

(Decision No. 83550)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ADVANCED BUSINESS SERVICES, INC.,)
DOING BUSINESS AS "A-ADVANCED MAIL)
DELIVERY SERVICE," 4970 FEDERAL)
BOULEVARD, DENVER, COLORADO 80221,)
AND POST OFFICE BOX 10942, SANTA ANA,)
CALIFORNIA 92711, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 26108-Amended
ORDER DENYING EXCEPTIONS TO
RECOMMENDED DECISION NO. 83296

August 17, 1973

Appearances: Roger Sollenbarger, Esq.,
Denver, Colorado,
for Applicant;
Robert G. Shepherd, Jr., Esq.,
Denver, Colorado, for Purolator
Courier Corp., doing business
as "Purolator Courier Corp.
and Colorado Armored Service
Company," Protestant;
John P. Thompson, Esq.,
Denver, Colorado, for Overland
Motor Express, Inc., doing business
as "Boulder-Denver Truck Line,"
Protestant;
James M. Lyons, Esq., Denver,
Colorado, for Wells Fargo
Armored Service Corporation,
Protestant;
John R. Barry, Esq., Denver,
Colorado, for Denver-Colorado
Springs-Pueblo Motorway, Inc.,
Protestant;
William A. Wilson, Esq., Denver,
Colorado, for Best-Way Disposal;
Aurora F & S Sanitary Carriers,
Inc.; Wheatridge Disposal Service;
Golden Waste Disposal; Security
Garbage Co.; A-Aurora Removal
Service, Inc.; Superior Sanitation,
Inc.; Colorado Disposal, Inc.;
Alex Gerlach & Sons Disposal;
Monarch Disposal; Lakewood Disposal,
Inc.; and Commerce Refuse Disposal,
Inc., Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 6, 1973, Hearing Examiner Robert L. Pyle entered his
Recommended Decision No. 83296 in the above-captioned matter.

On August 3, 1973, Applicant filed with the Commission Exceptions to said Recommended Decision.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Applicant A-Advanced Mail Delivery Service should be overruled and denied; and that the Examiner's findings of fact and conclusions in the Recommended Decision No. 83296 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 A-Advanced Mail Delivery Service be, and the same hereby are, overruled and denied.

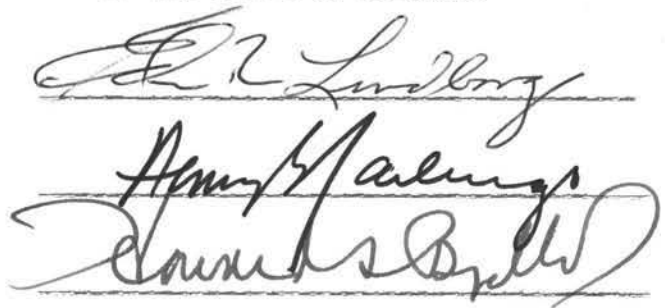
2. The findings of fact and conclusions of Hearing Examiner Robert L. Pyle in Recommended Decision No. 83296 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 83296 be, and hereby is, entered as the order of the Commission herein without any change or modification; and 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 be effective forthwith.

DONE IN OPEN MEETING the 17th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
hbp

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) CASE NO. 5320
SERVICE OF ELECTRIC UTILITIES)
WITHIN THE STATE OF COLORADO.)

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE) CASE NO. 5321
SERVICE OF GAS UTILITIES)
WITHIN THE STATE OF COLORADO.)

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE) CASE NO. 5322
SERVICE OF WATER UTILITIES)
WITHIN THE STATE OF COLORADO.)

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE) CASE NO. 5323
SERVICE OF TELEPHONE UTILITIES)
WITHIN THE STATE OF COLORADO.)

September 7, 1973

Appearances: CASE NO. 5320

Louis Johnson, Esq., Colorado Springs,
Colorado, for the City of Colorado Springs;

Harry Petersen, Esq., Pueblo, Colorado,
for Central Telephone & Utilities Corporation;

John R. Barry, Esq., Denver, Colorado,
Sidney Baucom, Esq., Salt Lake City, Utah,
Robert Gordon, Esq., Salt Lake City, Utah,
for Western Colorado Power Company;

George E. Diltz, Esq., Cortez, Colorado,
for Empire Electric Association, Inc.;

Donald D. Cawelti, Esq., Denver, Colorado,
for Home Light & Power Company and
Public Service Company of Colorado;

Richard L. Banta, Jr., Esq., Denver, Colorado,
for Intermountain Rural Electric Association;

John J. Conway, Esq., Denver, Colorado, for
Colorado Rural Electric Association;

Robert T. James, Esq., Colorado Springs, Colorado,
for Mountain View Electric Association;

Walker Miller, Esq., Greeley, Colorado,
for Union Rural Electric Association;

Maurice Franks, Esq., Silver Cliff, Colorado,
for L. David Patterson;

Marshall Snider, Esq., Denver, Colorado,
Tucker Trautman, Esq., Denver, Colorado,
for Legal Aid Society of Metropolitan Denver;

John B. Kusic, Esq., Denver, Colorado,
for North Denver Legal Services;

Sheila H. Meer, Esq., Brighton, Colorado
for Adams County Legal Services;

David L. Roberts, Esq., Fort Morgan, Colorado,
for the City of Fort Morgan and Morgan County
Rural Electric Association;

Robert Richardson, Esq., Glenwood Springs, Colorado,
for Holy Cross Rural Electric Association;

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

CASE NO. 5321

Louis Johnson, Esq., Colorado Springs, Colorado,
for the City of Colorado Springs;

Donald D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado, and
Greeley Gas Company;

Maurice Franks Esq., Silver Cliff, Colorado,
for L. David Patterson;

Marshall Snider, Esq., Denver, Colorado,
Tucker Trautman, Esq., Denver, Colorado
for Legal Aid Society of Metropolitan Denver;

John B. Kusic, Esq., Denver, Colorado
for North Denver Legal Services;

Sheila H. Meer, Esq., Brighton, Colorado
for Adams County Legal Services;

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

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CASE NO. 5322

Donald D. Cawelti, Esq., Denver, Colorado,
for Public Service Company of Colorado;

Maurice Franks Esq., Silver Cliff, Colorado,
for L. David Patterson;

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

CASE NO. 5323

Denis G. Stack, Esq., Denver, Colorado,
for Mountain States Telephone and Telegraph
Company;

Robert T. James, Esq., Colorado Springs, Colorado,
for Colorado Independent Telephone Association, Inc.;

Maurice Franks, Esq., Silver Cliff, Colorado,
for L. David Patterson;

Marshall Snider, Esq., Denver, Colorado,
Tucker Trautman, Esq., Denver, Colorado,
for Legal Aid Society of Metropolitan Denver;

John B. Kusic, Esq., Denver, Colorado,
for North Denver Legal Services;

Sheila H. Meer, Esq., Brighton, Colorado
for Adams County Legal Services;

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

PROCEDURE AND RECORD

The above-captioned rule-making proceedings were instituted on the Commission's own motion on March 30, 1973, by Decision No. 82693 in Case No. 5320, by Decision No. 82694 in Case No. 5321, by Decision No. 82695 in Case No. 5322 and by Decision No. 82696 in Case No. 5323. By said Decisions, notice of proposed rule making and notice of hearing were given to all interested parties and the matters were set for hearing on May 31, 1973, at 10 a.m. in the Commission's hearing room at 1845 Sherman Street, Denver, Colorado. Said notice further provided that the following day, May 31, 1973, had been reserved for further hearing, if necessary.

Said notice further provided that any person desiring to file objection, intervene in, or participate as a party in the respective proceedings, shall file his objections or petition for leave to intervene within thirty (30) days after the date of the orders contained in the foregoing numbered decisions.

On April 26, 1973, L. David Patterson, by his attorney Maurice R. Franks, filed a Motion to make May 31, 1973, setting definite in Case No. 5323. On May 4, 1973, by Decision No. 82907, in Case No. 5323, the Commission entered an order setting the hearing on May 30 and May 31, 1973, thus making those dates certain.

On May 1, 1973, the Commission, by Decision No. 82874, in Case No. 5320; Decision No. 82876 in Case No. 5321; Decision No. 82877, in Case No. 5322; and Decision No. 82875 in Case No. 5323, issued orders in each of the said cases, respectively, requiring each intervenor in each respective proceeding to file with the Commission on or before May 15, 1973, in writing, any specific objections, suggestions and proposals that it desired the Commission to consider in the respective proceedings.

The Commission authorized intervention by the following persons, firms or corporations who moved to intervene in the respective cases, to-wit:

CASE NO. 5320

Central Telephone & Utilities Corporation (1)
City of Colorado Springs (1)
City of Fort Morgan (1)
Colorado Rural Electric Association, Inc. (2)
Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
Empire Electric Association, Inc. (1)
Holy Cross Electric Association, Inc. (1)
Home Light and Power Company (1)
Intermountain Rural Electric Association (1)
Moon Lake Electric Association (1)

Morgan County Rural Electric Association (2)
Mountain View Electric Association, Inc. (1)
L. David Patterson
Poudre Valley Rural Electric Association, Inc. (2)
Public Service Company of Colorado (2)
Sangre de Cristo Electric Association, Inc. (1)
Union Rural Electric Association, Inc. (2)
Western Colorado Power Company (2)

CASE NO. 5321

City of Colorado Springs (1)
Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
Greeley Gas Company (2)
L. David Patterson
Public Service Company of Colorado (2)
Salida Gas Service Company (1)

CASE NO. 5322

Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
L. David Patterson
Public Service Company of Colorado (2)

CASE NO. 5323

Central Telephone & Utilities Corporation (1)
Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
Mountain States Telephone and Telegraph Company (2)
L. David Patterson (2)
The Colorado Independent Telephone Association, Inc. (1)

A hearing was held on May 30 and May 31, 1973, in the above-captioned cases in the Commission's hearing room, 1845 Sherman Street, Denver, Colorado. All parties who filed entries of appearance and all persons who made their respective appearances were granted permission to intervene and appear.

Exhibits 1 through 4 were identified by Mr. Harry A. Galligan, Jr., who qualified as a witness on behalf of the Staff of the Commission.

Exhibit No. 1 is a copy of Decision No. 82693 in Case No. 5320, Notice of Proposed Rule-making and Notice of Hearing. Attached as Appendix A to Decision No. 82693 are Proposed Electric Rule 10, Proposed Electric Rule 11, and Proposed Electric Rule 13.

Exhibit No. 2 is Decision No. 82694 in Case No. 5321, Notice of Proposed Rule-making and Notice of Hearing. Attached as Appendix A to Decision No. 82694 are Proposed Gas Rule 10, Proposed Gas Rule 11 and Proposed Gas Rule 13.

Exhibit No. 3 is Decision No. 82695 in Case No. 5322, Notice of Proposed Rule-making and Notice of Hearing. Attached as Appendix A to Decision No. 82695 are Proposed Water Rule 10, Proposed Water Rule 11 and Proposed Water Rule 13.

Exhibit No. 4 is a copy of Decision No. 82696 in Case No. 5323, Notice of Proposed Rule-making and Notice of Hearing. Attached as Exhibit A to Decision No. 82696 are Proposed Telephone Rule 11 and Proposed Telephone Rule 13.

Exhibits No. 5 and 6 were identified by Mr. L. K. Christolear who testified as a witness on behalf of the Staff of the Commission. Exhibit No. 5 is a sample bill of the Western Colorado Power Company. Exhibit No. 6 is a typical customer billing and collecting cycle.

Exhibits No. 7 and 8 were identified by Mr. Francis B. Heller who testified as a witness on behalf of Central Telephone and Utilities Corporation. Exhibit No. 7 is a sample of Central Telephone and Utilities Corporation's bill. Exhibit No. 8 is a copy of the Central Telephone and Utilities Corporation's bill printout.

Exhibits No. 9 through 13 were identified by L. David Patterson, Intervenor in all four cases, who testified in his own behalf. Exhibit No. 9

is a copy of a Mountain Bell telephone bill rendered to L. David Patterson with billing date of January 7, 1973. Exhibit No. 10 is a copy of check No. 3854 dated January 4, 1973, drawn on the United Bank of Denver by L. David Patterson, payor, and payable to Mountain Bell in the amount of \$61.94. Exhibit No. 11 is a copy of a Mountain Bell telephone bill to L. David Patterson with a billing date of February 7, 1973. Exhibit No. 12 is a document entitled "Specific Objections and Proposals" in Case No. 5323 submitted by Intervenor L. David Patterson. Exhibit No. 13 is a copy of a "denial for non-payment" with a listed name of L. David Patterson, thereon, dated January 5, 1973, issued by Mountain Bell.

Exhibit No. 14 was identified by Margaret Long who testified as a witness on behalf of Intervenor Denver Welfare Rights Organization, et al. Exhibit No. 14 is a seventeen-page document entitled "Public Assistance Determination of Need, Standards of Assistance."

