employee benefits will remain substantially the same for the Pueblo Company employees transferred to Public Service.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authorization as prayed for by the joint Applicants for an order approving the merger of the Pueblo Company into Public Service as the surviving corporation should be granted as hereinafter set forth and the transfer by the Pueblo Company to Public Service upon the effective date of the merger of the certificates of public convenience and necessity held by the Pueblo Company be authorized and approved.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The merger of The Pueblo Gas and Fuel Company into Public Service Company of Colorado as the surviving corporation pursuant to the terms and provisions of the Plan of Merger between the two companies dated March 21, 1973, be, and the same is hereby, approved.

2. The transfer of the following certificates of public convenience and necessity from The Pueblo Gas and Fuel Company to Public Service Company of Colorado, to-wit:

<u>Decision No.</u>	<u>Dated</u>
44060	March 14, 1955
59189	August 30, 1962
63765	September 22, 1964
68367	October 19, 1966
73710	October 21, 1969

which will result from said merger is hereby authorized and approved.

3. Within ninety (90) days after the effective date of said merger, Public Service Company of Colorado shall submit to the Commission the accounting entries which it has made to effect said merger upon its books and records in conformance with the Uniform System of Accounts prescribed for natural gas companies.

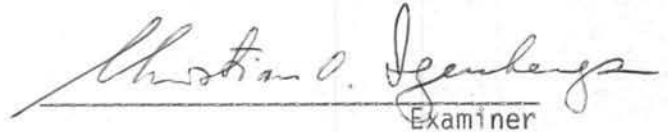
4. There shall be filed with the Commission a final report (in the form prescribed for Annual Reports) for Pueblo Gas and Fuel Company for the portion of 1973 in which it separately existed as a subsidiary of Public Service Company of Colorado, which final report shall be submitted on or before March 31, 1974.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DUANE LEOPARD AND ROBERT JOHNSON,)	
DOING BUSINESS AS "LEOPARD &)	APPLICATION NO. 26634-PP-Extension-ETA
JOHNSON TRUCKING," 331 SOUTH)	
COLLEGE, FORT COLLINS, COLORADO,)	ORDER GRANTING EMERGENCY TEMPORARY
FOR EMERGENCY TEMPORARY AUTHORITY)	AUTHORITY
TO EXTEND OPERATIONS UNDER CON-)	
TRACT CARRIER PERMIT NO. B-7954,)	
PENDING DETERMINATION OF THE)	
APPLICATION TO EXTEND SAID PERMIT.)	

- - - - -
May 11, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy customers needs.

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

It is ordered, That Duane Leopard and Robert Johnson, doing business as "Leopard & Johnson Trucking," 331 South College, Fort Collins, Colorado, be, and are hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 11, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

Rock and stone

From quarries and crushing plants located within the State of Colorado to all points located within a radius of one hundred (100) miles of said quarries and crushing plants."

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner's

CHAIRMAN EDWIN R. LUNDBORG ABSENT

js

(Decision No. 82962)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TED KIEFFER, DOING BUSINESS AS)
"STUDENT STORAGE SERVICE," 2460)
SOUTH FILLMORE, DENVER, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26578-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
May 11, 1973
- - - - -

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

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

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

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

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

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

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

DONE IN OPEN MEETING the 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

js

(Decision No. 82962)
May 11, 1973

APPENDIX

Application No. 26578-TA

Ted Keiffer
Doing Business As
Student Storage Service
2460 South Fillmore
Denver, Colorado

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

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

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

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

"Transportation -- on call and demand -- of

- (1) Used household goods and personal effects

Between points located within the City of Boulder, Colorado, on the one hand, and the storage facilities of Student Storage Service, on the other hand.

- (2) Used household goods and personal effects

Between points located within the following described area: Commencing at the intersection of Interstate Highway 70 and Monaco Parkway, Denver, Colorado; thence south along Monaco Parkway to U.S. Highway 285; thence west along U.S. Highway 285 to Sheridan Boulevard; thence north along Sheridan Boulevard to Interstate Highway 70; thence east along Interstate Highway 70 to Monaco Parkway, on the one hand, and the storage facilities of Student Storage Service, on the other hand.

RESTRICTION: This temporary authority is restricted to rendering transportation service for students only."

(Decision No. 82963)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORMAN W. COYLE, DOING BUSINESS AS)
"CAPITOL CITY DISPOSAL COMPANY,")
2300 JOLIET STREET, AURORA, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTH-)
ORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 3317.)

APPLICATION NO. 25822-Extension

DECISION OF THE COMMISSION
AMENDING DECISION NO. 82091
NUNC PRO TUNC

- - - - -
May 11, 1973
- - - - -

Appearances: Martin P. Miller, Esq.,
Littleton, Colorado,
for Applicant.

William A. Wilson, Esq.,
Denver, Colorado, for
Bestway Disposal; Englewood-
Littleton-Arapahoe Rubbish
Removal, Inc.; Commerce
Refuse Disposal, Inc.;
U.S. Cargo Corporation; and
Empire Disposal, Inc.,
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 11, 1973, Decision No. 82091 was entered and served upon the parties. It has now come to the attention of the Commission that paragraph four of the Statement and Findings of Fact contains an error, to wit: ". . . in the Recommended Decision No. 79720. . .", whereas it should read No. 82091. Accordingly, the Commission concludes that it should enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Decision No. 82091 be, and hereby is, amended nunc pro tunc as of January 11, 1973, by striking from paragraph four of the Statement and Findings of Fact of said Decision, the number 79720 and substituting therefore the number 82091.

2. In all other respects, Decision No. 82091, as amended herein, shall remain in full force and effect.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

js

(Decision No. 82964)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE)
SERVICE OF ELECTRIC UTILITIES)
WITHIN THE STATE OF COLORADO.)

CASE NO. 5320

ORDER GRANTING INTERVENTION

May 11, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 8, 1973, Mountain View Electric Association, Inc., by its attorney Robert T. James, filed with the Commission a pleading entitled "Petition for Leave to Intervene of Mountain View Electric Association, Inc."

The Commission states and finds that Petitioner is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS THAT:

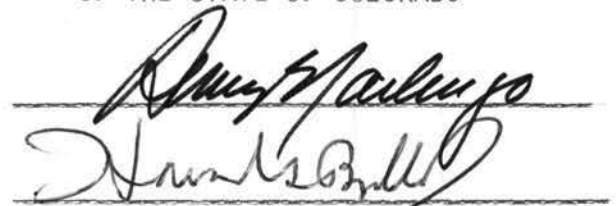
1. The Mountain View Electric Association, Inc., be, and hereby is, granted leave to intervene in the herein proceeding.

2. Intervenor shall file with the Commission, in writing, any specific objections, suggestions and proposals that it desires the Commission to consider in this proceeding on or before May 15, 1973.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE)
SERVICE OF TELEPHONE UTILITIES)
WITHIN THE STATE OF COLORADO.)

CASE NO. 5323

ORDER GRANTING INTERVENTION

May 11, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 8, 1973, the Colorado Independent Telephone Association, Inc., by its attorney Robert T. James, filed with the Commission a pleading entitled "Petition for Leave to Intervene of the Independent Telephone Association, Inc."

The Commission states and finds that Petitioner is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

ORDER

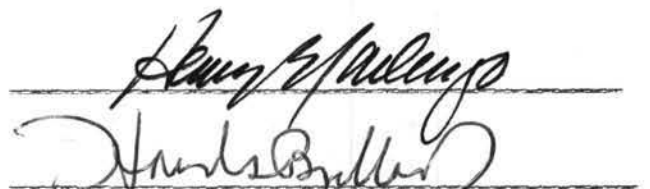
THE COMMISSION ORDERS THAT:

1. The Independent Telephone Association, Inc., be, and hereby is, granted leave to intervene in the herein proceeding.
2. Intervenor shall file with the Commission, in writing, any specific objections, suggestions and proposals that it desires the Commission to consider in this proceeding on or before May 15, 1973.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

(Decision No. 82966)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN R. WALTER, DOING BUSINESS AS)	
"JACK WALTER TRUCKING," ROUTE 2,)	APPLICATION NO. 26444-Extension
BOX 156, LA JUNTA, COLORADO, FOR)	
AUTHORITY TO EXTEND OPERATIONS UNDER)	
CERTIFICATE OF PUBLIC CONVENIENCE)	ORDER OF THE COMMISSION
AND NECESSITY PUC NO. 2703 AND PUC)	
NO. 2703-I.)	

- - - - -
May 11, 1973
- - - - -

It appearing, That by order of the Commission dated March 12, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

It is ordered, That John R. Walter, doing business as "Jack Walter Trucking," Route 2, Box 156, La Junta, Colorado, be, and is hereby, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 2703 and PUC No. 2703-I to include the following:

"Transportation -- on call and demand -- of

Farm products

Between all points within an area comprised of the counties of Otero, Crowley, Bent, Baca, Prowers, and Kiowa, and that portion of the county of Cheyenne lying south of U.S. Highway 40 and that portion of the counties of Las Animas, Pueblo, El Paso, and Lincoln lying within a fifty (50) mile radius of La Junta, Colorado, and between said points on the one hand, and all points located within the State of Colorado, on the other hand.

RESTRICTION: This Certificate is restricted as follows:

- (a) The holder or operator herein is prohibited without further order from this Commission, from establishing an office in any other city or town than La Junta, Colorado, and a two (2) mile radius thereof, for the purpose of soliciting business.
- (b) Against the transportation of farm products within the counties of Conejos, Alamosa, Rio Grande, and Costilla, State of Colorado.
- (c) Against the transportation of bulk milk and dairy products."

It is further ordered, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2703 and PUC No. 2703-I as extended, shall read and be as set forth in Appendix "A" attached hereto.

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

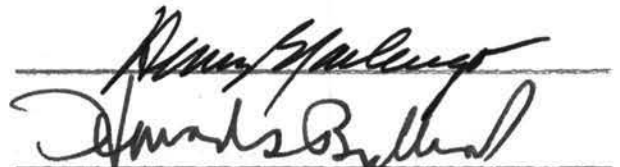
It is further ordered, That the holder of this Certificate shall operate in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

It is further ordered, That this order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG
NECESSSARILY ABSENT AND NOT
PARTICIPATING.

hbp

Appendix "A"

Decision No. 82966
May 11, 1973

Jack Walter Trucking

- (1) Transportation -- on call and demand -- of
Farm products, including livestock

Between all points within an area comprised of the counties of Otero, Crowley, Bent, Baca, Prowers, and Kiowa, and that portion of the county of Cheyenne lying south of U.S. Highway 40 and that portion of the counties of Las Animas, Pueblo, El Paso, and Lincoln lying within a fifty (50) mile radius of La Junta, Colorado, and between said points, on the one hand, and all points located within the State of Colorado, on the other hand.

RESTRICTION: Item 1 of this Certificate is restricted as follows:

- (a) The holder or operator herein is prohibited without further order from this Commission, from establishing an office in any other city or town than La Junta, Colorado, and a two (2) mile radius thereof, for the purpose of soliciting business.
 - (b) Against the transportation of farm products (excluding livestock) within the counties of Conejos, Alamosa, Rio Grande, and Costilla, State of Colorado.
 - (c) Against the transportation of bulk milk and dairy products.
- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

(Decision No. 82967)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
KEN DAVIS TRUCKING CO., INC., BOX)	
598, PAONIA, COLORADO, FOR AUTHORITY	)	APPLICATION NO. 26474-Transfer
TO TRANSFER ALL RIGHT, TITLE, AND)	
INTEREST IN AND TO CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 976 AND PUC NO. 976-I TO)	
JAMES CLAIRE LANE, DOING BUSINESS	)	ORDER OF THE COMMISSION
AS "CLAIRE LANE TRUCKING CO.,")	
216 COLORADO AVENUE, PAONIA,)	
COLORADO,)	

May 11, 1973

Appearances: James M. Colosky, Esq.,
Hotchkiss, Colorado,
for Applicants.

It appearing, That by order of the Commission dated March 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

It is ordered, That Ken Davis Trucking Co., Inc., Box 598, Paonia, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 976 and PUC No. 976-I as granted by Commission Decision No. 80211 dated May 8, 1972, to James Claire Lane, doing business as "Claire Lane Trucking Co.," 216 Colorado Avenue, Paonia, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

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

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

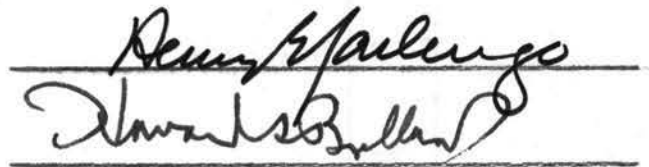
It is further ordered, That the right of Transferee to operate under this order shall be dependent upon compliance with all present and

future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said Certificate.

And it is further ordered, That this order shall become effective twenty-one days from the day and date hereof,

DONE IN OPEN MEETING the 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Two handwritten signatures in cursive script are written over two horizontal lines. The first signature is 'Dennis Spaulding' and the second is 'Howard Bullen'.

Commissioners

CHAIRMAN EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

hbp

(Decision No. 82968)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUEBLO WEST METROPOLITAN DISTRICT,)
PUEBLO WEST, COLORADO; AND)
McCULLOCH PROPERTIES, INC. FOR)
AUTHORITY TO MOVE FLASHING LIGHT)
SIGNALS AND ARMS AT A PUBLIC GRADE)
CROSSING AT PLATTEVILLE BOULEVARD)
ACROSS THE ATCHISON, TOPEKA & SANTA)
FE RAILWAY COMPANY AT MILE POST)
625 PLUS 3094 FEET IN PUEBLO WEST,)
PUEBLO COUNTY, COLORADO, AND TO)
INCLUDE A SPUR CROSSING AT THAT)
LOCATION.)

APPLICATION NO. 26504

RECOMMENDED DECISION OF
THOMAS M. McCaffrey,
EXAMINER

GRANTING APPLICATION

May 14, 1973

Appearances: Thomas T. Farley, Esq., of
FONDA, HAYS, FARLEY, ABRAM
& SHAW, Pueblo, Colorado,
for Pueblo West Metropolitan
District and McCulloch
Properties, Inc., Applicants;
Peter J. Crouse, Esq., Denver,
Colorado, for the Atchison,
Topeka and Santa Fe Railway
Company;
J. H. Baier, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On March 27, 1973, Pueblo West Metropolitan District, Pueblo West, Colorado; and McCulloch Properties, Inc., Applicants, under the provisions of 115-4-6, CRS 1963, as amended, filed the above-titled application seeking authority to move flashing light signals and arms at a public grade crossing at Platteville Boulevard across the Atchison, Topeka and Santa Fe Railway Company at Mile Post 625 plus 3094 feet in Pueblo West, Pueblo County, Colorado, and to include a spur track crossing at that location.

The Commission assigned Docket No. 26504 to the application, and, after due and proper notice to all interested persons, firms, or corporations, set the application for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Wednesday, May 2, 1973, at 3 p.m. Pursuant to law, the Commission designated Thomas M. McCaffrey as Examiner for the purpose of conducting a hearing on the application, and the hearing was held at the aforesaid time and place.

Exhibits 1 and 2 were offered and admitted into evidence.

Examiner took official notice of Decision No. 82281, dated February 6, 1973, in which the Applicants herein and the Board of County Commissioners, Pueblo County, Colorado, were authorized to construct the public grade crossing with flashing light signals and arms at the subject location.

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

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

FINDINGS OF FACT

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

1. Pueblo West Metropolitan District is a political subdivision of the State of Colorado and is responsible for utility and other services, including road maintenance, within the district.

2. McCulloch Properties, Inc., is a private development corporation with offices at Pueblo West, Colorado, and is presently developing a planned community known as Pueblo West, which is located northwest of Pueblo along State Highway No. 50 in Pueblo County, Colorado. Pueblo West is an extensive development containing approximately 25,990 acres of land zoned for residential, commercial, and industrial uses. This development lies west of the main line of the Atchison, Topeka & Santa Fe Railroad.

3. The Commission has jurisdiction over the subject matters involved in this application.

4. No one appeared at the hearing to intervene or protest the granting of this application.

5. This Commission, in Decision No. 82281, dated February 6, 1973, granted to the Board of County Commissioners of Pueblo, Colorado, and the Applicants herein, authority for the following:

"(a) Installation, use, and maintenance of a public grade crossing over the main line track of the Atchison, Topeka and Santa Fe Railway Company at Mile Post 625 plus 3094 feet, as located on Platteville Boulevard to be constructed in the NE 1/4 of the NE 1/4 of Section 3, Township 20 South, Range 65 West, of the Sixth Principle Meridian, Pueblo County, Colorado.

"(b) Installation, use and maintenance at the public grade crossing, as described in paragraph 1(a) of this Order, of protection devices consisting of two (2) standard curbside railroad flasher signal units with overhead cantilever arms and flasher lights, short arm gates, and warning bell, to be placed at the said crossing by the Atchison, Topeka and Santa Fe Railway Company."

6. The purpose of this application is to obtain authority to construct a spur track off of the main line track of the Atchison, Topeka and Santa Fe Railway Company; to provide a crossing over the spur track at the same location as described in Decision No. 82281, specifically set forth in Finding of Fact No. 5, supra; and for authority to move the flashing lights, short arm gates, and warning bell so as to properly provide protection at the said spur line crossing, as well as at the main line crossing. That the public safety, convenience and necessity requires a crossing across the main line of the tracks at the proposed location herein as well as the adequacy of the proposed flashing signal lights and warning devices, is not an issue in this application, and the Examiner by reference hereby incorporates into this Recommended Decision the Findings of Fact and Conclusions thereon contained in Decision No. 82281 as though said Findings and Conclusions were fully set forth herein.

7. The proposed spur track is to be located to the west of the main track, which area is zoned for industrial use. There will be a distance of 75 feet between the main line and spur track, as measured from the centerline of each track.

At the time Applicants filed the original application for authority to construct a crossing over the main line track on Platteville Boulevard, authority was not requested to construct the spur line proposed in this application because at that time there was no known need for such a line to adequately serve the industrial firms located on the west and to the north of the crossing. Such need has now become apparent, however, mainly to adequately serve the Rocky Mountain Glass Company, a large glass manufacturing firm which is presently constructing a glass container plant near the main line crossing site.

8. Platteville Boulevard, a 4-lane, 48-foot wide roadway, was at the time of the hearing on the application for authority to construct a crossing over the main track, in the preliminary phase of construction to the west. Construction on this roadway is now 90 percent complete. The projected traffic count across the main line tracks and spur track has not increased since the time of hearing on the aforesaid main line track crossing authority application. If authority is granted to construct the spur track as proposed herein, it will be necessary to move the authorized standard curbside railroad flasher signal units with overhead cantilever arms and flasher lights, short arm gates, and warning bell which were originally to be placed to the west of the main line track, to the west side of the spur track. Such movement would be directly westward and would be placed the same distance from the spur track as originally planned from the main line track. This warning and safety equipment would be exactly the same as previously authorized, except that the track circuiting, which originally provided for a minimum of 25 seconds warning time before the approach of a train from either direction, would be increased from one to two seconds so as to compensate for the widening of the distance across the crossing. The proposed crossing protection will be installed and in operation prior to any vehicle movement over the crossing.

9. Installation of the signal devices, track circuiting, and crossing construction will be performed by the Atchison, Topeka and Santa Fe Railway Company, with cost of the initial installation to be paid to the Railroad by McCulloch Properties, Inc. The Railroad will provide all maintenance to the devices, at their own expense, for the life of the crossings so protected.

10. The unexpectedly rapid growth and addition of industrial firms to the west of the main line tracks of the Atchison, Topeka and Santa Fe Railway Company at Mile Post 625 plus 3094 feet in Pueblo West, Pueblo County, Colorado, has necessitated the construction of the spur track proposed, and the public safety, convenience and necessity requires, and will require, the construction of said spur track across Platteville Boulevard, as well as the moving of the railroad flasher signal unit with overhead cantilever arms and flasher lights, short arm gates, and warning bell, to adequately protect persons using the crossing.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The public safety, convenience and necessity requires, and will in the future require, the granting of this application as hereinafter set forth.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Authority and approval be, and hereby is, granted to Pueblo West Metropolitan District, Pueblo West, Colorado; and McCulloch Properties, Inc., for the

- (a) installation, use, and maintenance of a new spur track of the Atchison, Topeka and Santa Fe Railway Company at Mile Post 625 plus 3094 feet across Platteville Boulevard at the public grade crossing as located on Platteville Boulevard to be constructed in the N/E 1/4 of the N/E 1/4 of Section 3, Township 20 South, Range 65 West, of the Sixth Principle Meridian, Pueblo County, Colorado;

(b) installation, use, and maintenance at the public grade crossing, as described in paragraph 1(a) of this Order, of protection devices consisting of one (1) standard curbside railroad flasher signal unit with overhead cantilever arm and flasher lights, short arm gates, and warning bell, to be placed to the west of said crossing by the Atchison, Topeka and Santa Fe Railway Company.

2. The crossing construction, signal installation, operation, use, maintenance, and costs of the public grade crossing as described in paragraph 1 of this Order shall all be performed and paid in accordance with the appropriate agreements, stipulations, plans and specifications entered into between and among the parties, all of which said agreements, stipulations, plans and specifications were submitted and admitted into evidence in the hearing held on Application No. 82281, dated February 6, 1973, which Decision is by reference incorporated into and made a part of this Order.

3. The signal devices and installation thereof shall be in conformance with the current Bulletin (No. 6) for Railroad-Highway Grade Crossing Protection by the Association of American Railroads.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McRae
Examiner
js

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: REQUEST TO PUBLISH ON LESS
THAN STATUTORY NOTICE, RATES ON
COAL FROM OAKRIDGE, COLORADO TO
COLORADO SPRINGS, COLORADO,
(MARTIN DRAKE PLANT)

APPLICATION NO. 26635

May 11, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 7, 1973, the Colorado-Utah-Wyoming Committee, Agent, by Earl A. McCarron, Assistant Tariff Publishing Officer, filed its Colorado Spplication No. 449, dated May 4, 1973, requesting permission to publish on less-than-statutory notice (30 days) an Item designated No. 2016.9 from Oakridge, Colorado to Colorado Springs, Colorado, (Martin Drake Plant) for account of the Denver and Rio Grande Western Railroad Company, direct, on Bituminous Coal as more particularly defined and set forth in Appendix "A" attached hereto.

The requested change will be published in the agency Freight Tariff No. 1-B, ICC No. 54.

Supporting the requested short notice publication, the following was submitted and it is quoted:

"Normally, natural gas is used in our plant as fuel. Our normal supply of natural gas has incurred an unexpected reduction. In order to maintain our normal operation capacity, it is imperative that coal be used as fuel; and we anticipate that the coal will be required about May 21, 1973. Therefore, it is urgently requested that the negotiated rate become effective as quickly as possible."

On May 8, 1973, the Commission received a telegram from the Colorado-Utah-Wyoming Committee requesting amendments to its application No. 449, which appear in Appendix "B", attached.

The Commission finds that pursuant to Rule 19-C of the Rules of Practice and Procedure, it will be in the public interest to permit the changes set forth in Appendix "A", upon less than statutory notice, as amended by Appendix "B".

O R D E R

THE COMMISSION ORDERS:

1. That the Colorado-Utah-Wyoming Committee, be, and it is hereby, authorized to publish Item 2016.9, appearing in Appendix "A", amended by Appendix "B", attached hereto, in Freight Tariff No. 1-B, ICC No. 54, on less than statutory notice (30 days).

2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING THIS 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Edwin R. Lundborg
necessarily absent and not
participating.

Appendix "A"

MISCELLANEOUS COMMODITY RATES

ITEM	COMMODITY	FROM	TO	RATES IN CENTS PER TON OF 2,000 POUNDS		ROUTE VIA
				COL.A	COL.B	
	(SUBJECT TO ITEM 700)					
	COAL,BITUMINOUS,THAT HAS PASSED OR WILL PASS,THROUGH A SCREEN WITH ROUND HOLE OPEN- INGS 4 INCHES IN DIAMETER,OR ITS EQUIVALENT,FROM WHICH NO FINES HAVE BEEN REMOVED.	OAKRIDGE . .COLO.	COLORADO SPRINGS (MARTIN DRAKE PLANT). . .COLO.	(+81) 336	(+52) 413	D&RGW DIRECT.

COLUMN A RATE APPLIES AS FOLLOWS:

(A) APPLIES ONLY ON SHIPMENTS FROM ONE CONSIGNOR WHO SHIPS FROM ONE ORIGIN TO ONE CONSIGNEE WHO RECEIVES AT ONE DESTINATION NOT LESS THAN 175,000 TONS DURING THE 12-MONTH PERIOD COMMENCING WITH THE DATE OF WRITTEN NOTIFICATION TO THE WESTERN WEIGHING & INSPECTION BUREAU AND THEREAFTER DURING THE 12-MONTH PERIODS COMMENCING WITH THE ANNIVERSARY DATE OF THE FIRST 12-MONTH PERIOD. INITIALLY THE RATE SHOWN IN COL.A SHALL BE CHARGED.

(B) BEFORE THE BEGINNING OF EACH 12-MONTH PERIOD DESCRIBED IN PARAGRAPH (A),THE CONSIGNEE SHALL FURNISH AN INDEMNITY BOND AS DESCRIBED IN PARAGRAPH (C) AND NOTIFY THE WESTERN WEIGHING & INSPECTION BUREAU IN WRITING OF ITS INTENTION TO USE RATE SHOWN IN COL.A.

(C) THE INDEMNITY BOND MUST BE IN AN AMOUNT SUFFICIENT TO COVER THE DIFFERENCE BETWEEN THE AMOUNT OF FREIGHT CHARGES THAT WOULD HAVE BEEN COLLECTED IN ACCORDANCE WITH PARAGRAPH (A) AND THE AMOUNT THAT WOULD ACCRUE IN THE EVENT THE CONSIGNEE FAILED TO MEET THE VOLUME REQUIREMENTS OF PARAGRAPH (A).

(D) IF DURING ANY 12-MONTH PERIOD DESCRIBED IN PARAGRAPH (A) THE TONNAGE REQUIRED OF A CONSIGNOR IS NOT MET,THE RATE SHOWN IN COL.A SHALL NOT BE APPLICABLE ON SHIPMENTS THAT HAVE MOVED DURING THE 12-MONTH PERIOD AND UPON PRESENTATION OF BILLS THEREFOR,THE DIFFERENCE BETWEEN THE CHARGES AT THE RATE INITIALLY CHARGED AND THE RATE SHOWN IN COL.B SHALL BE DUE AND PAYABLE.

(E) CERTIFICATION OF SHIPMENTS MOVING AT SUCH RATES SHALL BE MADE BY THE WESTERN WEIGHING & INSPECTION BUREAU.

(F) IF DURING ANY CALENDAR DAY OR DAYS (SEE NOTES 2 AND 3) IN ANY 12-MONTH PERIOD STATED IN PARAGRAPH (A) OF THIS ITEM SHIPMENTS CANNOT BE MADE UNDER RATE SHOWN IN COL.A BY A CONSIGNOR TO A CONSIGNEE DUE TO AN ACT OF GOD,STRIKES OR LOCKOUTS IN THE RAILROAD INDUSTRY OR STRIKES OR LOCKOUTS OR MECHANICAL BREAKDOWN OR FIRE IN THE CONSIGNOR'S OR CONSIGNEE'S PLANT OR FACILITIES (SEE NOTE 1),THE CALENDAR DAY OR DAYS DURING THAT 12-MONTH PERIOD IN WHICH SHIPMENTS DUE TO SUCH OCCURRENCES CANNOT BE MADE SHALL BE CONSIDERED AS A DISABILITY DAY OR DAYS (SEE EXCEPTION 1) AND THE MINIMUM AGGREGATE TONNAGE REQUIRED OF THAT CONSIGNOR DURING THAT 12-MONTH PERIOD SHALL BE REDUCED BY 1/240TH FOR EACH SUCH DISABILITY DAY. ANY DAY IN WHICH TWO OR MORE OF SUCH EVENTS OCCUR SHALL BE CONSIDERED AS ONE DISABILITY DAY.

EXCEPTION 1.-BREAKDOWN OR FIRE IN THE FACILITIES OF CONSIGNEE OR CONSIGNOR WILL INCLUDE ONLY THE MECHANICAL BREAKDOWN OF OR FIRE TO EQUIPMENT DIRECTLY VITAL TO LOADING OR UNLOADING OPERATIONS.

NOTE 1.-THE CONSIGNOR,CONSIGNEE OR PARTICIPATING CARRIER ENCOUNTERING DISABILITY DAYS SHALL, WITHIN 24 HOURS OF THE DATE OF DISABILITY,NOTIFY THE WESTERN WEIGHING & INSPECTION BUREAU OF SUCH DISABILITY AND SHALL FURNISH A CERTIFICATE STATING:

"THIS IS TO CERTIFY THAT ON (MONTH-DAY-YEAR) THE FOLLOWING DISABILITIES OCCURRED (HERE SHOW TYPE OF DISABILITY AS PROVIDED IN PARAGRAPH (F) THEREBY RESULTING IN AUTHORIZED REDUCTION IN VOLUME TONNAGE AS SPECIFIED IN PARAGRAPH (A) OF ITEM 2016.9,COLORADO-UTAH-WYOMING COMMITTEE FREIGHT TARIFF 1-B".

NOTE 2.-IF SHIPMENTS ARE MADE BY A CONSIGNOR TO A CONSIGNEE UNDER THIS ITEM DURING ANY CALENDAR DAY IN WHICH ONE OR MORE OF THE EVENTS SPECIFIED IN THIS PARAGRAPH OCCUR,THAT DAY WITH RESPECT TO SHIPMENTS FROM THE CONSIGNOR TO THE CONSIGNEE SHALL NOT BE CONSIDERED AS A DISABILITY DAY.

NOTE 3.-SATURDAYS,SUNDAYS AND LEGAL HOLIDAYS SHALL NOT BE COUNTED UNLESS CONSIGNOR'S LOADING FACILITIES OR CONSIGNEE'S UNLOADING FACILITIES NORMALLY OPERATE ON THOSE DAYS. THE TERM LEGAL HOLIDAYS EMBRACES ONLY THE FOLLOWING:

NEW YEAR'S DAY,WASHINGTON'S BIRTHDAY,MEMORIAL DAY,INDEPENDENCE DAY,LABOR DAY,THANKSGIVING DAY AND CHRISTMAS DAY.

IN THE EVENT ONE OF THE ABOVE HOLIDAYS OCCURS ON A SUNDAY,THE FOLLOWING MONDAY WILL BE CONSIDERED AS A HOLIDAY.

(CONCLUDED ON FOLLOWING PAGE)

FOR EXPLANATION OF REFERENCE MARKS,SEE CONCLUDING PAGE OF THIS SUPPLEMENT.

RECEIVED

MAY 7 1973

Appendix "A"

MISCELLANEOUS COMMODITY RATES

ITEM

COLUMN A RATE APPLIES AS FOLLOWS - CONCLUDED

(G) ALL CARS MUST BE LOADED TO FULL VISIBLE CAPACITY. WEIGHTS DETERMINED BY CONSIGNOR OR CON-SIGNEE ON RAILROAD APPROVED SCALES AND FURNISHED TO THE CARRIER WILL BE USED FOR THE ASSESSMENT OF FREIGHT CHARGES. RATE DOES NOT INCLUDE THE SERVICE OF WEIGHING BY THE CARRIER. IF CARS ARE WEIGHED BY THE CARRIER AT THE SPECIFIC REQUEST OF THE CONSIGNOR OR CONSIGNEE, THE ENTIRE SHIPMENT MUST BE WEIGHED FOR WHICH A CHARGE OF (+62) \$5.30 PER CAR WILL BE ASSESSED AND THE CONSIGNOR OR CONSIGNEE MAKING THE REQUEST WILL BE CHARGED FOR THE WEIGHING. REQUEST FOR RAILROAD WEIGHING MUST BE MADE AT THE TIME CONSIGNOR SUBMITS THE BILL OF LADING. FREIGHT CHARGES WILL BE ASSESSED ON THE BASIS OF THE WEIGHTS SO ASCERTAINED. WHEN CARS ARE WEIGHED BY THE CONSIGNOR, CONSIGNEE OR CARRIER, THE ACTUAL WEIGHTS SO DETERMINED WILL BE USED IN COMPUTING FREIGHT CHARGES. IN NO CASE WILL CHARGES BE ASSESSED ON LESS THAN THE MARKED CAPACITY OF CAR USED (SEE ITEM 370, EXCEPTION TO ITEM 580).

(H) SHIPPER MUST ADVISE THE D&RGW BY 11:59 A.M. OF THE 25TH DAY OF EACH MONTH (TO BE IMMEDIATELY CONFIRMED IN WRITING), THE INTENDED TONNAGE TO BE SHIPPED DAILY DURING THE FOLLOWING CALENDAR MONTH UNDER THE RATES SUBJECT TO THIS ITEM. NOTICE SHALL BE DIRECTED TO:

CHIEF TRANSPORTATION OFFICER, D&RGW, DENVER, COLO.

COLUMN B RATE APPLIES AS FOLLOWS:

APPLIES ONLY ON SHIPMENTS NOT COMPLYING WITH THE PROVISIONS OF RATE IN COL.A.

(R.A. 12-201)

* DENOTES REDUCTION.

+ APPLIES ON INTRASTATE TRAFFIC ONLY.

(+62) ON INTRASTATE TRAFFIC, NOT SUBJECT TO ITEM X-262.

(+31) ON INTRASTATE TRAFFIC, NOT SUBJECT TO ITEMS X-262, X-265, X-267 NOR X-281.

- THE END -



Appendix "B"

(*Amendment to Appendix "A")

(1) Change column A rate reading:

(#81) 336

To read:

(#80) (#81) 336

(2) Add explanation of reference mark (#80) reading:

(#80) minimum weight marked capacity of car, subject to aggregate minimum weight of not less than 1500 tons per shipment tendered on one bill of lading on one day, at one time, from one consignor at one location at one origin, to one consignee at one location at one destination. Further, all empty cars required to make the aggregate minimum weight are to be given a single placement as a unit at origin loading location and the loaded cars must be tendered to carrier as a single unit. Loaded cars are to be delivered to consignee at destination as a unit in a single placement and the empty cars must be returned to carrier as a single unit.

(3) Change that portion reading:

Column B rate applies as follows:

Applies only on shipments not complying with the provisions of rate in column A.

To read:

Column B rate applies as follows:

Applies only on shipments not complying with the provisions of rate in column A. Subject to minimum weight provided in item 410.

Applies on intrastate traffic only.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION FOR PERMISSION TO
PUBLISH COMMODITY RATE OF \$2.05
PER LOADED MILE BETWEEN DENVER AND
THE EASTMAN KODAK COMPANY PLANT
SITE NEAR WINDSOR, ON ONE DAY'S
NOTICE

APPLICATION NO. 26636

May 11, 1973

STATEMENT

BY THE COMMISSION:

On the date of April 26, 1973, Application was filed with the Commission by Hubert Work, Executive Vice President of Weicker Transfer & Storage Company, requesting permission to publish a commodity item in their Tariff No. 3, Colorado PUC No. 3, of \$2.05 per loaded mile, applying on structural steel and related items between Denver and the Eastman Kodak Company Plant Site near Windsor.

In support of their request the Petitioner states that:

"There is a substantial construction project going forth at the Kodak Company Plant. We have been favored with the erection of steel and were told by the contractor that if this rate is approved, we would participate in the hauling.

"This is extremely practical to our firm, since the proper scheduling of equipment and minimizing delays will, as a net result, reduce the cost and increase the effectiveness to the contractor for our services.