Exhibits No. 15 through No. 20 are affidavits introduced by counsel for Denver Welfare Rights Organization, et al., and not through a witness. Exhibit No. 15 is an affidavit of Paul M. Prentice, a public utilities engineer with the Department of Public Utilities for the Commonwealth of Massachusetts. Attached to said affidavit dated May 24, 1973, is a document purporting to be regulations of the Massachusetts Department of Public Utilities on billing and termination procedures of residential customers of gas and electric companies issued on December 14, 1970.

Exhibit No. 16 is an affidavit of James F. Hattell dated May 29, 1973.

Exhibit No. 17 is an affidavit of Beatrice Sanchez dated May 24, 1973.

Exhibit No. 18 is an affidavit of Larry Smith dated May 25, 1973.

Exhibit No. 19 is an affidavit of Henry Nelson dated May 29, 1973.

Exhibit No. 20 is an affidavit of Carolyn Walker dated May 17, 1973.

Exhibits No. 1 through No. 20 were admitted into evidence.

At the conclusion of the hearing it was announced from the bench that the parties would be permitted, on an optional basis, to file statements of position on or before June 11, 1973.

A Statement of Position was filed by the Staff of the Commission.

In the foregoing designation of intervenors in each respective case, those who filed objections or comments before the hearing, but who did not file a statement of position subsequent to the hearing, are designated by a "(1)". Those who filed objections or comments before the hearing and also a statement of position subsequent to the hearing are designated by a "(2)".

Public letters were received by the Commission from the following in Case No. 5323:

5/22/73 - J E D Enterprises, Inc.;
5/22/73 - Pine Drive Telephone Company;
5/22/73 - Simla Telephone Exchange;
5/24/73 - Eagle Valley Telephone Company.

DISCUSSION

The changes in the rules as proposed are designed to accomplish three objectives. First of all, certain rules are clarified and simplified and no substantive change in their import is intended. A second purpose of the proposed rules is to change the present policy with respect to customer deposits which allows a good deal of management discretion, and requires instead, that the utilities act in a non-discriminatory manner with respect to obtaining, or not obtaining, deposits. A third purpose of the rules is to require more complete information for the benefit of a utility consumer concerning his billing, and his rights in the event discontinuance of service is intended by the utility.

Electric Rule 10(a) is a clarification and simplification which does not involve any substantive change in its implementation.

Electric Rule 10(b) has been reworded, but no substantive change is involved. However, we believe that in order to make certain that a customer has a right to obtain a meter reading either at the time the meter is read, or thereafter, the first clause of the first sentence should be changed from the proposed rule to read "At such time a utility customer's meter is read or thereafter...".

Finally, there should be no difficulty in a utility placing the information required by Rule 10(c) on a metered customer's billing. Beginning and ending readings will be helpful in fully apprising the customer of the amount of service utilized and should also lessen the possibility of disputes with respect thereto.

Electric Rule 10(c) requires that a customer's bill indicate the rate or rate code identification. It is true that tariffs are available for a customer's inspection and a sophisticated person could determine the rate that he is paying. However, the practical burden of a customer taking the time and trouble to inspect a tariff is considerably greater than the slight and innocuous burden of a utility indicating the rate or rate code identification on its bill to the customer. Since there can be no dispute that the customer is entitled to know the rate, the only question is what is the fairest way for this to be accomplished, and it is our judgment that the requirement of Electric Rule 10(c) does this in a way which is both fair to the customer and to the utility.

If a bill is estimated, it should so state and Electric Rule 10(c) requires that this be done.

Electric Rule 10(c) also requires that the last date payable after which the bill becomes past due be stated on the bill. Cycle billing has become a modern commercial practice and many business firms specify the date when bills are due and payable. If customers do know when their bills are due, the customer is less likely to be delinquent in payment, thus the requirement of a last

date payable after which the bill becomes past due should be helpful both to the utility and to the customer. If a utility customer is aware of what he is paying for, and when he should pay, it can be anticipated possible friction between the customer and the utility can be significantly decreased and hopefully eliminated entirely.

Electric Rule 10(e) is designed to give an opportunity to a utility customer to pay off in installments an amount applicable to past billing periods due to meter error or billing error upon the part of the utility. If a customer is undercharged because of the error of the utility, it is necessary, of course, for the undercharged customer to make up the undercharges in order to avoid discriminatory treatment favorable to him vis-a-vis other customers who were charged properly. However, as a practical matter, it is often difficult for a utility customer to make up past undercharges all at one time. A reasonable way to make up the undercharges is to permit the customer to pay the accumulated undercharges by installment payments over a period of time equal in length to the period during which the errors were accumulated. Since the errors are those of the utility, the customer should not have to pay interest on the undercharges; otherwise the innocent customer would be in danger of being penalized for something not of his own doing.

Electric Rule 11(a), as it exists before this order, is abolished inasmuch as meter rentals are no longer used. The new Electric Rule 11(a) incorporates what is now Electric Rule 11(b) and provides that a utility may require, at any time, from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills, but only in accordance with Rule 11. Rule 11(a) clarifies that the deposit which may be collected pursuant to Rule 11, may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities as provided for in the extension policy as stated in the utility's tariffs. Thus, Rule 11(a) now makes it explicitly clear that the utility may collect these extra funds in addition to obtaining the deposit.

Electric Rule 11(b) states that customers who previously received service from a utility are required to make a new or additional deposit only if previous payment record indicates recent or substantial delinquencies. With respect to customers who have not previously been served by the utility, Electric Rule 11(b) requires that they shall be treated uniformly within each rate classification so that either all or none of the new customers within such classification will be required to make a deposit. Some utilities alleged that Rule 11(b) would make it impossible or impractical to collect a deposit from any customer, whereas other utilities alleged that the rule would make it necessary to collect a deposit from everybody. It was stated by some that Rule 11(b) invalidated the province of management judgment and discretion. The evidence clearly indicated that, at least with some utilities, there is a variation in how much of a deposit is obtained and how long it is retained by the utility as between customers. These variations could not be explained on any objective criteria and apparently were due to subtle distinctions and variations of a subjective nature.

At the present time we are of the opinion that whether or not a utility elects to obtain deposits from its customers is properly one of management business judgment. However, it is clear that once that judgment has been made, it should be applied uniformly with respect to all of the utility's customers within each rate classification. This, of course, merely implements the long established regulatory policy of non-discriminatory treatment.

It should be pointed out that Rule 11(b) does not prohibit the obtaining of a deposit from a customer whose payment record includes recent or substantial delinquencies. We believe this part of Rule 11(b) is flexible enough as a common sense rule to enable a utility to obtain a deposit when a customer's payment record has not been kept current. We believe this is a better approach than to try to anticipate in rule form every circumstance or combination of circumstances which would justify the obtaining of a deposit because of a poor payment record, or delineating specific time period or dollar amounts. For example, a \$100 delinquency might be "substantial" for a small residential customer, but not for a large industrial customer.

Electric Rule 11(e) is a mere clarification of the present rule and provides that no utility shall refuse to return a deposit or any balance to which a customer may be entitled solely upon the basis that the customer is unable to surrender his certificate of deposit.

Electric Rule 11(g) makes clear that a deposit shall not be applied by a utility to any indebtedness of the customer to the utility except to a bill for utility service due or past due after service is terminated. When a deposit is applied as partial or full payment against a non-utility service or commodity provided by the utility, or when a deposit is applied against monies owing for utility service while the customer is still receiving service, there is a seed for much confusion in the customer's account. By restricting the use of the deposit to indebtedness for utility services only after the service is terminated, this confusion can be eliminated.

Electric Rule 11(h) provides that only a cash deposit or third-party guarantee of payment shall be used as security as payment of utility services. This narrows the area of management discretion with respect to the type of security which may be obtained for payment of utility service. However, this will eliminate the possibility that a utility may discriminate among customers as to the nature and quality of the security required; and, of course, is in consequence with the philosophy adopted by this Commission that actual or potential discrimination, whether overt or subtle, must not be practiced by utilities subject to the jurisdiction of this Commission.

Electric Rule 13(a), as adopted, expands the notice requirement for proposed discontinuance of service from five days to seven days. It is possible, with today's level of mail service, for a customer to receive actual notice of discontinuance only twenty-four hours in advance, which period of time does not give a customer enough time to attempt to work out an arrangement with the utility prior to a service cutoff. Although the Staff proposed continuation of a five-day rule, but not to include Saturdays, Sundays, or holidays, we believe an extension of the notice requirement to an absolute seven days will make it easier to determine the actual day of the possible service cutoff.

We have added a sentence to Rule 13(b) to provide that service shall not be discontinued or refused for failure to pay any indebtedness except as incurred for utility service rendered by the utility in the State of Colorado. Of course, this does not eliminate the possibility that if a customer who has been served by the utility in another state, is delinquent that utility may require a deposit from that customer in Colorado. However, with respect to service, there is no plausible reason why events which have taken place outside Colorado should have any bearing on whether or not a person can receive, or continue to receive, an essential utility service within the State of Colorado.

Electric Rule 13(c), as finally adopted by the decision herein, clarifies the original Staff proposal which was to provide a mechanism whereby the notice of discontinuance sent by a utility to a customer would contain such information as would enable the customer to know how to contact the utility and also this Commission. The rule is no more or less than a notice rule. By no stretch of the imagination does this rule state or intimate that the Commission will adjudicate either the utility's monetary claims against the customer, or, conversely, a customer's monetary claims against a utility. We do not agree with the contention that providing information in the notice of discontinuance that the customer has the right to make an informal complaint to the Commission Staff or the right to request a hearing before the Commission will engender an increase in customer disputes and invite litigation. On the contrary, adequate information on how to contact the utility or the Commission is more likely to do precisely the opposite, namely, reduce ill-will and the thought that perhaps the utility is trying to keep the customer less than fully informed.

Often a utility customer does not know where to turn when he has a legitimate disagreement with a utility. Obviously, it is more satisfactory for a utility customer to negotiate his differences with a utility directly rather than through intermediaries. This, of course, is impossible unless the utility customer knows with whom to communicate in the utility.

Rule 13(c) does not create a new right in a utility customer to come before this Commission with an inquiry or a complaint. He has that right now. However, as aptly and succinctly observed by Federal District Judge Harold R. Tyler, in the case of Bronson vs. Consolidated Edison Company of New York, 350 F. Supp. 443, 450 (1972), "The most carefully and fairly arranged machinery for dispute resolution is of little value to those who do not know of its existence."

Electric Rule 13(d) provides that in the event a customer requests a hearing on the proposed termination of service by a utility, the Commission shall set the matter for hearing at the earliest practicable time, which hearing shall be conducted in accordance with the Rules of Practice and Procedure of the Commission. Rule 13(d) also provides that upon motion of the utility, the Commission may order the applicant for a hearing to post an additional deposit with the utility in such amount as the Commission deems reasonable under the circumstances.

Although some of the intervenors alleged that the additional deposit option violates the constitutional rights of a consumer, we believe the requirement for an additional deposit properly is analogous to the posting of bond in those cases wherein the court grants a temporary restraining order or a temporary injunction upon proper showing, and, accordingly, is not constitutionally infirm.

We believe this is a fair provision to protect the utility from losses in those circumstances wherein a customer may use the request for a hearing as a ruse to delay or avoid payment on just charges while still receiving service.

Rule 13(e) as adopted provides that service should not be discontinued for the non-payment of a utility bill more than 30 days overdue as long as all current bills are paid when due and all past due amounts are being amortized by reasonable installment payments. The rule as adopted also provides that the words "current bill" mean that portion of the bill which is

not 30 days past due. The clear purpose of Rule 13(e) is to encourage responsibility in payment practices on the part of the customer and responsible collection procedures on the part of the utility. The rule does not prohibit a utility from "carrying" a customer. It merely provides that in the event the utility chooses to do so, it cannot abruptly change its mind and demand full payment of a customer's past due obligations in a single instant. Though some concern was raised about the so-called "bad check" customer, we do not believe the problem is as serious as it was made out. First of all, it should be recognized that a so-called payment by a bad check is not payment at all, and can be treated as non-payment by a utility. In any event, inasmuch as the usual practice is that a utility bill is due on the 50th day, and will not be past due until the 80th day, the utility has 30 days in which to run the check through for payment and to determine whether the payment was good.

We believe that the foregoing comments which we have made with respect to the proposed electric rules are equally applicable to the gas, water and telephone rules which have the same basic wording.

This Commission does not believe it should intrude into the area of management which properly belongs to those hired by the stockholders of a utility enterprise for that purpose. However, it has become increasingly clear that utility action, to some extent, is state action, as is illustrated by the case of Hattell vs. Public Service Company of Colorado, 350 F. Supp. 240 (1977). To date no Colorado case, or federal case interpreting the Federal Constitution and Colorado law, has spelled out the detailed requirements that must be followed with respect to deposits, discontinuances, and hearings. We should hope that it will not be necessary for any court to so do.

We believe the rules which we herein adopt are reasonable in protecting the legitimate interests of both the utilities and the consumers and will go a long way toward resolving legitimate disputes between utilities and consumers and if not resolving them, at least providing a procedure whereby disputes can be resolved without resorting to extended litigation in federal and state courts.