"It is anticipated some 2,800 tons will move on this service in the near future."

The Commission finds that insufficient justification for publication on less than statutory notice has been presented and that the Application should be denied.

O R D E R

THE COMMISSION ORDERS:

1. That the Application to publish a commodity rate item of \$2.05 per loaded mile on steel between Denver and the Eastman Kodak Company Plant site near Windsor on one day's notice, be, and it hereby is, denied.

2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING THIS 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Edwin R. Lundborg
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN MINIMUM CHARGE
RATES AS PUBLISHED IN ITEM 420 (I)
OF CMTB TARIFF 12-B, COLORADO PUC
NO. 19

}
}
}
Investigation and Suspension
Docket No. 776

May 11, 1973

STATEMENT

BY THE COMMISSION:

On the date of April 14, 1973, Mr. J. R. Smith, Chief of Tariff Bureau, filed 28th Revised Page 85 to CMTB 12-B, Colorado PUC No. 19, for and on behalf of the participating carriers shown therein. Said Revised Page was scheduled to become effective on May 19, 1973, and has the effect of increasing the minimum charges for the participating carriers to the interstate level, an increase of approximately 23 to 25 percent. Only one protest to this increase has been received. However, the Commission finds that said changes may result in charges which are not just and reasonable and that the matter should be suspended and set for hearing.

O R D E R

THE COMMISSION ORDERS:

1. That Item 420 (I) as published on 28th Revised Page 85 to CMTB Tariff 12-B, Colorado PUC No. 19, be, and it hereby is, suspended to and including September 10, 1973, unless otherwise ordered by the Commission.

2. That it shall enter upon a hearing concerning the increased rates and charges set forth in the statement hereof.

3. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been

disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

4. That a copy of this Order shall be filed with the schedules in the office of the Commission, and a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., Agent, 4060 Elati Street, Denver, Colorado 80216, and that said Corporation is hereby made a Respondent in this proceeding.

5. That the necessary suspension supplement shall be issued, filed and posted by the publishing agent.

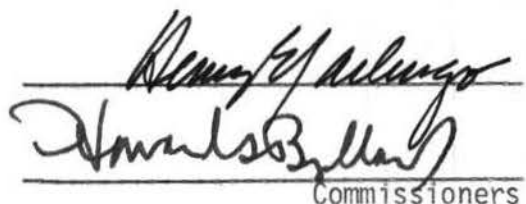
6. That seven (7) days prior to the hearing date herein, Respondents shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case.

7. That this Investigation and Suspension Docket No. 776, be, and the same hereby is, set for hearing before the Commission on the 10th day of July, 1973, at 10 a.m., in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado 80203.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 11th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Edwin R. Lundborg
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)
PROPOSED CHANGES IN TARIFF COLO. PUC)
NO. 5 - TELEPHONE, OF THE MOUNTAIN)
STATES TELEPHONE AND TELEGRAPH)
COMPANY, UNDER ADVICE LETTER NO. 800.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 756

RE: INVESTIGATION AND SUSPENSION OF)
PROPOSED CHANGES IN TARIFF COLO. PUC)
NO. 5 - TELEPHONE, OF THE MOUNTAIN)
STATES TELEPHONE AND TELEGRAPH)
COMPANY, UNDER ADVICE LETTER NO. 805.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 758

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER,
GRANTING REVISION OF
TARIFFS AND DECREASING
CERTAIN CENTREX SERVICE
RATES

May 14, 1973

Appearances: Denis G. Stäck, Esq.,
Denver, Colorado, for
Mountain States Telephone
and Telegraph Company,
Respondent;
Wolfgang Drescher, Esq.,
Washington, D. C., for
the Secretary of the Defense
on Behalf of the Depart-
ment of Defense and all
Other Executive Agencies
of the United States,
Intervenors;
James Spelman, Assistant
City Attorney, Denver,
Colorado, for the City and
County of Denver, Intervenor;
John W. Thaxton, Jr., Boulder,
Colorado, Communications
Coordinator on behalf of the
University of Colorado,
Intervenor;
Walter A. Steele and R. Eric Peterson,
Esqs., Denver, Colorado,
for General Rose Memorial
Hospital, Intervenor;
John E. Archibold, Esq., Denver,
Colorado, for the Staff of the
Commission.

PROCEDURE AND RECORD

A. Pleadings and Orders Prior to Hearing in Investigation & Suspension Docket No. 756.

On November 13, 1972, Mountain States Telephone and Telegraph Company (Respondent herein, and hereafter referred to as "Mountain Bell") filed with the Commission its Advice Letter No. 800, accompanied in part by two tariff sheets as more fully described therein and reference to which is hereby made. By this filing, Mountain Bell proposed to revise the present Centrex CO I and II rate schedules. The proposed changes involve Section 6, Part 5, of the General Exchange Tariff.

On December 12, 1972, the Commission, in Decision No. 81930, suspended Mountain Bell's tariffs filed pursuant to Advice Letter No. 800 for a period of 120 days or until April 12, 1973, unless otherwise ordered. By the same Decision, the Commission set the matter for hearing for February 8, 1973, and ordered Mountain Bell to give notice of the hearing to all customers receiving service and all potential customers with which it is negotiating to supply service under Section 6, Part 5, of the General Exchange Tariff. On April 6, 1973, by Decision No. 82736, the Commission further suspended Mountain Bell's tariff filing pursuant to Advice Letter No. 800 for an additional period of 90 days or until July 11, 1973, unless otherwise ordered.

On December 11, 1972, the Secretary of Defense filed a Protest against and a Petition for Investigation of the Proposed Change in Rates, Rules and Regulations as filed by Mountain Bell pursuant to Advice Letter No. 800.

On January 18, 1973, Sears, Roebuck & Co. and Montgomery Ward and Co. filed a Petition to Intervene by their attorneys, Rothgerber, Appel and Powers. On January 22, 1973, Rothgerber, Appel and Powers filed a Withdrawal of Appearance for Montgomery Ward and Co.

On January 26, 1973, Sears, Roebuck & Co. and Montgomery Ward and Co. were granted leave to intervene pursuant to Decision No. 82234.

On January 31, 1973, the Secretary of Defense filed a Petition for Leave to Intervene on Behalf of the Department of Defense and all Other Executive Agencies of the United States.

On February 2, 1973, the Commission granted the Secretary of Defense leave to intervene pursuant to Decision No. 82277.

General Rose Memorial Hospital requested intervention on February 7, 1973, and was allowed to intervene at the time of the hearing.

On April 6, 1973, the Secretary of Defense, having received the Staff's proposed Recommended Decision and apparently believing that it was the Recommended Decision filed by the Examiner, filed its "Exceptions to Recommended Decision." Said filing was mailed under date of April 6, 1973, to the parties.

B. Pleadings and Orders Prior to Hearing in
Investigation & Suspension Docket No. 758.

On November 20, 1972, Mountain Bell filed its Advice Letter No. 805 accompanied by two tariff sheets as more fully described therein and reference to which is hereby made. By this filing, Mountain Bell proposed to provide a revised rate schedule for Airport Dial Telephone Service by reintroducing a block rating schedule identical to that filed with Advice Letter No. 800 covering Centrex CO II, except that the intercommunication portion of the service can include restricted stations at the main station rate. The proposed filing involved Section 40 of the General Exchange Tariff.

On December 19, 1972, in Decision No. 81998, the Commission suspended said telephone tariffs for a period of 120 days or until April 19, 1973, unless otherwise ordered. Further suspension of the said telephone tariffs was made by Decision No. 82767, dated April 10, 1973, at which time the Commission suspended the said tariff sheets filed with Advice Letter No. 805 to July 18, 1973, unless otherwise ordered.

The Commission set the matter for hearing on February 8, 1973, and ordered Mountain Bell to give notice on the hearing to all customers receiving service and any potential customers with which Mountain Bell is negotiating to supply service under Section 40 of the General Exchange Tariff.

On January 26, 1973, United Airlines filed a "Statement of United Airlines" in Investigation and Suspension Docket No. 758.

C. Hearing.

Investigation and Suspension Docket No. 756 and Investigation and Suspension Docket No. 758 were consolidated for hearing which commenced in Denver on February 8, 1973.

At the beginning of the hearing, General Rose Memorial Hospital orally moved to intervene and, there being no objection, leave to intervene was granted by the Examiner.

Exhibits 1 through 5 were offered by Mountain Bell and admitted into evidence.

Exhibit 6 was offered by the Department of Defense and admitted into evidence. At the conclusion of the hearing on February 9, 1973, the matter was taken under advisement.

Briefs or statements of position were permitted to be filed on or before March 9, 1973, and proposed findings of fact and conclusions of law on or before March 19, 1973. Statements of Position were filed by Mountain Bell, the Department of Defense, the City and County of Denver, General Rose Memorial Hospital, and the Staff of the Commission. Proposed Findings of Fact and Conclusions of Law were filed by the Department of Defense, Mountain Bell, and the Staff of the Commission.

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

FINDINGS OF FACT

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

1. This case involves the suspension of certain tariffs filed by the Respondent, Mountain Bell, affecting Centrex CO and Airport Dial Service Station Rates.

2. The present rates and charges associated with the providing of Centrex telephone service within the State of Colorado are the result of this Commission's Decision No. 81320. That Decision directed the Company to file Centrex CU rates on the basis of separate charges for trunks and stations respectively. A different rate structure was required by said Decision for Centrex CO charges.

3. The suspended tariffs which Mountain Bell has now filed propose to make the rate structures for Centrex CO and Centrex CU consistent by changing the price structure for Centrex CO rates. The suspended tariffs would divide the Centrex CO station rates into two increments, one for access to the exchange network and the other an increment for the so-called private intercommunications capability of Centrex service. The suspended tariffs generally lower the station rates for the services affected and also use the "block rating" technique; i.e., a declining rate for groups of stations as the total number of stations increases.

4. At the present time, Centrex CO customers pay a substantially higher rate (approximately 60 percent) for their service than do Centrex CU customers; and although it is impossible to make an exact comparison between the charges for Centrex CO and Centrex CU service, the rates proposed by the Respondent -- on an average -- create near parity between the rates for Centrex CO service and Centrex CU service while at the same time recognizing that there should be some incremental difference for Centrex CO service by reason of the saving of floor space to the customer.

5. The nature of Centrex service available to the customer is the same whether the service is provided by the configuration designated by the Telephone Company as Centrex CU service or as Centrex CO service. Under each type of Centrex service, a customer has direct inward dialing (DID), automatic

identification of outward dialed toll (AIOD) and an intercommunications network. Thus, the physical configuration as to the manner in which these features are furnished makes no material difference to the customer; but the physical configuration does result in material differences in costs of installation and maintenance to the Telephone Company depending upon the proximity of the customer's premises to a Telephone Company wire center.

6. Centrex service is a form of private branch exchange service (PBX service), but forms of PBX service other than Centrex do not provide direct inward dialing (DID) and automatic identification of outward dial toll (AIOD).

7. Centrex service in itself may be provided to customers by either of two technological means identified by Mountain Bell as Centrex CU and Centrex CO. In the service provided by the technological means identified as Centrex CU, trunk circuits are extended from a Telephone Company central office to the customer's premises and switching equipment for the Centrex service is located on the customer's premises. In the technological means identified as Centrex CO, the switching equipment is located in the central office of the Telephone Company rather than the customer's premises and individual lines are run to each specific station and attendant position rather than trunk circuits.

8. The Telephone Company provides Centrex service in the CO configuration only when it costs less than providing it in the CU configuration. This usually would occur and is feasible only when the customer's premises are located close to the Telephone Company's serving central office.

9. Centrex CU and Centrex CO are merely different technological means of providing a customer with the same service.

10. In view of the cost differences to the Telephone Company in furnishing Centrex through different methods, it is in the public interest that the Telephone Company should retain the discretion to decide whether or not it will furnish the customer Centrex service through the configuration known as Centrex CO or as Centrex CU; for with this discretion, the Company can provide the service at the least cost to the ratepaying public. In order that the maintenance of this discretion be meaningful, the only logical

conclusion is that the service should be supplied to the public at comparable rates. Otherwise, the customer seeking the service would normally choose the cheaper of the two, regardless of cost to the Telephone Company, thereby causing the public to bear the burden of that extra cost.

11. By virtue of the present Centrex rate structure, the customer located near a Telephone Company wire center is required to pay a substantially higher rate for that service than a customer located further from the wire center even though the cost of furnishing the service to the distant customer may be greater.

12. If the Respondent, Mountain Bell, failed to provide Centrex service at essentially the same rate levels to all customers, it would be guilty of discrimination in violation of the Statutes of the State of Colorado and the regulations of this Commission.

13. A further discrimination between Centrex CO and Centrex CU customers results from the present price structures. Present Centrex CU rates are broken into two components; i.e., trunk and station components. This breakdown has the effect, under the Internal Revenue Code, of making the station portion of the charges free from the Federal Excise Tax. The rates ordered for the Centrex CO customers by the Commission do not contain the two increment divisions; and, as a result, the rates for these services are, in their entirety, subject to the Federal Excise Tax.

14. The Respondent's proposal to divide Centrex CO rates into two increments -- one for access and one for intercommunication -- provides essentially the same two-component breakdown now afforded Centrex CU customers and will enable Centrex CO customers to pay Federal Excise Tax only on the trunk portion of the service, thereby eliminating the present tax discrimination.

15. To provide Centrex service only through the Centrex CU configuration would create a greater revenue requirement for the Company and, therefore, an economic detriment to the public. Conversely, to provide Centrex service only by means of a Centrex CO configuration would also be more expensive for the Company and would result in the loss of savings provided by the other technology, again, creating an economical burden ultimately borne by the ratepayers contrary to the public interest.

16. Insofar as practically feasible, rates and charges for Telephone Company service should be higher in those instances where the costs of providing that service are higher; and, conversely, the rates and charges should be lower when it is possible to effect savings in providing those services. Under the present rates and charges for Centrex service, no such relationship is possible.

17. While some evidence was offered by General Rose Memorial Hospital concerning the usage patterns of Centrex service by a hospital, this evidence was not conclusive to show that the pattern of usage of Centrex service by a hospital is sufficiently different to justify a rate differential on its Centrex service.

18. The Department of Defense desires lower station rates for Centrex CO service than that proposed by the Respondent, Mountain Bell. As noted above, it is impossible to make an exact comparison between the charges for Centrex CO and Centrex CU services; and this is true not only because of technological differences in the way the service is furnished but because of the potential for different ratios of trunks to stations in respect to the furnishing of Centrex CU service among other things. The rates filed by Mountain Bell do not contain any substantial disparity between Centrex CO service and Centrex CU service and there has been no sufficient showing that the Centrex CO service rates should be lower than those proposed by the Respondent. However, this is not to say that such a showing could not be made.

19. Evidence was offered in this hearing concerning the effect on the market of the Commission's Decision No. 81320; and, in addition, evidence was offered concerning the number of customers affected by Decision No. 81320, which evidence was not available to the Commission at the time of that Decision.

20. It does not appear that the Commission, when it made its Decision No. 81320, was apprised or made aware of the potentially discriminatory aspects which might arise from its said Decision.

21. Airport Dial Telephone Service is simply another form of Centrex service which happens to be provided by the CO technique.

22. The distinguishing factor in Airport Dial Service from other forms of Centrex service is that Centrex service is normally provided to a single customer on a single premise. Airport Dial, on the other hand, is provided to a number of different customers who are all located on a single premise and who have an intercommunication requirement on the premise.

23. The rates and tariffs proposed by the Respondent, Mountain Bell, for Airport Dial Service result in essentially equal treatment for Airport Dial customers as that afforded to other Centrex customers recognizing the difference that there are multiple customers to be billed as opposed to a single customer.

24. Under the present rate scheme in effect for Airport Dial Telephone Service, so-called restricted stations are charged at the same rate as unrestricted stations.

25. A restricted station is one that does not have access to the general exchange network and is, in effect, solely used for intercommunication.

26. The tariffs proposed by the Respondent recognize the difference in usage of these stations and charges for them accordingly.

27. The pleading entitled "Exceptions to Recommended Decision of The Secretary of Defense on Behalf of The Department of Defense and All Other Executive Agencies of The United States" was apparently erroneously mailed by attorneys for the Department of Defense, has not been filed in accordance with the rules of this Commission, and was not given consideration in this decision.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The tariffs filed pursuant to the Commission's prior Decision No. 81320 will have the tendency to encourage customers in close proximity to Telephone Company wire facilities to either discontinue Centrex CO service and substitute ordinary private branch exchange service or to insist on receiving Centrex CU service. To the extent there is unused but available Centrex capacity in the Company's central office, then economic waste will occur. In addition, to the extent that Centrex CU would be more expensive than Centrex CO in these cases, further economic waste would occur.

2. The rates and tariffs filed pursuant to the Commission's prior Decision No. 81320 result in an anomalous situation where one group of customers (Centrex CO) receives the same type of service as another (Centrex CU) but the first group is charged considerably more for that service despite the fact that it may cost less to provide it to them. To allow this to continue would be unjust and unreasonable. The proposed rates and tariffs substantially eliminate this anomalous situation and would be in the public interest.

3. To the extent that the prior Commission Decision No. 81320 created a disparity in the treatment of rates and charges for Federal Excise Tax purposes between Centrex CO and Centrex CU customers, the proposed rates and tariffs of the Respondent cure that disparity.

4. The proposed rates and tariffs of the Respondent are fair and reasonable.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. General Exchange Tariff PUC No. 5, Section 6, Part 5, Private Branch Exchange Service, Fifth Revised Sheet and Original Sheet 5A, filed by Mountain Bell pursuant to Advice Letter No. 800 on November 13, 1972, be, and hereby are, approved and shall become effective with the next billing period after the effective date of this Order.

2. General Exchange Tariff PUC No. 5, Section 40, Airport Dial Service, Fourth Revised Sheet 1, Fourth Revised Sheet 4, Fifth Revised Sheet 5, Original Sheet 5A, be, and hereby are, approved and shall become effective on the next billing period after the effective date of this Order.

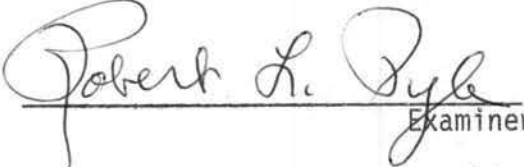
3. Investigation and Suspension Docket Nos. 756 and 758 be, and hereby are, closed.

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

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

become the Decision of the Commission and subject to the provisions of
115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 26310-Extension
MILE HI DISPOSAL, INC., 1045 LARIMER)	
STREET, DENVER, COLORADO, FOR A	)	RECOMMENDED DECISION OF
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	ROBERT L. PYLE, EXAMINER
NECESSITY AUTHORIZING EXTENSION OF)	
OPERATIONS UNDER PUC NO. 3384.	)	DISMISSING APPLICATION

May 15, 1973

Appearances: William A. Wilson, Esq.,
Denver, Colorado, for
Best-Way Disposal; Colorado
Disposal, Inc.; Metropolitan
Trash, Inc.; Disposal Systems
Corporation, doing business
as "Wheatridge Disposal Service,
Inc."; Alex Gerlach & Sons Dis-
posal Co.; Arvada Rubbish Removal,
Inc.; Golden Waste Disposal;
Lakewood Disposal, Inc.; Monarch
Disposal, Inc.; B & W Disposal
Service; U. S. Cargo Corporation;
Decker Disposal, Inc.; Commerce
Refuse Disposal, Inc.; A-Aurora
Removal Service; Aurora & East
Denver Trash Disposal; Aurora F & S
Sanitary Carriers; and Mountain
View Rubbish Removal, Protestants.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission under date of January 10, 1973, and protests were duly filed by those parties enumerated above under "Appearances." After due and proper notice to all interested parties, the matter was set for hearing to begin on March 29, 1973, at 10 a.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado. The matter was called for hearing at said time and place by Examiner Robert L. Pyle, to whom it was duly assigned.

At the time the matter was originally called for hearing (on March 29, 1973), Applicant did appear, and it was noted that Applicant had not made or filed ANSWERS TO INTERROGATORIES that had been propounded to it by Protestants; and further, Applicant was desirous of restrictively

amending its application. It was, therefore, determined that the hearing would be recessed to and until such time as Applicant did, in fact, file its AMENDMENT TO APPLICATION and ANSWERS TO INTERROGATORIES, whereupon a new date would be set for additional hearing.

Applicant did, in fact, file an AMENDMENT TO APPLICATION and ANSWERS TO INTERROGATORIES, whereupon, by letter dated April 11, 1973, directed to the parties, the matter was set for continued hearing on Thursday, May 3, 1973, beginning at 10 a.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado. The application was called for hearing at said time and place, and no one appeared in support of the application or to prosecute the application to a conclusion.

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

FINDINGS OF FACT AND CONCLUSIONS

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

1. Neither Applicant nor any person on its behalf appeared at the hearing in support of the application.
2. The Examiner, upon his own motion, dismissed the application because of Applicant's failure to appear and present evidence.
3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

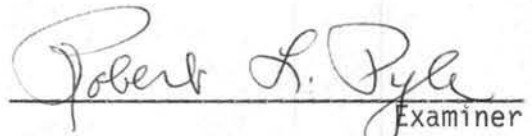
THE COMMISSION ORDERS THAT:

1. Application No. 26310-Extension, being the application of Mile Hi Disposal, Inc., 1045 Larimer Street, Denver, Colorado, be, and hereby is, dismissed.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMERCIAL AND TOWING CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	CHRISTIAN O. IGENBERGS,
Respondents.	)	EXAMINER

- - - - -
May 15, 1973
- - - - -

Appearances: Dalton O. Ford and John A. Hurt,
Denver, Colorado, of the Staff
of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by an Order to Show Cause and Notice of Hearing duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on April 9, 1973. The matters were duly called for hearing pursuant to such notice on Monday, April 23, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

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

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

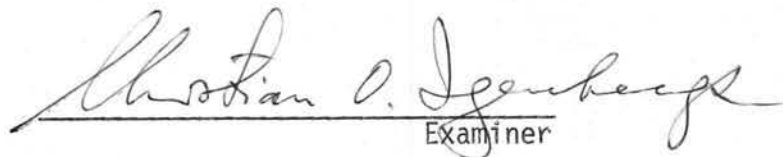
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

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

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

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

"APPENDIX A"

Commercial Carriers

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
The American Oil Company 6395 East 80th Avenue Dupont, CO 80024	M-1032	159-M-Ins.
Dayton Robinson dba Elkhorn Lumber Livermore, CO 80536	M-1507	161-M-Ins.
Kenneth G. Farr dba Boys' Super Market P.O. Box 279 Steamboat Springs, CO 80477	M-2022	163-M-Ins.
Brush Elevator Co. 200 North Railroad Brush, CO 80723	M-2707	164-M-Ins.
Sid Hollis and Lloyd W. Weir dba La Veta Oil Co. P.O. Box 298 La Veta, CO 81055	M-3301	166-M-Ins.
Douglas MacArthur dba Doug's Motors 4873 Quitman Street Denver, CO 80212	M-3553	167-M-Ins.
N. J. Bachel dba Quality Supply 5934 South Fairfield Littleton, CO 80120	M-3878	168-M-Ins.
Claude McCall Matheson, CO 80830	M-4439	170-M-Ins.
Eugene Miller 900 West Prospect Fort Collins, CO 80521	M-4686	171-M-Ins.
John M. Rose dba Vas Supply Box 403 Eagle, CO 81631	M-5140	172-M-Ins.
Puritan-Bennett Corporation Oak at 13th Street Kansas City, MO 64106	M-6133	175-M-Ins.
Darrel D. Abbey dba Southeast Distributors Box 25 Kiowa, CO 80117	M-6237	176-M-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Western Seed Co. Inc. 3407 Fox Street Denver, CO 80216	M-6684	177-M-Ins.
Andy T. Widholm Gothenburg, NE 69138	M-7966	180-M-Ins.
Standley H. Scott dba Scott Farms Route 3, Box 44 Brighton, CO 80601	M-8587	181-M-Ins.
Lakewood Greenhouse and Nursery Co. 7170 West 13th Avenue Lakewood, CO 80215	M-8737	182-M-Ins.
Edwin C. Thompson dba The Romeo Stores Romeo, CO 81148	M-10335	184-M-Ins.
Linton B. Converse P.O. Box 592 Paonia, CO 81428	M-10321	185-M-Ins.
A and M Produce Inc. 100 West Commerce Street San Antonio, TX 78205	M-10888	186-M-Ins.
J. H. Weeden and T. C. Gillesen dba Summit Concrete Box 490 Vail, CO 81657	M-11565	187-M-Ins.
Teller Construction Inc. Box 724 Woodland Park, CO 80863	M-11855	188-M-Ins.
Jack W. Elledge dba Elledge Music Co. 518 West Northern Pueblo, CO 81004	M-13722	190-M-Ins.
Joe Florinco Casias General Delivery Del Norte, CO 81132	M-13733	191-M-Ins.
Colorado Harvestore Systems, Inc. P.O. Box 152 Loveland, CO 80531	M-14067	193-M-Ins.
Alvin J. Lambert Box 274 Saguache, CO 81149	M-14235	195-M-Ins.
Paul's Truck and Tractor Service, Inc. P.O. Box 501 Craig, CO 81625	M-14851	197-M-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Arnold M. Smith dba Smitty's Tire Service 457 South Quitman Street Denver, CO 80217	M-15019	198-M-Ins.
P. R. McCay Box 394 Paonia, CO 81428	M-15452	200-M-Ins.
Oraly Muzzy 724 Stratton Drive Cortez, CO 81321	M-15913	201-M-Ins.
John B. Ramsdell dba Warm Hearth Co. 420 East 57th Street, No. 253 Loveland, CO 80537	M-264	202-M-Ins.

Towing Carriers

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Edward G. Novotny dba Four Corners Auto Parts R. R. 1, Box 108-K Cortez, CO 81321	T-183	28-T-Ins.
Charles E. Mattingly dba Matt's Auto Salvage Box 1226 Rifle, CO 81650	T-309	29-T-Ins.
Fred I. Shaffer dba Shaffer's Auto Service 1178 Yampa Avenue Craig, CO 81625	T-366	30-T-Ins.
Terry R. Schomer dba By-Pass 66 Service 7300 West 55th Avenue Arvada, CO 80002	T-414	31-T-Ins.
Jack H. Brown dba Husky Service Center 1300 South Colorado Boulevard Denver, CO 80222	T-629	32-T-Ins.
Auto-Tow Inc. 5805 South Lakeview Littleton, CO 80120	T-636	33-T-Ins.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS LISTED	)	RECOMMENDED DECISION OF
ON "APPENDIX A" HERETO,	)	CHRISTIAN O. IGENBERGS,
	)	EXAMINER
Respondents.)	

May 15, 1973

Appearances: Dalton O. Ford and John A. Hurt,
Denver, Colorado, of the Staff
of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on April 9, 1973. The matters were duly called for hearing pursuant to such notice on Monday, April 23, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

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

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

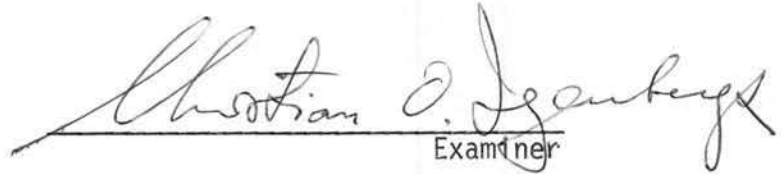
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

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

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

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

"APPENDIX A"

Common Carriers

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Continental Moving & Storage Co. P.O. Box 954 1911 11th Street Boulder, CO 80302	2 & I	99-H-Ins.
D & H Trucking, Inc. 221 East Dewey Sapulpa, OK 74066	4028-I	103-H-Ins.
Robert Torres dba E Z Disposal Co. Div. of Torres Trucking Co. 816 Currie Pueblo, CO 81004	4366	104-H-Ins.
Leonard F. and Purl M. Blue dba Blue Brothers 1611 - 13 Montana Goodland, KS 67735	4495-I	105-H-Ins.
Andy T. Widholm Gothenburg, NE 69138	5100-I	107-H-Ins.
W. W. Overstreet 2908 North Prince Clovis, NM 88101	5545-I	108-H-Ins.
Double R/B Sport, Inc. dba Lake Eldora Bus Co. 1580 Canyon Boulevard Boulder, CO 80302	5632	109-H-Ins.
Lakewood Disposal Co. (Corp.) 1125 Depew Court Lakewood, CO 80215	1669	110-H-Ins.
Refiners Transport & Terminal Corp. 445 Earlwood Avenue Oregon, OH 43616	6228-I	111-H-Ins.
M. A. Depenbrock 7311 Fitzhugh Houston, TX 77028	6285-I	112-H-Ins.
Robert W. Kolarich dba B & K Trucking Box 341 Jeffrey City, WY 82310	6361-I	113-H-Ins.
United Packing Co. of Iowa D. W. Ranch 1340 Umatilla Street Denver, CO 80204	7413-I	115-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Cecil K. Geiger dba Mercury Bus Lines 806 Francisco Street Alma, MI 48801	7764-I	117-H-Ins.
Robert R. Smith 610 Ensign Fort Morgan, CO 80701	8098-I	120-H-Ins.
Jack B. Parks J. B. Parks Livestock Transportation 13160 Bonview Avenue Ontario, CA 91761	8218-I	122-H-Ins.
James F. Colburn dba A-1 Disposal Service Box 52 Kremmling, CO 80549	8392	123-H-Ins.
Gerald D. Stephens dba Stephens Truck Line 1707 Iroquois Pueblo, CO 81001	8496-I	124-H-Ins.
Central Texas Growers Association Pearl Star Route, P.O. Box 775 Catesville, TX 76528	8509-I	125-H-Ins.
O.C.C., Inc. 2201 6th Avenue South Seattle, WA 98134	8592-I	126-H-Ins.
Robert L. McGee 4902 Blanton Houston, TX 77018	8605-I	127-H-Ins.
King Farmers Co-Op, Inc. 2332 South Peck Road, Suite 280 Whittier, CA 90601	8649-I	128-H-Ins.
Clifford R. Smith dba C. R. Smith Trucking RFD Oakley, UT 84055	8672-I	129-H-Ins.

Contract Carriers

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
George H. and Janice C. Reece dba Colorado Dump Truck Service 929 West Cheyenne Road Colorado Springs, CO 80900	B-6822	132-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
James D. Smith dba Teller Trucking Co. Hiway 25-3/4 mi. W. of Woodland Park Box 403 Woodland Park, CO 80863	B-7084	133-H-Ins.
Paul's Truck & Tractor Service, Inc. Box 986 Gillette, WY 82716	B-7256	134-H-Ins.
Golden Industrial Service, Inc. P.O. Box 713 Golden, CO 80401	B-7411	135-H-Ins.
Bruce Fuller 1701 West Main Buhl, ID 83316	B-7537-I	136-H-Ins.
Robert Warren Folkers dba Folkers Trucking Co. 3128 West Jefferson Avenue Englewood, CO 80110	B-7729	139-H-Ins.
Michael J. Morelli dba Morelli Trucking 3623 Anemone Circle Colorado Springs, CO 80907	B-7732	140-H-Ins.
P. R. McCay Box 394 Paonia, CO 81428	B-7764	141-H-Ins.
Mark D. Belknap Box 12485, Route 2, York Street Brighton, CO 80601	B-7866	142-H-Ins.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF PUBLIC SERVICE COMPANY OF)	
COLORADO, 550 15TH STREET, DENVER,)	
COLORADO, FOR AN ORDER AUTHORIZING	)	APPLICATION NO. 26605
THE ISSUANCE OF \$50,000,000 PRIN-	)	Securities
CIPAL AMOUNT OF ITS FIRST MORT-)	
GAGE BONDS.)	

- - - - -
May 18, 1973
- - - - -

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, by
E. A. Stansfield, Esq., Denver,
Colorado, for Applicant;
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

The Public Service Company of Colorado (Applicant), a Colorado corporation, filed with this Commission on April 30, 1973 its application for an order authorizing and approving it to issue and sell at private placement \$50,000,000 principal amount of First Mortgage Bonds to bear interest at the rate of 7-5/8% per annum, payable semiannually, and to mature June 1, 2003. The proposed First Mortgage Bonds are to be issued as a new series under and secured by Applicant's Indenture of Mortgage and Deed of Trust dated as of December 1, 1939, as amended and supplemented, and a new Supplemental Indenture to be dated June 1, 1973.

Said application was set for hearing after due notice to all interested persons, firms or corporations at 9:00 a.m. on Monday, May 14, 1973, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and was there heard by Edwin R. Lundborg, Chairman of the Commission, to whom the matter was assigned pursuant to law, and at the conclusion thereof, was taken under advisement.

No petitions were filed in opposition to the application and no one appeared at the hearing opposing the authority sought in the application.

Applicant's exhibits identified as A, B, C, D, E, F, G, H, I-1 and I-2 were admitted into evidence.

FINDINGS OF FACT

A. From the record herein the Commission finds as fact that:

1. Applicant, Public Service Company of Colorado, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

2. Applicant, a Colorado corporation, is a public utility operating company engaged principally in the generation, purchase, transmission, distribution and sale of electricity and in the purchase, distribution and sale of natural gas in various areas, all within the State of Colorado.

3. Certified copies of Applicant's Restated Articles of Incorporation, as amended, containing its Articles of Incorporation, as amended to date, are on file with this Commission.

4. This Commission has jurisdiction over Applicant and the subject matter of the aforesaid application.

5. This Commission is fully advised in the premises.

6. Applicant is the owner of all the capital stock of Cheyenne Light, Fuel and Power Company, a Wyoming corporation; Western Slope Gas Company, a Colorado corporation; Green and Clear Lakes Company, a New York corporation; The Pueblo Gas and Fuel Company, a Colorado corporation; Fuel Resources Development Co., a Colorado corporation; and 1480 Welton, Inc., a Colorado corporation. Applicant also holds a controlling interest in four other relatively small water and ditch companies, whose operations are not significant, and are not consolidated in Applicant's financial and statistical statements.

7. Pursuant to Applicant's Restated Articles of Incorporation, as amended, the authorized capital stock of Applicant consists of \$250,000,000 divided into 20,000,000 shares of Common Stock of the par value of \$5 each, and 1,500,000 shares of Cumulative Preferred Stock of the par value of \$100 each which is issuable in series. At March 31, 1973, there were issued and outstanding 17,002,420 shares of Common Stock, and 1,050,000 shares of its Cumulative Preferred Stock consisting of the various series set forth in the aforesaid application.

8. Funded indebtedness of Applicant at March 31, 1973 was \$428,800,000 consisting of First Mortgage Bonds issued in the various series as set forth in Exhibit A, pursuant to Applicant's aforesaid Indenture of Mortgage and Deed of Trust, dated as of December 1, 1939, as amended and supplemented, to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), as Trustee. Applicant had other long-term debt of \$149,250 at March 31, 1973. Short-term indebtedness at May 11, 1973 was \$35,922,000 consisting of commercial paper notes and bank loans with a composite rate of interest of 6.66%.

9. Applicant proposes to issue and sell at private placement pursuant to a negotiated bond purchase agreement, \$50,000,000 principal amount of First Mortgage Bonds to be dated June 14, 1973, to mature June 1, 2003, and to bear interest at the rate of 7-5/8% per annum payable semiannually. The proposed Bonds are to be issued as a new series under and to be secured by Applicant's aforesaid Indenture of Mortgage and Deed of Trust, and a proposed new Supplemental Indenture to be dated as of June 1, 1973. The new Supplemental Indenture, among other provisions, will contain call provisions for redemption, sinking fund and other provisions applicable to the new Bonds, including a provision that the new Bonds may not be redeemed prior to June 1, 1983 directly or indirectly from the proceeds of borrowing by Applicant having a cost of money to it of less than 7-5/8% per annum.