CONCLUSIONS

After careful consideration of the rules proposed by the Staff of the Commission (which are set forth in the left-hand column of Appendices 1 through 4 attached hereto) and all suggestions, comments, discussions, statements of position, and consideration of the record herein, the Commission concludes pursuant to CRS 115-2-9, as amended, that it should adopt the proposed revisions as set forth in the respective appendices in Exhibits 1, 2, 3 and 4, except that certain modifications therein should be made. These modifications are as follows:

(1) Electric Rule 10(b) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN KILOWATT HOURS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

(2) Electric Rule 10(e) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

(3) Electric Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

"No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or short circuit on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative."

(4) Electric Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER."

(5) Electric Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

(6) Gas Rule 10(b) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN CUBIC FEET OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING."

(7) Gas Rule 10(d) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST."

(8) Gas Rule 11(h) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT."

(9) Gas Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative."

(10) Gas Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN IN-

FORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER."

(11) Gas Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

(12) Water Rule 10(b) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN GALLONS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING."

(13) Water Rule 10(d) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST."

(14) Water Rule 11(h) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT."

(15) Water Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative."

(16) Water Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE

THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER."

(17) Water Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

(18) Telephone Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82696 (and also set forth in Appendix 4 attached hereto) should be changed to read:

"No telephone utility shall discontinue service to any subscriber for the non-payment of any sum for exchange, toll or other service except upon written notice of at least SEVEN days, advising the subscriber of the amount due and the date by which the same shall be paid. In the event the subscriber fails to pay, or make arrangement for payment by said date, the telephone utility may suspend the service or discontinue the service without suspension or, following suspension of service, sever the connection and remove any of its equipment from the subscriber's premises. Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or the telephone utility's rules, or the requirements of municipal ordinances, or law pertaining to telephone service."

(19) Telephone Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82696 (and also set forth in Appendix 4 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE SUBSCRIBER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR

WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE SUBSCRIBER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE SUBSCRIBER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE SUBSCRIBER."

(20) Telephone Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82696 (and also set forth in Appendix 4 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

Although it is not required, the opinion of the Attorney General of the State of Colorado should be sought as to the constitutionality and legality of the revisions of the above rules, and a copy of the above rules, as revised, should be kept on file in the office of the Secretary of State; and, the following Order should be entered

O R D E R

THE COMMISSION ORDERS THAT:

1. Rules 10, 11 and 13 of the Rules Governing Electric Utilities shall be revised to read as indicated in Appendix 1 to this Order, as incorporated herein.
2. Rules 10, 11 and 13 of the Rules Governing Gas Utilities shall be revised to read as indicated in Appendix 2 of this Order, as incorporated herein.
3. Rules 10, 11 and 13 of the Rules Governing Water Utilities shall be revised to read as indicated in Appendix 3 to this Order, as incorporated herein.

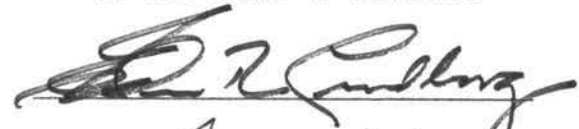
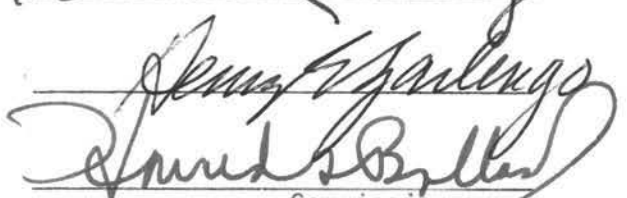
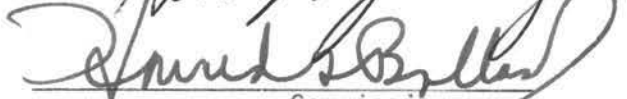
4. Rules 11 and 13 of the Rules Governing Telephone Utilities shall be revised to read as indicated in Appendix 4 to this Order, as incorporated herein.

5. The Commission will concurrently with this Order seek the opinion of the Attorney General of the State of Colorado regarding the constitutionality and the legality of the revised rules adopted herein. Duplicate copies of the opinion of the Attorney General and a copy of the revised rules set forth in Appendices 1 through 4, attached hereto, will be placed on file with the Secretary of State.

6. This Order shall be effective forthwith

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 10

P R O P O S E D

Meter Readings and Bill Forms.--(a) Each service meter shall indicate clearly the kilowatt hours ~~or other units of service for which charge is made to the customer.~~ In cases where the dial reading of a meter must be multiplied by a factor, factors or a constant to obtain the units consumed, the proper factor, factors or constant to be applied shall be clearly marked on the face or dial of the meter AND UNITS OF DEMAND WHERE APPLICABLE FOR WHICH SERVICE THE CHARGE IS MADE TO THE CUSTOMER. IN CASES WHERE THE REGISTER AND/OR CHART READING MUST BE MULTIPLIED BY A CONSTANT OR FACTOR TO OBTAIN THE UNITS CONSUMED, THE FACTOR, FACTORS OR CONSTANT SHALL BE CLEARLY MARKED ON THE REGISTER OR FACE OF THE METER.

(b)--Each utility shall, upon written request of any customer, cause the meter reader reading the meter installed upon the premises of such customer, to leave upon such meter the first time such customer's meter is read after receipt of such request a card or slip showing the date and time such reading was taken, and either the total usage expressed in kilowatt hours, or other unit of service recorded by the meter read, or showing the position of the hands upon the dial of such meter at the time the reading was taken.

(B) WHEN A UTILITY'S CUSTOMER METER IS READ, THE CUSTOMER MAY REQUEST THE UTILITY TO PROVIDE SUCH CUSTOMER WITH A CARD OR SLIP INDICATING THE DATE THE CUSTOMER METER WAS READ, EITHER THE TOTAL USAGE EXPRESSED IN KILOWATT HOURS, OR OTHER UNIT OF SERVICE RECORDED BY THE METER READ, OR SHOWING THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME THE READING WAS TAKEN.

A D O P T E D

Electric Rule 10 (a) - adopted as proposed.

Electric Rule 10 (b):

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN KILOWATT HOURS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 10

P R O P O S E D

~~(c)--All-bills-rendered-periodically-to-customers-for-metered service-furnished-shall-show,-in-addition-to-the-net-amount-due,-the date-on-which-the-current-reading-was-taken,-and-meter-readings-at-the beginning-and-end-of-the-period-for-which-the-bill-is-rendered.~~

(C) ALL BILLS RENDERED TO CUSTOMERS FOR METERED SERVICE FURNISHED SHALL SHOW:

- (1) NET AMOUNT DUE;
- (2) DATES AND METER READINGS BEGINNING AND ENDING THE PERIOD DURING WHICH SERVICE WAS RENDERED;
- (3) A DISTINCT MARKING TO IDENTIFY AN ESTIMATED BILL;
- (4) AN APPROPRIATE RATE OR RATE CODE IDENTIFICATION;
- (5) LAST DATE PAYABLE AFTER WHICH THE BILL BECOMES PAST DUE; AND
- (6) ALL OTHER ESSENTIAL FACTS UPON WHICH THE BILL IS BASED, INCLUDING FACTORS AND/OR CONSTANTS WHERE PRACTICAL AS IN (a) ABOVE.

(d) Where a utility has the customer read the meter and submit the data to the utility, the tariff of the utility shall clearly state what areas provide for customer meter reading and what areas are to be read by the utility. The tariff shall also state whether all meters in a particular area are to be read by the customer or if special conditions apply to certain classes of service, such as residential, commercial, industrial or seasonal. The tariff shall also specify in detail the procedure to be followed for customer meter reading.

A D O P T E D

Electric Rule 10 (c) - adopted as proposed.

Electric Rule 10 (d) - no change.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 10

P R O P O S E D

(E) ANY CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO MAKE INSTALLMENT PAYMENTS IN THE EVENT A CURRENT BILL INCLUDES AMOUNTS APPLICABLE TO PAST BILLING PERIODS SOLELY DUE TO EVENTS UNDER THE CONTROL OF THE UTILITY SUCH AS METER ERROR, BILLING ERRORS, OR, IN CASES WHERE METERS ARE READ BY THE UTILITY, FAILURE TO READ THE METER CORRECTLY, OR AT ALL, PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY IN SITUATIONS WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

A D O P T E D

Electric Rule 10 (e):

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 11

P R O P O S E D

~~Meter-Rentals, and Customer Deposits. --(a)--No meter rental, as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered.~~

(b) (A) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, ~~except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility.~~ THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. Simple interest shall be paid by the utility upon such deposits at the rate of seven per cent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash, or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months.

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

A D O P T E D

Electric Rule 11 (a) - adopted as proposed.

Electric Rule 11 (b) - adopted as proposed.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 11

P R O P O S E D

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

- (1) The name of each customer making a deposit;
- (2) The premises occupied by the customer when making the deposit and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

~~(e) -- Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.~~

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A CUSTOMER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE CUSTOMER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

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

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY CUSTOMER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE CUSTOMER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

A D O P T E D

Electric Rule 11 (c) - no change.

Electric Rule 11 (d) - no change.

Electric Rule 11 (e) - adopted as proposed.

Electric Rule 11 (f) - no change.

Electric Rule 11 (g) - adopted as proposed.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 11

P R O P O S E D

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

A D O P T E D

Electric Rule 11 (h) - adopted as proposed.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 13

P R O P O S E D

Discontinuance of Service.--(a) No utility shall discontinue the service of any customer for violation of any rule of such utility OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or short circuit on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

(b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer; provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

A D O P T E D

Electric Rule 13 (a):

No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or short circuit on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

Electric Rule 13 (b) - adopted as proposed.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 13

P R O P O S E D

(C) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE CUSTOMER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON:

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

A D O P T E D

Electric Rule 13 (c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 13

P R O P O S E D

(D) IN THE EVENT A CUSTOMER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES.

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Electric Rule 13 (d) - adopted as proposed.

Electric Rule 13 (e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 10

P R O P O S E D

Meter Readings and Bill Forms.--(a) Each service meter shall indicate clearly the cubic feet or other units of service for which charge is made to the customer. In cases where the dial reading of a meter (other than an orifice or other chart-type gas meter) must be multiplied by a factor, factors or a constant to obtain the units consumed, the proper factor, factors or constant to be applied shall be clearly marked on the face or dial of the meter, if practical. The factor, factors or constant shall be clearly marked on the customer's bill, if practical.

~~(b)--Each utility shall, upon written request of any customer, cause the meter reader reading the meter installed upon the premises of such customers, to leave upon such meter the first time such customer's meter is read after receipt of such request a card or slip showing the date and time such reading was taken, and either the total reading expressed in cubic feet or other unit of service recorded by the meter read, or showing the position of the hands upon the dial of such meter at the time the reading was taken.~~

(B) WHEN A UTILITY'S CUSTOMER METER IS READ, THE CUSTOMER MAY REQUEST THE UTILITY TO PROVIDE SUCH CUSTOMER WITH A CARD OR SLIP INDICATING THE DATE THE CUSTOMER METER WAS READ, EITHER THE TOTAL USAGE EXPRESSED IN CUBIC FEET OR OTHER UNIT OF SERVICE RECORDED BY THE METER READ, OR SHOWING THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME THE READING WAS TAKEN.

A D O P T E D

Gas Rule 10 (a) - no change.

Gas Rule 10 (b):

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN CUBIC FEET OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 10

P R O P O S E D

A D O P T E D

~~{c}--All bills rendered periodically to customers for metered service furnished shall show, in addition to the net amount due, the date on which the current reading was taken, the meter readings at the beginning and end of the period for which the bill is rendered, when requested by the customer or deemed necessary by the utility, and all other essential facts upon which the bill is based, including factors and/or constants, if practical, as in (a) above.~~

(C) ALL BILLS RENDERED TO CUSTOMERS FOR METERED SERVICE
FURNISHED SHALL SHOW:

Gas Rule 10 (c) - adopted as proposed.

- (1) NET AMOUNT DUE;
- (2) DATES AND METER READINGS BEGINNING AND ENDING THE PERIOD DURING WHICH SERVICE WAS RENDERED;
- (3) A DISTINCT MARKING TO IDENTIFY AN ESTIMATED BILL;
- (4) AN APPROPRIATE RATE OR RATE CODE IDENTIFICATION;
- (5) LAST DATE PAYABLE AFTER WHICH THE BILL BECOMES PAST DUE;
AND
- (6) ALL OTHER ESSENTIAL FACTS UPON WHICH THE BILL IS BASED,
INCLUDING FACTORS AND/OR CONSTANTS WHERE PRACTICAL AS IN (a)
ABOVE.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 10

P R O P O S E D

(D) ANY CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO MAKE INSTALLMENT PAYMENTS IN THE EVENT A CURRENT BILL INCLUDES AMOUNTS APPLICABLE TO PAST BILLING PERIODS SOLELY DUE TO EVENTS UNDER THE CONTROL OF THE UTILITY SUCH AS METER ERROR, BILLING ERRORS, OR, IN CASES WHERE METERS ARE READ BY THE UTILITY, FAILURE TO READ THE METER CORRECTLY, OR AT ALL, PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY IN SITUATIONS WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

A D O P T E D

Gas Rule 10 (d):

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 11

P R O P O S E D

~~Meter-Rentals, and Customer Deposits. --(a)--No meter rental, as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered.~~

-37- (b) (A) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, ~~except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility.~~ THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. Simple interest shall be paid by the utility upon such deposits at the rate of seven percent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months.

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

A D O P T E D

Gas Rule 11 (a) - adopted as proposed.

Gas Rule 11 (b) - adopted as proposed.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 11

P R O P O S E D

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

- (1) The name of each customer making a deposit;
- (2) The premises occupied by the customer when making the deposit and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

~~(e) -- Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.~~

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A CUSTOMER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE CUSTOMER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

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

A D O P T E D

Gas Rule 11 (c) - no change.

Gas Rule 11 (d) - no change.

Gas Rule 11 (e) - adopted as proposed.

Gas Rule 11 (f) - no change.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 11

P R O P O S E D

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY CUSTOMER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE CUSTOMER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT, SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

A D O P T E D

Gas Rule 11 (g) - adopted as proposed.

Gas Rule 11 (h):

NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 13

P R O P O S E D

Discontinuance of Service.--(a) No utility shall discontinue the service of any customer for violation of any rule of such utility OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

(b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer; provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

A D O P T E D

Gas Rule 13 (a):

No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

Gas Rule 13 (b) - adopted as proposed.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 13

P R O P O S E D

(C) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE CUSTOMER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON;

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND THE STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

(D) IN THE EVENT A CUSTOMER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES.

A D O P T E D

Gas Rule 13 (c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

Gas Rule 13 (d) - Adopted as proposed.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 13

P R O P O S E D

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Gas Rule 13 (e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 10

P R O P O S E D

Meter Readings and Bill Forms.--(a) Each service meter shall indicate clearly the units of service in cubic feet or gallons for which charge is made to the customer. In cases where the dial REGISTER reading of a meter must be multiplied by a constant to obtain the units consumed, the proper constant to be applied shall be clearly marked on the face on dial REGISTER of the meter.

~~(b)-Each-utility-shall, upon-written-request-of-any-customer, cause-the-meter-reader-reading-the-meter-installed-upon-the-premises-of such-customer, to-leave-upon-such-meter-a-card-or-slip-showing-the-date and-time-such-reading-was-taken-and-either-the-total-reading-expressed in-the-units-of-service, cubic-feet-or-gallons, recorded-by-the-meter read, or-showing-the-position-of-the-hands-upon-the-dial-of-such-meter at-the-time-the-reading-was-taken.~~

(B) WHEN A UTILITY'S CUSTOMER METER IS READ, THE CUSTOMER MAY REQUEST THE UTILITY TO PROVIDE SUCH CUSTOMER WITH A CARD OR SLIP INDICATING THE DATE THE CUSTOMER METER WAS READ, THE TOTAL USAGE EXPRESSED IN UNITS OF SERVICE, CUBIC FEET OR GALLONS, RECORDED BY THE METER READ, OR SHOWING THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME THE READING WAS TAKEN.

A D O P T E D

Water Rule 10(a) - adopted as proposed.

Water Rule 10(b):

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN GALLONS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 10

P R O P O S E D

~~(c)--All bills rendered periodically to customers for metered service furnished shall show, in addition to the net amount due, the dates on which the readings were taken, the meter readings at the beginning and end of the period for which the bill is rendered, when requested by the customer or deemed necessary by the utility, and all other essential facts upon which the bills are based.~~

(C) ALL BILLS RENDERED TO CUSTOMERS FOR METERED SERVICE FURNISHED SHALL SHOW:

- (1) NET AMOUNT DUE;
- (2) DATES AND METER READINGS BEGINNING AND ENDING THE PERIOD WHICH SERVICE WAS RENDERED;
- (3) A DISTINCT MARKING TO IDENTIFY AN ESTIMATED BILL;
- (4) AN APPROPRIATE RATE OR RATE CODE IDENTIFICATION;
- (5) LAST DATE PAYABLE AFTER WHICH THE BILL BECOMES PAST DUE;
AND
- (6) ALL OTHER ESSENTIAL FACTS UPON WHICH THE BILL IS BASED, INCLUDING FACTORS AND/OR CONSTANTS WHERE PRACTICAL AS IN (A) ABOVE.

A D O P T E D

Water Rule 10(c) - adopted as proposed.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 10

P R O P O S E D

(D) ANY CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO MAKE INSTALLMENT PAYMENTS IN THE EVENT A CURRENT BILL INCLUDES AMOUNTS APPLICABLE TO PAST BILLING PERIODS SOLELY DUE TO EVENTS UNDER THE CONTROL OF THE UTILITY SUCH AS METER ERROR, BILLING ERRORS, OR, IN CASES WHERE METERS ARE READ BY THE UTILITY, FAILURE TO READ THE METER CORRECTLY, OR AT ALL, PROVIDED, HOWEVER, THAT THIS POSITION SHALL NOT APPLY IN SITUATIONS WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

A D O P T E D

Water Rule 10(d):

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 11

P R O P O S E D

~~Meter-Rentals, and Customers' Deposits, -- (a) -- No meter rental as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered; provided, however, that in cases where service meters are used as sub-meters to a main meter, a rental charge for such sub-meter may be established with the approval of this Commission. -- The utility shall keep such sub-meters in good operating condition, but will not be required to keep a record of the monthly readings of these meters. Sub-metering for resale by a customer, other than another utility or a cooperative, is prohibited.~~

(b) (A) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or, in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, ~~except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility.~~ THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. SIMPLE interest shall be paid by the utility upon such deposits at the rate of seven percent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months.

A D O P T E D

Water Rule 11(a) - adopted as proposed.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 11

P R O P O S E D

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

- (1) The name of each customer making a deposit;
- (2) The premises occupied by the customer when making the deposit, and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

~~{e}--Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not, upon reasonable proof, be deprived of his deposit or balance.~~

A D O P T E D

Water Rule 11(b) - adopted as proposed.

Water Rule 11(c) - no change.

Water Rule 11(d) - no change.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 11

P R O P O S E D

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A CUSTOMER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE CUSTOMER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

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

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY CUSTOMER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE CUSTOMER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT, SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

A D O P T E D

Water Rule 11(e) - adopted as proposed.

Water Rule 11(f) - no change.

Water Rule 11(g) - adopted as proposed.

Water Rule 11(h):

NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 13

P R O P O S E D

Discontinuance of Service.--(a) No utility shall discontinue the service of any customer for violation of any rule of such utility OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

-49- (b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer, provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

(c) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE CUSTOMER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

A D O P T E D

Water Rule 13(a):

No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

Water Rule 13(b) - adopted as proposed.

Water Rule 13(c): (see page following)

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 13

P R O P O S E D

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON;

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND THE STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

(D) IN THE EVENT A CUSTOMER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES.

A D O P T E D

Water Rule 13(c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

Water Rule 13(d) - adopted as proposed.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 13

P R O P O S E D

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Water Rule 13(e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 11

P R O P O S E D

Subscriber Deposit.--(a) Any utility may require at any time from any subscriber or prospective subscriber, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such subscriber, or in the case of a subscriber whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such subscriber, ~~except in the event an extension of lines and facilities is required to furnish such prospective subscriber with service, the deposit may be the amount of the estimated bill for a longer period, if so specified in the provisions of the extension policy.~~ THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. An estimated charge for toll calls may also be included in the total amount of deposit required. Simple interest shall be paid by the utility upon such deposits at the rate of seven percent per annum, payable upon the return of the deposit, or annually upon request of the subscriber, for the time such deposit was held by the utility and the subscriber was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash, or by a credit to the subscriber's account. In computing interest, no consideration need be given to fractional parts of months.

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

A D O P T E D

Telephone Rule 11(a) - adopted as proposed.

Telephone Rule 11(b) - adopted as proposed.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 11

P R O P O S E D

(C) Each utility having on hand such deposits from subscribers, or hereafter receiving such deposits from subscribers, shall keep records to show:

- (1) The name of each subscriber making a deposit;
- (2) The premises occupied by the subscriber when making the deposit and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(D) Each utility shall issue to every subscriber from whom such deposit is received a certificate of deposit.

~~(d)--Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.~~

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A SUBSCRIBER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE SUBSCRIBER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

A D O P T E D

Telephone Rule 11(c) - no change.

Telephone Rule 11(d) - no change.

Telephone Rule 11(e) - adopted as proposed.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 11

P R O P O S E D

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

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY SUBSCRIBER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE SUBSCRIBER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OR PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE SUBSCRIBER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

A D O P T E D

Telephone Rule 11(f) - no change.

Telephone Rule 11(g) - adopted as proposed.

Telephone Rule 11(h) - adopted as proposed.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 13

P R O P O S E D

-55-
Discontinuance, Suspension or Refusal of Service.--(A) No telephone utility shall discontinue service to any subscriber for the non-payment of any sum for exchange, toll or other service except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the subscriber of the amount due and the date by which the same shall be paid. In the event the subscriber fails to pay, or make arrangement for payment by said date, the telephone utility may suspend the service or discontinue the service without suspension or, following suspension of service, sever the connection and remove any of its equipment from the subscriber's premises. ~~In the event there is disagreement or dispute concerning a bill for telephone service, the subscriber shall have the right to deposit a sum of money equal to the amount of the bill with the telephone utility pending settlement and thereby avoid discontinuance of service for non-payment of such disputed bill.~~ Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or the telephone utility's rules, or the requirements of municipal ordinances, or law pertaining to telephone service.

(B) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective subscriber, or failure to pay directory advertising charges, OR ANY OTHER INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO shall not constitute a sufficient cause for refusal of service to a present or prospective subscriber; PROVIDED, HOWEVER, THE UTILITY MAY DECLINE TO FURNISH SERVICE AT THE SAME PREMISES FOR THE USE OF A DELINQUENT SUBSCRIBER BY SUBTERFUGE IN ANY MANNER. SUBTERFUGE INCLUDES, BUT IT NOT RESTRICTED TO AN APPLICATION FOR SERVICE AT A GIVEN LOCATION IN THE NAME OF ANOTHER PARTY BY AN APPLICANT WHOSE ACCOUNT IS DELINQUENT AND WHO CONTINUES TO RESIDE AT THE PREMISES. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

A D O P T E D

Telephone Rule 13(a):

No telephone utility shall discontinue service to any subscriber for the non-payment of any sum for exchange, toll or other service except upon written notice of at least SEVEN days, advising the subscriber of the amount due and the date by which the same shall be paid. In the event the subscriber fails to pay, or make arrangement for payment by said date, the telephone utility may suspend the service or discontinue the service without suspension or, following suspension of service, sever the connection and remove any of its equipment from the subscriber's premises. Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or the telephone utility's rules, or the requirements of municipal ordinances, or law pertaining to telephone service.

Telephone Rule No. 13(b) - adopted as proposed.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 13

P R O P O S E D

(C) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE SUBSCRIBER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE SUBSCRIBER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON;

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE SUBSCRIBER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE SUBSCRIBER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND THE STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

A D O P T E D

Telephone Rule 13(c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE SUBSCRIBER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE SUBSCRIBER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE SUBSCRIBER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE SUBSCRIBER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE SUBSCRIBER.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 13

P R O P O S E D

(D) IN THE EVENT A SUBSCRIBER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES.

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Telephone Rule 13(d) - adopted as proposed.

Telephone Rule 13(e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

CASE NO. 5323
Appendix No. 4 to
DECISION NO. 83551
Page 6 of 6 Pages

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

(Decision No. 83552)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF MATADOR SERVICE, INC., A KANSAS)	APPLICATION NO. 26443
CORPORATION, 4111 EAST 37TH STREET)	
NORTH, WICHITA, KANSAS, FOR A)	ORDER DENYING EXCEPTIONS TO
CERTIFICATE OF PUBLIC CONVENIENCE)	RECOMMENDED DECISION NO. 83298
AND NECESSITY TO OPERATE AS A)	
COMMON CARRIER BY MOTOR VEHICLE FOR)	
HIRE.)	

- - - - -
August 21, 1973
- - - - -

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Applicant;
David E. Driggers, Esq.,
Denver, Colorado, for
Western Oil Transportation Co., Inc., and
Beasley's Hot Shot Service, Inc.,
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 6, 1973, Hearing Examiner Thomas M. McCaffrey entered his Recommended Decision No. 83298 in the above-captioned matter.

On August 16, 1973, Applicant Matador Service, Inc., by its attorney John P. Thompson, filed with the Commission Exceptions to said Recommended Decision.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Applicant Matador Service, Inc., should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 83298 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 Matador Service, Inc., be, and the same hereby are, overruled and denied.

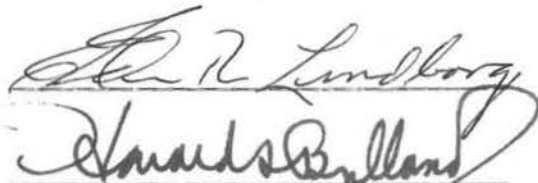
2. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 83298 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 83298 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and 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 be effective forthwith.