10. Applicant's capital structure after the issuance of its proposed First Mortgage Bonds will be 55.3% long-term debt; 12.1% preferred stock; and 32.6% common stock equity.

11. The net proceeds derived by Applicant from such issuance and sale will be added to the general funds of the Company and used in part to retire its short-term indebtedness, in part for its 1973 construction program and to reimburse its treasury for funds expended for such purposes.

12. The proposed issuance and sale by Applicant of \$50,000,000 aggregate principal amount of First Mortgage Bonds as hereinabove set forth is reasonably required and necessary for Applicant's proper financing.

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

B. The Commission further finds that since Chapter 115-1-4, Colorado Revised Statutes, 1963 requires that security applications be disposed of within thirty (30) days, due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner be omitted and that this Decision should be the initial Decision of the Commission.

CONCLUSION

It is the conclusion of the Commission that the authorization sought in the instant application should be granted and that the following order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Applicant, Public Service Company of Colorado, be, and hereby is, authorized to issue and sell, as hereinbefore set forth, a new series of its First Mortgage Bonds in the aggregate principal amount of \$50,000,000 at private placement pursuant to a negotiated bond purchase agreement.

2. That the securities authorized to be issued and sold hereunder shall bear on their face a serial number for proper and easy identification.

3. That Applicant, within thirty (30) days after the issuance and sale of the First Mortgage Bonds authorized to be issued and sold hereunder, shall file with this Commission a conformed copy of the Supplemental Indenture dated as of June 1, 1973, as executed, covering the issuance of said Bonds; and shall, within ninety (90) days after such issuance sale, make a verified report to this Commission of the issue and disposition of the Bonds, and the fees and other expenses incurred by Applicant incident to such issuance and sale.

4. That nothing herein contained shall be construed to imply any recommendation or guarantee of or any obligation with regard to said securities on the part of the State of Colorado.

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

6. That the authority herein granted shall be exercised from and after the date of this Order, and the Order herein contained shall be effective forthwith.

7. That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), CRS 1963, as amended.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 82977)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM A. TAYLOR, 780 SO. OAKLAND)
ST., AURORA, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO OPER-)
ATE AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 26643-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 15, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

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

It is ordered, That William A. Taylor, 780 So. Oakland St., Aurora, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 15, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

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

(2) Sand and gravel

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

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

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

(4) Insulrock

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


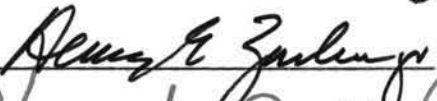
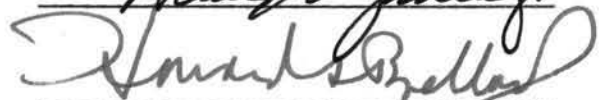
RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

(Decision No. 82978)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF DALE A. REDEKER AND REBECCA)
A. REDEKER, 3995 S. PENNSYLVANIA,)
ENGLEWOOD, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26642-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

May 15, 1973

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emer-
gency temporary authority may result in undue delay in availability of
equipment to contractors for pending construction projects.

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

It is ordered, That Dale A. Redeker and Rebecca A. Redeker,
3995 S. Pennsylvania, Englewood, Colorado, be, and are hereby, granted
emergency temporary authority for a period of fifteen (15) days
commencing May 15, 1973, as a class "B" contract carrier by motor vehicle,
for the

"Transportation of

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

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

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

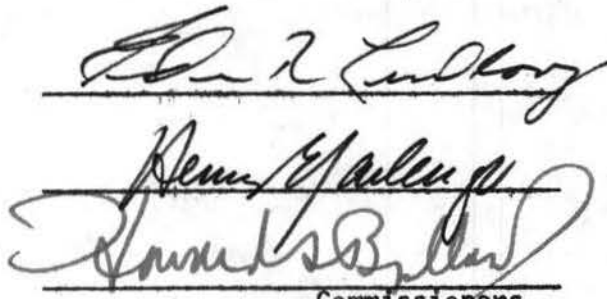
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 82979)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENNIS L. SMITH AND ALICE JO SMITH,)
2297 EATON, EDGEWATER, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26641-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 15, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

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

It is ordered, That Dennis L. Smith and Alice Jo Smith, 2297 Eaton, Edgewater, Colorado, be, and are hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 15, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

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

(2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

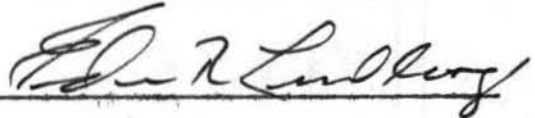
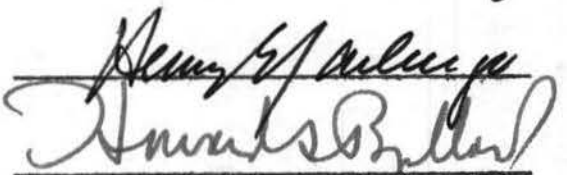

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

(Decision No. 82980)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: PROPOSED RETENTION, MODIFICATION)
OR ABOLITION OF RULE 31 OF THE RULES)
OF PRACTICE AND PROCEDURE BEFORE THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO.)

CASE NO. 5409

- - - - -
May 15, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 82273 dated February 2, 1973, the Commission gave notice that it proposed to consider the retention, modification, or abolition of Rule 31 - Compliance with Economic Stabilization Program - with respect to its Rules of Practice and Procedure. The matter was set for hearing before the Commission on February 15, 1973, at 10 a.m., in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Pleadings seeking intervention, variously titled, were filed by the following:

Rio Grande Motor Way, Inc.
Larson Transportation Company
Union Rural Electric Association, Inc.
Colorado Municipal League
City of Lamar
Trans-Western Express, Inc.
Northwest Transport Service, Inc.
North Eastern Motor Freight, Inc.
Westway Motor Freight, Inc.
Edson Express, Inc.
Petroleum Carriers Conference of Colorado
Motor Carriers' Association
Peoples Natural Gas, a division of
Northern Natural Gas Company
Michigan Commercial Carriers, Inc.
Mountain States Telephone and Telegraph Company.

All persons, firms, corporations and organizations who sought to intervene were granted leave to do so.

The Commission has carefully considered the various reasons advanced by the parties for the retention, abolition, or modification of Rule 31. The Commission also takes official notice of the fact that on April 30, 1973, the United States Congress passed Public Law No. 93-28, which law was signed by the President on the same day, which continues -- with certain modifications not pertinent to public utilities -- the Economic Stabilization Act of 1970, as amended, to and including April 30, 1974.

The Commission concludes that it will be in the public interest to retain Rule 31 in force -- without modification -- to, and including April 30, 1974.

The Commission further concludes that Rule 31 should be abolished on May 1, 1974, unless the Commission prior to such expiration date should take other action.

The Commission concludes that the following order should be entered.

O R D E R

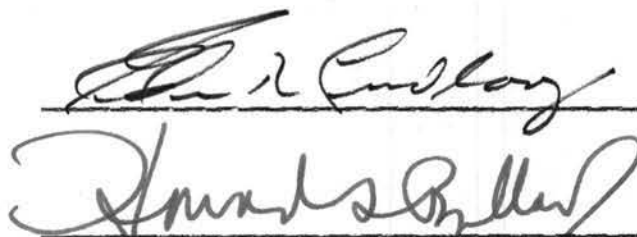
THE COMMISSION ORDERS THAT:

1. Rule 31 is abolished effective May 1, 1974, unless otherwise ordered by the Commission.

2. This order shall be effective forthwith.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The order is premature and no good reason appears for the action at this time.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

hbp

(Decision No. 82981)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
GLENN E. CARTER, DOING BUSINESS AS }
"GLENN'S TRUCKING," 6500 E. 88TH }
AVENUE, HENDERSON, COLORADO, FOR }
EMERGENCY TEMPORARY AUTHORITY TO }
OPERATE AS A CLASS "B" CONTRACT }
CARRIER BY MOTOR VEHICLE. }

APPLICATION NO. 26639-PP-ETA

ORDER GRANTING

EMERGENCY TEMPORARY AUTHORITY

- - - - -
May 15, 1973
- - - - -

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant
emergency temporary authority may result in undue delay in availability
of equipment to contractors for pending construction projects.

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

It is ordered, That Glenn E. Carter, doing business as "Glenn's
Trucking," 6500 E. 88th Avenue, Henderson, Colorado, be, and is hereby,
granted emergency temporary authority for a period of fifteen (15) days
commencing May 15, 1973, as a class "B" contract carrier by motor vehicle
for the

"Transportation of

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

From pits and supply points in the State of Colorado to
road jobs, mixer and processing plants within a radius
of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to
railroad loading points and to homes and small construction
jobs within a radius of one hundred (100) miles of said
pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

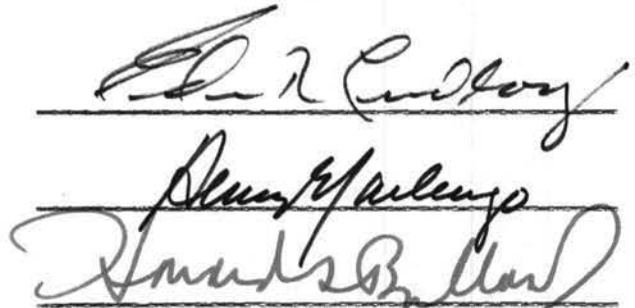
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

hbp

(Decision No. 82982)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RATES AND CHARGES)
FOR CENTREX TRUNKS CONTAINED IN SECTION)
6, PART 5 OF THE GENERAL EXCHANGE TARIFF -)
COLORADO PUC NO. 5 OF THE MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY, AND THE)
COMPLIANCE THEREOF WITH THE ORDERING)
PROVISIONS OF DECISION NO. 81320.)

CASE NO. 5510

- - - - -
May 15, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 6, 1973, in compliance with Commission Decision No. 81320 dated September 19, 1972, and by Advice Letter No. 856, the Mountain States Telephone and Telegraph Company, Respondent herein, filed tariffs which became effective by operation of law on May 6, 1973. As a result of the filing of said tariffs, the Commission staff on May 10, 1973, filed a Motion to Vacate Hearing and to Dismiss Order to Show Cause, which hearing had been heretofore set for Monday, May 21, 1973, at 10 a.m., 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

The Commission finds that sufficient grounds have been shown for the granting of said Motion and concludes that the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Vacate Hearing and to Dismiss Order to Show Cause filed by the Staff of the Commission on Monday, May 10, 1973, be, and hereby is, granted.

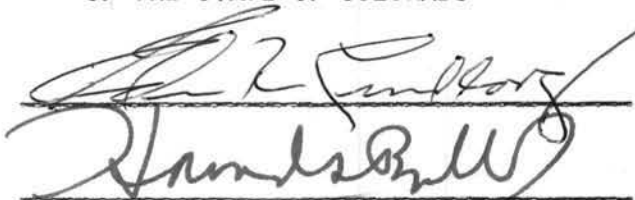
2. The hearing heretofore set for Monday, May 21, 1973, at 10 a.m., 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and hereby is, vacated.

3. The Order to Show Cause, heretofore issued by the Commission on January 9, 1973, is rescinded, and that Case No. 5510 be, and hereby is, dismissed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

On January 9, 1973, the Commission in Decision No. 82087 issued an Order to Show Cause and Notice of Hearing in the within matter, which provided, inter alia, as follows:

"... The Commission finds that a substantial question exists whether or not said filing under Advice Letter No. 784 with respect to Centrex service, insofar as no message rate trunks are available thereunder, is in compliance with the provisions of Decision No. 81320, as cited above. Accordingly, the Commission concludes that a hearing should be held to determine the facts of the matter, and that the Respondent should be ordered to show cause why the said tariff provisions should not be revised, all in accordance with the following Order."

and

"d. Any person who may be interested in or affected by these proceedings and desires to become a party hereto shall file a protest, a petition to intervene, or other appropriate pleading, prior to the hearing hereinabove set; provided, however, that any individual customer may be heard without the filing of formal pleadings."

and set the matter for hearing on March 5, 1973.

On January 17, 1973, Comtrol, Inc., representing among others The Denver Post, May D & F and Denver University as its clients, filed a Petition to Intervene, which Petition was granted on January 19, 1973 (Decision No. 82173).

Thereafter, on February 9, 1973, the matter was vacated and reset for hearing on May 21, 1973.

A Motion to Vacate Hearing, as unnecessary, was filed by the Respondent, Mountain States Telephone and Telegraph Company.

On March 16, 1973, the General Services Administration on behalf of the United States pursuant to its Petition therefor was granted leave to intervene in the matter (Decision No. 82615).

On May 10, 1973, Motion to Vacate Hearing and to Dismiss Order to Show Cause was filed by the Staff of the Commission.

The foregoing Decision grants the Motion of the Commission Staff to vacate the hearing and dismiss the Order to Show Cause and grants the Motion of Mountain States Telephone and Telegraph to vacate the hearing, without a public hearing, or any hearing at all. This ex parte action deprives the Intervenors, parties to the proceeding whom the Commission heretofore found to have a substantial interest, of the opportunity to be heard and protect their interests.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hbp

(Decision No. 82983)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DILLON COMPANIES, INC.,)
)
 Complainant,)
)
 vs.)
)
WELLS FARGO ARMORED SERVICE)
CORPORATION,)
)
 Respondent.)

CASE NO. 5515

May 15, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 8, 1973, Complainant, Dillon Companies, Inc., by its attorneys Benjamin J. Stapleton and William G. Imig, filed the above complaint with the Commission. The Commission assigned Case No. 5515 to this matter. On March 9, 1973, Respondent, Wells Fargo Armored Service Corporation was served an Order to Satisfy or Answer.

Dillon Companies, Inc., filed an Amended Complaint on March 22, 1973.

On April 6, 1973, Respondent, Wells Fargo Armored Service Corporation, by its attorney James M. Lyons, filed a Motion to Dismiss Amended Complaint.

The Commission finds that said Motion does not contain sufficient grounds for the granting thereof and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

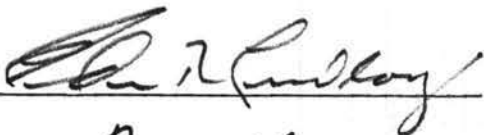
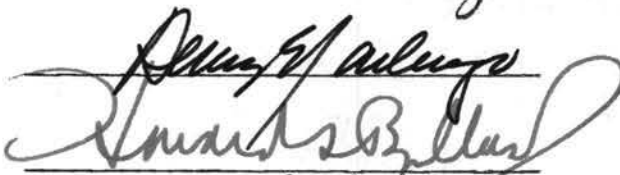
1. The Motion to Dismiss Amended Complaint filed on April 6, 1973, by Wells Fargo Armored Service Corporation, Respondent herein, be, and the same hereby is, denied.

2. Wells Fargo Armored Service Corporation is ordered to satisfy the matters as complained of in the Petition of Dillon Companies, Inc., or to answer their complaint, in writing, within ten (10) days of the date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
did

(Decision No. 82984)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MIDTOWN HOSPITAL ASSOCIATION,)
INC., 1601 EAST 19TH AVENUE,)
DENVER, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26441-PP-TA
ORDER DENYING PETITION FOR
RECONSIDERATION

May 15, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 17, 1973, the Commission entered its Decision No. 82802 in the above-entitled application.

On May 8, 1973, Applicant, Midtown Hospital Association, Inc., by its attorneys Holme Roberts & Owen, filed with the Commission a Petition for Reconsideration of Decision No. 82802.

The Commission states and finds that Applicant's Petition for Reconsideration does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied as set forth in the Order following.

O R D E R

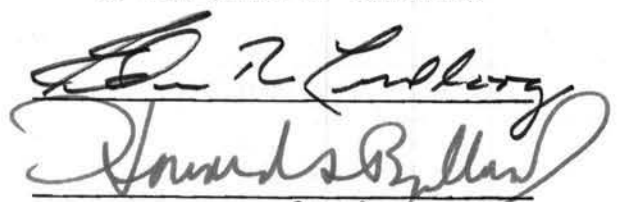
THE COMMISSION ORDERS THAT:

The Petition for Reconsideration filed on May 8, 1973, by Applicant, Midtown Hospital Association, Inc., of Decision No. 82802, dated April 17, 1973, be, and hereby is, denied.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

did

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent for the reason stated in my dissent
in Commission Decision No. 82802 dated April 17, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
did

(Decision No. 82985)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF ENGLEWOOD, A MUNICIPAL)
CORPORATION, 3400 SOUTH ELATI STREET,)
ENGLEWOOD, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO EXTEND OPER-)
ATIONS UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
50.)

APPLICATION NO. 26649-Extension-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 15, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for emergency temporary authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in the lack of adequate public transportation service to the downtown Denver area from Littleton, Colorado.

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

It is ordered, That the City of Englewood, a municipal corporation, 3400 South Elati Street, Englewood, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 15, 1973, as a common carrier by motor vehicle, for the

"Transportation -- on schedule -- of

Passengers

Between the Littleton Fire Station No. 1, located at 5669 South Rio Grande, Littleton, Colorado, on the one hand, and downtown Denver, Colorado, on the other hand."



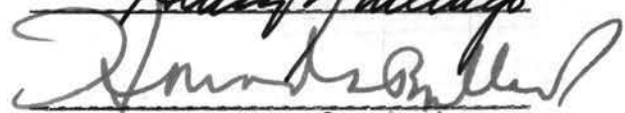
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 15th day of May, 1973

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 82986)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

NATIONAL ORGANIZATION
FOR WOMEN,)

Complainant,)

vs.)

MOUNTAIN STATES TELEPHONE
AND TELEGRAPH COMPANY,)

Respondent.)

CASE NO. 5518

- - - - -
May 15, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 7, 1973, the National Organization For Women, Complainant herein, by its attorney Natalie S. Ellwood, filed with the Commission a Motion To Amend The Complaint in the above-captioned matter.

The Commission states and finds that sufficient grounds exist for the granting of said Motion and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

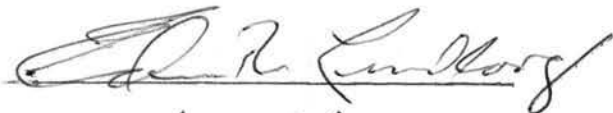
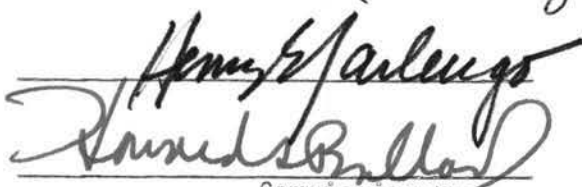
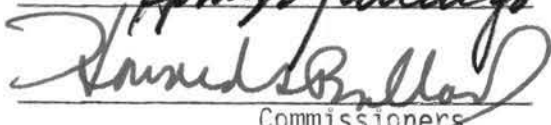
1. The Motion To Amend The Complaint filed on May 7, 1973, by the National Organization For Women, be, and hereby is, granted.

2. An Amended Complaint shall be filed within twenty (20) days from the date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 82987)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

GRAND COUNTY LAND FILL AND TRASH
REMOVAL, INC., A COLORADO CORPO-
RATION,

P. O. BOX 465
GRAND LAKE, COLORADO,

Complainant,

vs.

EDWIN W. HENION

P. O. BOX 68
WINTER PARK, COLORADO,

Respondent.

CASE NO. 5508

ORDER GRANTING EXTENSION OF TIME
FOR FILING EXCEPTIONS

May 15, 1973

Appearances: William A. Wilson, Esq.,
Denver, Colorado, for
Complainant;
Edwin A. Henion, Winter
Park, Colorado, Respondent,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 1, 1973, Recommended Decision No. 82861 of Robert L. Pyle, Examiner, was entered and served upon the parties.

On May 10, 1973, Edwin W. Henion, Respondent herein, by his attorneys Stockton and Lewis, filed with the Commission a Motion for Extension of Time For Filing Exceptions to said Recommended Decision No. 82861 until twenty (20) days after receipt of the transcript from the reporter.

The Commission states and finds that said request for extension of time is in the public interest and should be granted.

O R D E R

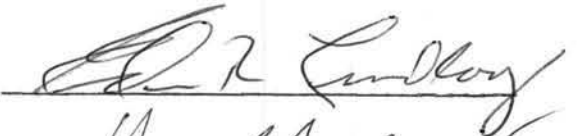
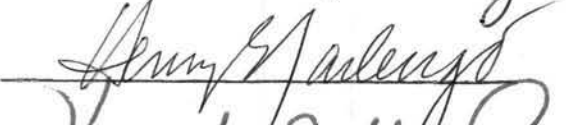

THE COMMISSION ORDERS THAT:

Respondent, Edwin W. Henion, be, and hereby is, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner until twenty (20) days after receipt of the transcript from the reporter.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

(Decision No. 82988)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ALPINE AIRCRAFT CHARTERS, INC.,)	APPLICATION NO. 26370
6200 PLATEAU DRIVE, ENGLEWOOD,)	
COLORADO, FOR AUTHORITY TO OPERATE)	ORDER OF THE COMMISSION
AS A COMMON CARRIER BY AIRCRAFT.)	

- - - - -
May 15, 1973
- - - - -

It appearing, That by Order of the Commission dated February 13, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

It is ordered, That Alpine Aircraft Charters, Inc., 6200 Plateau Drive, Englewood, Colorado, be, and is hereby, granted a Certificate of Public Convenience and Necessity to operate as a common carrier by aircraft for hire with authority as set forth in Appendix "A" attached hereto, 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 tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission within twenty days from date hereof.

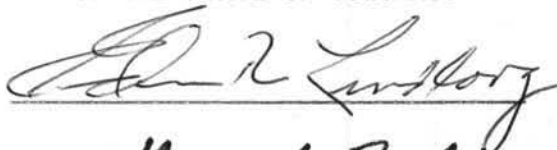
It is further ordered, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

It is further ordered, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

COMMISSIONER HOWARD S. BJELLAND DISSENTS

COMMISSIONER HOWARD S. BJELLAND DISSENTING:

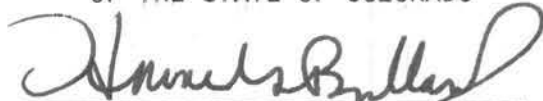
The application in the instant proceeding was filed on February 5, 1973. On April 23, 1973, the application was heard by a Hearing Examiner of the Commission who entered Decision No. 82849, stating in part:

"Applicant failed to establish a case for public convenience and necessity and, after some discussion with Applicant's officers, the matter was continued to and until Friday, May 4, 1973, at 10:00 A.M. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, for further hearing. Applicant agreed to such procedure.

Thereafter, the Applicant filed a Petition to Proceed as a Noncontested Matter. This petition was granted by the Commission over my negative vote, and the application is now being handled as a noncontested matter under the rules of the Public Utilities Commission. It is my opinion that an authority as important as the statewide jet plane authorization should not be granted by the Commission without public hearing. I, therefore, find it necessary to dissent.

It is also to be noted that this same Applicant sought similar authority from the Commission in Application No. 25754, which application was denied by Decision No. 81040 entered August 14, 1972. Prior to that time the same corporation was denied STOL aircraft authority in Application No. 24006 by Decision No. 74399 entered on February 18, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

js

Appendix "A"
Decision No. 82988
May 15, 1973

Alpine Aircraft Charters, Inc.

Transportation -- on call and demand by fixed winged jet propelled aircraft --
of

Passengers and property

Between all points in the State of Colorado.

RESTRICTION: This Certificate is restricted to a base of operation and an
office for the solicitation of business at Stapleton International Airport and
airports located within a twenty-five (25) mile radius thereof.

(Decision No. 82989)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF }
RESPONDENTS, A. D. THORSON AND }
ILEEN M. THORSON, DOING BUSINESS }
AS "COLORADO MOBILE HOME SERVICE," }
5900 WEST 56TH AVENUE, ARVADA, }
COLORADO, UNDER CERTIFICATE OF }
PUBLIC CONVENIENCE AND NECESSITY }
PUC NO. 2649. }

CASE NO. 5511

SUPPLEMENTAL ORDER

May 15, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 27, 1973, Examiner Thomas M. McCaffery entered his recommended decision in the above-entitled case being Decision No. 82848 which by operation of law became the decision of the Commission, and provided as follows, to wit:

"3. Respondents' authority with this Commission, namely, Certificate of Public Convenience and Necessity PUC No. 2649, be, and the same hereby is, revoked and canceled as of June 1, 1973; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of One Thousand Dollars (\$1,000) to the Treasurer of the State of Colorado on or before June 1, 1973, for the use and benefit of the Public Utilities Commission, in which event and upon the presentation of evidence of said payment to this Commission that portion of this Order pertaining to the cancellation and revocation of the aforesaid certificate shall be null and void and of no effect and said authority shall be fully operative."

Inasmuch as Respondents, A. D. Thorson and Ileen M. Thorson, doing business as "Colorado Mobile Home Service," have elected and paid the sum of One Thousand Dollars (\$1,000) as provided in Decision No. 82848, the Commission states and finds that Certificate of Public Convenience and Necessity PUC No. 2649 should not be revoked and the same should remain in full force and effect.

O R D E R

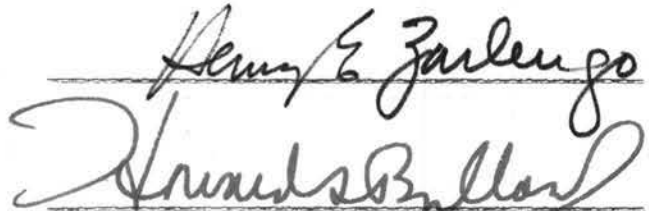
THE COMMISSION ORDERS THAT:

The portion of Decision No. 82848, dated April 27, 1973, providing for the revocation of Certificate of Public Convenience and Necessity PUC No. 2649 of Respondents A. D. Thorson and Ileen M. Thorson, doing business as "Colorado Mobile Home Service," be, and the same hereby is, vacated, set aside and held for naught, and that said operating rights shall remain in full force and effect and be fully operative.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

hbp

(Decision No. 82990)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
J. T. RICHARDSON, DOING BUSINESS AS)	
"J. T. RICHARDSON RIG & CONSTRUCTION)	APPLICATION NO. 26541-PP-Transfer
CO.", 1616 WILLISTON, PAMPA, TEXAS,)	
FOR AUTHORITY TO TRANSFER ALL RIGHT,)	
TITLE, AND INTEREST IN AND TO CON-)	ORDER OF THE COMMISSION
TRACT CARRIER PERMIT NO. B-7679 TO)	
A-B CORPORATION, 676 SOUTH YOUNGFIELD)	
COURT, LAKEWOOD, COLORADO.)	

May 15, 1973

It appearing, That by order of the Commission dated April 9, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

It is ordered, That J. T. Richardson, doing business as "J. T. Richardson Rig & Construction Co.", 1616 Williston, Pampa, Texas, be, and is hereby, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7679, as granted by Commission Decision No. 79049 dated November 12, 1971 to A-B Corporation, 676 South Youngfield Court, Lakewood, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

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

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

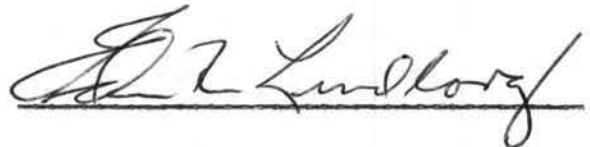
It is further ordered, That the right of Transferee to operate under this order shall be dependent upon compliance with all present and

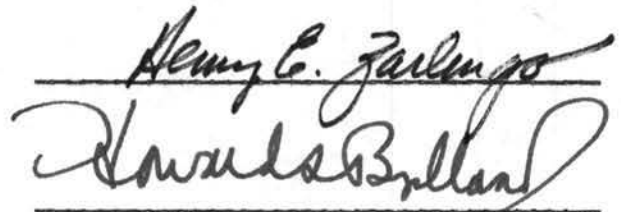
future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said Permit.

And it is further ordered, That this order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 15th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

hbp

(Decision No. 82991)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, A COLORADO)
CORPORATION, FOR A HEARING TO DETER-)
MINE APPLICANT'S COLORADO INTRASTATE)
REVENUE REQUIREMENTS AND ESTABLISH)
RATES AND CHARGES TO PRODUCE SUCH)
REVENUE REQUIREMENTS, AND FOR SUCH)
FURTHER FINDINGS AND ORDERS AS MAY)
BE JUST AND PROPER.)

APPLICATION NO. 26465

COMMISSION ORDER DENYING
APPLICATION FOR RECONSIDERATION,
REARGUMENT OR REHEARING OF
DECISION NO. 82795.

- - - - -
May 18, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 17, 1973, the Commission entered its Decision No. 82795 dismissing the above-entitled application of Mountain States Telephone and Telegraph Company for a rate increase.

On May 7, 1973, Applicant, Mountain States Telephone and Telegraph Company, by its attorney Laurance W. DeMuth, Jr., filed with the Commission an Application For Reconsideration, Reargument Or Rehearing of said Commission Decision No. 82795.

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

O R D E R

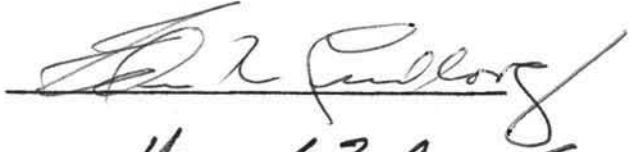
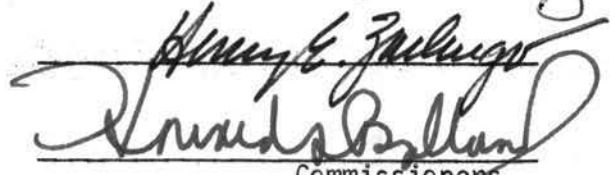
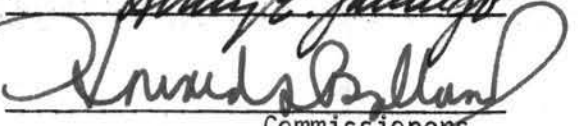
THE COMMISSION ORDERS THAT:

The Application For Reconsideration, Reargument Or Rehearing filed on May 7, 1973, by Applicant, Mountain States Telephone and Telegraph Company, be, and hereby is, denied.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

(Decision No. 82992)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND E. CHRISTOPHER, ROUTE 2,)
BOX 505X, GOLDEN, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26671-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 18, 1973
- - - - -

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

It appearing, That appropriate application has been made to this
Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

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

It is ordered, That Raymond E. Christopher, Route 2, Box 505X,
Golden, Colorado, be, and is hereby, granted emergency temporary authority
for a period of fifteen (15) days commencing May 18, 1973, as a class "B"
contract carrier by motor vehicle, for

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

(4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

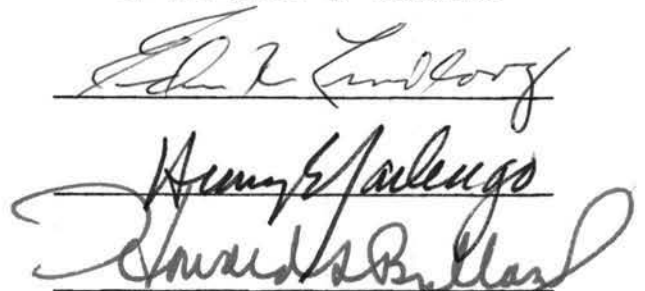
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations

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

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

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JEWELL R. WATERMAN, 161 EMORY ROAD,)
NORTHGLENN, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26663-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

May 18, 1973

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emer-
gency temporary authority may result in undue delay in availability of
equipment to contractors for pending construction projects.

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

It is ordered, That Jewell R. Waterman, 161 Emory Road,
Northglenn, Colorado, be, and is hereby, granted emergency temporary
authority for a period of fifteen (15) days commencing May 18, 1973,
as a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

From pits and supply points in the State of Colo-
rado to road jobs, mixer and processing plants
within a radius of one hundred fifty (150) miles
of said pits and supply points;

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

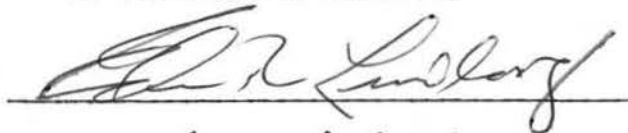
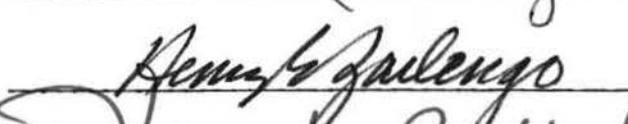
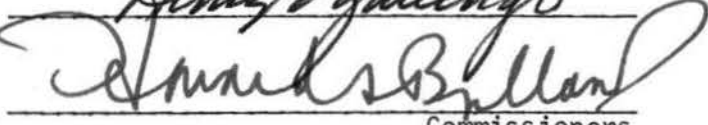
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

(Decision No. 82994)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. P. WIEDERKEHR, P. O. BOX 524,)
DEL NORTE, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26616-TA

ORDER GRANTING

TEMPORARY AUTHORITY

- - - - -
May 18, 1973
- - - - -

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

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

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

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

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

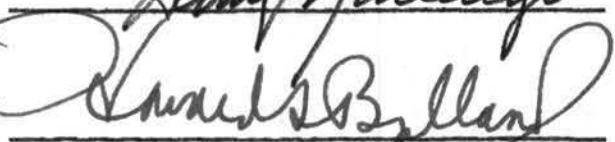
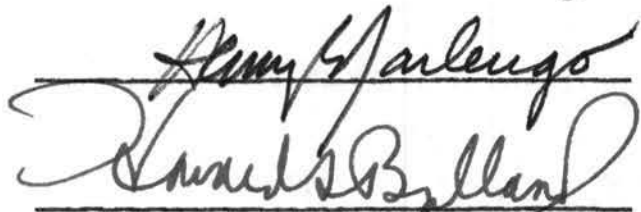
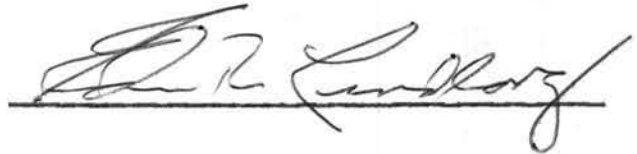
It is further ordered, That if Applicant fails to comply with
all applicable statutory and Commission requirements rules and regulations

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

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

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

hbp

(Decision No. 82994)
May 18, 1973

APPENDIX

Application No. 26616-TA

J. P. Wiederkehr
P. O. Box 524
Del Norte, Colorado

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

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

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

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

"Transportation of

Ash, trash, and other refuse

From all points located within a two and one-half (2.5) mile radius of the intersections of U.S. Highway 160 and Colorado Highway 112, to such locations where the same may be lawfully delivered or disposed of."

(Decision No. 82995)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOHN JOSEPH PERRY AND PAUL K.)
DI ANDREA, DOING BUSINESS AS)
"PERRY TRANSFER COMPANY," 3303)
QUIVAS STREET, P. O. BOX 11223,)
HIGHLAND STATION, DENVER,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER CON-)
TRACT CARRIER PERMIT NO. B-6659.)

APPLICATION NO. 26538-PP -
Extension-TA

ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
May 18, 1973
- - - - -

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

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

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

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

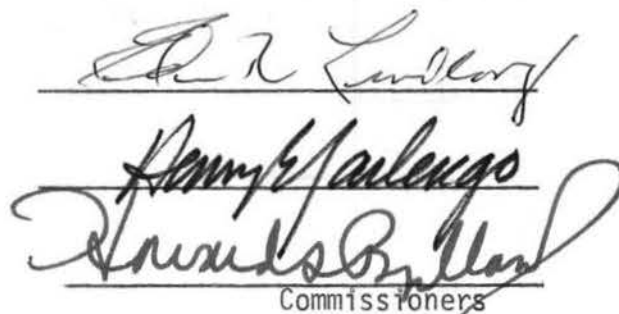
It is further ordered, That upon the authority herein granted
becoming effective, failure of the Applicants to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

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

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

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 82995)
May 18, 1973

APPENDIX

Application No. 26538-PP-Extension-TA

John Joseph Perry and Paul K. Di Andrea
Doing Business As
Perry Transfer Company
3303 Quivas Street
P. O. Box 11223, Highland Station
Denver, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to extend operations under Contract Carrier Permit No. B-6659 with authority as follows:

"Transportation of

Gas and electric appliances and fixtures (including radio, stereo and television sets),

Between all points located within an area comprised of the Counties of Denver, Adams, Arapahoe, and Jefferson, State of Colorado, on the one hand, and all points located within the State of Colorado, on the other hand.

RESTRICTION: This temporary authority is restricted to shipments where the articles transported require installation or servicing at the point of destination."

(Decision No. 82996)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EARL F. BUCKINGHAM AND RAYMOND)
G. GOTTULA FOR AUTHORITY TO)
TRANSFER CONTROL OF COLORADO)
STORAGE, INC., A COLORADO CORPO-)
RATION, RECORD OWNER OF PUC NO.)
222 AND PUC NO. 222-I, TO)
ENGLEWOOD TRANSIT COMPANY, A)
COLORADO CORPORATION, 3630 BLAKE)
STREET, DENVER, COLORADO.)

APPLICATION NO. 26542-Stock Transfer

- - - - -
May 18, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 8, 1973, Transport Clearings of Colorado, Inc., by its attorney Thomas J. Burke, Jr., filed a Motion to Intervene in the above-captioned proceeding.

The Commission states and finds that Petitioner for Intervention, Transport Clearings of Colorado, Inc., is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R


THE COMMISSION ORDERS THAT:

Transport Clearing of Colorado, Inc., be, and hereby is, granted leave to intervene as requested in the petition filed May 8, 1973.

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

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAY LEACH, 6711 EAST 77TH AVENUE,)
ADAMS CITY, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26673-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 18, 1973
- - - - -

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emer-
gency temporary authority may result in undue delay in availability of
equipment to contractors for pending construction projects.

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

It is ordered, That Jay Leach, 6711 East 77th Avenue, Adams City,
Colorado, be, and is hereby, granted emergency temporary authority for
a period of fifteen (15) days commencing May 18, 1973, as a class "B"
contract carrier by motor vehicle, for the

"Transportation of

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

From pits and supply points in the State of Colo-
rado to road jobs, mixer and processing plants
within a radius of one hundred fifty (150) miles
of said pits and supply points;

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

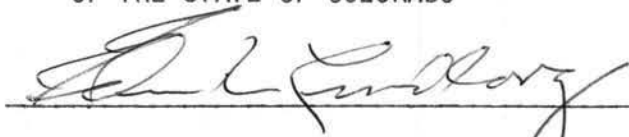

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MIDTOWN HOSPITAL ASSOCIATION, INC.,)	APPLICATION NO. 26620-PP-TA
1601 EAST 19TH AVENUE, DENVER,)	
COLORADO, FOR TEMPORARY AUTHORITY)	ORDER GRANTING TEMPORARY AUTHORITY
TO OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

- - - - -
May 18, 1973
- - - - -

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

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

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

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

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

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

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

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

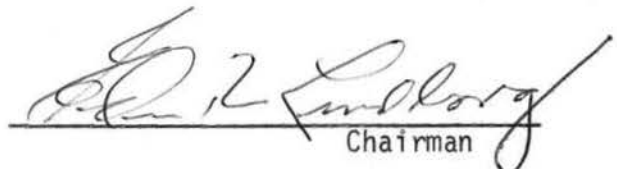

Commissioners

CHAIRMAN EDWIN R. LUNDBORG DISSENTING

CHAIRMAN EDWIN R. LUNDBORG DISSENTING:

I respectfully dissent.

I would deny the request for temporary authority as no showing has been made to establish an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need.


Chairman

js

(Decision No. 82998)
May 18, 1973

APPENDIX

Application No. 26620-PP-TA

Midtown Hospital Association, Inc.
1601 East 19th Avenue
Denver, Colorado

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

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

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

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

"Transportation of

Blood, blood products, x-ray films & interpretations, mail, reports, forms, postage meters, laboratory specimens & reports, printing for the Midtown Hospital Association Print Shop, books & materials for area medical libraries, maintenance items, medical/surgical supplies & equipment, radioisotopes & medical records

Between all points located within an area comprised of the Counties of Denver, Adams, Jefferson and Arapahoe, State of Colorado."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ICC EX PARTE 241, CANCELLATION
OF CONFLICTING PROVISIONS COVERING
CHARGES FOR CARS (RAIL) RECEIVED
WITHOUT PROPER BILLING AT INTER-
CHANGE POINTS

APPLICATION NO. 26674

May 18, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 14, 1973, the Western Trunk Line Committee, Agent, filed its Colorado application No. 450, requesting permission to publish on less than statutory (30 days) notice, to become effective not earlier than June 1, 1973, for and on behalf of carriers operating in Colorado, to amend Agency and Individual Lines tariffs by cancelling conflicting provisions covering "charges for cars received without proper billing at Interchange Points" in compliance with Order of the Interstate Commerce Commission under Ex Parte No. 241, to the same extent as set forth in Appendix "A" and Appendix "B", attached hereto, of Western Trunk Line Committee, Agent, application to the Interstate Commerce Commission for special permission No. 152 of May 9, 1973.

Earl A. McCarron, Assistant Tariff Publishing Officer,
states the following:

"At the May 1st WTL Freight Traffic Managers Meeting, a proposal was approved and publication instructions issued to cancel conflicting tariff provisions covering "Charges for Cars received without proper billing at Interchange Points in Western Trunk Line Territory" and allow provisions of car service Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC R.E.R. 387 to apply on a uniform effective date of June 1, 1973, which is the same date charges in Car Service Rule 7 of the Official Railway Equipment Register ICC R.E. R. 387, in compliance with the Commission's mandate under Ex Parte 241, are scheduled to become effective. Similar instructions have been issued for account of other agency and Individual Lines."

The Commission finds that, pursuant to Rule 19-C of the Commission's Rules of Practice and Procedure, the request should be granted as it is in the public interest.

O R D E R

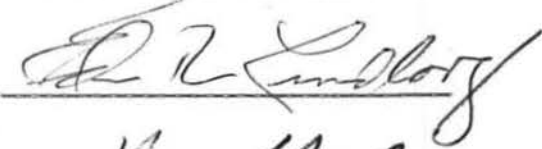

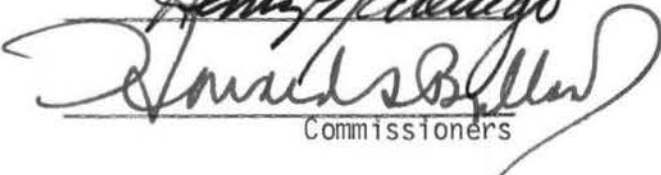
THE COMMISSION ORDERS:

1. That Western Trunk Line Committee, Agent, be, and it hereby is, authorized to amend Tariff set forth in Appendix "A" and Appendix "B" attached hereto, upon not less than one day's notice, to be effective not earlier than June 1, 1973.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING THIS 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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Appendix "A"

- (a) Authority is respectfully requested to cancel publications covering "Charges for Cars Received without Proper Billing at Interchange Points" in compliance with Order of the Interstate Commerce Commission under Ex Parte 241 (Provisions of Car Service Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC R.E.R. 387 will govern) substantially in the manner outlined in Exhibit "C" of this Application in connection with the following tariffs:

<u>ITEM</u>	<u>SUPPLEMENT</u>	<u>TARIFF</u>	<u>ICC</u>	<u>CARRIER OR AGENT</u>
2965	Orig.	99-W	A-4848	Western Trunk Line Committee
916-J, 916.1-A) 917-G, 918-H) and 919-F)	69	214-M	A-4744	Western Trunk Line Committee
2670-I	49	I-80-F	1124	Illinois Freight Association
360	Orig.	6000-V	B-8309	Chicago, Milwaukee, St. Paul and Pacific RR Co.
415	Orig.	7114-F	5735	Union Pacific RR Co.

- ALSO -

Similar Provisions in Other Agency and Individual Lines' Tariffs.

effective not earlier than June 1, 1973 upon one day's notice.

- (b) Authority is also respectfully sought to republish Item 225-B of Supplement 14 to Union Pacific Railroad Company Tariff 105-P, ICC 5731, which cancels conflicting tariff provisions covering "Charges for Cars Received without Proper Billing at Interchange Points" and allows provisions of Car Service Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC R.E.R. 387 to apply by advancing the effective date from June 4, 1973 to June 1, 1973 upon one day's notice. Similar authority is also sought in connection with Agency and Individual Lines' Tariffs in regard to other publications bearing effective dates later than June 1, 1973.

In order to accomplish the proposed changes quickly and economically, authority to depart from the terms of Rule 9(e) of Tariff Circular 20 as to the number of supplements permitted the involved tariffs, only if necessary, is also respectfully sought, with the understanding that if such Rule 9(e) relief is used, the supplements in which the proposed changes are accomplished will contain no other matter and will be taken up and cancelled by the next regular supplements issued.

Appendix "B"

SUPPLEMENT _____ TO TARIFF 214-M

ITEM	SUBJECT	RULES AND REGULATIONS
916-K	CHARGES ON CARS RECEIVED WITHOUT BILLING AT INTERCHANGE POINTS ON THE CNW	CANCELLED. Provisions of Car Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC - R.E.R. 387 apply. WTL Appln. 216-834.
916.1-B	CHARGES ON CARS RECEIVED WITHOUT BILLING AT INTERCHANGE POINTS ON THE MNS	CANCELLED. Provisions of Car Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC - R.E.R. 387 apply. WTL Appln. 216-834.
917-H	CHARGES ON CARS RECEIVED WITHOUT BILLING AT INTERCHANGE POINTS ON THE MILW	CANCELLED. Provisions of Car Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC - R.E.R. 387 apply. WTL Appln. 216-834.
918-I	CHARGES ON CARS RECEIVED WITHOUT BILLING AT INTERCHANGE POINTS ON THE SOO	CANCELLED. Provisions of Car Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC - R.E.R. 387 apply. WTL Appln. 216-834.
919-G	CHARGES ON CARS RECEIVED WITHOUT BILLING AT INTERCHANGE POINTS ON THE GEW	CANCELLED. Provisions of Car Rule 7 and Car Hire Rule 17 of the Official Railway Equipment Register ICC - R.E.R. 387 apply. WTL Appln. 216-834.

RECEIVED

MAY 14 1972

U.S. DEPT. OF JUSTICE

(Decision No. 83000)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BETTER MAINTENANCE SERVICE, INC.,)
P. O. BOX 925, BOULDER, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 7930 TO BUFFALO)
DISPOSAL, INC., 1021 VIVIAN CIRCLE,)
BOULDER, COLORADO.)

APPLICATION NO. 26487-Transfer
ORDER OF THE COMMISSION

May 18, 1973

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

It appearing, That by Order of the Commission dated March 26, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

It further appearing, That Buffalo Disposal, Inc., herein seeks approval of an encumbrance of Certificate of Public Convenience and Necessity PUC No. 7930 to Better Maintenance Service, Inc., to secure payment of indebtedness in the sum of seven thousand five hundred dollars (\$7,500)

in accordance with the terms and conditions of the Security Agreement and Financing Statement dated May 4, 1973, as executed by and between said parties.

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

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest; and that the encumbrance sought to be approved herein is in the public interest and should be granted as set forth in the Order following;

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

It is ordered, That Better Maintenance Service, Inc., P. O. Box 925, Boulder, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7930 as granted by Commission Decision No. 75927 dated September 24, 1970, and as amended by Decision No. 79404 dated January 13, 1972, to Buffalo Disposal, Inc., 1021 Vivian Circle, Boulder, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

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

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

It is further ordered, That Buffalo Disposal, Inc., 1021 Vivian Circle, Boulder, Colorado, be, and hereby is, authorized to encumber all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 7930 to Better Maintenance Service, Inc., P. O. Box 925, Boulder, Colorado, to secure payment of the sum of seven thousand five hundred dollars (\$7,500) in accordance with the terms and conditions set forth in the Security Agreement and Financing Statement dated May 4, 1973, which is made a part of this Order by reference.

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

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

And it is further ordered, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. L. Cullberg
James E. Allsup
Donald S. Bell
Commissioners
did

(Decision No. 83001)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALLEN TRANSFER CO., P. O. BOX 925,)
LONGMONT, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE, AND INTER-)
EST IN AND TO CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
6831 TO EDSON EXPRESS, INC., P. O.)
BOX 25, LONGMONT, COLORADO.)

APPLICATION NO. 26577-Transfer
ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

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

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

It is ordered, That Allen Transfer Co., P. O. Box 925, Longmont, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 6831 as granted by Commission Decision No. 73204 dated June 26, 1969, to Edson Express, Inc., P. O. Box 25, Longmont, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

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

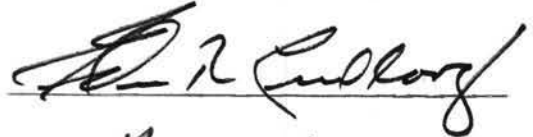
It is further ordered, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

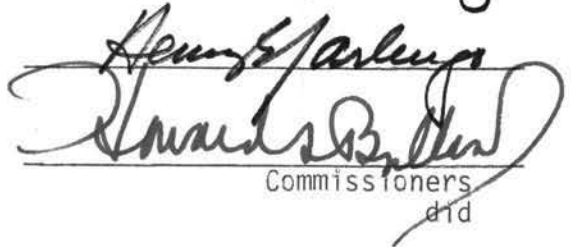
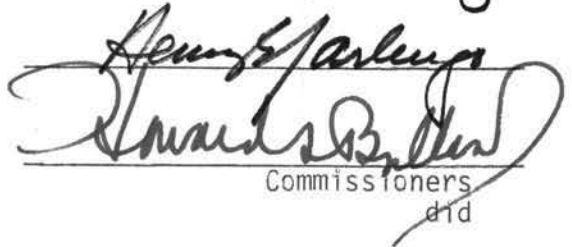
It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate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

And it is further ordered, That this Order shall become
effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners
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(Decision No. 83002)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EDWARD KINKEAD, DOING BUSINESS)
AS "E & W TRICKING," 102 PIKE)
STREET, GOLDEN, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26606-PP
ORDER OF THE COMMISSION

May 18, 1973

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Edward Kinkead, doing business as "E & W Trucking," 102 Pike Street, Golden, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

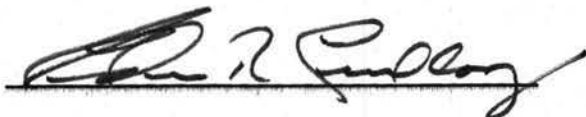
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

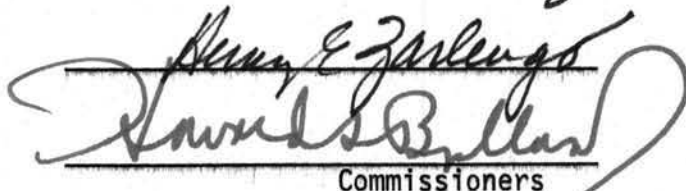
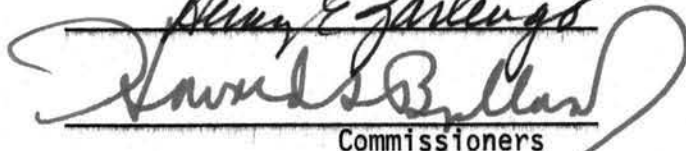
It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

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Appendix "A"
Decision No. 83002
May 18, 1973

E & W Trucking

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 83003)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM R. BINGAMAN, JR., 2692 SOUTH)	APPLICATION NO. 26602-PP
PENNSYLVANIA, DENVER, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B")	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

May 18, 1973

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That William P. Bingaman, Jr., 2692 South Pennsylvania, Denver, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

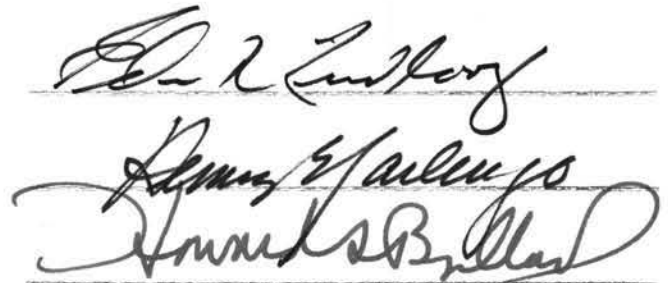
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Three handwritten signatures in cursive script, each written over a horizontal line. The signatures appear to be of the three Commissioners mentioned in the caption below.

Commissioners

hbp

Appendix "A"

Decision No. 83003
May 18, 1973

William R. Bingaman, Jr.

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 83004)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PAUL J. BOESE, 335 JUANITA STREET,)	APPLICATION NO. 26604-PP
COLORADO SPRINGS, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	ORDER OF THE COMMISSION

May 18, 1973

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Paul J. Boese, 335 Juanita Street, Colorado Springs, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

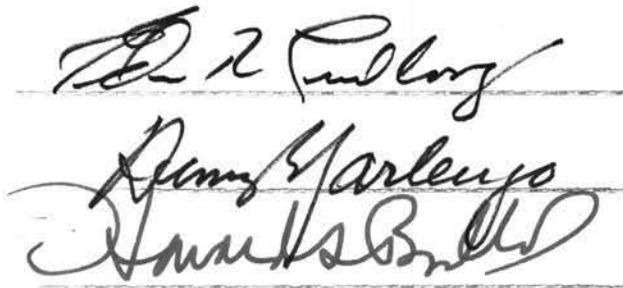
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Three handwritten signatures in cursive script, each written over a horizontal line. The signatures appear to be of the three Commissioners mentioned in the caption below.

Commissioners

hbp

Appendix "A"

Decision No. 83004
May 18, 1973

Paul J. Boese

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 83005)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER FAST, DOING BUSINESS AS "FAST)
TRUCKING," 1682 SOUTH LAMAR STREET,)
LAKEWOOD, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26607-PP

ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Elmer Fast, doing business as "Fast Trucking," 1682 South Lamar Street, Lakewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

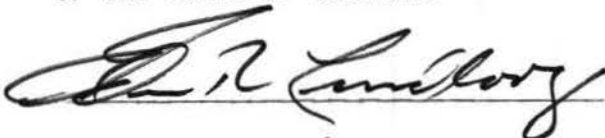
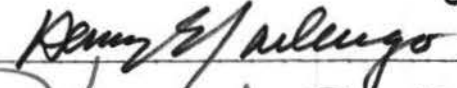
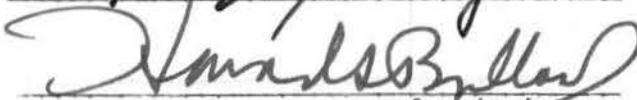
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

Appendix "A"
Decision No. 83005
May 18, 1973

Fast Trucking

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 83006)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. J. ABBOTT, INC., 2386½ HIGHWAY)
6 & 50, GRAND JUNCTION, COLORADO,)
FOR AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26617-PP

ORDER OF THE COMMISSION

May 18, 1973

Appearances: Gary R. Cowan, Esq.,
Grand Junction, Colorado,
for Applicant.

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That C. J. Abbott, Inc., 2386½ Highway 6 & 50, Grand Junction, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

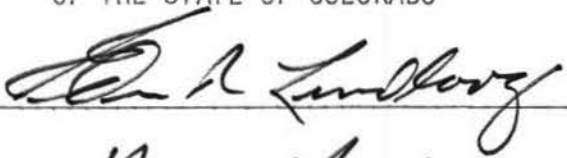
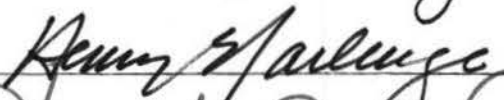
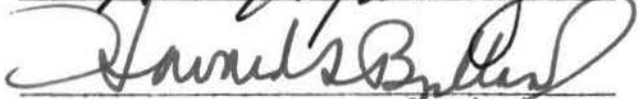
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

Appendix "A"
Decision No. 83006
May 18, 1973

C. J. Abbott, Inc.

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
STUART BARRY LIPMAN, 18776 WEST 59TH)	APPLICATION NO. 26623-PP
PLACE, GOLDEN, COLORADO, FOR AUTHOR-)	
ITY TO OPERATE AS A CLASS "B" CONTRACT)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

- - - - -
May 18, 1973
- - - - -

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Stuart Barry Lipman, 18776 West 59th Place, Golden, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

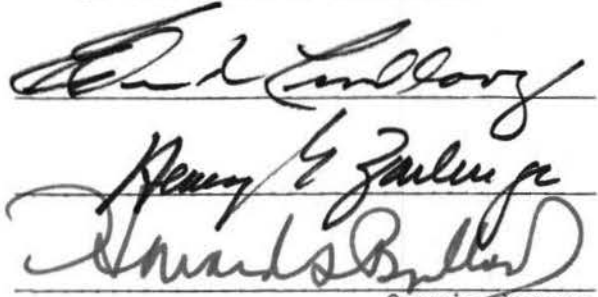
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

Appendix "A"
Decision No. 83007
May 18, 1973

Stuart Barry Lipman

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: AMENDMENTS TO ITEM 480)
(PICK-UP AND DELIVERY SERVICE);)
AND ADDITION OF POULTRY, FRESH,)
FROZEN OR NOT FROZEN TO ITEM)
NO. 2480, CMTB, INC., AGENT,)
TARIFF 12-B, COLORADO PUC 19)
-----)

CASE NO. 1585

May 18, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 13, 1973, Colorado Motor Tariff Bureau, Inc., Agent, filed Revised Pages to its Local and Joint Class and Commodity Rates Tariff No. 12-B, Colorado PUC No. 19, as set forth in Appendix "A" attached hereto. The changes are scheduled to become effective on May 19, 1973. For informational purposes, in Appendix "A", previous effective provisions are shown for Item 480.

The elimination of exception appearing on 2nd Revised Page No. 88 is supported by Thacker Bros. Transportation, Inc., stating the address of 3200 North Nevada Street is now within the City Limits of Colorado Springs and no further need for this exception is required.

The modification of exception appearing on 6th Revised Page No. 89 is supported by Rio Grande Motor Way, Inc., stating the changes were docketed as No. 1268 and approved by the Rate Committee. That, prior to the docket approval, no provisions were in effect for delivery at destination at points other than the ground floor or dock unless requested by the shipper; nor was there any provision which clearly stated who was to pay for this additional service. "In the past, our Company has delivered shipments to the consignee and, upon delivery, has been requested by the consignee to place the shipments at points other than the ground floor or dock. This situation has placed us in somewhat

of an awkward position as there were no applicable tariff provisions for this service to the consignee. In addition, the consignor could request that we pick up a shipment at a place other than the ground floor or dock and if the bill of lading were not endorsed to show prepayment of the freight charges, the consignee would be obligated to pay for a service which was of no benefit to him in any way."

Item 2480 is amended to include "poultry, fresh, frozen or not frozen" and Thacker Bros. Transportation, Inc., in a letter submitted to the Commission, states:

"1. There is no marked difference in the handling and protection characteristics in meat, dairy products or poultry when being moved in the volumes stated in this item.

2. The principal consignees are the State of Colorado free food distribution center to schools and institutions in the Colorado Springs and Pueblo Areas.

3. These facilities ship the commodities in mixed shipments."

The Commission finds that, pursuant to Rule 19-B of the Rules of Practice and Procedure, and 115-11-5 (2) of the statutes governing public utilities, an Order is required to be entered in Case No. 1585, amending said rates, rules and regulations as set forth in Appendix "A" attached hereto.

ORDER

THE COMMISSION ORDERS:

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

2. That the rates, rules and provisions as amended shall be the prescribed rates, rules and regulations of the Commission.

3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published, tariffs reflecting the changes prescribed herein.

4. That all contract carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. That on and after May 19, 1973, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed and provided that all call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.

6. That on and after May 19, 1973, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" contract carriers shall be subject to the penalty rule of twenty (20) percent.

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

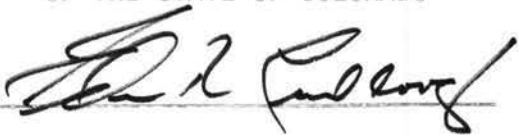
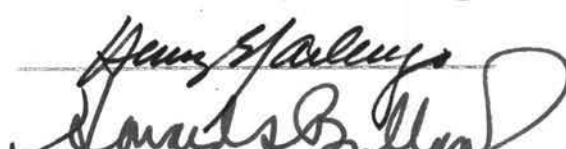
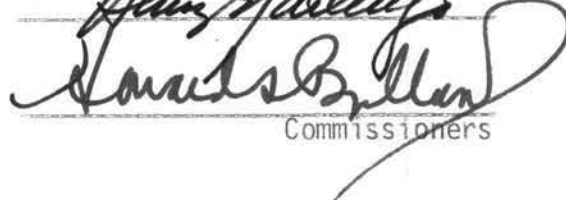
8. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

9. That this Order shall be effective forthwith.

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

DONE IN OPEN MEETING this 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

APPENDIX "A"

MF-ICC 8°
 COLO. PUC 19°
 (°COLORADO MOTOR CARRIERS'
 ASSOCIATION, AGENT, SERIES)

TARIFF 12-B COLORADO MOTOR TARIFF BUREAU, INC., AGENT	
RULES AND REGULATIONS	
ITEM	APPLICATION
	2ND REVISED PAGE 88
480	PICK-UP AND DELIVERY SERVICE:
(CON- CLU- DED ON PAGE 89)	EXCEPTION (E) ▲ 1ST REVISED PAGE 88 EXCEPTION: PICK-UP AND DELIVERY SERVICE WITHIN THE CITY LIMITS OF COLORADO SPRINGS, COLORADO, WILL ALSO INCLUDE FREE PICK-UP AND DELIVERY SERVICE AT THE PLANT OF AIRCRAFT MECHANICS, INC., LOCATED AT 3200 NORTH NEVADA STREET.
	6TH REVISED PAGE 89
480	RATES AND CHARGES ARE SUBJECT TO SUPPLEMENT 12 AND + AMENDMENT 24.
(CON- CLU- DED)	EXCEPTION: IN THE EVENT ▲ CONSIGNOR OR CONSIGNEE REQUESTS DELIVERY OR PICK-UP OF SHIPMENTS AT POINTS OTHER THAN THE GROUND FLOOR DOOR OR DOCK, THE RATE FOR SUCH ADDITIONAL SERVICE WILL BE 32¢ PER ONE HUNDRED POUNDS, SUBJECT TO A MINIMUM CHARGE OF \$3.63 WHICH SHALL BE IN ADDITION TO THE LINE HAUL TRANSPORTATION CHARGES. ▲ UNLESS THE BILL OF LADING IS SPECIFICALLY ENDORSED TO SHOW PREPAYMENT OF THESE CHARGES, THEY WILL BE COLLECTED FROM THE PARTY REQUESTING SUCH SERVICE, EXCEPT SUCH CHARGES FOR SHIPMENTS MOVING ON GOVERNMENT BILLS OF LADING WILL BE COLLECTED FROM THE GOVERNMENT. THIS PARAGRAPH WILL NOT APPLY WHERE SUCH PLACEMENT OR PICK-UP OF SHIPMENTS IS PROHIBITED BY CITY ORDINANCE. WHERE THE CITY ORDINANCE PROHIBITS SUCH PLACEMENT OR PICK-UPS, PICK-UP AND DELIVERY SERVICE WILL BE PROVIDED ONLY TO OR FROM THE GROUND FLOOR DOOR OR DOCK ACCESSIBLE TO TRUCKS.
	5TH REVISED PAGE 89
	+ RATES AND CHARGES ARE SUBJECT TO AMENDMENT 23.
	EXCEPTION: IN THE EVENT SHIPPERS DESIRE PLACEMENT OR PICK-UP OF SHIPMENTS AT POINTS OTHER THAN THE GROUND FLOOR OR DOCK, THE RATE FOR SUCH ADDITIONAL SERVICE SHALL BE 32¢ PER ONE HUNDRED POUNDS, SUBJECT TO A MINIMUM CHARGE OF \$3.63 WHICH SHALL BE IN ADDITION TO THE LINE HAUL TRANSPORTATION CHARGES. THIS PARAGRAPH WILL NOT APPLY WHERE SUCH PLACEMENT OR PICK-UP OF SHIPMENTS IS PROHIBITED BY CITY ORDINANCE. WHERE THE CITY ORDINANCE PROHIBITS SUCH PLACEMENT OR PICK-UPS, PICK-UP AND DELIVERY SERVICE WILL BE PROVIDED ONLY TO OR FROM THE GROUND FLOOR OR DOCK ACCESSIBLE TO TRUCKS.

APPENDIX "A"

SECTION 4 COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED) FOR APPLICATION, SEE PAGE 245					
ITEM	COMMODITY	FROM	TO	RATES	ROUTE
	10TH REVISED PAGE 290				
	RATES AND CHARGES ARE SUBJECT TO SUPPLEMENT 12 AND + AMENDMENT 24.				
		BETWEEN	AND		
2480	MEAT, FRESH, FROZEN OR NOT FROZEN.	DENVER	COLORADO SPRINGS	(1) 75 (2) 62 (3) 60	15; 47; 72
	MEAT, FRESH SALTED.				
	MEAT, CANNED.				
	SAUSAGE, FRESH.				
	DAIRY PRODUCTS, VIZ.:				
	BUTTER, NOI, BUTTER	DENVER	PUEBLO	(1) 90 (2) 74 (3) 62	
	GREASE, OLEOMARGARINE				
	CHEESE, INCLUDING				
	CHEESE FOOD, EGGS,	PUEBLO	COLORADO SPRINGS	(1) 63 (2) 57 (3) 44	
	CHICKEN, FOR HUMAN				
	CONSUMPTION; EGGS,				
	SHELLED; EGG ALBUMEN	PUEBLO	DENVER	(1) 90 (2) 74 (3) 62	
	(WHITES) OR YOLKS				
	DESICCATED (DRY).				
	PACKING HOUSE PRODUCTS AND OTHER ARTICLES AS DESCRIBED IN ITEM 730.				
	/ & POULTRY, FRESH, FROZEN OR NOT FROZEN.				
	(SUBJECT TO ITEM 595 OF THE GOVERNING CLASSIFICATION)				
	(1) MINIMUM WEIGHT 5,000 POUNDS				
	(2) MINIMUM WEIGHT 10,000 POUNDS.				
	(3) MINIMUM WEIGHT 15,000 POUNDS.				

- + DENOTES APPLIES ON INTRASTATE TRAFFIC ONLY
 (E) DENOTES ADDITION
 (E) DENOTES ELIMINATION
 ♦ DENOTES INCREASE
 ▲ DENOTES CHANGES IN WORDING WHICH RESULT IN NEITHER INCREASES
 NOR REDUCTIONS IN CHARGES.
 & DENOTES REDUCTIONS

ROUTE No. 15 -- EPHRAIM FREIGHTWAYS, INC., - DIRECT.

ROUTE No. 47 -- RED BALL MOTOR FREIGHT, INC., - DIRECT

ROUTE No. 72 -- NORTHWEST TRANSPORT SERVICE, INC., - DIRECT

(Decision No. 83009)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES G. NORTON AND DOUGLAS W.)	
CROSS, DOING BUSINESS AS "GROSS)	APPLICATION NO. 26592-PP
EXCAVATING," P. O. BOX 1324,)	
EVERGREEN, COLORADO, FOR AUTHORITY)	ORDER OF THE COMMISSION
TO OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

- - - - -
May 18, 1973
- - - - -

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That James G. Norton and Douglas W. Cross, doing business as "Gross Excavating," P. O. Box 1324, Evergreen, Colorado, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

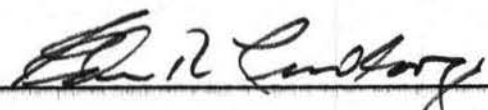

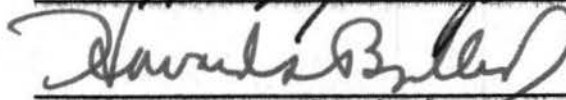
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

Appendix "A"
Decision No. 83009
May 18, 1973

Gross Excavating

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 83010)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF PAUL E. EDWARDS, BOX 325, ROUTE)	APPLICATION NO. 26597-PP
1, BRIGHTON, COLORADO, FOR AUTH-)	
ORITY TO OPERATE AS A CLASS "B")	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

May 18, 1973

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Paul E. Edwards, Box 325, Route 1, Brighton, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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


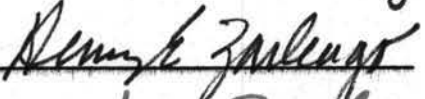
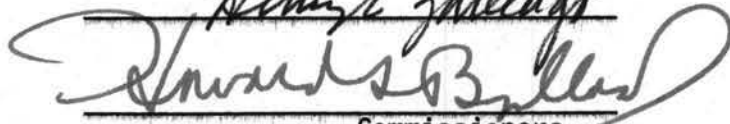
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

Appendix "A"
Decision No. 83010
May 18, 1973

Paul E. Edwards

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RICHARD A. McCLOSKEY, DOING)
BUSINESS AS "McCLOSKEY HAULING,")
5480 W. 62ND, ARVADA, COLORADO,)
FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26599-PP
ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Richard A. McCloskey, doing business as "McCloskey Hauling," 5480 W. 62nd, Arvada, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

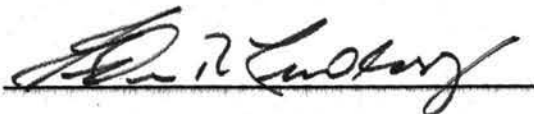
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

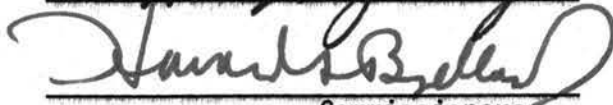
And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

js

Appendix "A"
Decision No. 83011
May 18, 1973

McCloskey Hauling

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 83012)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CHESTER L. ROBINSON AND STEVEN)
L. ROBINSON, 14875 W. 49TH AVENUE,)
GOLDEN, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26603-PP

ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Chester L. Robinson and Steven L. Robinson, 14875 W. 49th Avenue, Golden, Colorado, be, and are hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

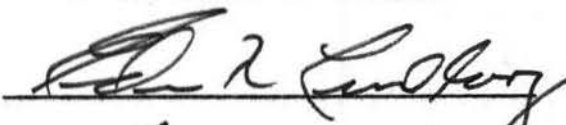


It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

Appendix "A"
Decision No. 83012
May 18, 1973

Chester L. Robinson and Steven L. Robinson

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 83013)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF KEITH R. SWERDFEGER, DOING)
BUSINESS AS "K. R. SWERDFEGER)
CONSTRUCTION," 502 LA VISTA ROAD,)
PUEBLO, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26619-PP
ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Keith R. Swerdfeger, doing business as "K. R. Swerdfeger Construction," 502 La Vista Road, Pueblo, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

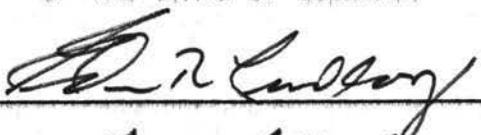
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

js

Appendix "A"
Decision No. 83013
May 18, 1973

K. R. Swerdfeger Construction

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

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

(Decision No. 83014)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY E. SCHNURR, 4115 SINTON ROAD,)
COLORADO SPRINGS, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-7168)
TO PIONEER SAND COMPANY, INC.,)
4115 SINTON ROAD, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 26621-PP-Transfer

ORDER OF THE COMMISSION

May 18, 1973

Appearances: William D. Davis, Esq.,
Colorado Springs, Colorado,
for Applicants.