DONE IN OPEN MEETING the 21st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 83553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE MOON LAKE ELECTRIC ASSOCIATION,)
INC., FOR AUTHORITY TO EXECUTE AND)
DELIVER CERTAIN LOAN CONTRACTS TO)
THE RURAL ELECTRIFICATION ADMINIS-)
TRATION.)

APPLICATION NO. 26860-Securities

- - - - -
August 21, 1973
- - - - -

Appearances: R. Earl Dillman, Esq.,
Roosevelt, Utah,
for Applicant;
James D. Grundy,
Denver, Colorado, and
Craig Merrell, Denver,
Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

On July 30, 1973, Moon Lake Electric Association, Inc. (herein-
after referred to as Moon Lake or Applicant), filed with the Commission
the above-entitled application for authority (1) to execute an Amendment
to the Amending Loan Contract, dated May 25, 1973, amending the Loan Con-
tract between Moon Lake Electric Association, Inc., and The United States
of America, dated January 31, 1951; (2) to execute a Mortgage Note for
\$2,157,000 to The United States of America bearing interest at the rate
of five percent (5%) per annum and payable within thirty-five (35) years
after the date thereof; (3) to execute a Loan Agreement covering advances
of \$240,000, dated May 25, 1973, between Moon Lake Electric Association,
Inc., and the National Rural Utilities Cooperative Finance Corporation;
(4) to execute a Secured Promissory Note made by Moon Lake Electric
Association, Inc., to the National Rural Utilities Cooperative Finance
Corporation in the amount of \$240,000 bearing interest at the rate of

seven (7) percent per annum and payable within thirty-five (35) years after the date thereof; and (5) to execute a Supplemental Mortgage and Security Agreement made by and among Moon Lake Electric Association, Inc., The United States of America and the National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing after due and proper notice on August 13, 1973, at 9 a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and -- at such time and place -- was heard by Hearing Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

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

Applicant's General Manager testified in support of the application.

Exhibits A through R, inclusive, were admitted into evidence. Exhibit S, an Income Statement for the twelve months ended May 31, 1973, was subsequently filed as a late filed exhibit.

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

FINDINGS OF FACT

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

1. Applicant Moon Lake Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963. It is engaged in the business of generating, purchasing, transmitting, distributing, furnishing and selling electricity to its consumers on its lines in the counties of Rio Blanco, Moffat and Garfield, in the State of Colorado, and in Duchesne, Uintah, Wastch and Daggett Counties in the State of Utah.

The Applicant is a Utah corporation. A copy of Applicant's Articles of Incorporation, as amended, certified by the Colorado Secretary of State has heretofore been filed with this Commission and is in full force and effect.

2. The Commission has jurisdiction over the Applicant and the subject matter of this application.

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical system and for the construction, completion, extension, and improvement of its properties, for the improvement and maintenance of its service and for other lawful purposes.

4. The Board of Directors of Applicant, the Rural Electrification Administration and the National Rural Utilities Cooperative Finance Corporation, all have approved the herein two (2) loan applications totaling \$2,397,000 subject to approval by this Commission.

5. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

7. The Amendment, dated May 25, 1973, to the Amending Loan Contract between Moon Lake Electric Association, Inc., and The United States of America, dated as of January 31, 1951, as amended (Applicant's Exhibit No. B), should be authorized and approved.

8. The Mortgage Note payable to The United States of America, in the amount of \$2,157,000 (Applicant's Exhibit No. C) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes 1963, and therefore should be authorized and approved.

9. The Loan Agreement, dated May 25, 1973, between Moon Lake Electric Association, Inc., and the National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit No. E), providing for the advancement of loan funds in the amount of \$240,000, should be authorized and approved.

10. The Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$240,000 (Applicant's Exhibit No. F), is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, CRS 1963, and therefore should be authorized and approved.

11. The Supplemental Mortgage and Security Agreement made by and among Moon Lake Electric Association, Inc., The United States of America and the National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit No. D), should be authorized and approved.

12. 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 authority sought in the instant application is in the public interest and should be granted.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the execution of the Amendment, dated May 25, 1973, to the Amending Loan Contract between Moon Lake Electric Association, Inc., and The United States of America, dated January 31, 1951, as amended (Exhibit No. B), be, and the same hereby is, authorized and approved.

2. That the issuance of the Mortgage Note to The United States of America, in the amount of \$2,157,000 (Exhibit No. C), be, and the same hereby is, authorized and approved.

3. That the execution of the Loan Agreement between Moon Lake Electric Association, Inc., and the National Rural Utilities Cooperative Finance Corporation covering loan advances of \$240,000 (Exhibit No. E), be, and the same hereby is, authorized and approved.

4. That the issuance of the Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$240,000 (Exhibit No. F), be, and the same hereby is, authorized and approved.

5. That the execution of the Supplemental Mortgage and Security Agreement made by and among Moon Lake Electric Association, Inc., The United States of America and the National Rural Utilities Cooperative Finance Corporation (Exhibit No. D), be, and the same hereby is, authorized and approved.

6. That within one hundred twenty (120) days of the execution of the five (5) loan instruments authorized herein, Moon Lake Electric Association, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

7. 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.

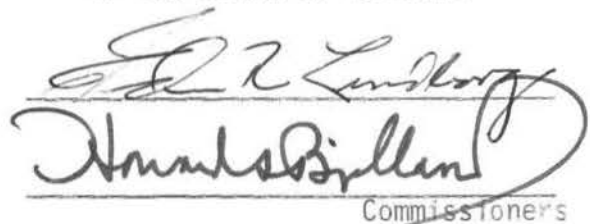
8. That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as it may deem proper or desirable.

9. That the authority granted herein should be exercised from and after the date of this Order and the Order herein contained shall be effective forthwith.

10. 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 21st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 83554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM C. KERST, DOING BUSINESS AS)
KERST TRUCKING, BOX 125, YUMA,)
COLORADO, TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-1502.)

APPLICATION NO. 26865-PP-Extension
ORDER GRANTING PETITION TO INTERVENE

August 17, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 15, 1973, Protestant Sorenson Truck Service, Inc., by its attorney William T. Secor, filed with the Commission a Petition to Intervene in the above-captioned proceeding.

The Commission states and finds that Petitioner for Intervention, Sorenson Truck Service, Inc., is a person 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

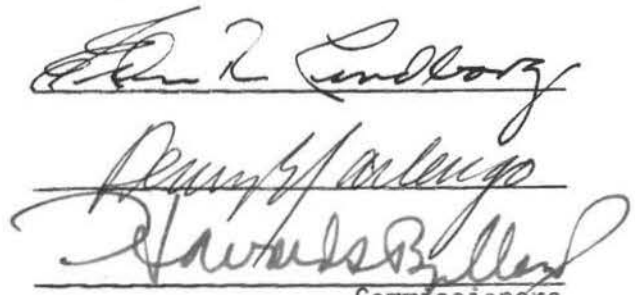
THE COMMISSION ORDERS THAT:

Sorenson Truck Service, Inc., be, and hereby is, granted leave to intervene in the within proceeding as requested in the Petition filed August 15, 1973.

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

DONE IN OPEN MEETING the 17th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 83555)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
YAMPA VALLEY ELECTRIC ASSOCIATION,)
A COLORADO CORPORATION, STEAMBOAT)
SPRINGS, COLORADO, FOR AN ORDER AU-)
THORIZING THE ISSUANCE OF SECURITIES)
AND THE APPLICATION OF THE PROCEEDS)
THEREFROM FOR CERTAIN LAWFUL PUR-)
POSES.)

APPLICATION NO. 26859-Securities

- - - - -
August 21, 1973
- - - - -

Appearances: Marvin L. Brown, Esq.,
Steamboat Springs, Colorado,
for Applicant;
James D. Grundy,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

On July 30, 1973, Yampa Valley Electric Association (herein-
after referred to as Yampa Valley or Applicant), filed with the Commission
the above-entitled application for authority (1) to execute an Amendment
to the Amending Loan Contract, dated May 18, 1973, amending the Loan
Contract between Yampa Valley and The United States of America, dated
August 20, 1954, as amended; (2) to execute a Mortgage Note for \$2,008,000
to The United States of America bearing interest at the rate of five per-
cent (5%) per annum and payable within thirty-five (35) years after the date
thereof; (3) to execute a Loan Agreement covering advances of \$502,000,
dated May 18, 1973, between Yampa Valley Electric Association and National
Rural Utilities Cooperative Finance Corporation; (4) to execute a Secured
Promissory Note made by Yampa Valley Electric Association to National Rural
Utilities Cooperative Finance Corporation in the amount of \$502,000 bearing
interest at the rate of seven percent (7%) per annum and payable within

thirty-five (35) years after the date thereof; and (5) to execute a Supplemental Mortgage and Security Agreement made by and among Yampa Valley Electric Association, The United States of America and National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing after due notice to all interested parties, firms, or corporations on August 15, 1973, at 9 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at the aforesaid time and place was heard by Hearing Examiner, Christian O. Igenbergs, to whom the matter was assigned pursuant to law. At the conclusion of the hearing, the matter was taken under advisement.

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

Applicant's counsel requested and was granted permission by the Hearing Examiner to correct the following typographical errors: to strike the figure 16 in paragraph 13, page 4 of the instant application and to insert the figure 18 in its place, and to strike the figure \$2,008.00 appearing in paragraphs 1 and 4(b) in Exhibit K and to substitute therefor the figure \$2,008,000 in paragraphs 1 and 4(b) of Exhibit K.

Applicant's General Manager testified in support of the application. Exhibits A through M, inclusive, were admitted into evidence.

FINDINGS OF FACT

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

1. Applicant, Yampa Valley Electric Association, is a public utility -- as defined in Chapter 115-1-3, CRS 1963, as amended -- and is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its members and nonmember consumers on its lines in the Counties of Routt, Moffat, Eagle, Grand and Rio Blanco, in the State of Colorado, and in the Counties of Carbon and Sweetwater, in the State of Wyoming.

That Applicant is a corporation organized under the laws of the State of Colorado, and its Articles of Incorporation and all amendments thereto, properly certified, are on file with the Commission.

2. The Commission has jurisdiction over Applicant and the subject matter of this application.

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical system; for the construction, completion, extension and improvement of its properties; for the improvement and maintenance of its service; and for other lawful purposes.

4. The Board of Directors of Applicant, the Rural Electrification Administration and the National Rural Utilities Cooperative Finance Corporation all have approved the herein two (2) loan applications totaling \$2,510,000 subject to the approval of this Commission.

5. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

7. The Amendment, dated May 18, 1973, to the Amending Loan Contract between Yampa Valley Electric Association and The United States of America, dated August 20, 1954, as amended (Exhibit A) should be authorized and approved.

8. The Mortgage Note payable to The United States of America in the amount of \$2,008,000 (Exhibit B) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, CRS 1963, and therefore should be authorized and approved.

9. The Supplemental Mortgage and Security Agreement made by and among Yampa Valley Electric Association, The United States of America and National Rural Utilities Cooperative Finance Corporation (Exhibit C) should be authorized and approved.

10. The Loan Agreement, dated May 18, 1973, between Yampa Valley Electric Association and the National Rural Utilities Cooperative Finance Corporation (Exhibit D) providing for the advancement of loan funds in the amount of \$502,000 should be authorized and approved.

11. The Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$502,000 (Exhibit E) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, CRS 1963, and therefore should be authorized and approved.

12. Since 115-1-4, CRS 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 authority sought in the instant application is in the public interest and should be granted.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS:

That the execution of the Amendment, dated May 18, 1973, to Amending Loan Contract between Yampa Valley Electric Association and The United States of America, dated August 20, 1954, as amended (Exhibit A), be, and the same hereby is, authorized and approved.

That the issuance of the Mortgage Note payable to The United States of America in the amount of \$2,008,000 (Exhibit B) be, and the same hereby is, authorized and approved.

That the execution of the Supplemental Mortgage and Security Agreement made by and among Yampa Valley Electric Association, The United States of America and National Rural Utilities Cooperative Finance Corporation (Exhibit C) be, and the same hereby is, authorized and approved.

That the execution of the Loan Agreement between Yampa Valley Electric Association and the National Rural Utilities Cooperative Finance Corporation covering loan advances of \$502,000 (Exhibit D) be, and the same hereby is, authorized and approved.

That the issuance of the Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$502,000 (Exhibit E) be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the five (5) loan instruments authorized herein, Yampa Valley Electric Association shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

That nothing herein shall be construed to imply any recommendation or guarantee of, or any obligation with regard to, said securities on the part of the State of Colorado.

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

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

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

DONE IN OPEN MEETING this 21st day of August, 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

* * *

IDA M. HAWTHORNE)	
901 River Street)	
Canon City, Colorado, and)	
HELEN G. GARDNER)	
330 Carlile Avenue)	
Pueblo, Colorado,)	
Complainants,	)	CASE NO. 5526
vs.	)	ORDER DISMISSING COMPLAINT
SOUTHERN COLORADO POWER DIVISION OF)	
CENTRAL TELEPHONE AND UTILITIES)	
CORPORATION)	
P. O. Box 82888)	
1201 N Street)	
Lincoln, Nebraska 68501,)	
Respondent.)	

August 17, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 11, 1973, Complainants Ida M. Hawthorne and Helen G. Gardner, by their attorney J. Harrison Hawthorne, filed with the Commission a complaint against Southern Colorado Power Division of Central Telephone and Utilities Corporation.

On August 15, 1973, Complainants Ida M. Hawthorne and Helen G. Gardner, by their attorney J. H. Hawthorne, filed a letter with the Commission requesting the Commission to issue an order dismissing the Complaint.

The Commission states and finds that for good cause shown the dismissal of the above-captioned matter should be granted as set forth in the following Order.

O R D E R

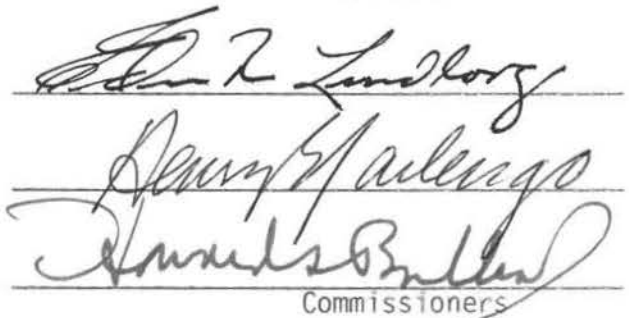
THE COMMISSION ORDERS THAT:

Case No. 5526 be, and hereby is, dismissed as requested by Complainants Ida M. Hawthorne and Helen G. Gardner in a letter filed with the Commission on August 15, 1973.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

b1

(Decision No. 83557)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF COLO-))	INVESTIGATION AND SUSPENSION
RADO PUC NO. 4 - TELEPHONE OF)	DOCKET NO. 807
HAXTUN TELEPHONE COMPANY.)	

- - - - -
August 21, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 17, 1973, Sidney B. Brooks, attorney for the Applicant herein, filed with the Commission a document denominated "Appearance and Petition". Said filing requests that Mr. David R. Parker, an attorney at law and a partner of Mr. Sidney B. Brooks in the law firm of Nelson, Harding, Marchetti, Leonard & Tate, who is admitted to practice before the Supreme Court of the State of Nebraska and other unspecified federal courts and administrative agencies, be permitted to appear for and represent the Applicant in this proceeding.

The Commission finds that good cause is shown for deviation from Rule 9 of the Commission's Rules of Practice and Procedure and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

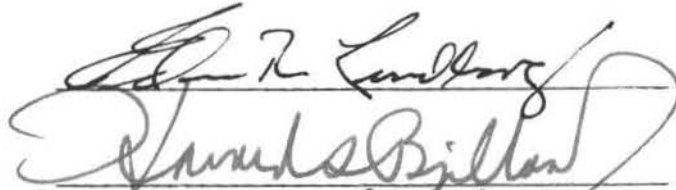
Mr. David R. Parker, attorney at law, of the law firm of Nelson, Harding, Marchetti, Leonard & Tate, be, and the same hereby is,

granted permission to represent the Applicant in the within matter.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 21st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

b1

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ADVANCED BUSINESS SERVICES, INC.,)
DOING BUSINESS AS "A ADVANCED MAIL)
DELIVERY SERVICE," 1709 EAST FIRST)
STREET, SANTA ANA, CALIFORNIA 92705,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 26858-PP

ORDER GRANTING MOTION TO
INTERVENE AND PROTEST

- - - - -
August 21, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 16, 1973, Denver-Colorado Springs-Pueblo Motorway, Inc., by its attorney John R. Barry, filed with the Commission a Motion to Intervene and Protest in the above-captioned proceeding.

The Commission states and finds that Protestant Denver-Colorado Springs-Pueblo Motorway, Inc., is a person who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS THAT:

The Motion to Intervene and Protest filed August 16, 1973, by Protestant Denver-Colorado Springs-Pueblo Motorway, Inc., be and hereby is granted.

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

DONE IN OPEN MEETING THIS 21st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 83559)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

GRAND COUNTY LAND FILL AND TRASH
REMOVAL, INC., A COLORADO CORPORATION,
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 APPLICATION
FOR REHEARING, REARGUMENT OR
RECONSIDERATION

August 21, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 17, 1973, Complainant, Grand County Land Fill and Trash Removal, Inc., by its attorney William Andrew Wilson, filed a Motion for Extension of Time for Filing Application for Rehearing, Reargument or Reconsideration of Commission Decision No. 83451 dated August 3, 1973.

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

O R D E R

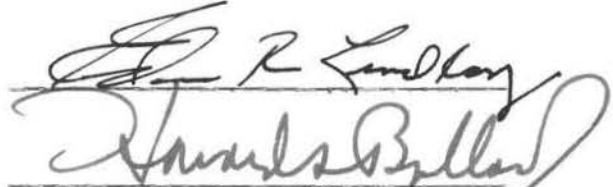
THE COMMISSION ORDERS THAT:

Complainant, Grand County Land Fill and Trash Removal, Inc., be, and hereby is, granted an extension of time within which to file Application for Rehearing, Reargument or Reconsideration of Decision No. 83451 dated August 3, 1973, to and including October 1, 1973, as requested in the pleading filed August 17, 1973.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 21st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

(Decision No. 83560)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF	)	CASE NO. 4086-H-Ins.,
ROTH TRUCK LINES, INC., P. O. BOX	)	PERMIT NO. B-472
177, JEFFERSON, COLORADO, FOR AN)	
ORDER OF THE COMMISSION RESCIND-	)	RECOMMENDED DECISION OF
ING THE REVOCATION OF PERMIT NO.	)	THOMAS M. McCaffrey,
B-472.	)	EXAMINER

August 23, 1973

Appearances: O. A. Kenelly, Esq.,
Colorado Springs, Colorado,
for Petitioner;
Dalton O. Ford, Denver,
Colorado, of the Staff of
the Commission.

PROCEDURE AND RECORD

On January 9, 1973, the Commission issued a NOTICE OF HEARING and ORDER TO SHOW CAUSE to Roth Truck Lines, Inc., Petitioner herein, for failure to properly maintain on file with the Commission Certificate of Insurance for property damage and cargo coverage and set the matter for hearing in the hearing room of the Commission, 1845 Sherman Street, Denver, Colorado, at 10 a.m. on January 22, 1973. The Petitioner herein failed to appear at the hearing, and on January 22, 1973, the Commission issued its Order revoking and canceling Petitioner's Permit No. B-472.

On February 15, 1973, Petitioner filed its Petition requesting that the Commission's revocation order of January 22, 1973, be rescinded on the basis that Petitioner did at all times have proper insurance coverage in full force and effect. After due and proper notice to all interested parties, the Commission set the Petition for hearing on Friday, July 6, 1973, at 1:30 p.m. in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, which hearing the Commission on June 27, 1973, vacated

and reset for hearing to be held on Monday, July 30, 1973, at 10 a.m. at the previously scheduled location. The hearing was held at the scheduled date, time, and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

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 thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. Petitioner is a Colorado corporation whose present officers are Frank M. Sanborn, President; R. George Silvola, Vice President; and Mattie C. Sanborn, Secretary-Treasurer, who is the sole stockholder of the corporation.

2. At the time the Commission issued the NOTICE OF HEARING and ORDER TO SHOW CAUSE on January 9, 1973, Petitioner did have in force public liability and property damage insurance under Policy No. 07-45667952, issued by Farmers Insurance Group Truck Exchange, as well as the required cargo coverage under Policy No. A.C.25107 issued by Guaranty National Insurance Company. Either the insurance agent and/or respective insurance companies failed to file the Certificates of Insurance with the Commission.

3. It is unclear in the record of this proceeding whether or not Petitioner, its officers or agents, actually received the NOTICE OF HEARING and ORDER TO SHOW CAUSE issued on January 9, 1973. The testimony strongly indicates, however, that the Notice and Order to Show Cause was delivered to Petitioner's address but was not, because of domestic relations problems, ever placed in the hands of any person responsible for taking the necessary action in compliance with the Order. Thus, while Petitioner may have had constructive notice of the Notice and Order, no officer or agent of the Petitioner corporation had actual knowledge, and no action was taken until the Secretary-Treasurer of the corporation received the Supplemental Order issued January 22, 1973, revoking and canceling Petitioner's Permit No. B-472.

4. Petitioner, in failing to file the required Certificates of Insurance, was in violation of the Rules and Regulations of this Commission. Such violation, however, was due to Petitioner's excusable neglect in relying upon the insurance agent and/or company to make such filing. Further, Petitioner, its officers and agents, while having constructive notice of the Commission's NOTICE OF HEARING and ORDER TO SHOW CAUSE issued January 9, 1973, did not have actual notice, and thus failed to make certain that the Certificates of Insurance were properly filed with this Commission. Petitioner's actions, while obviously careless, were not intentional acts justifying permanent revocation of its Permit. It is thus found as fact that Petitioner's Permit No. B-472 should be reinstated, declared in full force and effect, and in good standing with this Commission as of the effective date of the Order hereinafter set forth.

5. Petitioner should initiate administrative procedures to ensure that all required filings are in the future timely made with this Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Petition filed by Roth Truck Lines, Inc., 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. Permit No. B-472, which authority was revoked and canceled by this Commission's Supplemental Order dated January 22, 1973, be, and hereby is, reinstated, declared in full force and effect, and in good standing with this Commission as of the effective date of this Order.
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. 83561)

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) APPLICATION NO.
AUTHORITY TO TRANSFER PUC NO. 2097 TO UNITED) 26476-Transfer
STATES DISPOSAL SYSTEMS, INC., A COLORADO)
CORPORATION, 2519 WEST 11TH AVENUE, DENVER,)
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) APPLICATION NO.
AUTHORITY TO TRANSFER PUC NO. 2495 TO UNITED) 26477-Transfer
STATES DISPOSAL SYSTEMS, INC., A COLORADO)
CORPORATION, 2519 WEST 11TH AVENUE, DENVER,)
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) APPLICATION NO.
AUTHORITY TO TRANSFER PUC NO. 3270 TO UNITED) 26478-Transfer
STATES DISPOSAL SYSTEMS, INC., A COLORADO)
CORPORATION, 2519 WEST 11TH AVENUE, DENVER,)
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) APPLICATION NO.
AUTHORITY TO TRANSFER PERMIT NO. B-5809 TO) 26479-PP-Transfer
UNITED STATES DISPOSAL SYSTEMS, INC., A)
COLORADO CORPORATION, 2519 WEST 11TH AVENUE,)
DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF LAKEWOOD)
DISPOSAL CO., A CORPORATION, 1125 DEPEW COURT,) APPLICATION NO. 26480-
LAKEWOOD, COLORADO, FOR AUTHORITY TO TRANSFER) Transfer-Amended
PUC NO. 1669 TO UNITED STATES DISPOSAL SYSTEMS,)
INC., 2519 WEST 11TH AVENUE, DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF GOLDEN)
ASH & TRASH SERVICE CO., INC., 15965 SOUTH)
GOLDEN ROAD, GOLDEN, COLORADO, FOR AUTHORITY) APPLICATION NO. 26490-
TO TRANSFER PUC NO. 2078 TO UNITED STATES) Transfer-Amended
DISPOSAL SYSTEMS, INC., 2519 WEST 11TH AVENUE,)
DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF GOLDEN)
ASH & TRASH SERVICE CO., A COLORADO CORP-)
ORATION, 15965 SOUTH GOLDEN ROAD, GOLDEN,) APPLICATION NO. 26491-
COLORADO, FOR AUTHORITY TO TRANSFER PUC) Transfer-Amended
NO. 2605 TO UNITED STATES DISPOSAL SYSTEMS,)
INC., 2519 WEST 11TH AVENUE, DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF HEART)	
DISPOSAL COMPANY, A COLORADO CORPORATION,)	
2519 WEST 11TH AVENUE, DENVER, COLORADO,	)	APPLICATION NO. 26492-
FOR AUTHORITY TO TRANSFER PUC NO. 3339	)	Transfer-Amended
TO UNITED STATES DISPOSAL SYSTEMS, INC.,)	
2519 WEST 11TH AVENUE, DENVER, COLORADO.)	

IN THE MATTER OF THE APPLICATION OF COMMERCE)	
REFUSE DISPOSAL, INC., 6095 EAST 64TH AVENUE,)	
P. O. BOX 186, COMMERCE CITY, COLORADO, FOR	)	APPLICATION NO. 26498-
AUTHORITY TO TRANSFER PUC NO. 2212 TO UNITED	)	Transfer-Amended
STATES DISPOSAL SYSTEMS, INC., 2519 WEST 11TH)	
AVENUE, DENVER, COLORADO.)	

IN THE MATTER OF THE APPLICATION OF COMMERCE)	
REFUSE DISPOSAL, INC., 6095 EAST 64TH AVENUE,)	
P. O. BOX 186, COMMERCE CITY, COLORADO, FOR	)	APPLICATION NO. 26499-PF-
AUTHORITY TO TRANSFER PERMIT NO. B-7779 TO	)	Transfer-Amended
UNITED STATES DISPOSAL SYSTEMS, INC.,)	
2519 WEST 11TH AVENUE, DENVER, COLORADO.)	