It appearing, that by order of the Commission dated May 7, 1973,
notice of the filing of the above-entitled application was given to all
interested persons, firms and corporations pursuant to CRS 1963,
115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

It is ordered, That Gary E. Schnurr, 4115 Sinton Road, Colorado Springs, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7168, as granted by Commission Decision No. 71101 dated April 2, 1968 to Pioneer Sand Company, Inc., 4115 Sinton Road, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

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

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

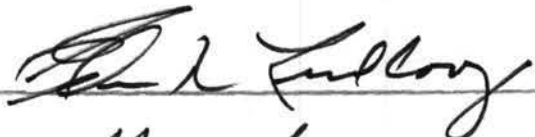
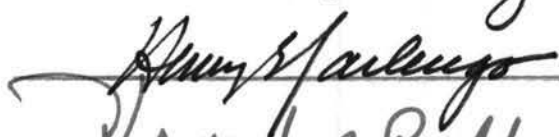
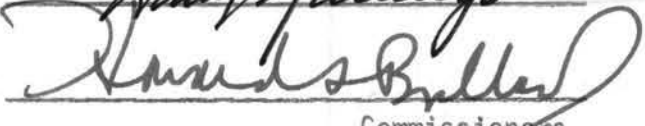
It is further ordered, That the right of Transferee to operate under this order shall be dependent upon compliance with all present and

future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said Permit.

And it is further ordered, That this order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
hbp

(Decision No. 83015)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAYMOND W. RUNNELLS, 1040 SO. AMES)	APPLICATION NO. 26600-PP
STREET, LAKEWOOD, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Raymond W. Runnells, 1040 So. Ames Street, Lakewood, Colorado, be, and is hereby, authorized to operate as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

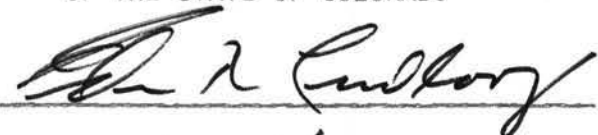

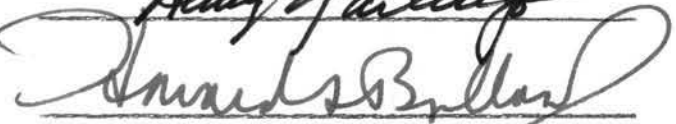
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

hbp

Appendix "A"

Decision No. 83015
May 18, 1973

Raymond W. Runnells

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 83016)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF)
COLORADO P.U.C. NO. 1 - GAS, OF)
PEOPLES NATURAL GAS DIVISION OF)
NORTHERN NATURAL GAS COMPANY,)
COLORADO SPRINGS, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 764

- - - - -
May 18, 1973
- - - - -

Appearances: William F. Liliensiek, Esq.,
Omaha, Nebraska, and
Thomas Stifler, Esq.,
Colorado Springs, Colorado,
for Peoples Natural Gas.

Bruce Kirkpatrick, Esq.,
Durango, Colorado,
for GRIP Committee, Protestants.

Robert Ayres,
Durango, Colorado, for
Graden Mercantile Company.

Fred Watkins,
Durango, Colorado, for
School District 9-R, La Plata County.

Ned Wallace,
Durango, Colorado, for
Fort Lewis College.

C. R. Ellsworth, Durango, Colorado, for the
Durango Chamber of Commerce.

Darrell Evans,
Durango, Colorado, for
Mercy Hospital.

John Murphy,
Durango, Colorado, for
City Council of Durango.

Robert H. Colley,
Durango, Colorado, for
Colley Realty.

Joe Williams,
Durango, Colorado, pro se.

Mrs. Gladys Brown,
Durango, Colorado, pro se.

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

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled proceeding was instituted by the Commission on February 23, 1973, by the entry of Decision No. 82433. Pursuant to this Decision, the effective date of certain tariffs was suspended for a period of 120 days, or until July 1, 1973, and the matter was set for hearing on March 26, 1973. After due and proper notice, the matter was heard by Commissioner Howard S. Bjelland.

On April 27, 1973, Commissioner Howard S. Bjelland entered his Recommended Decision No. 82827 in this matter. By this Decision the tariffs in question were recommended to be rejected.

On May 14, 1973, Respondent Peoples Natural Gas Division of Northern Natural Gas Company, filed a pleading entitled "Application and Motion for Rehearing and Reconsideration; Stay of Examining Commissioner's Recommended Decision; and for an Extension of Time for Filing of Exceptions to Examining Commissioner's Recommended Decision." There being no provision in either the statutes or the rules of the Commission for a pleading of this nature, the Commission finds that the relief requested therein could not be granted, and the same should therefore be denied.

On May 16, 1973, the following further pleadings were filed with the Commission in this matter:

- a. Exceptions of Protestants to Decision No. 82827,
by the GRIP Committee;
- b. Exceptions to Recommended Decision No. 82827, by
Respondent, Peoples Natural Gas Division of Northern Natural
Gas Company; and
- c. Motion for Further Hearing, also filed by Respondent.

The Commission finds that it should reconsider the matter pursuant to 115-6-9 (2), CRS 1963, as amended, after further hearing. The Commission further finds that because of such further hearing, a final decision could not be entered prior to the expiration date of the initial suspension period

on July 1, 1973, and that it should, therefore, on its own motion, extend the suspension of the effective date of the tariffs involved for an additional period of ninety (90) days, in accordance with the Public Utilities Law.

The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent's Application and Motion for Rehearing and Reconsideration; Stay of Examining Commissioner's Recommended Decision; and for an Extension of Time for Filing of Exceptions to Examining Commissioner's Recommended Decision; filed on May 14, 1973, be, and hereby is, denied.

2. Respondent's Motion for Further Hearing, be, and hereby is, granted, and the matter be, and hereby is, set for further hearing before the Commission as follows:

DATE: Monday, July 2, 1973

TIME: 10 a.m.

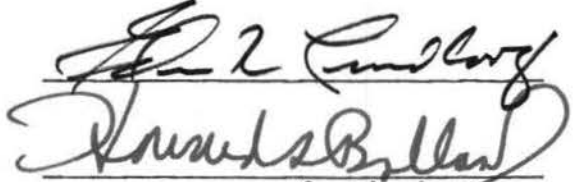
PLACE: Commission Hearing Room
500 Columbine Building
1845 Sherman Street
Denver, Colorado

3. The effective date of the Second Revised Sheet No. 16, and Second Revised Sheet No. 19 of Respondent's Tariff Colorado PUC No. 1 - Gas, filed under its Advice Letter No. 56, be, and hereby is, suspended for a further period of ninety (90) days from July 1, 1973, or until September 29, 1973, unless otherwise ordered by the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSTAINING.

COMMISSIONER ZARLENGO ABSTAINING:

I abstain for insufficient time permitted to study matter,
having received matter only 2 days ago.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
did

(Decision No. 83017)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DAVID L. GERZAN, DOING BUSINESS AS)	APPLICATION NO. 26598-PP
"GERZAN EXCAVATING & TRUCKING," 7627)	
S. EATON WAY, LITTLETON, COLORADO,)	ORDER OF THE COMMISSION
FOR AUTHORITY TO OPERATE AS A CLASS)	
"B" CONTRACT CARRIER BY MOTOR VEHICLE.)	

May 18, 1973

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That David L. Gerzan, doing business as "Gerzan Excavating & Trucking," 7627 S. Eaton Way, Littleton, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

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

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

(Decision No. 83018)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED C. WEIR, BOX 51, LA VETA,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26596-PP
ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

It appearing, That by Order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Alfred C. Weir, Box 51, La Veta, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

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

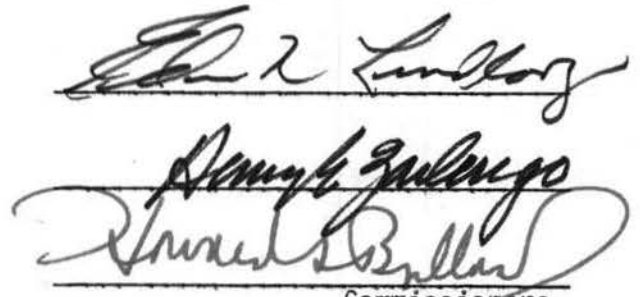
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
did

(Decision No. 83019)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES W. ANTONSON, 6945 WEST BAYAUD)	APPLICATION NO. 26593-PP
AVENUE, LAKEWOOD, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	ORDER OF THE COMMISSION

- - - - -
May 18, 1973
- - - - -

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That James W. Antonson, 6945 West Bayaud Avenue, Lakewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

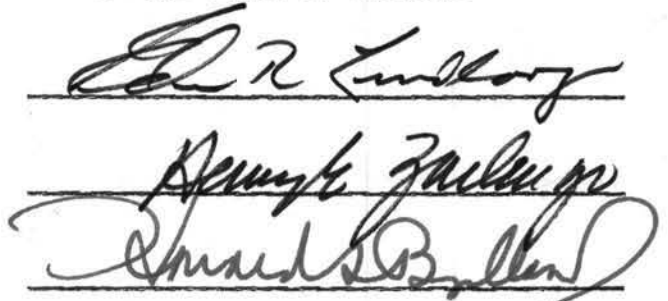
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

hbp

Appendix "A"

Decision No. 83019

May 18, 1973

James W. Antonson

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 83020)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROY L. JAMES, DOING BUSINESS AS)	APPLICATION NO. 26588-PP
"ROY L. JAMES TRUCKING," 3226 SOUTH)	
CORONA, ENGLEWOOD, COLORADO, FOR)	ORDER OF THE COMMISSION
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

May 18, 1973

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Roy L. James, doing business as "Roy L. James Trucking," 3226 South Corona, Englewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

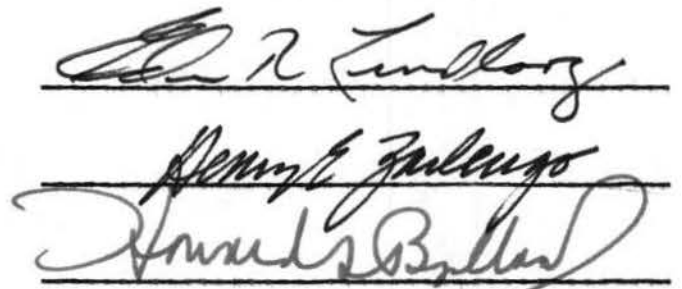
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

hbp

Appendix "A"

Decision No. 83020
May 18, 1973

Roy L. James Trucking

Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

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

(Decision No. 83021)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NELSON L. PETTINGILL, GENERAL)	APPLICATION NO. 26601-PP
DELIVERY, ANTONITO, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B")	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

- - - - -
May 18, 1973
- - - - -

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

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

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

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

Wherefore, and good cause appearing therefor:

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

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

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

It is ordered, That Nelson L. Pettingill, General Delivery, Antonito, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

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

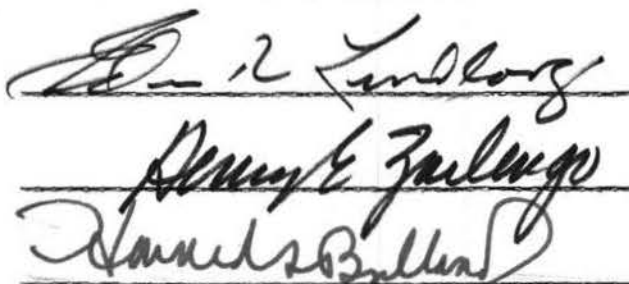
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
hbp

Appendix "A"

Decision No. 83021
May 18, 1973

Nelson L. Pettingill

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a radius of fifty (50) miles of said forests;

(2) Rough lumber

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

RESTRICTION: This Permit is restricted against town-to-town service.

(Decision No. 83022)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROCKY MOUNTAIN MOBILE HOME TOWING	)	APPLICATION NO. 26483-Extension
SERVICE, INC., 2202 TOWER ROAD, ROUTE)	
3, AURORA, COLORADO, FOR A CERTIFICATE	)	ORDER OF ROBERT L. PYLE, EXAMINER,
OF PUBLIC CONVENIENCE AND NECESSITY	)	RESETTING FOR FURTHER HEARING
AUTHORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 3016.)	

May 22, 1973

Appearances: John H. Lewis and Ernest Porter,
Esqs., Denver, Colorado, for
Applicant;
Harold D. Torgan, Esq., Denver,
Colorado, for Transit Homes,
Inc.; and A. D. Thorson and
Ileen M. Thorson, doing
business as "Colorado Mobile
Home Service," Protestants;
Leslie R. Kehl, Esq., Denver,
Colorado, for Morgan Drive
Away, Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

The above-entitled application was filed with the Commission on March 20, 1973. After due and proper notice to all interested parties, the application was set for hearing on Thursday, May 17, 1973, at 10 a.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was called for hearing by Examiner Robert L. Pyle, to whom it was duly assigned.

Protests were duly filed by the carriers noted above in the "Appearances." During the course of the hearing, it was determined that Applicant was unable to furnish financial information, whereby Applicant requested that the matter be recessed and continued for further hearing on a date certain. The Motion was granted.

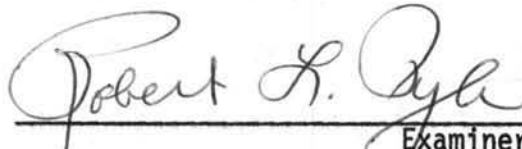
ORDER

THE EXAMINER ORDERS THAT:

1. The above-entitled application is hereby set for further hearing on Friday, June 29, 1973, beginning at 10 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/js

(Decision No. 83023)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RUSSELL D. WINGERT, 6373 HARLAN)
ST., ARVADA, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26681-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

May 22, 1973

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

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

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

It is ordered, That Russell D. Wingert, 6373 Harlan St., Arvada, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 22, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

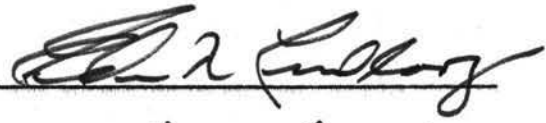


conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
js

(Decision No. 83024)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOWARD P. BOEHME, 8140 ALLISON PL.,)
ARVADA, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26678-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 22, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

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

It is ordered, That Howard P. Boehme, 8140 Allison Pl., Arvada, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 22, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

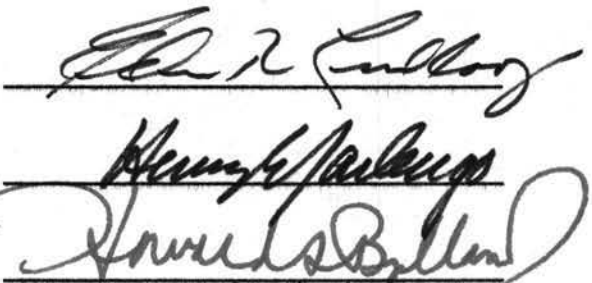
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 83025)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. C. COCKRUM, BOX 92, LARKSPUR,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26679-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 22, 1973
- - - - -

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

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

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

It is ordered, That A. C. Cockrum, Box 92, Larkspur, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 22, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

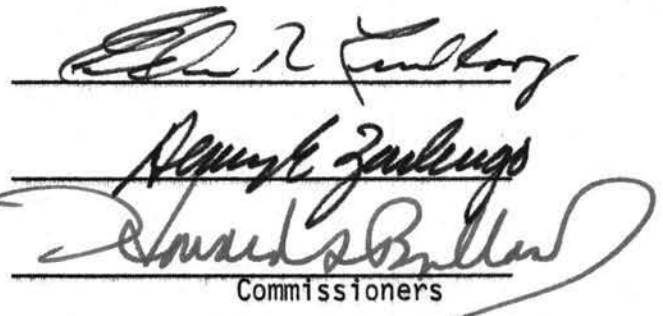
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 83026)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 26667

EMERGENCY DISTRICT 4-73

- - - - -
May 22, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from the Staff of the Transportation Section of this Commission indicating that an emergency exists because of the shortage of motor vehicles for the transportation of early lettuce, in the Counties of Bent, Crowley and Otero, Colorado.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting early lettuce in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of early lettuce in the Counties of Bent, Crowley, and Otero, Colorado, and that the present or future public convenience and necessity requires or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Chapter 115, Article 9, Section 4(2), CRS 1963, and as set forth in the Order following.

O R D E R

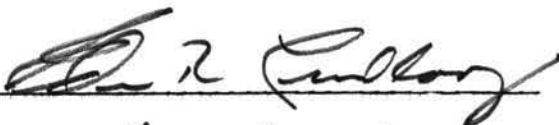

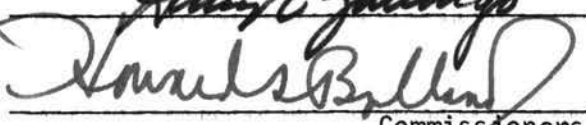
THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of

transporting early lettuce in the Counties of Bent, Crowley and Otero,
State of Colorado; provided, however, that said certificates shall be
effective for only a period of NINETY (90) DAYS commencing May 29, 1973.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

(Decision No. 83027)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GILBERT L. DUNN, JR., 1940 VANCE)
STREET, LAKEWOOD, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26677-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 22, 1973
- - - - -

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

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emer-
gency temporary authority may result in undue delay in availability of
equipment to contractors for pending construction projects.

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

It is ordered, That Gilbert L. Dunn, Jr., 1940 Vance Street,
Lakewood, Colorado, be, and is hereby, granted emergency temporary author-
ity for a period of fifteen (15) days commencing May 22, 1973, as a class
"B" contract carrier by motor vehicle, for the

"Transportation of

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

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

- (2) Sand and gravel

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

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

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

- (4) Insulrock

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

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

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

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

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL C. MORGAN, 1414 EAST 7TH,)
APARTMENT G, LOVELAND, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26683-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 22, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-8(4),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emer-
gency temporary authority may result in undue delay in availability of
equipment to contractors for pending construction projects.

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

It is ordered, That Paul C. Morgan, 1414 East 7th, Apartment
G, Loveland, Colorado, be, and is hereby, granted emergency temporary
authority for a period of fifteen (15) days commencing May 22, 1973, as
a class "B" contract carrier by motor vehicle, for the

"Transportation of

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

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

- (2) Sand and gravel

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

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

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred fifty (150) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

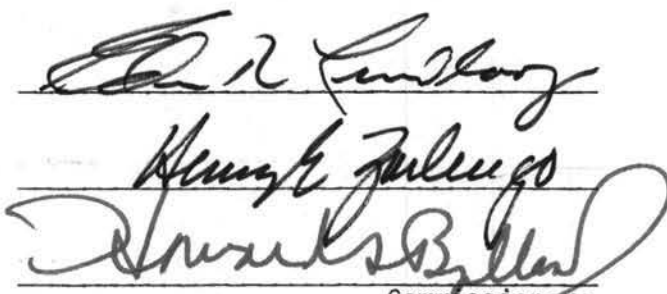
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 26436-PP
LaFROST CONSTRUCTION COMPANY, A)	
CORPORATION, HANGAR #1, PUEBLO	)	RECOMMENDED DECISION OF
MEMORIAL AIRPORT, PUEBLO, COLORADO,	)	ROBERT L. PYLE, EXAMINER
FOR A CLASS "B" PERMIT TO OPERATE AS)	
A CONTRACT CARRIER BY MOTOR VEHICLE	)	DISMISSING APPLICATION
FOR HIRE.)	

- - - - -
May 22, 1973
- - - - -

Appearances: Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for
Morgan Drive Away, Inc.,
Protestant;
Harold D. Torgan, Esq.,
Denver, Colorado, for
Transit Homes, Inc.,
Protestant.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission under date of February 28, 1973, and temporary authority was issued to the Applicant by Commission Decision No. 82658, dated March 23, 1973. After due and proper notice to all interested parties, the application was set for hearing on Tuesday, May 15, 1973, at 10 a.m., in the Judicial Building, 20 East Vermijo, Colorado Springs, Colorado, at which time and place the matter was called for hearing by Examiner Robert L. Pyle, to whom it was duly assigned.

Protests were duly filed by Rocky Mountain Mobile Home Towing Service, Inc.; Morgan Drive Away, Inc.; and Transit Homes, Inc.

At the time the application was called for hearing, neither Applicant nor any one in its behalf appeared to prosecute the application. It is also noted that Protestant Rocky Mountain Mobile Home Towing Service, Inc., did not appear at the hearing. Other Protestants did so appear.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT AND CONCLUSIONS

Based upon all the evidence of record, the following is found as fact and concluded that:

1. Neither Applicant nor any person on its behalf appeared at the hearing in support of the application.
2. The Examiner, upon his own motion, dismissed the application because of Applicant's failure to appear and present evidence.
3. Applicant's temporary authority should be canceled forthwith.
4. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

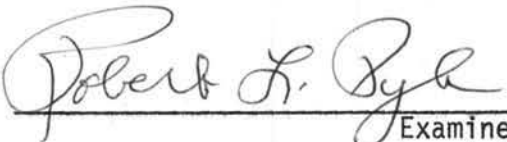
O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26436-PP, being the application of LaFrost Construction Company, a Corporation, Hangar #1, Pueblo Memorial Airport, Pueblo, Colorado, be, and hereby is, dismissed; and Applicant's temporary authority heretofore issued is canceled forthwith.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to

be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/vjr

(Decision No. 83030)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26680-PP-ETA
EARL JUHL, DOING BUSINESS AS "EARL)	
JUHL BACKHOE & TRUCKING," 5301)	ORDER GRANTING
INDEPENDENCE ROAD, BOULDER, COLORADO,)	
FOR EMERGENCY TEMPORARY AUTHORITY TO)	EMERGENCY TEMPORARY AUTHORITY
OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

- - - - -
May 22, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20 (4),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant
emergency temporary authority may result in undue delay in availability
of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute
an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Earl Juhl, doing business as "Earl Juhl
Backhoe & Trucking," 5301 Independence Road, Boulder, Colorado, be, and
is hereby, granted emergency temporary authority for a period of fifteen
(15) days commencing May 22, 1973, as a class "B" contract carrier by
motor vehicle for the

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in
the construction of roads and highways

From pits and supply points in the State of Colorado to
road jobs, mixer and processing plants within a radius
of one hundred (100) miles of said pits and supply
points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to
railroad loading points and to homes and small construction
jobs within a radius of one hundred (100) miles of said
pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

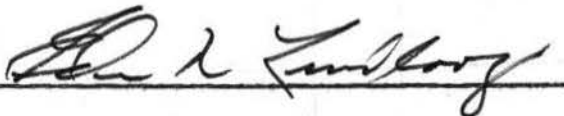
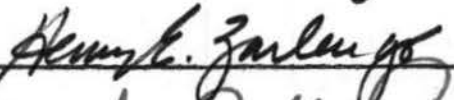
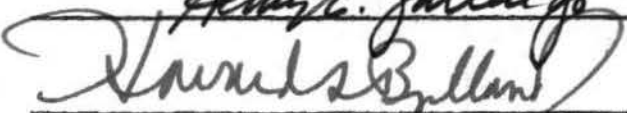
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

hbp

(Decision No. 83031)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26682-PP-ETA
WINSTON DEAN CURE, 7670 LEYDEN LANE,)	
COMMERCE CITY, COLORADO, FOR EMER-)	
GENCY TEMPORARY AUTHORITY TO OPERATE)	ORDER GRANTING
AS A CLASS "B" CONTRACT CARRIER BY)	
MOTOR VEHICLE.)	EMERGENCY TEMPORARY AUTHORITY

- - - - -
May 22, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20 (4),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant
emergency temporary authority may result in undue delay in availability
of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute
an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Winston Dean Cure, 7670 Leyden Lane,
Commerce City, Colorado, be, and is hereby, granted emergency temporary
authority for a period of fifteen (15) days commencing May 22, 1973, as
a class "B" contract carrier by motor vehicle, for the

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in
the construction of roads and highways

From pits and supply points in the State of Colorado to
road jobs, mixer and processing plants within a radius
of fifty (50) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to
railroad loading points and to homes and small construction
jobs within a radius of fifty (50) miles of said pits
and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

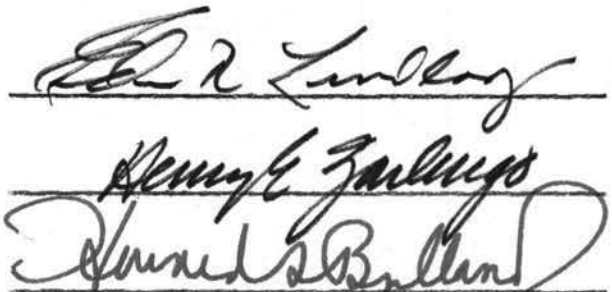
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MATTER OF INCREASED
RATES AND CHARGES - YELLOW CAB
COMPANY OF COLORADO SPRINGS,
TARIFF NO. 16, COLORADO PUC
NO. 17

Investigation and Suspension
Docket No. 777

May 22, 1973

STATEMENT AND FINDINGS

BY THE COMMISSION:

On the date of May 1, 1973, David C. Pierce, Vice President of Yellow Cab Company of Colorado Springs, filed a tariff of increased rates and charges, Tariff No. 16, Colorado PUC No. 17, scheduled to become effective on May 30, 1973,

The proposed tariff would change the basis of charges from quarter ($\frac{1}{4}$) mile units to one-fifth ($\frac{1}{5}$) mile units so that the flag drop of 60 cents would apply on one-fifth mile instead of one-fourth mile, and the charge for each additional unit would be 10 cents per one-fifth mile instead of 10 cents for each one-fourth mile.

Notice of the pending changes was posted as required by the Commission's Rules, and protests have been received.

As no supporting data has been submitted as required by Rule 19-D of the Commission's Rules of Practice and Procedure, the Commission finds that the proposed tariff should be suspended and set for hearing.

ORDER

THE COMMISSION ORDERS:

1. That Yellow Cab Company of Colorado Springs, Tariff No. 16, Colorado PUC No. 17, be, and the same hereby is, suspended for 120 days, to and including September 19, 1973, unless otherwise ordered by the Commission.

2. That it shall enter upon a hearing concerning the lawfulness of the rates and charges set forth in the schedule enumerated.

3. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedules under the Public Utilities Law.

4. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

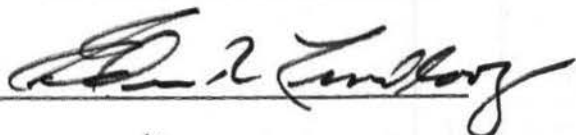

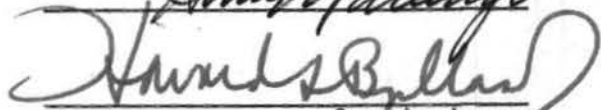
5. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon David C. Pierce, P.O. Box 2378, Colorado Springs, Colorado 80901. The necessary suspension supplements shall be issued, filed and posted to the respective tariffs referred to in the Statement and Order hereof.

6. That seven (7) days prior to the hearing date herein Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case.

7. That this Investigation and Suspension Docket No. 777 be, and the same is hereby, set for hearing before the Commission on the 27th day of June, 1973, at 10 a.m., Room 202, Second Floor Judicial Building, 20 E. Vermijo, Colorado Springs, Colorado.

DONE IN OPEN MEETING this 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: AMENDMENTS TO TARIFF NO. 13,
COLORADO PUC NO. 12 (HEAVY HAULING)
BY ADDITION OF CABLE LINE CONSTRUCTION
MATERIAL AND SUPPLIES, AND CHANGED
WORDING IN OTHER COMMODITY DESCRIPTIONS
-----)

CASE NO. 1585

May 22, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 26, 1973, the Colorado Motor Tariff Bureau, Inc., Agent, filed 5th Revised Page No. 30 to its Motor Freight Tariff No. 13, Colorado PUC No. 12*(*The Motor Truck Common Carriers Association, Agent, Series) published to be effective May 28, 1973. The page is attached as Appendix "A" hereto.

In Items 530, 560 and 590 the wording change is the dropping of the words "outfits or supplies; "pole line construction material; and material or equipment;" and inserting the word "group" following gas, Item 530; following pole, adding "or transmission" and following heading dropping "pole line construction material; adding "the current" in front of National Motor Freight Classification in Item 560, and for Items 580 and/or 590, adding "Group" in lieu of "material or equipment," following the word Railway.

Item No. 560, according to the Tariff Bureau, is further amended to include "Cable Line Construction Material and Supplies, not otherwise indexed by name in this tariff."

This was added to eliminate confusion in the interpretation of the tariff thus providing a suitable listing for commodities now being shipped. It appear that power and telephone lines are being installed underground, which requires the use of plastic pipe and other articles made of plastic. The present reference to "Pole or Transmission Line

Construction Material" in Item 560 does not appear to include such commodities.

The Commission finds the amendments will be in the public interest and, pursuant to Rule 19-B of the Rules of Practice and Procedure, an Order should be entered in Case No. 1585.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact, and Appendix "A" be, and the same are hereby, made a part hereof.
2. That the rules and provisions as amended in Tariff No. 13, Colorado PUC No, 12*(The Motor Truck Common Carriers Association, Agent, Series) shall be the prescribed rules and regulations of the Commission.
3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published, tariffs reflecting the changes herein.
4. That all contract carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. That on and after May 18, 1973, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed.
6. That on and after May 28, 1973, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier.

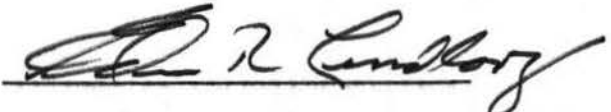
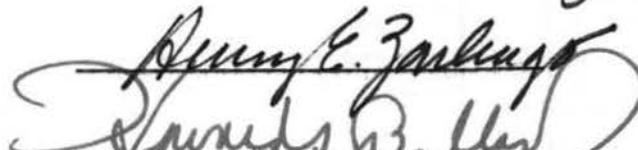
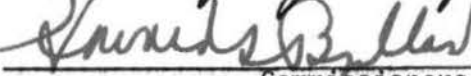
8. That an Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

9. That this Order shall be effective forthwith.

10. That jurisdiction is retained to make such further Orders as may be necessary and proper.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Case No. 1585
Decision No. 83033

Appendix "A"

5TH REVISED PAGE No. 30

CANCELS

4TH REVISED PAGE No. 30

COLO. P.U.C. No. 12*

(*THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT, SERIES)

COLORADO MOTOR TARIFF BUREAU, INC., AGENT
MOTOR FREIGHT TARIFF No. 13

SECTION NO. 1

COMMODITY DESCRIPTIONS

DISTANCE RATES PUBLISHED IN SECTION NO. 2 OF THIS TARIFF WILL APPLY ON THE FOLLOWING ARTICLES:

ITEM No.	COMMODITY
530 A	OUTFITS, VIZ.: BRIDGE BUILDERS', CONTRACTORS' OR GRADERS', N.O.I., WITHOUT LIVESTOCK, AS DESCRIBED UNDER THAT HEADING IN CURRENT NATIONAL MOTOR FREIGHT CLASSIFICATION, SUPPLEMENTS THERETO AND REISSUES THEREOF. WATER WELL AND SUPPLIES, AS DESCRIBED UNDER THE HEADING OF "OIL, WATER, GAS WELL GROUP," IN CURRENT NATIONAL MOTOR FREIGHT CLASSIFICATION, SUPPLEMENTS THERETO AND REISSUES THEREOF.
540	PILING, VIZ.: CEMENT, CONCRETE OR STEEL.
550	PIPE, VIZ.: CONCRETE; IRON OR STEEL, 16 GAUGE OR THICKER, NOT EXCEEDING 24 INCHES IN DIAMETER.
560	A POLE OR TRANSMISSION LINE CONSTRUCTION MATERIAL, AS DESCRIBED UNDER THAT HEADING IN THE CURRENT NATIONAL MOTOR FREIGHT CLASSIFICATION, INCLUDING ANCHOR BLOCKS, CONCRETE; ARMOR RODS, ALUMINUM; CABLE CLAMPS; GROUND BRACES, CONCRETE; GUY GRIPS; INSULATORS, AS DESCRIBED UNDER THAT HEADING IN THE CURRENT NATIONAL MOTOR FREIGHT CLASSIFICATION; POLE MARKERS AND RODS, GUY ANCHOR. CABLE LINE CONSTRUCTION MATERIAL AND SUPPLIES, NOT OTHERWISE INDEXED BY NAME IN THIS TARIFF. SUBJECT TO ITEM No. 170.
570	POLES, ELECTRIC OR TELEPHONE, WOODEN, CEMENT, CONCRETE, IRON OR STEEL. APPLY THE PROVISIONS OF ITEM No. 100(b).
580 A	RAILWAY EQUIPMENT, AS SPECIFIED UNDER THE HEADING OF "RAILWAY GROUP," IN CURRENT NATIONAL MOTOR FREIGHT CLASSIFICATION, SUPPLEMENTS THERETO AND REISSUES THEREOF.
590 A	RAILWAY TRACK MATERIAL, IRON OR STEEL, AS SPECIFIED UNDER THE HEADING "RAILWAY GROUP," IN CURRENT NATIONAL MOTOR FREIGHT CLASSIFICATION, SUPPLEMENTS THERETO AND REISSUES THEREOF.
600	REINFORCEMENT, CONCRETE OR PLASTER, IRON OR STEEL, AS SPECIFIED UNDER THE HEADING "IRON OR STEEL," IN CURRENT NATIONAL MOTOR FREIGHT CLASSIFICATION, SUPPLEMENTS THERETO AND REISSUES THEREOF.

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE II.

ISSUED APRIL 26, 1973

EFFECTIVE MAY 28, 1973

CORRECTION No. 834

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

1-a

A DENOTES A CHANGE IN WORDING WHICH RESULTS IN NEITHER INCREASES NOR REDUCTIONS IN CHARGES.

B DENOTES REDUCTION

A DENOTES ADDITION

(Decision No. 83034)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ELDON L. McDANIEL, GENERAL DELIVERY,)	APPLICATION NO. 26613-PP
GRANBY, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

May 18, 1973

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Eldon L. McDaniel, General Delivery, Granby, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

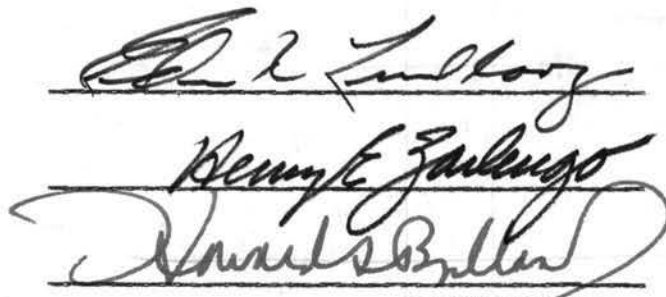
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
hbp

Appendix "A"

Decision No. 83034

May 18, 1973

Eldon L. McDaniel

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

(2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION: This Permit is restricted against town-to-town service.

(Decision No. 83035)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DONALD R. ROBITAILLE, DOING BUSINESS)	APPLICATION NO. 26618-PP
AS "ROBO TRUCKING," 70 SOUTH PIERCE,)	
LAKWOOD, COLORADO, FOR AUTHORITY TO)	ORDER OF THE COMMISSION
OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

- - - - -
May 18, 1973
- - - - -

It appearing, That by order of the Commission dated May 7, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Donald R. Robitaille, doing business as "Robo Trucking," 70 South Pierce, Lakewood, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

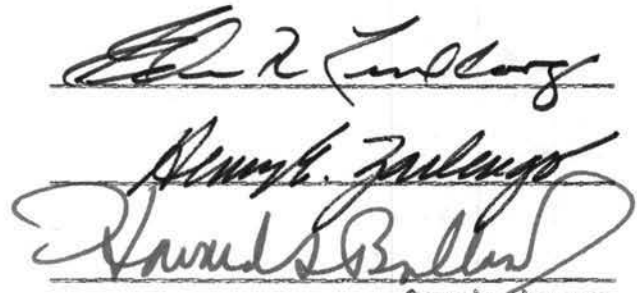
It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 18th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
hbp

Appendix "A"

Decision No. 83035
May 18, 1973

Robo Trucking

Transportation of

- (1) Sand, gravel, and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone, and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

RESTRICTION: This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

(Decision No. 83036)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRANK STANLEY, BOX 272, HAYDEN,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE, AND INTEREST IN)
AND TO CONTRACT CARRIER PERMIT NO.)
B-6103 TO RALPH E. MOREHEAD, DOING)
BUSINESS AS "MOREHEAD CONSTRUCTION)
CO.," 804 LEGION STREET, CRAIG,)
COLORADO.)

APPLICATION NO. 26524-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
May 22, 1973
- - - - -

It appearing, That by Order of the Commission dated April 9, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Frank Stanley, Box 272, Hayden, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-6103, as granted by Commission Decision No. 73090 dated June 4, 1969 to Ralph E. Morehead, doing business as "Morehead Construction Co.," 804 Legion Street, Craig, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

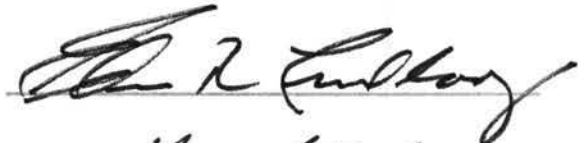
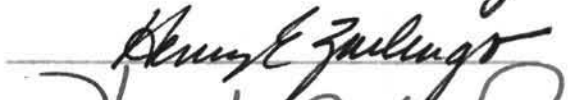

It is further ordered, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said Permit.

And it is further ordered, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

(Decision No. 83037)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BESTWAY DISPOSAL CO., 5690 VALMONT,)
P. O. BOX 894, BOULDER, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 543 TO LUCKY)
TRASH SERVICE, INC., DOING BUSINESS)
AS "BESTWAY DISPOSAL OF GREELEY &)
WINDSOR," P. O. BOX 1472, 1804)
CHERRY AVENUE, GREELEY, COLORADO.)

APPLICATION NO. 26500-Transfer

IN THE MATTER OF THE APPLICATION OF)
BESTWAY DISPOSAL CO., 5690 VALMONT,)
P. O. BOX 894, BOULDER, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 4615 TO LUCKY)
TRASH SERVICE, INC., DOING BUSINESS)
AS "BESTWAY DISPOSAL OF GREELEY &)
WINDSOR," P. O. BOX 1472, 1804)
CHERRY AVENUE, GREELEY, COLORADO.)

APPLICATION NO. 26501-Transfer

- - - - -
May 22, 1973
- - - - -

Appearances: David W. Griffith, Esq., Boulder,
Colorado, for Applicants

It appearing, That by Order of the Commission dated March 26,
1973, notice of the filing of the above-entitled applications were given
to all interested persons, firms and corporations pursuant to CRS 1963,
115-6-8 (2);

It further appearing, That no protest, objection or petition
to intervene or otherwise participate in these proceedings has been filed
by any person within the time prescribed by the Commission in said Order,
and that the herein proceedings are therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matters are ones which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in these proceedings should be by reference to the verified applications as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants approval of the transfers as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfers are compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authorities to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Bestway Disposal Co., 5690 Valmont, P. O. Box 894, Boulder, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 543 as granted by Commission Decision No. 72712 dated March 20, 1969 and Certificate of Public Convenience and Necessity PUC No. 4615 as granted by Commission Decision No. 72271 dated December 6, 1968 and as amended by Commission Decision No. 79404 dated January 13, 1972, to Lucky Trash Service, Inc., doing business as "Bestway Disposal of Greeley & Windsor," P. O. Box 1472, 1804 Cherry Avenue, Greeley, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That said transfers shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfers, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

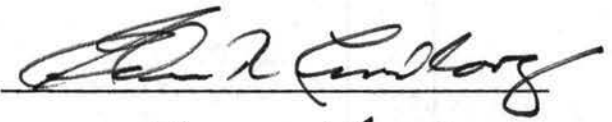
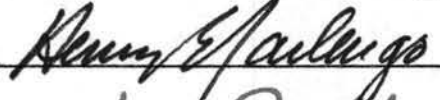
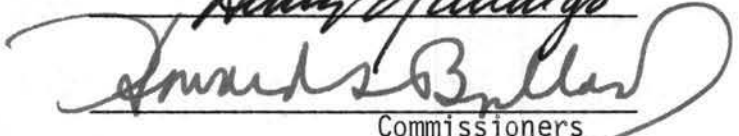
It is further ordered, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificates up to the time of transfer of said Certificates.

And it is further ordered, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

(Decision No. 83038)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)
PROPOSED CHANGES IN TARIFF COLORADO)
P.U.C. NO. 1 - ELECTRIC, OF GUNNISON)
COUNTY ELECTRIC ASSOCIATION, INC.,)
CRESTED BUTTE, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 761

- - - - -
May 22, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 26, 1973, by Decision No. 82222, the effective date of tariff sheets accompanied by Advice Letter No. 16, Colorado P.U.C. No. 1 - Electric, was suspended until May 31, 1973, and the matter was set for hearing. Particular tariff sheets are more completely identified in Decision No. 82222 which is hereby incorporated herein by reference. As the hearing in the matter has been vacated and the matter not set for additional hearing, a final decision cannot be entered prior to the suspension date. The Commission finds that the effective date of said tariff sheets should be further suspended for a period of ninety (90) days pursuant to 115-6-11, C.R.S. 1963, as amended, and that the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The effective date of said tariff sheets filed with Advice Letter No. 16 be, and hereby is, suspended for the additional period of ninety (90) days from May 31, 1973, or until August 29, 1973, unless otherwise ordered.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund J. Lindsay

Alvin E. Zalusko
Howard S. Butler

Commissioners
vjr

(Decision No. 83039)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JERRY R. EGGLESTON AND MARYLIN B.)
EGGLESTON, 405 COLUMBIA ROAD, FORT)
COLLINS, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE, AND INTER-)
EST IN AND TO CONTRACT CARRIER PERMIT)
NO. B-4662 TO JACK B. SURLES AND)
TERRY L. SURLES, DOING BUSINESS AS)
"SURLES TRUCKING," 5601 CLIFTVIEW)
COURT, BELLVUE, COLORADO.)

APPLICATION NO. 26510-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
May 22, 1973
- - - - -

It appearing, That by Order of the Commission dated April 9, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferees has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferees were fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Jerry R. Eggleston and Marilyn B. Eggleston, 405 Columbia Road, Fort Collins, Colorado, be, and are hereby, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-4662, as granted by Commission Decision No. 81550, dated October 18, 1972, to Jack B. Surles and Terry L. Surles, doing business as "Surles Trucking," 5601 Cliftview Court, Bellvue, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferors and Transferees, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

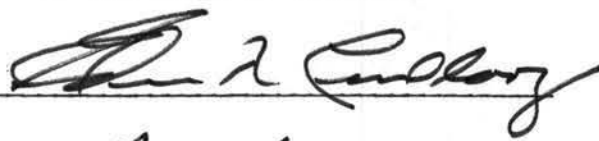
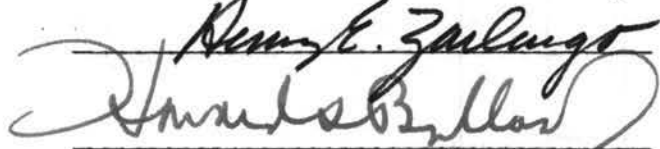
It is further ordered, That the tariff of rates, rules, and regulations of Transferors shall, upon proper adoption notice, become and remain those of Transferees until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferees to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said Permit.

And it is further ordered, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ANDREW
BOSMAN, JR., WILLIAM BUIKEMA AND CHARLES A.
BOSMAN, DOING BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 2097 TO
UNITED STATES DISPOSAL SYSTEMS, INC., A
COLORADO CORPORATION, 2519 WEST 11TH AVENUE,
DENVER, COLORADO.

APPLICATION NO.
26476-Transfer

IN THE MATTER OF THE APPLICATION OF ANDREW
BOSMAN, JR., WILLIAM BUIKEMA AND CHARLES A.
BOSMAN, DOING BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 2495 TO UNITED
STATES DISPOSAL SYSTEMS, INC., A COLORADO
CORPORATION, 2519 WEST 11TH AVENUE, DENVER,
COLORADO.

APPLICATION NO.
26477-Transfer

IN THE MATTER OF THE APPLICATION OF ANDREW
BOSMAN, JR., WILLIAM BUIKEMA AND CHARLES A.
BOSMAN, DOING BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 3270 TO UNITED
STATES DISPOSAL SYSTEMS, INC., A COLORADO
CORPORATION, 2519 WEST 11TH AVENUE, DENVER,
COLORADO.

APPLICATION NO.
26478-Transfer

IN THE MATTER OF THE APPLICATION OF ANDREW
BOSMAN, JR., WILLIAM BUIKEMA AND CHARLES A.
BOSMAN, DOING BUSINESS AS "BEST-WAY DISPOSAL,"
2519 WEST 11TH AVENUE, DENVER, COLORADO, FOR
AUTHORITY TO TRANSFER PERMIT NO. B-5809 TO
TO UNITED STATES DISPOSAL SYSTEMS, INC., A
COLORADO CORPORATION, 2519 WEST 11TH AVENUE,
DENVER, COLORADO.

APPLICATION NO.
26479-PP-Transfer

IN THE MATTER OF THE APPLICATION OF RICHARD
C. BROUGH AND RUBEN LEE TO TRANSFER ALL OF
THE STOCK OF COMMERCE REFUSE DISPOSAL, INC.,
OF 6095 EAST 64TH AVENUE, P.O. BOX 186,
COMMERCE CITY, COLORADO, RECORD OWNER OF
PUC NO. 2212, FOR AUTHORITY TO TRANSFER ALL
ITS STOCK TO UNITED STATES DISPOSAL SYSTEMS,
INC., OF 2519 WEST 11TH AVENUE, DENVER,
COLORADO.

APPLICATION NO.
26498-Stock Transfer

IN THE MATTER OF THE APPLICATION OF RICHARD
C. BROUGH AND RUBEN LEE TO TRANSFER ALL OF
THE STOCK OF COMMERCE REFUSE DISPOSAL, INC.,
OF 6095 EAST 64TH AVENUE, P.O. BOX 186,
COMMERCE CITY, COLORADO, RECORD OWNER OF
PERMIT NO. B-7779, FOR AUTHORITY TO TRANSFER
ALL ITS STOCK TO UNITED STATES DISPOSAL
SYSTEMS, INC., OF 2519 WEST 11TH AVENUE,
DENVER, COLORADO.

APPLICATION NO.
26499-PP-Stock Transfer

ORDER OF ROBERT L. PYLE,
EXAMINER, CONTINUING FOR
THE FILING OF AMENDED
APPLICATIONS

- - - - -
May 23, 1973
- - - - -

Appearances: William A. Wilson, Esq.,
Denver, Colorado, for
Transferors and Transferees.
Jeffrey C. Pond, Esq.,
Denver, Colorado, for
Denver Cleanup Service,
Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

The above-entitled applications were filed with this Commission, and, since the same issues and the same Transferees were involved in each proceeding, said applications were consolidated for hearing. The matters were protested as indicated by the "Appearances" above. After due and proper notice to all interested parties, the matters were set for hearing on Monday, May 21, 1973, at 10 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado. The matters were heard by Examiner Robert L. Pyle, to whom they were duly assigned.

When the matters were called for hearing, it was determined that the applications would have to be amended so as to conform to the requirements of this Commission. Applicants requested leave to file such amendments, which request was granted, and the matters were continued,

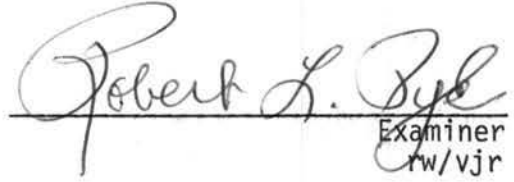
O R D E R

THE EXAMINER ORDERS THAT:

1. Applicants shall, on or before June 1, 1973, file with the Commission amendments to their applications, upon receipt of which the Commission shall republish or renotice in the usual manner, and if not so filed on or before said date, then these applications shall be dismissed without further order of the Commission.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
LAVERNE WELCH AND ROGER D. WELCH
AND HELEN WELCH, FOR AUTHORITY TO
TRANSFER ALL OF THE STOCK OF LAKEWOOD
DISPOSAL, INC., OF 1125 DEPEW COURT,
LAKEWOOD, COLORADO, RECORD OWNER OF
PUC NO. 1669, TO UNITED STATES DIS-
POSAL SYSTEMS, INC., OF 2519 WEST
11TH AVENUE, DENVER, COLORADO.

APPLICATION NO. 26480-
Stock Transfer

IN THE MATTER OF THE APPLICATION OF
ROBERT A. GROVE TO TRANSFER ALL OF
THE STOCK OF GOLDEN ASH & TRASH
SERVICE CO., INC., OF 15965 SOUTH
GOLDEN ROAD, GOLDEN, COLORADO, RECORD
OWNER OF PUC NO. 2078 FOR AUTHORITY
TO TRANSFER ALL OF ITS STOCK TO
UNITED DISPOSAL SYSTEMS, INC., OF
2519 WEST 11TH AVENUE, DENVER, COLORADO.

APPLICATION NO. 26490-
Stock Transfer

IN THE MATTER OF THE APPLICATION OF
ROBERT A. GROVE TO TRANSFER ALL OF
THE STOCK OF GOLDEN ASH & TRASH
SERVICE CO., A COLORADO CORPORATION,
15965 SOUTH GOLDEN ROAD, GOLDEN,
COLORADO, RECORD OWNER OF PUC NO.
2605 FOR AUTHORITY TO TRANSFER ALL
ITS STOCK TO UNITED STATES DISPOSAL
SYSTEMS, INC., OF 2519 WEST 11TH
AVENUE, DENVER, COLORADO.

APPLICATION NO. 26491-
Stock Transfer

IN THE MATTER OF THE APPLICATION OF
ANDREW J. BOSMAN, WILLIAM BUIKEMA
AND CHARLES A. BOSMAN, TO TRANSFER
ALL OF THE STOCK OF HEART DISPOSAL
COMPANY, A COLORADO CORPORATION, OF
2519 WEST 11TH AVENUE, DENVER,
COLORADO, RECORD OWNER OF PUC NO.
3339, FOR AUTHORITY TO TRANSFER ALL
ITS STOCK TO UNITED STATES DISPOSAL
SYSTEMS, INC., OF 2519 WEST 11TH
AVENUE, DENVER, COLORADO.

APPLICATION NO. 26492-
Stock Transfer

ORDER OF ROBERT L. PYLE,
EXAMINER, CONTINUING FOR
THE FILING OF AMENDED
APPLICATIONS

May 23, 1973

Appearances: William A. Wilson, Esq.,
Denver, Colorado, for
Transferors and Transferees.

STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

The above-entitled applications were filed with this Commission and since the same issues and the same Transferee were involved in each proceeding, said applications were consolidated for hearing. No protests were filed, and, after due and proper notice to all interested parties, the matters were set for hearing on Friday, May 18, 1973, at 1:30 p.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado. The matters were heard by Examiner Robert L. Pyle, to whom they were duly assigned.

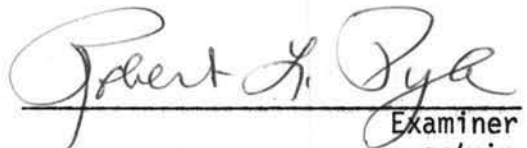
During the course of the testimony of the first witness, it was determined that the evidence did not conform to the applications and that amended applications would have to be filed so as to conform to the requirements of this Commission. Applicants requested leave to file such amendments, which request was granted, and the matters were continued.

O R D E R

THE EXAMINER ORDERS THAT:

1. Applicants shall, on or before June 1, 1973, file with the Commission amendments to their applications, upon receipt of which the Commission shall republish or renotice in the usual manner, and if not so filed on or before said date, then these applications shall be dismissed without further order of the Commission.
2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MOTOR EXPRESS RENTALS CORP. 327)	APPLICATION NO. 26299-PP-Extension
SOUTH LA SALLE STREET, CHICAGO,)	
ILLINOIS, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER CONTRACT CARRIER)	SUPPLEMENTAL ORDER
PERMIT NO. B-3698.)	

May 22, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 20, 1973, the Commission entered Decision No. 82824 in the above-captioned proceeding. On May 10, 1973, Applicant Motor Express Rentals Corporation, by its attorney James M. Lyons, filed a pleading entitled "Exceptions" to said Decision No. 82824. The Commission hereby elects to treat such pleading as a Petition for Reconsideration of said decision.

Upon such reconsideration, the Commission finds that the following order should be entered.

It is ordered, That Motor Express Rentals Corp., 327 South La Salle Street, Chicago, Illinois, be, and is hereby, authorized to extend operations under Contract Carrier Permit No. B-3698 to include the following:

"To conduct a contract carrier operation for Sears, Roebuck and Co. between outlets and facilities of Sears, Roebuck and Co. in Fort Collins, Colorado, on the one hand, and Denver, Littleton, Pueblo and Colorado Springs, Colorado, on the other hand. Commodities to be transported are general commodities, such as household furniture, furnishings and other merchandise sold and delivered by Sears, Roebuck and Co. The service shall be conducted for Sears, Roebuck and Co. only."

It is further ordered, That henceforth the full and complete authority under Contract Carrier Permit No. B-3698, as extended, shall read and be as set forth in Appendix "A" attached hereto.

It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

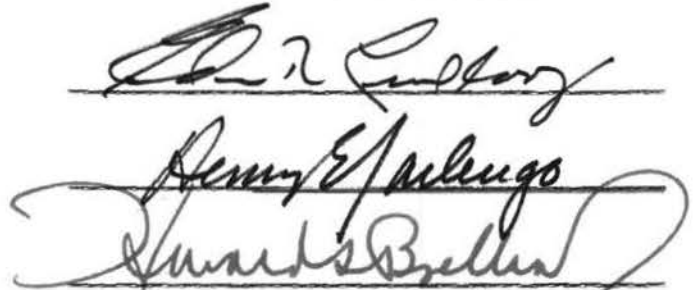
It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

It is further ordered, That Decision No. 82824 is amended to conform with the order herein.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Three handwritten signatures in cursive script, each written over a horizontal line. The signatures appear to be of the three commissioners mentioned in the text below.

Commissioners

hbp

Appendix "A"

Decision No. 83042
May 22, 1973

Motor Express Rentals Corp.

Transportation of general commodities, such as household furniture, furnishings, and other merchandise sold by Montgomery Ward & Co., for said company, only, between points within an area bounded by Aurora on the east, Littleton on the south, Golden on the west, and Westminster on the north, said towns being inclusive, the service being performed being a delivery service for said Montgomery Ward and Company, without the right to add to its number of customers, except by orders of this Commission first had, after hearing upon notice to parties in interest.

Decision No. 43777 EXTENDED TO: Add Sears Roebuck & Co. of Denver as additional customer; extended authority to include the City of Pueblo and the territory intermediate between Littleton, Colorado and Pueblo, Colorado and between all points in the territory within a radius of twenty-five (25) miles from the State Capitol Building, Denver, Colorado.

Decision No. 62534: EXTENDED: To include the right to transport general commodities, such as household furniture, furnishings, and other merchandise sold by Sears Roebuck & Company, and for delivery direct to customers for said company, only, within a fifty mile radius of the State Capitol Building, in the City and County of Denver, Colorado.

To conduct a contract carrier operation for Sears, Roebuck and Co. between outlets and facilities of Sears, Roebuck and Co. in Fort Collins, Colorado, on the one hand, and Denver, Littleton, Pueblo and Colorado Springs, Colorado, on the other hand. Commodities to be transported are general commodities, such as household furniture, furnishings and other merchandise sold and delivered by Sears, Roebuck and Co. The service shall be conducted for Sears, Roebuck and Co. only.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26532-PP
ERNIE LEE MOULDER, BOX 126A, LAMAR,)	
COLORADO, FOR AUTHORITY TO OPERATE)	
AS A CLASS "B" CONTRACT CARRIER BY)	ORDER OF THE COMMISSION
MOTOR VEHICLE.)	

- - - - -
May 22, 1973
- - - - -

It appearing, That by order of the Commission dated April 9, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Ernie Lee Moulder, Box 126A, Lamar, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this order shall be deemed to be, and be, a PERMIT therefor.

It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

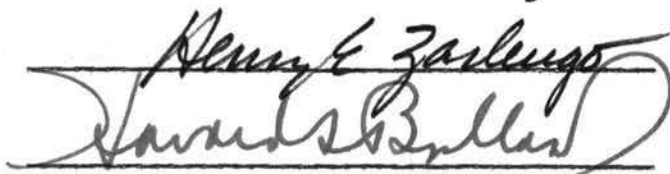
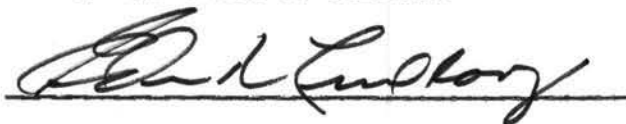

It is further ordered, That this order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 22nd day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

hbp

Appendix "A"

Decision No. 83043

May 22, 1973

Ernie Lee Moulder

Transportation of

Farm products and processed feeds

Between all points located within an area comprised of the counties of Prowers, Bent, Otero, Pueblo, and El Paso, State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the transportation of livestock, bulk milk, and dairy products;
- (b) To rendering transportation service for only Colorado Feeds, Inc. and Reyher Enterprises, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED F. ISGAR, d/b/a THE RAMAH TELE-)
PHONE EXCHANGE, RAMAH, COLORADO, TO)
OBTAIN AUTHORITY TO SELL AND OTHER-)
WISE TRANSFER ALL EXISTING ASSETS)
WHATSOEVER IN THE RAMAH TELEPHONE)
EXCHANGE TO ROBERT J. LUNDAY, CALHAN,)
COLORADO, AND FURTHER FOR THE ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AND THE TRANSFER OF ANY)
AND ALL RIGHTS AND LIABILITIES ACCRUING)
UNDER SUCH CERTIFICATE FROM FRED F.)
ISGAR, d/b/a THE RAMAH TELEPHONE)
EXCHANGE TO ROBERT J. LUNDAY.)

APPLICATION NO. 26383

IN THE MATTER OF THE APPLICATION OF)
DELPHINE ISGAR, d/b/a THE MATHESON)
TELEPHONE COMPANY, MATHESON, COLORADO,)
AND ROBERT J. LUNDAY, CALHAN, COLO-)
RADO, FOR AN ORDER TO OBTAIN AUTHORITY)
TO SELL AND OTHERWISE TRANSFER ALL)
EXISTING ASSETS WHATSOEVER IN THE)
MATHESON TELEPHONE COMPANY TO ROBERT)
J. LUNDAY, AND FURTHER, FOR AN ORDER)
AUTHORIZING THE TRANSFER OF AN)
EXISTING CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO ROBERT J.)
LUNDAY.)

APPLICATION NO. 26384

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER,
GRANTING APPLICATIONS

May 25, 1973

Appearances: Luis D. Rovira, Esq.,
Denver, Colorado,
for Applicants and
Transferee;
John E. Archibold, Esq.,
Denver, Colorado, for
the Staff of the Commission.

PROCEDURE AND RECORD

Under date of February 13, 1973, Delphine Isgar, doing business as "The Matheson Telephone Company," and Fred S. Isgar, doing business as "The Ramah Telephone Exchange," filed the above-entitled applications with this

Commission requesting, in the case of Delphine Isgar, authority to sell and otherwise transfer all existing assets in The Matheson Telephone Company, and for an order authorizing the transfer of an existing Certificate of Public Convenience and Necessity to Robert J. Lunday, Jr. With reference to Fred S. Isgar, doing business as "The Ramah Telephone Exchange," he requested authority to sell and otherwise transfer all existing assets whatsoever in The Ramah Telephone Exchange to Robert J. Lunday, Jr., and further requested the issuance of a Certificate of Public Convenience and Necessity to him and the transfer of said Certificate from Fred S. Isgar to Robert J. Lunday, Jr.

Notice was given in accordance with the provisions of 115-6-8(2), C.R.S. 1963, as amended, but no protests or interventions were received subsequent to the filing of the applications; and no one appeared in protest of the applications.

The Commission, by notice, set the within matters for hearing on Monday, May 7, 1973, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m., and assigned the applications to Robert L. Pyle, Examiner, for the purpose of conducting a hearing.

Hearing, on a joint record, was held at the aforesaid time and place. Exhibits numbered A through H, inclusive, were tendered and admitted into evidence. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Delphine Isgar, doing business as "The Matheson Telephone Company," has been operating a telephone utility in and around Matheson, Colorado, since 1942. In 1964, this Commission, in Decision No. 64367, granted to Delphine Isgar, doing business as "The Matheson Telephone Company," a Certificate of Public Convenience and Necessity. The geographical area which this Certificate encompasses is more fully described in Exhibit A to this recommended decision.

2. Fred F. Isgar, doing business as "The Ramah Telephone Exchange," has been operating a telephone utility in and around Ramah, Colorado, since 1948, has filed annual reports required of public utilities with this Commission, and is entitled to the issuance of a Certificate of Public Convenience and Necessity. The geographical area which this Certificate encompasses is more fully described in Exhibit B to this recommended decision.

3. This Commission has jurisdiction over Applicants and the subject matter of this proceeding.

4. The Applicants are proposing to transfer to Robert J. Lunday, Jr., all existing assets of The Matheson Telephone Company and The Ramah Telephone Exchange and the Certificates of Public Convenience and Necessity which have herein and heretofore been issued.

5. No other company furnished telephone service in either the Matheson or the Ramah Exchange areas. The Matheson Exchange presently serves 122 customers and The Ramah Exchange presently serves 119 customers. Mr. Fred F. Isgar is in poor health; and, in order to continue telephone service in the area, it is imperative that someone take over the operation of these telephone companies. The Transferee, Mr. Robert J. Lunday, Jr., proposes to do just that. Fred F. Isgar and Delphine Isgar are husband and wife, and the said Fred F. Isgar normally does the manual work in

keeping both Exchanges going. He is now unable to continue doing so; and, unless these applications were granted, 241 persons now being served through the two Exchanges would be without telephone service.

6. The Transferee, Mr. Robert J. Lunday, Jr., is qualified by education, experience, and financial ability to undertake the operation of the two Exchanges and to continue furnishing telephone service to the customers therein. Said Transferee has had two years of Electrical Engineering education, served in the Air Force for almost seven years as an Electronics Officer and since then has worked in electronics as a civilian. This presents a real opportunity for the Transferee to get into his own business and one that he is fully qualified to handle.

7. In order to better define the area in The Ramah Telephone Exchange as described in Exhibit B and in order that it be clarified as to what is being served, it is imperative that a certificate of public convenience and necessity issue. This Exchange, as indicated above, has been operated by the Transferor, Mr. Isgar, for a period of 25 years; and he has, during that period of time, fulfilled the requirements of the Public Utilities Commission as though a certificate was actually in being.

8. The present and future public convenience and necessity requires or will require the granting of the transfer, and the issuance of the certificate as prayed for by Applicants.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The applications of Delphine Isgar, doing business as "The Matheson Telephone Company," and Fred F. Isgar, doing business as "The Ramah Telephone Exchange," for authority to transfer the assets of Ramah Telephone Exchange and The Matheson Telephone Company and the Certificates of Public Convenience and Necessity herein and heretofore issued to Robert J. Lunday, Jr., should be granted.

2. The public convenience and necessity requires the granting of the applications and the issuance of Certificates of Public Convenience and Necessity to Robert J. Lunday, Jr.

3. Pursuant to 115-6-9(2), C.R.S. 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

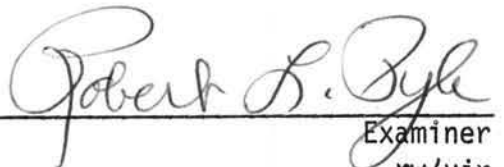
1. Application No. 26383, Delphine Isgar, doing business as "The Matheson Telephone Company," and Application No. 26384, Fred F. Isgar, doing business as "The Ramah Telephone Exchange," for authority to sell and otherwise transfer all existing assets whatsoever in the aforesaid telephone exchanges and for an order authorizing the issuance of a Certificate of Public Convenience and Necessity to Fred F. Isgar, and a subsequent transfer of said Certificate as well as the existing Certificate issued to Delphine Isgar be, and hereby is, granted.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9(2), C.R.S. 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties, or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such decision is stayed within such time by the Commission upon its own motion, such

Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, C.R.S. 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 26550-PP
JOHN LEFEVER, DOING BUSINESS AS)	
"LEFEVER TRUCKING," 1715 ATWOOD,	)	RECOMMENDED DECISION OF
LONGMONT, COLORADO, FOR A CLASS "B"	)	THOMAS M. McCAFFREY,
PERMIT TO OPERATE AS A CONTRACT	)	EXAMINER
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
	)	DISMISSING APPLICATION

May 25, 1973

Appearances: Ernest Porter, Esq.,
Denver, Colorado,
for Rio Grande Motor
Way, Inc., and
Larson Transportation
Company, Protestants.

PROCEDURE AND RECORD

On April 10, 1973, Applicant filed the above-titled application with this Commission requesting authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation services as specifically set forth in said application.

The Commission assigned Docket No. 26550-PP to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Subsequent to the filing of the application, the following protests were received: on April 30, 1973, the protests of Rio Grande Motor Way, Inc., and Larson Transportation Company.

Pursuant to law, the Commission assigned the application to Thomas M. McCaffrey, Examiner, for the purpose of conducting a hearing, and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m. on Thursday, May 24, 1973. The application was called for hearing at the said time and place, and no one appeared in support of said application.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT AND CONCLUSIONS

Based upon all the evidence of record, the following is found as fact and concluded that:

1. Neither Applicant nor any person on its behalf appeared at the hearing in support of the application.
2. The Examiner, upon his own motion, dismissed the application because of Applicant's failure to appear and present evidence.
3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26550-PP, being the application of John Lefever, doing business as "Lefever Trucking," 1715 Atwood, Longmont, Colorado, be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. Mc Caffrey
Examiner
rw/vjr

(Decision No. 83046)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BROADMOOR HOTEL WATER AND POWER)	APPLICATION NO. 26579
COMPANY FOR AN ORDER ACCEPTING)	
THE SURRENDER OF, AND CANCELING ITS)	RECOMMENDED DECISION OF
CERTIFICATE OF PUBLIC CONVENIENCE)	THOMAS M. McCAFFREY,
AND NECESSITY HERETOFORE ISSUED BY)	EXAMINER
THE COMMISSION AND RELIEVING APPLI-)	
CANT FROM ANY DUTY TO PROVIDE THE)	GRANTING APPLICATION
SERVICE THEREIN SET FORTH.)	

- - - - -
May 25, 1973
- - - - -

Appearances: Ben S. Wendelken, Esq.,
Colorado Springs, Colorado,
for Applicant;
Louis Johnson, Esq.,
Colorado Springs, Colorado,
for the City of Colorado Springs;
John E. Archibold, Esq.,
Denver, Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

On April 18, 1973, the Broadmoor Hotel Water and Power Company, Applicant, filed the above-titled application for an order accepting the surrender of and canceling its Certificate of Public Convenience and Necessity as specifically set forth in said application.

Concurrent with the filing of this application, Applicant requested authority from this Commission for an order waiving the requirement for thirty days' notice to each active customer of change in service, and this request was assigned Docket No. 26555, which application was granted by the Commission in Decision No. 82800, dated April 17, 1973, providing that:

"Notice shall be delivered at least ten (10) days
or mailed at least twelve (12) days prior to the
effective date of the change in service."

The Commission assigned Docket No. 26579 to the instant application, and, with due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the Auditorium,

County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on Friday, May 11, 1973, at 10 a.m. The application was called for hearing at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been assigned, pursuant to law.

The following exhibits were tendered and admitted into evidence:

Exhibit No. 1 - A booklet containing copies of the supporting exhibits filed with this application, which are a Contract of Purchase and Sale, Annual Report to the Public Utilities Commission for the calendar year 1973, and Preliminary Notice in Change of Service; a copy of the application for relief from requirement for thirty days' notice; a copy of Decision No. 82800 granting Application No. 26555; Notice and Proof of Public Notice; a copy of the Commission's Notice of Hearing on this application;

Exhibit No. 2 - A true copy of the Resolution passed by the stockholders of the Applicant corporation approving the contract with the City of Colorado Springs and authorizing the conveyance of all real property and fixed equipment owned by the Applicant;

Exhibit No. 4 - A true and correct copy of the Colorado Springs City Council's Resolution authorizing the execution of a contract and ancillary documents relating to the purchase of assets of the Applicant company, being Resolution No. 9555;

Exhibit No. 5 - A tri-colored map showing the Applicant's certificated area (yellow), the area which is to be served in the future (orange), and the present service area for the City of Colorado Springs (green).

Exhibit No. 3 was so marked but was not entered into evidence.

No one appeared at the hearing to protest the granting of this application, and no protest appears in the Commission files.

Upon conclusion of the hearing, the Examiner took the matter under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado, and maintains offices at 10 Lake Circle, Broadmoor, Colorado Springs, Colorado, 80906. Applicant is engaged in the business of collecting and supplying water for domestic and commercial use in an area certificated by this Commission.
2. Applicant is a public utility subject to the jurisdiction of this Commission.
3. By this application Applicant requests an order from this Commission accepting the surrender of and canceling its Certificate of Public Convenience and Necessity and releasing Applicant from any duty to provide water service to customers in its certificated area.
4. This application was not protested.
5. The ever-increasing number of laws and standards of quality of water and service in compliance with these laws have made the cost of compliance therewith very difficult, if not prohibitive, for small, privately owned utilities. Applicant, to ensure its customers of a continued supply of water meeting the legal standards, did, on April 9, 1973, together with Broadmoor Hotel, Inc., the sole stockholder of Applicant corporation, enter into a contract with the City of Colorado Springs, wherein Applicant and Broadmoor Hotel, Inc., agreed to sell to Colorado Springs certain described real and personal property,

including all water, water rights, ditches, reservoirs, and reservoir rights owned by Applicant, all transmission and distribution pipelines, meters, distribution, storage, and treatment facilities, valves, fire hydrants, pump stations, and fixed equipment owned by Applicant. The purchase price to be paid for the described property is \$874,000. Certain miscellaneous movable assets such as trucks and other vehicles owned by Applicant were not included in the purchase agreement. The total assets to be transferred in accordance with the terms and provisions of the contract had a book value as of December 31, 1972, as follows:

Cost of Total Plant	\$2,980,070
Accumulated Depreciation	<u>1,127,384</u>
Total Book Value	\$1,852,686
Deduct Book Value of Assets Not to be Transferred -- approximate, pending physical inventory	<u>10,618</u>
Net Book Value	<u><u>\$1,842,068</u></u>

6. The total purchase price to be paid by the City of Colorado Springs to Applicant is \$874,000, with interest at the rate of 5 percent per annum, principal and interest payable over a 20-year period. The purchase price is to be evidenced by a promissory note payable to Applicant. The price at which the assets are to be transferred will mean a loss to Applicant in excess of one million dollars, and the replacement value of the transferred assets, including the present market value of the water rights, is several times their cost. The very reasonable purchase cost can thus not be used by the City of Colorado Springs to justify any increase in rates to the consumer. The City will charge at its existing Suburban Rates, which, after conversion to cubic feet, are substantially the same as now being charged by the company.