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER
GRANTING APPLICATIONS

August 27, 1973

Appearances: William A. Wilson, Esq.,
Denver, Colorado, for
Transferors and Transferees;
Jeffrey C. Pond, Esq.,
Denver, Colorado, for
Protestant;
John E. Archibold, Esq.,
Denver, Colorado, for
the Staff of the Commission.

PROCEDURE AND RECORD

On March 20, 1973, the following transfers were filed with the Commission: Application Nos. 26476-Transfer, 26477-Transfer, 26478-Transfer, and 26479-PP-Transfer, transferring Certificates of Public Convenience and Necessity PUC No. 2097, PUC No. 2495, and PUC No. 3270, and Contract Carrier Permit No. B-5809, respectively, from Best-Way Disposal, a partnership, to United States Disposal Systems, Inc., a Colorado corporation. On the same date, Application Nos. 26480-Transfer, 26490-Transfer, 26491-Transfer, 26492-Transfer, 26498-Transfer, and 26499-PP-Transfer were also filed requesting authority to transfer all of the stock in the following Colorado corporations to United States Disposal Systems, Inc.: (a) Lakewood Disposal, Inc., holder of Certificate of

Public Convenience and Necessity PUC No. 1669; (b) Golden Ash and Trash Service Co., Inc., holder of Certificates of Public Convenience and Necessity PUC No. 2078 and PUC No. 2605; (c) Heart Disposal Company, holder of Certificate of Public Convenience and Necessity PUC No. 3339; and (d) Commerce Refuse Disposal, Inc., holder of Certificate of Public Convenience and Necessity PUC No. 2212 and Permit No. B-7779.

Denver Cleanup Service, Inc., filed a timely protest to Application Nos. 26498-Transfer and 26499-PP-Transfer on June 15, 1973.

Pursuant to notice, the above-captioned applications were set for hearing on May 21, 1973, at 10 a.m. in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

During the course of this initial hearing, it was discovered that certain of the applications did not meet the requirements of the Commission as to transfer proceedings so as to carry out the intent of the parties, and the matter was continued to afford the Applicants an opportunity to amend Application Nos. 26480-Transfer, 26490-Transfer, 26491-Transfer, 26492-Transfer, 26498-Transfer, and 26499-PP-Transfer so as to conform to the requirements of the Commission with respect to the transfer of the authorities involved.

After the filing of the amended applications, additional notice to the public was made pursuant to Commission rules and regulations. The amended applications, as well as Application Nos. 26476-Transfer, 26477-Transfer, 26478-Transfer, and 26479-PP-Transfer were set for hearing on July 9, 1973, at 10 a.m. in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado. Application Nos. 26476-Transfer, 26477-Transfer, 26478-Transfer, 26479-PP-Transfer, 26480-Transfer-Amended, 26490-Transfer-Amended, 26491-Transfer-Amended, 26492-Transfer-Amended, 26498-Transfer-Amended, and 26499-PP-Transfer-Amended were consolidated and heard on a joint record.

Protestant Denver Cleanup Service, Inc., did not appear at the hearing; and, pursuant to the Examiner's order, counsel for said Protestant filed written notice or memorandum of its withdrawal of protest, and withdrawal of this Protestant was allowed. The applications were heard as a non-protested matter.

The hearing was recessed on July 9, 1973, and continued to and concluded on July 10, 1973, at the hearing room of the Commission.

Testimony was presented by Best-Way Disposal; Lakewood Disposal Co., Inc.; Golden Ash and Trash Service Co., Inc.; Heart Disposal, Inc.; Commerce Refuse Disposal, Inc.; United States Disposal Systems, Inc.; and the Staff of the Commission. Exhibits Nos. 1 through 22, inclusive, were offered and admitted into evidence.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with his 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 Best-Way Disposal is a partnership, the partners being Andrew Bosman, Jr., William Buikema, and Charles A. Bosman. This Transferor holds authority from this Commission as follows:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 2097:

"(1) Transportation of

Ash, Trash, and other refuse

From all points located within a ten (10) mile radius of the City of Englewood, Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTIONS:

Item (1) of this Certificate is restricted as follows:

- (a) Against providing service from points located within Aurora, Colorado; Lakewood, Colorado; Arvada, Colorado; or Golden, Colorado;
- (b) Against providing service from all points located within the area of Certificate of Public Convenience and Necessity PUC No. 1968 which is described as follows: Extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said area, to a line one (1) mile east of the City of Golden, Colorado, which said line is the most westerly boundary line of the area, and extending from a line three hundred (300) feet north of and paralleling West 26th Avenue, which last said line is the most northerly line of the area, to a line two thousand (2,000) feet south of and paralleling West Alameda Avenue, which said line is the most southerly boundary line of the area, which area consists of approximately seventeen (17) square miles, being approximately five and one-half (5 1/2) miles between the east and west boundary lines and three and one-half (3 1/2) miles between the north and south boundary lines, to such locations where the same may be lawfully delivered or disposed of.

(2) Transportation of

Ash, trash, and other refuse

From all points located within the City and County of Denver to such locations where the same may be lawfully delivered or disposed of.

(3) Transportation of

Ash, trash, and other refuse

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

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 2495:

"Transportation of

Ash, trash, and other refuse

From all points located within the following described area:

Beginning at a point where Kipling Street intersects with 38th Avenue; thence directly north along Kipling Street to a point where it intersects with 120th Avenue; thence easterly along 120th Avenue to a point where it intersects with Federal Boulevard; thence directly north along an imaginary line to 160th Avenue; thence easterly along 160th Avenue to a point where it

intersects with the South Platte River; thence southwesterly along the South Platte River to a point where it would intersect with 38th Avenue, if 38th Avenue were extended directly east from its present location; thence westerly along 38th Avenue to Kipling Street, which is the point of beginning.

To designated and approved dumps and disposal sites located in the Counties of Adams and Jefferson, State of Colorado."

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 3270:

"Transportation of ashes, trash, and other refuse,

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

PERMIT NO. B-5809:

"Transportation of

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 miles of said pits and supply points;

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 miles of said pits and supply points;

Sand, gravel, dirt, stone and refuse

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

Insulrock

from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points,

Transportation of road-surfacing materials being restricted to the use of dump trucks, only."

2. Transferor Lakewood Disposal Co. is a Colorado corporation.

It owns and operates the following described authority from this Commission.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 1669:

"1. Transportation of ashes, trash and other refuse, between points in the City and County of Denver, and from points in

the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

2. Transportation of ashes, trash and other waste materials, from points within an area in East Jefferson County, Colorado, bounded as follows: Clear Creek on the north, Kipling Street on the west, West Sixth Avenue on the south and Sheridan Boulevard on the east, which area consists of approximately forty square blocks, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado."

3. Transferor Golden Ash and Trash Service Co., Inc., is a Colorado corporation. It owns and operates the following described authorities from this Commission:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 2078:

"Transportation of

sand, gravel, and top soil,

in the City of Golden, Colorado, and points within a ten (10) mile radius thereof."

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 2605:

"Transportation, on call and demand, of:

Ashes, trash, topsoil and fertilizer;

In the City of Golden, Colorado, and a radius of five miles thereof;

Garbage, in the area described as:

The City of Golden, Colorado, and a radius of five miles from the center thereof, excluding an area described as: Extending from the line commonly designated as the center of Kipling Street, which line is the most easterly boundary line of said excluded area, to a line one mile east of the City of Golden, which said line is the most westerly boundary of said excluded area, and extending from a line 300 feet north of and paralleling West 26th Avenue, which said last line is the most northerly boundary line of the excluded area, to a line 2,000 feet south of and paralleling West Alameda Avenue, which said line is the most southerly boundary line of the excluded area."

4. Transferor Heart Disposal Company is a Colorado corporation. It owns and operates the following described authority from this Commission.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 3339:

"Transportation of

ashes, trash, and other refuse,

between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado."

5. Transferor Commerce Refuse Disposal, Inc., is a Colorado corporation. It owns and operates the following described authorities from this Commission:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 2212:

"Transportation of

Ash, trash, and other waste materials

- (1) From points within the City and County of Denver
- (2) From points within an area beginning at the north city limits of the City and County of Denver with its intersection of the east bank of the South Platte River; thence north along said east bank to a point three (3) miles north of Ft. Lupton, Colorado; thence east thirty (30) miles; thence south twenty-seven (27) miles; thence west through and including the Cities of Strasburg, Colorado, and Bennett, Colorado, along the Union Pacific Railroad tracks to the east city limits of the City and County of Denver; thence along the northern border of said city limits to the point of beginning,

to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This Certificate is restricted as follows:

- (a) Against the transportation of liquid waste in tank vehicles from points within the City of Brighton, Colorado, and one (1) mile radius thereof."

PERMIT NO. B-7779:

"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."

6. All of the above-described authorities are taken from the Letters of Authority that were used as exhibits in this proceeding, and all Transferors are generally considered ash and trash haulers.

7. Transferee United States Disposal Systems, Inc., is a Colorado corporation and presently holds no authority from this Commission. Its address is 2519 West 11th Avenue, Denver, Colorado, and the names of the corporate officers and board of directors are as follows:

Andrew J. Bosman, President, 2519 West 11th Avenue, Denver, Colorado;

Robert A. Grove, Vice President-Treasurer, 15965 South Golden Road, Golden, Colorado;

William Buikema, Vice President-Secretary, 2519 West 11th Avenue, Denver, Colorado.

8. By these several applications, Applicants seek authority from this Commission to transfer all of the authorities mentioned above to United States Disposal Systems, Inc. In each instance, all of the authorities held by the Transferors are being transferred so that Transferee will end up holding all of the authorities of Transferors, which are to be combined and identified as three authorities; namely, Certificate of Public Convenience and Necessity PUC No. 2212, Certificate of Public Convenience and Necessity PUC No. 2078, and Contract Carrier Permit No. B-7779. All other numbers of authorities, as such, are to be canceled.

9. As shown in Exhibit No. 2, the combined authorities cover all of the City and County of Denver, a large portion of Adams County, a small portion of Arapahoe County, and a small portion of Jefferson County. The only duplication or overlapping of authority among the several Transferors is in the City and County of Denver, in a small portion of Adams County towards the northeast corner of Denver, and in a small portion of Jefferson County in a southerly direction from the west edge of Denver. Other than these specific areas of duplication noted, the several authorities authorize service in separate areas so by consolidating the several authorities, Applicants are not in fact diminishing competition to any material extent.

10. Exhibit No. 19 is a map of the City of Denver and surrounding area presented by the Staff of the Commission, which sets forth the service area of the various authorities in somewhat greater detail than does Exhibit No. 2 referred to above. The Staff of the Commission also presented evidence, and it is found as a matter of fact, that the following areas presently have the number of ash and trash carriers as indicated:

ADAMS COUNTY:

27 common carriers

9 contract carriers

ARAPAHOE COUNTY:

17 common carriers

7 contract carriers

JEFFERSON COUNTY:

27 common carriers

5 contract carriers

DENVER COUNTY:

111 common carriers

6 contract carriers

There was no evidence presented as to Morgan County.

11. Since the only material duplication or overlap in the service area of the Transferors would be in the City and County of Denver, the elimination of only two carriers out of the 117 authorized to provide service in Denver would not significantly diminish competition to the public in the Denver area. As indicated above, the only other areas of duplication are so small as to be inconsequential and not material.

12. In view of the above, the consolidation of these Transferor carriers and their authorities as hereinafter directed will have very little, if any, effect upon the ash and trash competition in the area involved.

13. According to testimony, and it is found as fact, that negotiations having to do with this consolidation and transfer proceeding by the parties involved herein began approximately two years ago when large, public-owned corporations from outside the state of Colorado began acquiring Colorado companies, and the various Transferors involved in this proceeding deemed it advisable to organize their own local Colorado corporation, consolidate their various authorities, and operate as a single company, citing as reasons:

(a) Transferee will be able to compete more effectively with these larger public-owned corporations operating in Colorado because they can borrow money from banks at 2 1/2 to 3 percent less than they could as individual companies and in an industry that requires continuous and large amounts of capital to purchase equipment, the rate of interest you obtain is directly related to a carrier's ability to compete in the public market;

(b) The Transferee will be able to buy equipment for less than the Transferors could as individual companies because of their ability to receive volume discounts;

(c) The public today is demanding more sophisticated and expensive equipment and if the local existing carriers cannot economically compete with these larger public-owned companies, they will be driven out of business;

(d) The public will also benefit from the consolidation because it will permit fewer vehicles to serve the same number of customers thereby reducing consumption of gas, traffic, noise, pollution, and increasing the safety to citizens on the public streets;

(e) If the consolidation is approved, it will permit the management of the various Transferor companies to be assembled under one corporation permitting specialization within its own management. As individuals, this cannot be done economically. Instead, in most instances, each of the individual owners has to be his own sales manager, equipment manager, public relations expert, etc.;

(f) The employees of the Transferor companies will be more inclined to stay with a larger company because they can offer them many more insurance and retirement benefits;

(g) The consolidation, if approved, will permit the reduction in operation expenses because of better use of management and equipment.

14. The officers and directors of the Transferee have been employed in this industry for many years and will be well qualified to service the public under its authorities.