7. Pursuant to the terms and provisions of the aforesaid agreement among the Applicant, Broadmoor Hotel, Inc., and the City of Colorado Springs, all meters of Applicant's water customers were read as of April 30, 1973, and a final billing for the services to that date

is to be collected by Applicant. All service after April 30, 1973, will be rendered by the City, which now serves or is committed to serve areas adjacent to Applicant's certified area on the north, east, and south boundaries.

8. Applicant has given due and proper notice to each and every one of its customers pursuant to this Commission's order in Decision No. 82800, dated April 17, 1973.

9. The City of Colorado Springs, with its existing municipal water service can absorb increasing costs with little or no effect upon individual customers and thus secure for them the benefits of such requirements imposed by developing technology and health and safety, ecology and environment, collection, transmission and distribution of water.

10. The granting of this application for an order accepting the surrender of and canceling the Certificate of Public Convenience and Necessity issued to the Broadmoor Hotel Water and Power Company will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority sought by Applicant should be granted as hereinafter set forth.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Certificate of Public Convenience and Necessity issued to Broadmoor Hotel Water and Power Company, 10 Lake Circle, Broadmoor, Colorado Springs, Colorado, 80906, be, and hereby is, canceled and revoked, and the Broadmoor Hotel Water and Power Company, upon surrender

of the said Certificate of Public Convenience and Necessity to this Commission, shall have no further duty to provide water service under said Certificate.

2. Applicant shall submit a final report to the Commission for its operations during 1973 up to the date of sale to the City of Colorado Springs in the form contained in Exhibit No. 1 entitled Annual Report to the Public Utilities Commission.

3. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission.

4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

(Decision No. 83047)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26417-Suspension
BOULDER-YELLOW CAB, INC., DOING)	
BUSINESS AS "BOULDER STAGE LINES,")	RECOMMENDED DECISION OF
2680 ARAPAHOE STREET, BOULDER,)	THOMAS M. McCAFFREY,
COLORADO, FOR AUTHORITY TO SUSPEND)	EXAMINER
SERVICE UNDER PUC NO. 301 AND TO)	
ABANDON SAID CERTIFICATE.)	GRANTING APPLICATION

- - - - -
May 25, 1973
- - - - -

Appearances: Walter M. Simon, Esq.,
Denver, Colorado,
for Applicant.

PROCEDURE AND RECORD

On February 9, 1973, Applicant filed the above-entitled application with this Commission for authority to permanently suspend operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned Docket No. 26417-Suspension to the application and gave due notice in accordance with the provisions of 115-6-8 (2), CRS 1963, as amended.

Pursuant to law, the Commission assigned the application to Thomas M. McCaffrey, Examiner, for the purpose of conducting a hearing, and, after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on Thursday, April 5, 1973, at 10 a.m. The application was called for hearing at the said time and place, and the Examiner, in the absence of anyone present to present evidence in support of the application, and for good cause shown based upon the statements of Harry A. Galligan, Jr., Secretary of the Commission, continued the matter for

hearing to be held in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on Monday, May 14, 1973, at 10 a.m. The hearing was held at the said time and place.

No person, firm, or corporation appeared at the hearing to protest the granting of the application, and the files of the Commission contain no protests or objections to the granting of the requested authority.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant holds Certificate of Public Convenience and Necessity PUC No. 301, issued by this Commission in Decision No. 68378, which authority provides generally for the transportation of passengers and their baggage, and express, between Longmont, Colorado, and Boulder, Colorado, via Niwot, on State Highway No. 119, including the right to provide such service to all intermediate points along said route.
3. By this application, Applicant requests authority to terminate operations under the aforesaid authority.
4. The Commission, in Decision No. 80933, issued July 26, 1972, of which the Examiner hereby takes official notice, granted Applicant authority to suspend its operations under Certificate of Public

Convenience and Necessity PUC No. 301 for six (6) months. Applicant has not conducted any operations under said authority since that time, and has received no complaints or inquiries since the suspension of service. Subsequent to the filing of this application, the Commission has given due and proper notice to the municipalities of Boulder, Longmont, and Niwot, Colorado, as well as the radio stations in Boulder and Longmont and the two newspapers in those cities. No protests or objections to the granting of this application have been filed with the Commission, and no one appeared in the hearing to protest or object. It is thus concluded that no person, firm, or corporation has any interest in or need for the transportation service authorized by PUC No. 301.

5. The public convenience and necessity does not presently require the transportation services authorized in Certificate of Public Convenience and Necessity PUC No. 301, and the granting of this application to permanently suspend operations under this authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The application for authority to permanently suspend service under Certificate of Public Convenience and Necessity PUC No. 301 should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

O R D E R

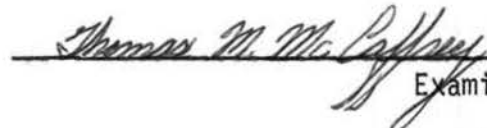
THE COMMISSION ORDERS THAT:

1. Boulder-Yellow Cab, Inc., doing business as "Boulder Stage Lines," 2680 Arapahoe Street, Boulder, Colorado, be, and hereby is, granted authority to terminate operations under Certificate of Public Convenience and Necessity PUC No. 301, which authority is hereby canceled.

2. This Recommended Decision shall be effective on the day it becomes the decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BURNETT CONSTRUCTION COMPANY, A	)	APPLICATION NO. 26445-Transfer
COLORADO CORPORATION, P. O. BOX 1712,)	
DURANGO, COLORADO, FOR AUTHORITY TO	)	RECOMMENDED DECISION OF
TRANSFER PUC NO. 466 AND PUC NO. 466-I	)	THOMAS M. McCAFFREY,
TO JAMES HOWARD STRAHAN, INDIVIDUALLY	)	EXAMINER
AND DOING BUSINESS AS "DURANGO TRANS-)	
FER," 740 SEVENTH AVENUE, DURANGO,)	
COLORADO.	)	GRANTING APPLICATION

- - - - -
May 30, 1973
- - - - -

Appearances: LaVerne H. McKelvey, Esq.,
Durango, Colorado, for
Transferor and Transferee.
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for
Westway Motor Freight, Inc.;
Northwest Transport Service, Inc.;
and Rio Grande Motor Way, Inc.,
Protestants.
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
Tri-City Transfer and Storage, Inc.,
and James A. Harp, Jr., and Cleo J.
Harp, doing business as
"Tri-City Transfer and Storage,"
Protestants.

PROCEDURE AND RECORD

On March 5, 1973, Burnett Construction Company, Transferor herein, and James Howard Strahan, individually, and doing business as "Durango Transfer," Transferee herein, filed the above-titled application with this Commission for authority to transfer Certificates of Public Convenience and Necessity PUC No. 466 and PUC No. 466-I.

The Commission assigned Docket No. 26445-Transfer to the application and gave due notice in accordance with the provisions of 115-6-8 (2), CRS 1963, as amended.

Subsequent to the filing of the application, the following protests were received: on March 16, 1973, the protest of Tri-City Transfer and Storage, Inc., a Colorado corporation, and James A. Harp, Jr., and Cleo J. Harp, doing business as "Tri-City Transfer and Storage"; on

April 4, 1973, the protests of Westway Motor Freight, Inc.; Northwest Transport Service, Inc.; and Rio Grande Motor Way, Inc.

Pursuant to law, the Commission assigned Thomas M. McCaffrey, Examiner, for the purpose of conducting a hearing on the application and, after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the Aspen Room, LaPlata County Courthouse, Durango, Colorado, on Wednesday, May 9, 1973, at 9 a.m. The hearing was held at the said time and place.

Exhibits 1 through 19, inclusive, were tendered and admitted into evidence. Official notice was taken of Certificate of Public Convenience and Necessity PUC No. 1794 and Permit No. B-7228, and also Decision No. 75100, issued June 15, 1970.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Transferor herein is a Colorado corporation duly organized and existing under the laws of the State of Colorado. Transferor is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 466 and PUC No. 466-I, which provides as follows:

"Transportation -- on call and demand -- of

(1) General commodities

Between all points within Durango, Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION:

Item one (1) of this Certificate is restricted as follows:

- a. The holder or operator herein, when transporting commodities other than household goods between points served singly or in combination by scheduled carriers, shall charge and collect rates and charges which shall not be less than 20% greater than the rates charged by such scheduled carriers.
 - b. The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other city or town than Durango, Colorado; and further is prohibited, without further order from this Commission, from having an Agent employed in any other city or town than Durango, Colorado, for the purpose of developing or conducting business.
- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

2. James Howard Strahan, Transferee herein, is an individual doing business under the trade name of "Durango Transfer," located at 740 Seventh Avenue, Durango, Colorado.

3. Transferee is presently the owner and operator of Certificate of Public Convenience and Necessity PUC No. 1794 and Permit No. B-7228, which authorities have no bearing on this proceeding.

4. Protestant Tri-City Transfer and Storage, Inc., is a Colorado corporation with an office in Durango, Colorado, and is presently owner and operator of Certificate of Public Convenience and Necessity PUC No. 1886, which provides as follows:

"Transportation -- on call and demand -- of

(1) General Commodities

Between all points within the following counties of the State of Colorado: Archuleta, La Plata, Dolores, Montezuma, and San Juan.

RESTRICTION:

Item 1 of this Certificate is restricted as follows:

- (a) Restricted against serving between towns located on U.S. Highways Nos. 550 and 160, and Colorado Highway No. 172 served by Rio Grande Motor Way Inc.

- (b) Restricted against serving point to point in San Juan County, Colorado.
 - (c) Restricted against the transportation of oil and gas well equipment and supplies, cement, gas, and drilling mud within a radius of fifteen (15) miles of Ignacio, Colorado.
- (2) Household goods, used office equipment, store equipment and fixtures, trunks and baggage

Between all points within the following counties of the State of Colorado: Archuleta, La Plata, Dolores, Montezuma and San Juan, and between said points, on the one hand, and all points in the State of Colorado, on the other hand."

5. Protestant Tri-City Transfer and Storage is a partnership with offices in Cortez, Colorado, and is owner and operator of Certificate of Public Convenience and Necessity PUC No. 4344, providing:

"Transportation of general commodities between points in Cortez, Colorado;

household goods and office furniture and equipment, between points within a radius of 50 miles of Cortez, Colorado,

and from said area, to and from other points in the State of Colorado,

save and except that no authority is granted to transport commodities between points now served by scheduled motor truck common carriers."

6. Protestant Northwest Transport Service, Inc., is owner and operator of Certificate of Public Convenience and Necessity PUC No. 3171, which provides:

"Conduct of a transfer, moving, and general cartage business, from point to point in the State of Colorado, subject to the following conditions:

(a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which in all cases shall be at least twenty percent in excess of those charged by the scheduled carriers;

(b) Applicant shall not operate on schedule between any points;

(c) Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business.

Decision No. 63607: Suspends all operations under Permit No. B-503 to the extent that they duplicate the authority under PUC No. 3171 as to both territory and commodities."

7. Rio Grande Motor Way, Inc., is holder of Certificate of Public Convenience and Necessity PUC No. 149 and PUC No. 149-I, which provides, in pertinent part:

I. TRANSPORTATION ON SCHEDULE OF

GENERAL COMMODITIES

- (3) Between Denver, Colorado and Cortez, Colorado:
From Denver over Interstate Highway 25 to Walsenburg, thence over U.S. Highway 160 to Cortez and return over the same route, serving Walsenburg and all intermediate points between Walsenburg and Cortez with authority to serve between Walsenburg and those points located west of Walsenburg on U.S. Highway 160, and serving the following off-route and intermediate points:
 - (a) The off-route point of LaVeta, Colorado.
 - (b) All intermediate points between Alamosa and Poncha Springs, Colorado, on Colorado Highway 17 and U.S. Highway 285.
 - (c) All intermediate points between Alamosa, Colorado, and the Colorado-New Mexico State Line on U.S. Highway 285 and the off-route points of Capulin, Sanford, Manassa, and Conejos, Colorado.
 - (d) All intermediate points between Monte Vista, Colorado, and the junction of Colorado Highway 17 and U.S. Highway 285 on U.S. Highway 285.
 - (e) All intermediate points between Del Norte and Hooper, Colorado, on Colorado Highway 112.
 - (f) All intermediate points between Durango and Montrose, Colorado, on U.S. Highway 550 and the off-route point of Ridgway, Colorado.
 - (g) The off-route point of Creede, Colorado, and all intermediate points between Creede and South Fork, Colorado, on Colorado Highway 149.
 - (h) The off-route point of Ignacio, Colorado, and all intermediate points between Ignacio and the junction of U.S. Highway 160 and Colorado Highway 172 on Colorado Highway 172.
 - (i) The off-route point of Hesperus, Colorado.

II. TRANSPORTATION -- ON CALL AND DEMAND -- OF
GENERAL COMMODITIES

. . .

RESTRICTION:

. . .

- (7) Between all points within the City of Durango, Colorado. . . .
- (13) Between all points in the Counties of La Plata and Montezuma, State of Colorado, and for occasional service throughout the State of Colorado, and in each of the Counties thereof.

8. Protestant Westway Motor Freight, Inc., is owner of Certificate of Public Convenience and Necessity PUC No. 701 and PUC No. 701-I and Certificate of Public Convenience and Necessity PUC No. 3401, both of which authorities are only in a very general way in conflict with the authority sought to be transferred herein. Westway is also owner and operator of Certificate of Public Convenience and Necessity PUC No. 7796, which provides in pertinent part:

Transportation -- on schedule -- of

General commodities -- except commodities in bulk in tank vehicles and household goods --

Between Denver, Colorado, and Cortez, Colorado, serving the intermediate point of Durango, Colorado, restricted against any service between Cortez and Durango, Colorado;

Restriction: This certificate is restricted to the transportation of traffic having both an origin and a destination at the point of Denver, Durango and Cortez, Colorado, provided, however, that Westway Motor Freight, Inc. may interline traffic with Northeastern Motor Freight, Inc. and Goldstein Transportation and Storage, Inc. to or from all points served by those carriers in regular route service, except Colorado Springs and Pueblo, Colorado.

9. The Commission has jurisdiction over Transferor, Transferee, Protestants, and the subject matter of this proceeding.

10. This Commission, in Decision No. 75100, issued June 15, 1970, denied the Transferor herein authority to lease PUC No. 466 and PUC No. 466-I to the Transferee herein, the denial of authority being based on the leasing arrangement wherein the Lessor was to receive 15 percent of the total gross

operating revenue, which amount was equivalent to the maximum profit the Commission might authorize for the operation of the authority.

11. Protestants herein contend, inter alia, that the authority sought to be transferred herein should be declared dormant because of non-use by the Transferor since it acquired the authority in early 1969. The evidence indicates that since the Commission's aforesaid denial of authority to lease the subject authority, as stated in Finding of Fact No. 10, supra, the Transferor, Burnett Construction Company, has, using its own equipment, performed seven transportation services under the subject authority, five of these being in 1971 and two in 1972. All commodities transported in these seven hauls involved the transportation of heavy and cumbersome commodities; e.g., Caterpillar tractors. The Transferor conducted no transportation services involving general household goods in 1971 and 1972, and apparently had no owned adequate van-type trailer immediately available to perform such services if requested.

On February 16, 1973, Transferor and Transferee entered into a written agreement, filed herein as Exhibit No. 1, for the sale of the subject authority. On March 2, 1973, the parties signed a leasing agreement wherein the Transferee agreed to lease to the Transferor the necessary vehicle to transport general household goods, and this leasing agreement was duly filed with and approved by the Commission. Under the terms and provisions of the leasing agreement, Transferee herein has been paid \$.35 per rolling mile for use of his equipment. Transferee has, since the execution of the lease agreement, become an employee of the Transferor corporation, which pays Mr. Strahan a salary and deducts state and federal income taxes and F.I.C.A. taxes. Prior to the execution of the said lease agreement, the Transferee in 1973 performed approximately six hauls of general household furniture under emergency letters issued by the Transferor and duly filed with the Commission. Transferor has, pursuant to the lease agreement with Transferee, performed approximately 14 transportation services involving household goods.

12. The basis for the Protestants' claim of "dormancy" of the subject authority is that the Transferor performed no transportation services involving general household goods from the time of receiving the authority until after negotiations for sale of the authority were begun with the Transferee herein; that it was only after the commencement of such negotiations that the Transferor began advertising and holding itself out as a general household goods carrier, i.e., approximately February 22, 1973, as shown in Exhibit No. 7; and that prior to February of 1973, solicited only customers desiring heavy hauling transportation services, as shown in the 1971 and 1972 phone directories, Exhibits No. 8 and No. 9, respectively.

How the term "dormancy" is to be distinguished from "abandonment," if indeed the words are to be distinguished, was not brought out in this proceeding, and the Examiner makes no attempt at this time to differentiate the terms. It is clear, however, as announced in Decision No. 80256, dated May 11, 1972, Wells Fargo Armored Service Corporation v. Colorado Cartage Company, Inc., Case No. 5490, of which the Examiner hereby on his own motion takes official notice, that a carrier need not provide a particular authorized service and need not always have equipment available to do so. As the Commission stated in that decision:

"The naked fact that a carrier has not in the past provided a particular service that it was authorized to provide and has not always had equipment and facilities ready to do so, does not necessarily constitute abandonment. Abandonment must be determined in the light of all pertinent circumstances, inter alia, such as the public need for the service at the particular time; the carrier's readiness to provide service upon reasonable notice of a public need; and actual requests of prospective customers for the service or lack thereof. . . ." (p. 3)

In the Wells Fargo Armored Service Corporation case, supra, the Commission quotes from a prior decision in Petroleum Carriers Conference of the Colorado Motor Carriers' Association v. Gibson, et al., Case No. 5038, Decision No. 39388 (1952), which states, in pertinent part:

"Complainants allege that, if any such rights were included in the original authorities, they have since been abandoned by the conduct of the Respondents in never having provided the necessary equipment (sic) suitable for such services. We have never held that

there is a duty on the part of a common carrier to have and maintain all possible types of equipment, but that it is his duty to promptly provide the special equipment necessary if and when a demand is made for his services." (Page 6)

While the evidence does indicate that the Transferor did not in the years 1971 and 1972 perform all transportation services authorized by the subject authority, the record is completely devoid of any evidence to show that Transferor has at any time failed or refused to provide any authorized service when called upon to do so. Further, Protestants were aware, prior to the filing of this application, of transportation services rendered by Transferor, but did not see fit to initiate any proceeding against this firm as they may have done under the provisions of 115-10-7, CRS 1963, as amended. Failing to so commence proper proceedings against Transferor, the Protestants cannot now complain that their operations will be impaired by Transferee's transportation of authorized commodities.

It is thus found as fact that the Transferor is presently carrying on bona fide motor carrier operations, and Certificate of Public Convenience and Necessity PUC No. 466 and PUC No. 466-I have been continually operated in the past and are in good standing with this Commission.

13. Protestants further contend that the Transferee, James Howard Strahan, is not a fit party to receive the authority to be transferred, because he has in the past violated various regulations of the Public Utilities Commission. Such contention cannot be sustained, and if this Commission were to hold that any person who has violated the laws governing public utilities and/or the rules of the Commission is an unfit person, numerous authorities, including the two additional authorities held by the Transferee herein, would logically have to be revoked.

14. Pursuant to the terms and provisions of the contract entered into between the parties, the purchase price to be paid for the subject authority is \$25,000, payable as follows: \$10,000 in cash upon approval for transfer of the authority by this Commission and the balance of \$15,000 evidenced by a promissory note and bearing interest at the

rate of 8 percent per annum on the unpaid balance. The authority is presently free and clear of any debts, encumbrances, or obligations, but, in accordance with the terms and provisions of the agreement between the parties, an encumbrance is to be placed upon the authority to secure payment of the aforesaid promissory note, which encumbrance should be approved by the Commission upon the filing of the proper documents.

15. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.

16. Transferee is sufficiently familiar with the rules and regulations of the Public Utilities Commission, and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission, and has or will make adequate provision for insurance.

17. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

18. The granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The transfer sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Burnett Construction Company, a Colorado corporation, P. O. Box 1712, Durango, Colorado 81301, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public

Convenience and Necessity PUC No. 466 and PUC No. 466-I to James Howard Strahan, individually and doing business as "Durango Transfer," 740 Seventh Avenue, Durango, Colorado, 81301, subject to encumbrances, if any, against said authority.

2. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 466 and PUC No. 466-I shall read and be as follows, to wit:

Transportation -- on call and demand -- of

(1) General commodities

Between all points within Durango, Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION:

Item one (1) of this Certificate is restricted as follows:

- a. The holder or operator herein, when transporting commodities other than household goods between points served singly or in combination by scheduled carriers, shall charge and collect rates and charges which shall not be less than 20% greater than the rates charged by such scheduled carriers.
 - b. The holder or operator herein is prohibited, without further order from this Commission, from establishing an office in any other city or town than Durango, Colorado; and further is prohibited, without further order from this Commission, from having an Agent employed in any other city or town than Durango, Colorado, for the purpose of developing or conducting business.
- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

3. The encumbrance to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

4. The said transfer should become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the

terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by this Commission, upon proper application.

5. The common carrier rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

6. The right of Transferee to operate under this order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificate up to the time of transfer of said Certificate.

7. This Recommended Decision shall be effective on the day it becomes the decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

(Decision No. 83049)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LYAL G. BRIGHT, 4325 WRIGHT)
STREET, WHEATRIDGE, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26685-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 25, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20 (4),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an
emergency requiring the immediate issuance of temporary authority.

It is ordered, That Lyal G. Bright, 4325 Wright Street, Wheat-
ridge, Colorado, be, and is hereby, granted emergency temporary authority
for a period of fifteen (15) days commencing May 25, 1973, as a class
"B" contract carrier by motor vehicle, for the

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in
the construction of roads and highways

From pits and supply points in the State of Colorado to
road jobs, mixer and processing plants within a radius
of one hundred (100) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

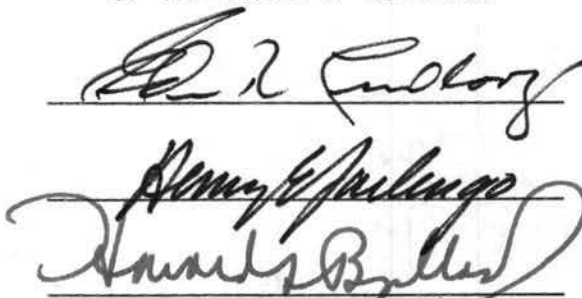
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 83050)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ALVIN L. WEST, 16569 FILLMORE,)
ROUTE 2, BRIGHTON, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26687-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

May 25, 1973

The above-entitled application under CRS 1963, 115-6-20 (4),
being under consideration, and

It appearing, That appropriate application has been made to
this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency
temporary authority may result in undue delay in availability of equipment
to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an
emergency requiring the immediate issuance of temporary authority.

It is ordered, That Alvin L. West, 16569 Fillmore, Route 2,
Brighton, Colorado, be, and is hereby, granted emergency temporary authority
for a period of fifteen (15) days commencing May 25, 1973, as a class "B"
contract carrier by motor vehicle, for the

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the
construction of roads and highways

From pits and supply points in the State of Colorado to road
jobs, mixer and processing plants within a radius of one
hundred fifty (150) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred fifty (150) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";




conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

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(Decision No. 83051)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CALVIN VAGNEUR AND CURTIS)
VAGNEUR, DOING BUSINESS AS "C & C)
VAGNEUR," BOX 128, WOODY CREEK,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26691-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 25, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Calvin Vagneur and Curtis Vagneur, doing business as "C & C Vagneur," Box 128, Woody Creek, Colorado, be, and are hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 25, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";


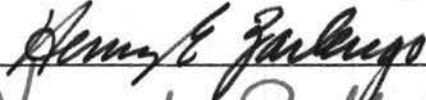
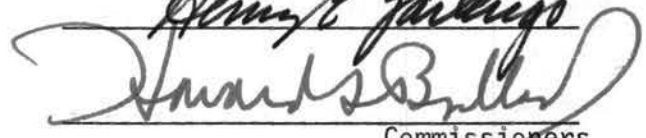
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

(Decision No. 83052)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A G E EXCAVATION, INC., 5480 WEST)
ARIZONA PLACE, LAKEWOOD, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26690-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 25, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

It is ordered, That A G E Excavation, Inc., 5480 West Arizona Place, Lakewood, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 25, 1973, as a class "B" contract carrier by motor vehicle, for the

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs, within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION: This emergency temporary authority is restricted against the use of tank vehicles when transporting road-surfacing materials";

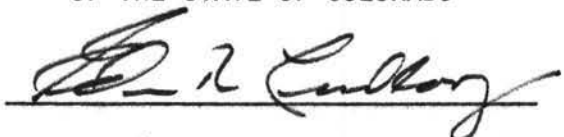
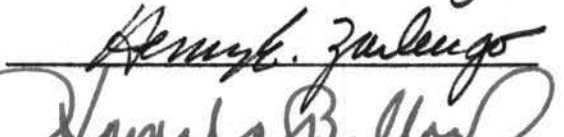

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN ~~OPEN MEETING~~ the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CARL R. GARTRELL, DOING)
BUSINESS AS "EASTERN COLORADO)
TRANSPORTATION," ROUTE 1, BOX 65,)
IDALIA, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26689-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
May 25, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent operating authority.

It further appearing, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy customers needs.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Carl R. Gartrell, doing business as "Eastern Colorado Transportation," Route 1, Box 65, Idalia, Colorado, be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing May 25, 1973, as a class "B" contract carrier by motor vehicle, for the

"(1) Transportation of

Bulk feed and feed in sacks

From Plains Grain Company, Burlington, Colorado, to all points located within an area comprised of the Counties of Kit Carson and Yuma, State of Colorado.

(2) Transportation of

Bulk feed and feed in sacks

From Ralston Purina Company feed processing plants located in the State of Colorado, to all points located within an area comprised of the Counties of Kit Carson and Yuma, State of Colorado.

RESTRICTION: This emergency temporary authority is restricted as follows:

- (a) Against the transportation of liquid feeds or feeds in tank vehicles.
- (b) To rendering transportation service for Plains Grain Company, Burlington, Colorado."

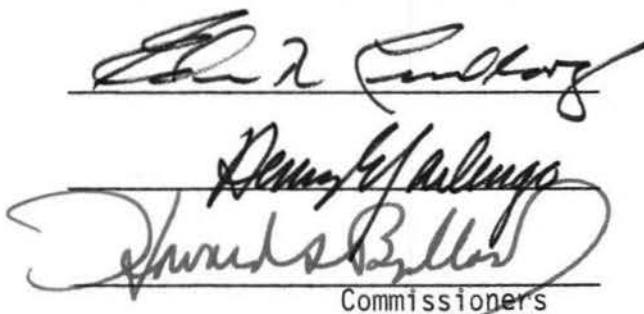
conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 83054)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26381-PP
D. H. WRIGHT TRUX, INC., P. O. BOX)	
254, JAMESTOWN, COLORADO, FOR A)	ORDER GRANTING EXTENSION OF
CLASS "B" PERMIT TO OPERATE AS A)	TIME TO FILE EXCEPTIONS TO
CONTRACT CARRIER BY MOTOR VEHICLE)	RECOMMENDED DECISION NO. 82886 OF
FOR HIRE.)	THOMAS M. McCaffrey, EXAMINER

- - - - -
May 25, 1973
- - - - -

Appearances: Herbert M. Boyle, Esq.,
Denver, Colorado, for
Applicant;
Leslie R. Kehl, Esq.,
Denver, Colorado, for
Ruan Transport Corporation;
Groendyke Transport, Inc.;
and Ward Transport, Inc.,
Protestants;
Edward C. Hastings, Esq.,
Denver, Colorado, for
Waste Transport Co.,
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 3, 1973, Recommended Decision No. 82886 of Thomas M. McCaffrey, Examiner, was entered and served upon the parties.

On May 23, 1973, Protestant Waste Transport Co., by its attorney Edward C. Hastings, filed with the Commission a request for an extension of time in which to file exceptions to said Recommended Decision No. 82886 until June 2, 1973.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted as set forth in the order following.

O R D E R

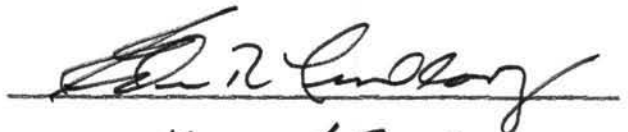
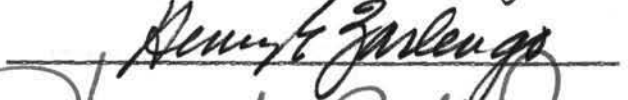

THE COMMISSION ORDERS THAT:

Protestant Waste Transport Co., be, and hereby is, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner until June 2, 1973.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
hbp

(Decision No. 83055)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF METROPOLITAN TRASH, INC., 7661)	
WEST 52ND AVENUE, ARVADA, COLORADO)	APPLICATION NO. 25919-
80002, FOR CLARIFICATION, REDE-)	Clarification, Redescription,
SCRIPTION AND EXTENSION OF CERTI-)	and Extension
FICATE PUC NO. 2127.)	

IN THE MATTER OF THE APPLICATION)	
OF METROPOLITAN TRASH, INC., 7661)	
WEST 52ND AVENUE, ARVADA, COLORADO)	APPLICATION NO. 25919-
80002, FOR CLARIFICATION AND REDE-)	Clarification and
SCRIPTION OF CERTIFICATE PUC NO.)	Redescription-Amended
2127.)	

- - - - -
May 25, 1973
- - - - -

Appearances: John J. Conway, Esq.,
Denver, Colorado,
for Applicant.
Leslie R. Kehl, Esq.,
Denver, Colorado, for
Arvada Rubbish Removal Company;
Bestway Disposal Co.;
Eugene R. Brantner and
Donald L. Brantner, doing
business as "Brantner Trash Service";
Alex Gerlach & Son Disposal Co.;
Monarch Disposal Co.;
The Way Rubbish Removal; and
Wheatridge Disposal, Inc.,
Protestants.
Edward C. Hastings, Esq.,
Denver, Colorado, for
Waste Transport Co.,
Protestant.
Winsor C. Moore, Esq.,
Fort Collins, Colorado, for
Lee P. Parker and Peggy L. Parker,
doing business as "Lee Parker,"
Protestants.
John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 14, 1973, Applicant, Metropolitan Trash, Inc., by its attorney, John J. Conway, filed Exceptions to the Recommended Decision of Hearing Examiner Christian O. Igenbergs, No. 82340.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Metropolitan Trash, Inc., should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 82340 should be adopted as its own; and concludes that the following order should be entered.

O R D E R



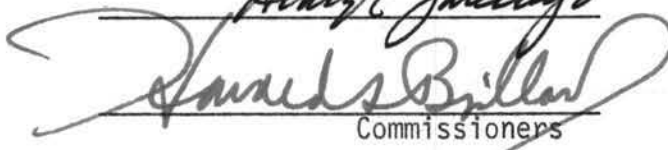
THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Applicant be, and the same hereby are, overruled and denied.
2. The findings of fact and conclusions of Hearing Examiner Christian O. Igenbergs in Recommended Decision No. 82340 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 82340 be, and hereby is, entered as the Order of the Commission herein without any change or modification; that the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY
P. O. BOX 5482
DENVER, COLORADO,

Complainant,

vs.

EVEREADY FREIGHT SERVICE, INC.
BUENA VISTA, COLORADO 81211

Respondent.

CASE NO. 5517

COMMISSION ORDER DISMISSING COMPLAINT
AND VACATING HEARING

- - - - -
May 25, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 22, 1973, Complainant, The Denver and Rio Grande Western Railroad Company, advised the Commission that it no longer wished to pursue the within matter and requested that the hearing before the Commission set for Wednesday, June 6, 1973, be vacated and the complaint dismissed.

On May 17, 1973, Respondent, Eveready Freight Service, Inc., by and through its attorney, Kenuff D. Wolford, requested that its answer to the complaint be withdrawn and that the hearing be cancelled.

In view of the foregoing, the Commission concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

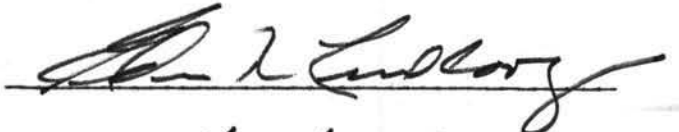
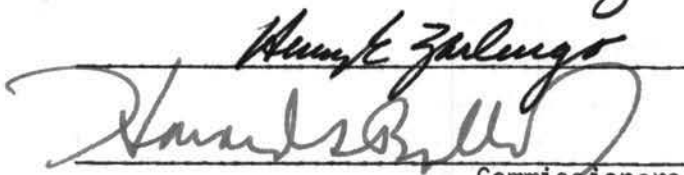
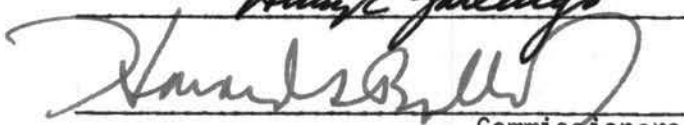
1. The hearing in the above-entitled matter presently set for June 6, 1973, at 10 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and the same hereby is, vacated.

2. Case No. 5517 be, and the same hereby is, dismissed,
without prejudice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 83057)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF)
THE STATE OF COLORADO REGULATING)
THE SERVICE OF ELECTRIC UTILITIES)
WITHIN THE STATE OF COLORADO.)

CASE NO. 5320
ORDER GRANTING INTERVENTION

- - - - -
May 25, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 21, 1973, Central Telephone & Utilities Corporation, by its attorney Harry S. Petersen, filed with the Commission a pleading entitled "Petition of Central Telephone & Utilities Corporation for Leave to Intervene".

The Commission states and finds that Petitioner is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

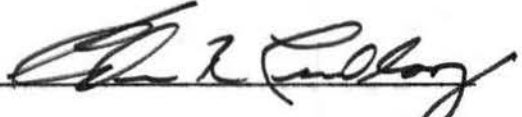

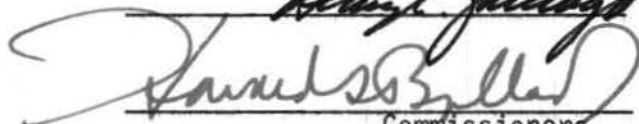
THE COMMISSION ORDERS THAT:

1. Central Telephone & Utilities Corporation be, and hereby is, granted leave to intervene in the above-captioned matter.
2. Intervenor shall file with the Commission, in writing, any specific objections, suggestions and proposals that it desires the Commission to consider in this proceeding, on or before May 29, 1973.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: REQUEST FOR RELIEF FROM ORDERING
PARAGRAPH NO. 7 OF DECISION NO. 77207
DATED MARCH 19, 1971, CONCERNING THE
FILING OF SPECIAL QUARTERLY REPORTS

Application No. 26693

May 25, 1973

STATEMENT AND FINDINGS

BY THE COMMISSION:

On the date of March 19, 1971, the Commission, by Decision No. 77207, authorized certain changes in the tariffs of United Parcel Service, Inc., and at the same time ordered that :

"Respondent file with the Commission quarterly reports of revenues and expenses for the operation of United Parcel Service, conducted within the Rocky Mountain District to be filed on ICC Form QFR-1-GF. Such reports shall exclude those expenses and revenues related to operations being conducted by contract under Contract Carrier Permit No. B-413."

In support of their request that this provision of Decision No. 77207 be rescinded, Applicant states:

"Since March of 1971 there have been extensive changes in the operation of the United Parcel Service, Inc. by virtue of substantial increases in its authority, both intrastate and interstate. We respectfully request that the requirement heretofore made by the Commission be rescinded. United Parcel Service, Inc. would expect to file the type of reports presently required by Rule 19 issued by the Commission."

The Commission finds that with the expansion of authority by United Parcel Service within the so-called "Rocky Mountain District" the Special Quarterly Report required in the above-referenced Order no longer will serve the purpose for which it was intended and that the

requirements of Paragraph 7, Decision No. 77207, dated March 19, 1973, should be rescinded.

O R D E R

THE COMMISSION ORDERS:



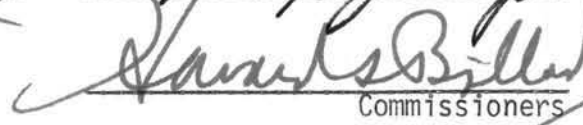
1. That Paragraph 7 of the Order contained in Decision No. 77207, dated March 19, 1971, which required the filing of a quarterly report for the Rocky Mountain District, be, and it hereby is, rescinded and held for naught.

2. That United Parcel Service shall continue to file quarterly reports for their system operation as required by Rule 27-E 2 c, of the Commission's Rules of Practice and Procedure.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING THIS 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, 2800 WEST)
BAYSHORE ROAD, PALO ALTO, CALIF-)
ORNIA, FOR EMERGENCY TEMPORARY)
APPROVAL OF THE OPERATION OF)
EPHRAIM FREIGHTWAYS, INC., 1385)
UMATILLA STREET, DENVER, COLORADO,)
RECORD OWNER OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 7368 AND 7368-I, PENDING)
THE DETERMINATION OF THE APPLI-)
CATION FOR APPROVAL OF ACQUISITION)
OF THE STOCK OF SAID CARRIER.)

APPLICATION NO. 26659 -
Stock Transfer-ETA

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, 2800 WEST)
BAYSHORE ROAD, PALO ALTO, CALIF-)
ORNIA, FOR EMERGENCY TEMPORARY)
APPROVAL OF THE OPERATION OF EPHRAIM)
FREIGHTWAYS, INC., 1385 UMATILLA)
STREET, DENVER, COLORADO, RECORD)
OWNER OF CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
7946, PENDING THE DETERMINATION OF)
THE APPLICATION FOR APPROVAL OF)
ACQUISITION OF THE STOCK OF SAID)
CARRIER.)

APPLICATION NO. 26660 -
Stock Transfer-ETA

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, 2800 WEST)
BAYSHORE ROAD, PALO ALTO, CALIFORNIA,)
FOR EMERGENCY TEMPORARY APPROVAL OF)
THE OPERATION OF EPHRAIM FREIGHTWAYS,)
INC., 1385 UMATILLA STREET, DENVER,)
COLORADO, RECORD OWNER OF CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 8195, PENDING THE)
DETERMINATION OF THE APPLICATION)
FOR APPROVAL OF ACQUISITION OF THE)
STOCK OF SAID CARRIER.)

APPLICATION NO. 26661 -
Stock Transfer-ETA

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, 2800 WEST)
BAYSHORE ROAD, PALO ALTO, CALIFORNIA,)
FOR EMERGENCY TEMPORARY APPROVAL OF)
THE OPERATION OF EPHRAIM FREIGHTWAYS,)
INC., 1385 UMATILLA STREET, DENVER,)
COLORADO, RECORD OWNER OF CONTRACT)
CARRIER PERMIT NO. B-6487, PENDING)
THE DETERMINATION OF THE APPLICATION)
FOR APPROVAL OF ACQUISITION OF THE)
STOCK OF SAID CARRIER.)

APPLICATION NO. 26662-PP -
Stock Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

May 29, 1973

The above entitled applications under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate applications have been made to this Commission for permanent authority to acquire operational control of Ephraim Freightways, Inc., record owner of Certificates of Public Convenience and Necessity PUC No. 7368 and 7368-I, 7946, 8195, and Contract Carrier Permit No. B-6487.

It further appearing, That there is an immediate and urgent need for the emergency temporary approval herein sought, and,

It further appearing, That failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

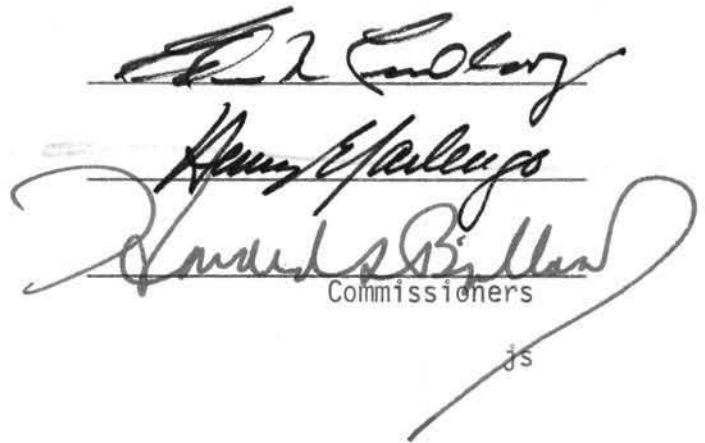
It is ordered, That United Truck Service, 2800 West Bayshore Road, Palo Alto, California, be, and is hereby, granted emergency temporary approval for a period of fifteen (15) days commencing May 29, 1973, to control the operations of Ephraim Freightways, Inc., record owner of Certificates of Public Convenience and Necessity PUC No. 7368 and 7368-I, 7946, 8195, and Contract Carrier Permit No. B-6487; conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

DONE IN OPEN MEETING the 29th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
js

(Decision No. 83060)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF GERALD B. RAYMOND AND DONALD	)	APPLICATION NO. 26269
J. ALONGI, DOING BUSINESS AS)	
"ASPEN STORAGE COMPANY," P. O.	)	RECOMMENDED DECISION OF
BOX 3740, 314 NORTH MILL STREET,	)	CHRISTIAN O. IGENBERGS,
ASPEN, COLORADO, FOR A CERTIFICATE	)	EXAMINER,
OF PUBLIC CONVENIENCE AND)	
NECESSITY TO OPERATE AS A COMMON	)	DISMISSING APPLICATION
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

- - - - -
May 29, 1973
- - - - -

Appearances: Stephen A. Ware, Esq.,
Aspen, Colorado, for
Applicant;
Leslie R. Kehl, Esq.,
Denver, Colorado, for
Colton's Moving &
Storage, Inc., Protestant.

PROCEDURE AND RECORD

Under date of December 1, 1972, Applicants Gerald B. Raymond and Donald J. Alongi, a partnership, doing business as "Aspen Storage Company," filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned Docket No. 26269 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

The following protests by common carriers were received subsequent to the filing of the application: William Dodds-Scott, Jr., doing business as "Scott Rubbish Removal"; Spangler & Sons Moving & Storage, Inc.; Litton Warehouse Company; Aspen Trash Service, Inc.; Colton's Moving & Storage, Inc.; and Gary C. Bogue, doing business as "Roaring Fork Express Company."

Pursuant to law, the Commission assigned the subject application to Christian O. Igenbergs, Examiner, and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the East Seminar Room, Aspen Institute, 1000 North 3rd Street, Aspen, Colorado, on Thursday, May 10, 1973, at 9 a.m.

On March 30, 1973, counsel for Protestant Colton's Moving & Storage, Inc., in accordance with Rule 14M of the Rules of Practice and Procedure of this Commission, and Rule 33 of the Colorado Rules of Civil Procedure, properly served Applicant with Written Interrogatories, to be answered within thirty (30) days.

On May 7, 1973, the same Protestant, through its counsel, filed with the Commission a Motion to Compel Answers to Written Interrogatories. The Commission took no action on the aforesaid motion.

The hearing on the application was held at the aforesaid time and place.

The following preliminary matters were ruled upon by the Examiner.

1. Counsel for Applicants submitted a stipulation between Applicant and Protestants Aspen Trash Service, Inc., William Dodds-Scott, Jr., doing business as "Scott's Rubbish Removal", and Gary C. Bogue, doing business as "Roaring Fork Express Company," which said stipulation provides that the aforenamed Protestants agree to withdraw their respective protests and, Applicants agree to amend their application, in essence, as follows, to-wit:

(a) Deleting household trash from their application and not operating under their authority as a common carrier by motor vehicle for hire for the purpose of hauling household trash;

(b) Not providing transportation for any purpose to or from the airport, Sardy Field, Pitkin County, Colorado;

(c) Not providing transportation for lost, overdue or mishandled luggage;

(d) Not providing transportation for packages of a weight of under one hundred (100) pounds from any point to any other point within the City of Aspen or from any point within the City of Aspen to Snowmass-at-Aspen.

The Stipulation, being, in fact, a request for amending the subject application restrictively, was accepted by the Examiner and the amendments, as proposed, were granted, except amendment (d) above, which was rejected.

2. The protests of Spangler & Sons Moving & Storage, Inc., and Litton Warehouse Company were dismissed by the Examiner upon his own motion for failure to prosecute.

3. The Motion To Compel Answers To Written Interrogatories, of which pleading the Examiner had only been made aware for the first time at the commencement of the hearing, was not ruled upon by the Examiner since it had become moot in view of the next following statements.

4. Counsel for Applicants submitted to both the Examiner and counsel for the remaining Protestant, Colton's Moving & Storage, Inc., Answers to Written Interrogatories, whereupon counsel for the said Protestant moved that the application be dismissed on the grounds that Protestant had been unable to prepare its case because discovery procedure had not been timely complied with.

For good cause shown, the Examiner granted the aforesaid motion and dismissed the application.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs, now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicants herein are a partnership. The partners are Gerald B. Raymond and Donald J. Alongi, doing business as "Aspen Storage Company."

2. According to the amended application, Applicants request authority from this Commission as common carriers by motor vehicle for hire for the following services, to-wit:

Transportation of

Personal effects, household furnishings, firewood, pets, and livestock, within the County of Pitkin, State of Colorado;

RESTRICTIONS:

1. No services to be provided to and from Sardy Field Airport;
2. Restricted against the transportation of lost, overdue or mishandled luggage.

3. Protestant Colton's Moving & Storage, Inc., is a common carrier by motor vehicle for hire, and it holds authority from this Commission, which is in conflict with the authority requested by Applicants.

4. The Commission has jurisdiction over Applicants and Protestant.

5. On March 30, 1973, counsel for the said Protestant served upon Applicants Written Interrogatories to be answered, under oath, within thirty (30) days, in accordance with Rule 14M of the Rules of Practice and Procedure of this Commission, and Rule 33 of the Colorado Rules of Civil Procedure. The Answers were not filed within thirty (30) days after service and counsel for Applicants did not request of this Commission an extension of time for filing Answers to the Interrogatories.

6. Hearing on the subject matter was held on May 10, 1973, or forty-one (41) days after the service of the aforesaid Written Interrogatories, at which time counsel submitted the Answers. The Examiner notes here that, while the Answers have been signed by one of the partners, Gerald B. Raymond, purportedly under oath, the necessary certification thereof by a notary public is missing. Counsel for Applicants stated at the hearing that he had failed to timely file the Answers to the Interrogatories mainly because he had not had a chance to contact his witnesses, had been busy with other matters, and had not had the necessary time because he had been involved in a political campaign.

7. The failure of counsel for Applicants to comply with the provisions of the Rules as enumerated in Finding of Fact No. 5, supra, has caused Applicants, Protestant, and this Commission to incur unnecessary expenses and experience inconvenience.

8. No good cause having been shown for the violation of the aforesaid Rules, the Examiner dismissed the application. [PUC, et al v. Tucker, 167 Colo. 130, 135, 445 P.2d 901 (1968)].

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The subject application should be dismissed for failure of counsel for Applicants to comply with the provisions of Rule 14M of the Rules of Practice and Procedure of this Commission and Rule 33 of the Colorado Rules of Civil Procedure.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

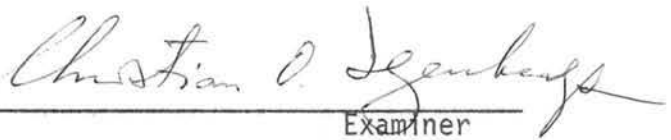
1. Application No. 26269, being an application of Gerald B. Raymond and Donald J. Alongi, doing business as "Aspen Storage Company," 314 North Mill Street, Aspen, Colorado, for a Certificate of Public Convenience and Necessity authorizing operations as a common carrier by motor vehicle for hire, be, and hereby is, dismissed.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions

of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

js

(Decision No. 83061)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO TRANSFER & STORAGE, INC.,)
4825 LIMA STREET, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
3539 TO LAWRENCE HANCOCK, JR., AND)
ROSE MARIE HANCOCK, DOING BUSINESS)
AS "HANCOCK MOVING & STORAGE,")
2115 NORTH CHELTON ROAD, COLORADO)
SPRINGS, COLORADO.)

APPLICATION NO. 26567-Transfer

May 25, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 5, 1973, the above-captioned application was filed with the Commission.

On May 22, 1973, Colorado Transfer & Storage, Inc., by its President, Earl F. Buckingham, filed a Motion to Dismiss the within application.

The Commission states and finds that for good cause shown the Motion to Dismiss should be granted as set forth in the Order following.

O R D E R

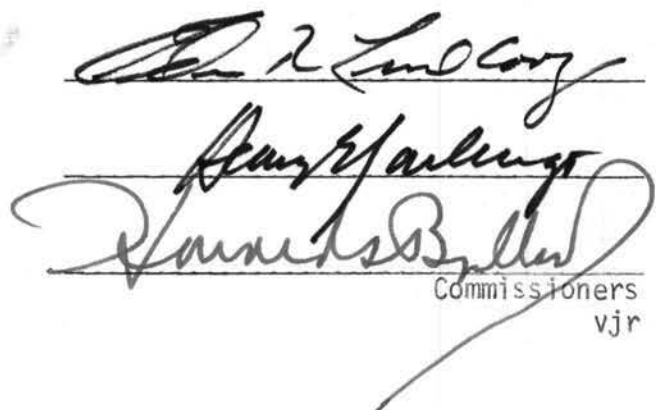
THE COMMISSION ORDERS THAT:

Application No. 26567-Transfer be, and hereby is, dismissed without prejudice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF ANGELO DiSALLE AND SAMUEL EUGENE)	
DiSALLE, DOING BUSINESS AS "ANGELO)	
DiSALLE & SON," 4447 PENNSYLVANIA	)	APPLICATION NO. 26576-PP-Transfer
STREET, DENVER, COLORADO, FOR AU-)	
THORITY TO TRANSFER ALL RIGHT,	)	ORDER OF THE COMMISSION
TITLE, AND INTEREST IN AND TO)	
CONTRACT CARRIER PERMIT NO. B-5555)	
TO RICHARD T. PATTERSON, 883 WEST)	
100TH PLACE, NORTHGLENN, COLORADO.)	

- - - - -
May 29, 1973
- - - - -

Appearances: William D. Mitchell, Esq.,
Denver, Colorado,
for Applicants.

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Angelo DiSalle and Samuel Eugene DiSalle, doing business as "Angelo DiSalle & Sons," 4447 Pennsylvania Street, Denver, Colorado, be, and are hereby, authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-5555, as granted by Commission Decision Nos. 52651 and 62249 dated July 8, 1959, and February 2, 1964, to Richard T. Patterson, 883 West 100th Place, Northglenn, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

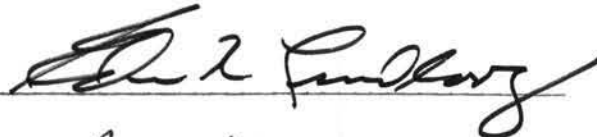
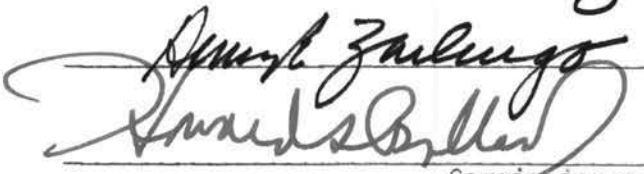
It is further ordered, That the tariff of rates, rules, and regulations of Transferors shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferors of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said Permit.

And it is further ordered, That this Order shall become effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 29th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
vjr

(Decision No. 83063)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. S. HIRSTEIN, 2770 SOUTH LOWELL)
BOULEVARD, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO)
CONTRACT CARRIER PERMIT NO. B-7065)
TO MARJIM, INC., 745 LIPAN STREET,)
DENVER, COLORADO.)

APPLICATION NO. 26581-PP-Transfer

ORDER OF THE COMMISSION

May 29, 1973

Appearances: Michael E. Katch, Esq.,
Denver, Colorado,
for Transferee.

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission.

And it further appearing, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That W. S. Hirstein, 2770 South Lowell Boulevard, Denver, Colorado, be, and is hereby, authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7065, as granted by Commission Decision No. 72940 dated May 1, 1969, to Marjim, Inc., 745 Lipan Street, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

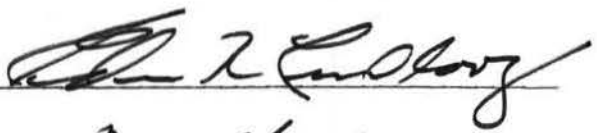

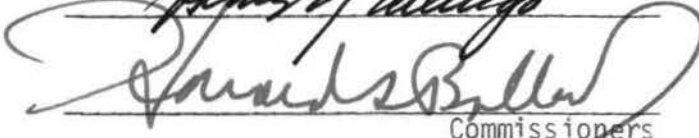
It is further ordered, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said Permit.

And it is further ordered, That this Order shall become effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 29th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

(Decision No. 83064)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT E. NICHOLSON, BOX 175, RYE)
STAR ROUTE, PUEBLO, COLORADO, FOR)
EMERGENCY TEMPORARY APPROVAL TO)
CONDUCT OPERATIONS UNDER CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 8668 PENDING THE)
DETERMINATION OF THE APPLICATION)
TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 26672-Transfer-ETA
ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

- - - - -
May 29, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That appropriate application has been made to this Commission for permanent authority to transfer Certificate of Public Convenience and Necessity PUC No. 8668 from Helen A. Sawyer, doing business as "Rye Trash Service," to the above-named Transferee.

It further appearing, That there is an immediate and urgent need for the emergency temporary approval herein sought, and

It further appearing, That failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

It further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

It is ordered, That Robert E. Nicholson, Box 175, Rye Star Route, Pueblo, Colorado, be, and is hereby, granted emergency temporary approval

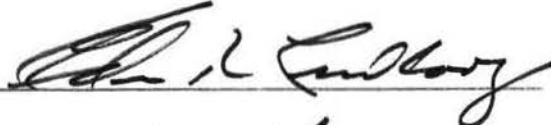

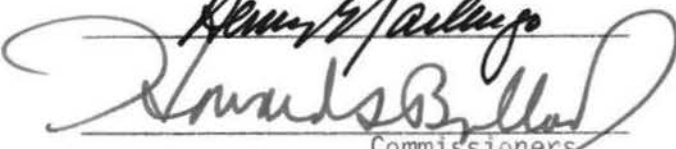
for a period of fifteen (15) days commencing May 29, 1973, to operate under Certificate of Public Convenience and Necessity PUC No. 8668; conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.

It is further ordered, That the service provided for in this Order shall not be commenced until all requirements have been met and Applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

And it is further ordered, That the approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

DONE IN OPEN MEETING the 29th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
js

(Decision No. 83065)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PUROLATOR SECURITY, INC., P. O. BOX)	
5571, DALLAS, TEXAS, FOR A CLASS "B")	APPLICATION NO. 26253-PP
PERMIT TO OPERATE AS A CONTRACT)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

May 29, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 13, 1972, the above-entitled application was filed with this Commission and after due and proper notice to all interested parties was set for hearing at 10 a.m., Monday, June 18, 1973, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On May 24, 1973, Applicant, Purolator Security, Inc., filed with the Commission a Motion to Withdraw and Dismiss Application.

The Commission finds that the application should be permitted to be withdrawn and the hearing vacated.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26253-PP be, and hereby is, permitted to be withdrawn.

2. The hearing with regard to the above-styled application scheduled for Monday, June 18, 1973, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and hereby is, vacated.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 29th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John J. Conboy

Henry J. Sullivan
Donald S. Butler

Commissioners

vjr

(Decision No. 83066)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF THE WOODMOOR CORPORATION, DOING)	APPLICATION NO. 26580-PP
BUSINESS AS "WOODMOOR STABLES,")	
WOODMOOR DRIVE, MONUMENT, COLORADO,)	ORDER OF THE COMMISSION
FOR AUTHORITY TO OPERATE AS A CLASS)	
"B" CONTRACT CARRIER BY MOTOR)	
VEHICLE.)	

- - - - -
May 29, 1973
- - - - -

Appearances: Gregory F. Palcanis, Esq.,
Monument, Colorado,
for Applicant.

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That The Woodmoor Corporation, doing business as "Woodmoor Stables," Woodmoor Drive, Monument, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

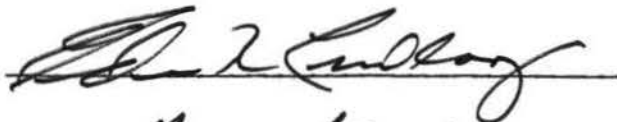
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

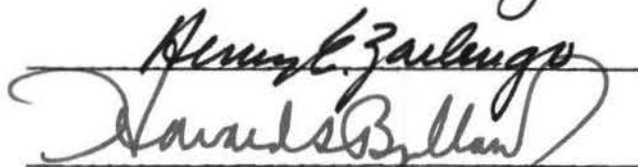
It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this Order shall become effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 29th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

vjr

Appendix "A"
Decision No. 83066
May 29, 1973

Woodmoor Stables

Transportation of

Horses

Between Woodmoor Stables, Monument, Colorado, on the one hand, and points located within the State of Colorado, on the other hand.

RESTRICTION: This Permit is restricted to transporting only those horses being boarded at Woodmoor Stables, Monument, Colorado.

(Decision No. 83067)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MOUNTAIN MOBILE MIX, INC., DOING)
BUSINESS AS "MOUNTAIN MOBILE)
MATERIALS," BOX 517, FRISCO, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26547-PP

ORDER OF THE COMMISSION

- - - - -
May 29, 1973
- - - - -

It appearing, That by Order of the Commission dated April 23, 1973, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8(2);

It further appearing, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Order, and that the herein proceeding is therefore noncontested and unopposed;

It further appearing, That pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

And it further appearing, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

Wherefore, and good cause appearing therefor:

We find, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

We further find, That it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

And we further find, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

It is ordered, That Mountain Mobile Mix, Inc., doing business as "Mountain Mobile Materials," Box 517, Frisco, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be deemed to be, and be, a PERMIT therefor.

It is further ordered, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

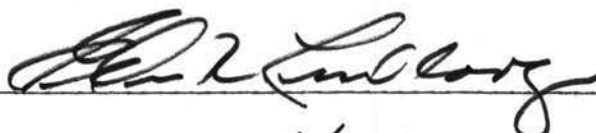
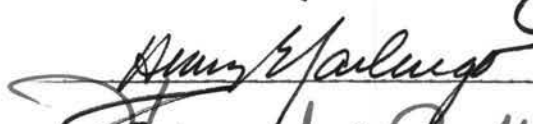
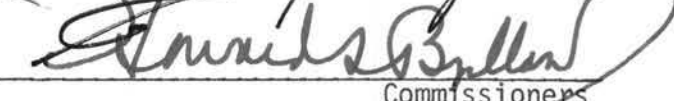
It is further ordered, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

It is further ordered, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

And it is further ordered, That this Order shall become effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 29th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

Appendix "A"
Decision No. 83067
May 29, 1973

Mountain Mobile Materials

Transportation of

- (1) Sand, gravel, and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone, and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

RESTRICTION: Item Nos. 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Ore

From points located within an area comprised of the Counties of Eagle, Lake, and Summit, State of Colorado, to Leadville, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EARL F. BUCKINGHAM TO TRANSFER)
CONTROL OF COLORADO STORAGE, INC.,)
A COLORADO CORPORATION, RECORD)
OWNER OF PUC NO. 222 AND PUC NO.)
222-I, TO RAYMOND G. GOTTULA,)
PUEBLO, COLORADO.)

APPLICATION NO. 26668 -
Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
RAYMOND G. GOTTULA FOR AUTHORITY TO)
TRANSFER CONTROL OF THE STOCK OF)
COLORADO STORAGE, INC., A COLORADO)
CORPORATION, PUEBLO, COLORADO, TO)
E. G. PERRY, JR., DENVER, COLORADO.)

APPLICATION NO. 26669 -
Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
COLORADO STORAGE, INC., A COLORADO)
CORPORATION, OF PUEBLO, COLORADO,)
FOR AUTHORITY TO TRANSFER CERTIFI-)
CATES OF PUBLIC CONVENIENCE AND)
NECESSITY, PUC NO. 222 AND PUC NO.)
222-I, TO ENGLEWOOD TRANSIT COMPANY,)
A COLORADO CORPORATION, 3930 BLAKE)
STREET, DENVER, COLORADO.)

APPLICATION NO. 26670-Transfer

IN THE MATTER OF THE APPLICATION OF)
ENGLEWOOD TRANSIT COMPANY, A COLO-)
RADO CORPORATION, 3930 BLAKE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 415 AND PUC NO.)
415-I TO GOLDEN INDUSTRIAL SERVICES,)
INC., A COLORADO CORPORATION, 4430)
McINTYRE STREET, GOLDEN, COLORADO.)

APPLICATION NO. 26537-Transfer

ORDER GRANTING PETITION TO CONSOLIDATE
APPLICATIONS FOR JOINT RECORD AND ORDER

- - - - -
May 25, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 15, 1973, the above-named Applicants, by and through their attorney Roger Sollenbarger, filed a Petition to Consolidate Applications for Joint Record and Order. Notice with respect to Application No. 26537 was given April 9, 1973, and a hearing is presently set for June 8, 1973, at 10 a.m. in the Commission's hearing room, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Notice of Applications No. 26668-Stock Transfer, No. 26669-Stock Transfer, and No. 26670-Transfer, was given on May 21, 1973. The protest period with respect to the same has not yet expired, and will not expire before June 8, 1973. The Petition to Consolidate Applications for Record and Order sets forth proper grounds for the granting of the same, and the Commission concludes that the following order should be entered.

O R D E R

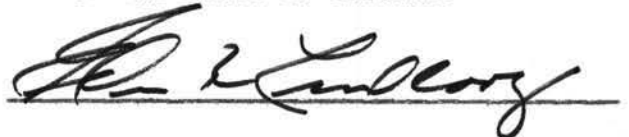
THE COMMISSION ORDERS THAT:

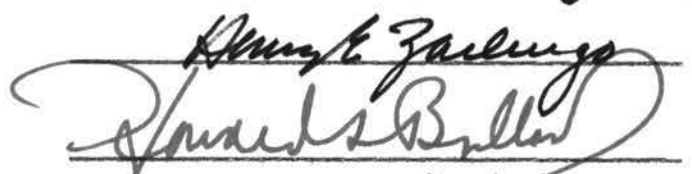
1. Applications No. 26668-Stock Transfer, No. 26669-Stock Transfer, No. 26670-Transfer, and No. 26537-Transfer, be, and the same hereby are, consolidated for joint record and order.
2. The presently set hearing date of June 8, 1973, with respect to Application No. 26537-Transfer be, and the same hereby is, vacated.
3. The Secretary of the Commission be, and hereby is, directed to set Applications No. 26668-Stock Transfer, No. 26669-Stock Transfer, No. 26670-Transfer, and No. 26537-Transfer, for hearing at a date subsequent to June 21, 1973.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of May, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
hbp

(Decision No. 83069)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO FOR AUTHORITY TO INSTALL)
AUTOMATIC FLASHING LIGHT SIGNALS)
SUPPLEMENTED WITH SHORT ARM GATES)
AND AUDIBLE WARNING DEVICE AND IN)
BEHALF OF BURLINGTON NORTHERN, INC.,)
TO INSTALL A SPUR TRACK CROSSING)
ALL AT AN EXISTING GRADE CROSSING)
OF BURLINGTON NORTHERN INC. TRACKS)
ON STATE HIGHWAY NO. 385 AT BURLING-)
TON NORTHERN MILEPOST 179.71, IN)
HOLYOKE, PHILLIPS COUNTY, COLORADO.)

APPLICATION NO. 26188

RECOMMENDED DECISION OF
THOMAS M. McCAFFREY,
EXAMINER

GRANTING APPLICATION

May 31, 1973

Appearances: Wayne B. Schroeder, Assistant
Attorney General, Denver,
Colorado, for Applicant;
Willard L. Peck, Esq., Denver,
Colorado, for Burlington
Northern, Inc.;
J. H. Baier, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On November 10, 1972, Applicant, under the provisions of 115-4-6, CRS 1963, as amended, filed the above-titled application seeking an order of this Commission to authorize installation of automatic flashing light signals supplemented with short arm gates and audible warning device, and, in behalf of Burlington Northern, Inc., to also install a spur track crossing at an existing grade crossing of Burlington Northern, Inc., tracks on State Highway No. 385 at Burlington Northern Milepost 179.71 in Holyoke, Phillips County, Colorado.

The Commission assigned Docket No. 26188 to the application, and, after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, March 27, 1973, at 10 a.m. Pursuant to law, the Commission assigned Thomas M. McCaffrey as Examiner for the purpose of conducting a hearing on the application. The hearing was held at the aforesaid date, time and place.

No one appeared in the hearing in protest to the granting of the application.

Exhibits 1 and 2 were tendered and admitted into evidence. Upon Applicant's motion, the Examiner granted the motion to file as late-filed Exhibit No. 3 a copy of the executed agreement between the Burlington Northern, Inc., and the State Department of Highways, State of Colorado, for the construction of a spur track, and as late-filed Exhibit No. 4 a copy of the executed agreement between Burlington Northern and the State Department of Highways relating to construction and maintenance of the grade crossing signals. Said late-filed exhibits were duly received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. By this application the State Department of Highways, Division of Highways, State of Colorado, requests authority to install automatic flashing light signals with short arm gates and audible warning device at the Burlington Northern crossing of State Highway No. 385 (on Interocean Avenue) at Milepost 179.71 in Holyoke, Phillips County, Colorado; and also authority to construct an additional spur track at the said crossing, which now has one mainline track and two spur tracks. The additional spur track crossing will be located within the grade crossing signals.

2. The Commission has jurisdiction over the subject matter of this proceeding.

3. This application was not protested.

4. The existing warning signals at the Burlington Northern crossing at State Highway No. 385 consist of only cross-bucks. The average daily vehicular traffic count on State Highway No. 385 at this crossing is approximately 1,700, with a speed limit of 25 miles per hour. The projected increase in daily traffic volume by 1992 is 2,890. There are presently two scheduled train movements per day and two switching operations. During the beet season the switching movements increase to eight per day. Maximum train speed at the crossing is 30 miles per hour. The present trackage consists of one mainline track and two spur tracks at the crossing, all of which cross State Highway No. 385 at an angle of $48^{\circ}37'$ from the centerline of the roadway.

The typical section of State Highway No. 385 at the crossing consists of 68 feet of paved roadway with curbing extending to the south end of the crossing from the town of Holyoke. A six foot sidewalk extends along the west side of the roadway at the highway right-of-way line. The proposed grade crossing signals will be located four feet one inch from the edge of the pavement.

5. The signal devices to be installed are standard flashing light signals to be placed on both sides of the crossing, together with short arm gates and an audible warning device that will be activated upon the approach of a train in either direction. Signal circuiting will include motion detectors in the circuits of all tracks. Motion detectors cause the signals to be activated only when train motion occurs toward the crossing, thus eliminating unnecessary signal activation and motorist delay. Track circuiting will provide a minimum of 20 seconds warning time at the crossing for mainline train movement.

6. Description of the signal work to be done and expenses therefor are covered in the late-filed Agreement by and between the Burlington Northern, Inc., and the State Department of Highways, State of Colorado. Subject Agreement provides that the Burlington Northern, Inc., will be reimbursed for any and all expenses it incurs incidental to installation of the aforesaid grade crossing protection devices, paid in accordance with current Federal and State rules and regulations applicable thereto.

Maintenance, repair, and operation of the protection devices and grade crossing will be and remain the responsibility of the Burlington Northern, Inc. Maintenance, repair, and operation of the roadway approaches to the grade crossing will be the responsibility of the State Department of Highways.

7. The purpose of the installation of an additional spur track at this crossing is mainly so that the Great Western Sugar Company may more conveniently utilize the railroad facilities. The proposed spur track will be used, as are the existing two spur tracks, solely for switching operations. The surfacing of the new spur track crossing will be concrete and shall extend a minimum of two feet beyond the sidewalk

on the west side of State Highway No. 385 and a minimum of two feet beyond the edge of the pavement on the east side of the highway. The cost of construction, servicing, maintenance, and repair of the additional spur track shall be borne solely by the Burlington Northern Railroad. The estimated cost of the installation of the additional spur track is \$2,591. No additional right-of-way is required for this additional spur track, and no abutting properties will be adversely affected.

8. Installation of the grade crossing signals and spur track crossing will be in accordance with the Commission's specifications.

9. The signal protection devices as proposed in this application are required so as to promote the public safety and should be approved by the Commission.

10. The granting of authority to install the additional spur track as requested in this application would be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based upon all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. The authority requested in Application No. 26188 to install automatic flashing light signals supplemented by short arm gates and audible warning device should be granted.

2. The authority requested in Application No. 26188 to install a spur track crossing at the existing grade crossing of Burlington Northern, Inc., tracks on State Highway No. 385 at Burlington Northern Milepost 179.71 in Holyoke, Phillips County, Colorado, should be granted.

3. Pursuant to 115-6-8(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The State Department of Highways, Division of Highways, State of Colorado, be, and hereby is, authorized and directed to install, operate, and maintain standard flashing light signal devices with short arm gates and audible warning device at the grade crossing of Burlington Northern, Inc., tracks on State Highway No. 385, Burlington Northern Mile-post 179.71 in Holyoke, Phillips County, Colorado. These flashing light signal devices, short arm gates, and audible warning device will be in accordance with the terms, provisions, and specifications of the written agreement between Burlington Northern, Inc., and the State Department of Highways, Division of Highways, State of Colorado, filed as Exhibit No. 4 herein, and by reference specifically incorporated into this order.

2. The State Department of Highways, Division of Highways, State of Colorado, be, and hereby is, authorized to grant permission to Burlington Northern, Inc., to construct an additional spur track at the Burlington Northern crossing of State Highway No. 385 (on Interocean Avenue) at Mile-post 179.71 in Holyoke, Phillips County, Colorado. This construction is to be in accordance with the terms, provisions, and specifications of the written agreement dated October 10, 1972, entered into between Burlington Northern, Inc., and the State Department of Highways, Division of Highways, State of Colorado, filed as Exhibit No. 3 herein, and by reference specifically incorporated into this Order.

3. The Commission hereby retains jurisdiction to make such further Order or Orders as may be required in the instant matter.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
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