15. All of the authorities mentioned in this transfer proceeding have been continually operated in the past, are in good standing with the Commission, and are free and clear of all encumbrances.

16. The parties stipulated and agreed there will be no increase in their rates to the public in their respective service areas under the new transferee corporation, unless and until there is a regular filing and change pursuant to the Commission rules and regulations.

17. The Transferee's officers and directors have held authority from this Commission over many years and are familiar with the rules and regulations of the Commission and they have agreed to abide by them in the future carrying on bona fide motor carrier operations within this state. Each of the principals of the Transferor will continue to be employed by the transferee. Transferee has made or will make adequate provision for insurance.

18. The consideration to be paid to each of the Transferors is as follows: Lakewood Disposal Co. will receive approximately \$345,000; Commerce Refuse Disposal, Inc., approximately \$500,000; Heart Disposal Company, approximately \$486,000; and Golden Ash and Trash Service Co., Inc., approximately \$330,000. The partners of Best-Way Disposal will receive as consideration approximately \$720,000. This includes not only the authorities being transferred but also equipment, business and goodwill. The consideration paid is fair and reasonable and such is found as a matter of fact.

19. Pursuant to Exhibit No. 16, Transferee will operate the following equipment:

4 - 1973 Chev. Garwood packers	900
3 - 1972 Chev. Garwood packers	700
3 - 1972 GMC Garwood packers	700
2 - 1972 GMC Leach packers 2R	
1 - 1972 GMC Leach packer Sani	
2 - 1971 Chev. Garwood packers	700
1 - 1971 Ford Garwood packer	700
1 - 1971 GMC Garwood packer	800
2 - 1970 Chev. Garwood packers	700
1 - 1970 Ford Garwood packer	700
1 - 1970 Intl E-Z packer	
3 - 1969 Chev. Garwood packers	700
1 - 1969 Chev. Leach packer	
1 - 1969 Ford Garwood packer	
2 - 1968 Chev. Garwood packers	700
1 - 1968 Ford Garwood packer	700
1 - 1967 Chev. Leach packer	
1 - 1967 Chev. Garwood packer	700
1 - 1966 GMC Heil packer	
1 - 1964 GMC Heil packer	
1 - 1963 Chev. Heil packer	
1 - 1963 Chev. Leach packer	
1 - 1959 Ford M. B. packer	
2 - 1972 White roll-off	
1 - 1972 Autocar roll-off	
2 - 1971 Autocars roll-offs	
1 - 1971 White roll-off	
1 - 1969 White roll-off	
1 - 1964 Ford roll-off	
1 - 1973 Chev. Blazer	
1 - 1973 Ford pickup	
1 - 1972 Chev. pickup	
1 - 1971 Pinto	
1 - 1970 Chev. El Camino	
1 - 1970 Intl. stake	
2 - 1969 Chev. pickups	
1 - 1967 Chev. pickup	

- 1 - 1965 Chev. utility
- 1 - 1964 Ford pickup
- 1 - 1963 Ford pickup
- 1 - 1951 Ferguson farm tractor
- 1 - 1941 Mack boom-hoist
- 1 - Chev. welder-utility
- 1 - trailer
- 1 - two wheeled trailer

Roll-off containers - 19
Larger roll-off containers - 199
Containers, sizes 1 cubic yard through 10 - 2554

This equipment is ample and suitable for the proposed operation.

20. Pursuant to the Pro Forma Combined Balance Sheet as shown in Exhibit No. 18, Transferee will have current assets of \$242,327, property and equipment less accumulated depreciation of \$805,719; and other assets including Public Utilities Commission authorities of \$374,327. Applicant shows a net worth of \$547,570, all of which are ample and suitable for the operation of the authorities.

21. The granting of the above-captioned applications is in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The transfers as sought by the Applicants herein 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. Andrew Bosman, Jr., William Buikema, and Charles A. Bosman, doing business as "Best-Way Disposal," 2519 West 11th Avenue, Denver, Colorado; Lakewood Disposal Co., 1125 Depew Court, Lakewood, Colorado; Golden Ash and Trash Service Co., Inc., 15965 South Golden Road, Golden, Colorado; Heart Disposal Company, 2519 West 11th Avenue, Denver, Colorado; and Commerce Refuse Disposal, Inc., 6095 East 64th Avenue, P. O. Box 186, Commerce City, Colorado, be, and hereby are, authorized to transfer all

of their respective authorities issued by this Commission to United States Disposal Systems, Inc., a Colorado corporation, 2519 West 11th Avenue, Denver, Colorado, being authorities identified as follows: Certificates of Public Convenience and Necessity PUC No. 2097, PUC No. 2495, PUC No. 3270, PUC No. 1669, PUC No. 2078, PUC No. 2605, PUC No. 3339, and PUC No. 2212 and Contract Carrier Permits No. B-5809 and No. B-7779.

2. The several authorities be, and hereby are, consolidated and henceforth shall be identified and described as follows:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 2212:

Transportation of

Ash, trash, and other refuse

From all points within the following described areas:

- (1) The city limits of Englewood, Colorado (as they existed on the 10th day of March, 1950), and a ten (10) mile radius thereof;
- (2) The city limits of Golden, Colorado (as they existed on the 28th day of July, 1953), and a five (5) mile radius thereof;
- (3) Beginning at a point where Kipling Street intersects the above-described radial areas, thence north to 120th Avenue; thence east on 120th Avenue to a point where it intersects with Federal Boulevard; thence north along Federal Boulevard on an imaginary line to where it intersects with 160th Avenue; thence east on 160th Avenue to where it intersects with the South Platte River; thence north along the South Platte River to a point three (3) miles north of the city of Fort Lupton, Colorado; thence east on an imaginary line thirty (30) miles to a point; thence south on an imaginary line approximately twenty-seven (27) miles to a point where it intersects with the Union Pacific Railroad tracks; thence west along the Union Pacific Railroad tracks to a point where it intersects with the radial area described in No. (1) above;
- (4) The County of Morgan, State of Colorado;

To such locations where the same may be lawfully delivered or disposed of.

RESTRICTION:

This certificate is restricted against providing service within the city of Aurora, Colorado, as it was constituted as of the 10th day of March, 1950 and against the transportation of liquid waste in tank vehicles from points within the city of Brighton and a one (1) mile radius thereof.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 2078:

Transportation of

Sand, gravel, and top soil

In the city of Golden, Colorado, and points within a ten (10) mile radius thereof.

CONTRACT CARRIER PERMIT NO. B-7779

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.

3. The following authority numbers be, and hereby are, canceled and revoked: Certificates of Public Convenience and Necessity PUC No. 2097, PUC No. 2495, PUC No. 3270, PUC No. 1669, PUC No. 2605, and PUC No. 3339, and Contract Carrier Permit No. B-5809.

4. Said transfers shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said Certificates and Permit have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or any of

them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of 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.

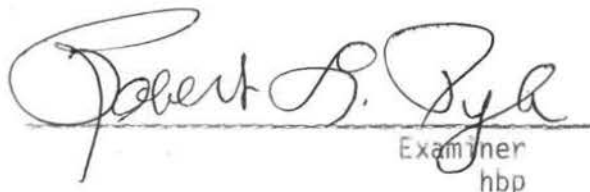
5. The common carrier rates, rules, and regulations of Transferors shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

6. The right of Transferee to operate under this order shall depend upon a prior filing of an annual report by Transferors herein, covering the operations under the aforesaid Certificates and Permit up to the time of transfer of said Certificates and Permit.

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. 83562)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT DAVEY WAGNER, ROUTE 3, BOX)
195, BRIGHTON, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO OPER-)
ATE AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 26911-PP-ETA

ORDER DENYING EMERGENCY
TEMPORARY AUTHORITY

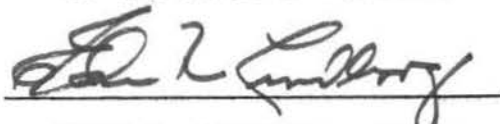
- - - - -
August 24, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

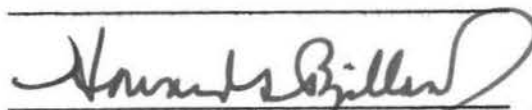
IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83563)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CRAIG L. McCLENNY, DOING BUSINESS)
AS "McCLENNY'S TRUCKING," 6725 WEST)
MISSISSIPPI AVENUE #51, LAKEWOOD,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26910-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
August 24, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83563
August 24, 1973

McClenny's 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 83564)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DALE RICHARD OVERTON, P. O. BOX)
1043, MEEKER, COLORADO, FOR TEMPO-)
RARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26857-PP-TA

ORDER DENYING TEMPORARY
AUTHORITY

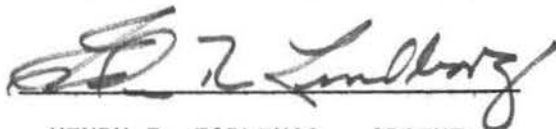
August 24, 1973

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83565)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ADVANCED BUSINESS SERVICES, INC.,)
DOING BUSINESS AS "A ADVANCED MAIL)
DELIVERY SERVICE," 1709 EAST FIRST)
STREET, SANTA ANA, CALIFORNIA, FOR)
TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26858-PP-TA
ORDER DENYING TEMPORARY AUTHORITY

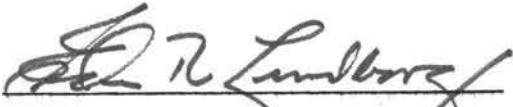
August 24, 1973

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83566)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DILLON COMPANIES, INC.,)	
)	
Complainant,	)	CASE NO. 5515
)	
vs.	)	ORDER DISMISSING COMPLAINT
)	
WELLS FARGO ARMORED SERVICE)	
CORPORATION,)	
)	
Respondent.)	

August 24, 1973

Appearances: William G. Imig, Esq.,
Denver, Colorado,
for Complainant;
James M. Lyons, Esq.,
Denver, Colorado,
for Respondent.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 20, 1973, Dillon Companies, Inc., and Wells Fargo Armored Service Corporation, by their respective counsel, filed a "Stipulation of Dismissal" in the within Case and requested that the Commission dismiss the Complaint without a hearing.

The Commission finds and concludes that proper grounds exist for the dismissal of the Complaint and that the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Complaint herein be, and the same hereby is, dismissed.
2. This order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 83567)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY LINDEMANN AND DOROTHY C.)
LINDEMANN, DOING BUSINESS AS " H &)
L RUBBISH REMOVAL," 4320 SOUTH)
HURON, ENGLEWOOD, COLORADO, FOR TEM-)
PORARY AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 3742.)

APPLICATION NO. 26872-Extension-TA
ORDER DENYING TEMPORARY AUTHORITY

- - - - -
August 24, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83568)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RONALD F. SEELHOFF AND WALTER H.)
SEELHOFF, ROUTE 3, BURLINGTON, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26887-PP-TA

ORDER DENYING TEMPORARY AUTHORITY

- - - - -
August 24, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83569)

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

RE: TARIFFS ON FILE BY DENVER CLEANUP)	
SERVICE, INC., DOING BUSINESS AS)	
"BROOMFIELD RUBBISH REMOVAL," CERTIFI-	)	CASE NO. 5520
CATE OF PUBLIC CONVENIENCE AND NECES-)	
SITY PUC NO. 3048; DENVER CLEANUP	)	ORDER GRANTING EXTENSION
SERVICE, INC., DOING BUSINESS AS "WASTE	)	OF TIME FOR FILING EXCEPTIONS
DISPOSAL, INC.," CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC NO. 3343;)	
AND WASTE DISPOSAL, INC., CERTIFICATES)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 3430 AND PUC NO. 5623,)	
)	
Respondents.)	

- - - - -
August 24, 1973
- - - - -

Appearances: Jeffrey C. Pond, Esq.,
Denver, Colorado,
for Respondents;
Girts Krumins, Esq.,
Denver, Colorado, for the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 20, 1973, Respondent Denver Cleanup Service, Inc., doing business as "Broomfield Rubbish Removal," filed a "Request for Extension of Time for Filing Exceptions to Recommended Decision of Hearing Examiner."

The Commission finds and concludes that proper grounds exist for granting the request and that the following order should be entered.

O R D E R


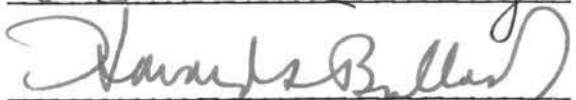
THE COMMISSION ORDERS THAT:

1. Respondent be, and hereby is, granted an extension of time, until September 24, 1973, in which to file exceptions herein.

2. This order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 83570)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26557-PP
KENNETH L. MILLER, DOING BUSINESS AS)	
"LARRY MILLER TRUCKING," BOX 242)	RECOMMENDED DECISION OF
SWINK, COLORADO, FOR A CLASS "B")	ROBERT L. PYLE, EXAMINER
PERMIT TO OPERATE AS A CONTRACT)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	DENYING APPLICATION

- - - - -
August 24, 1973
- - - - -

Appearances: John H. Lewis, Esq., Denver,
Colorado, for Applicant;
John J. Conway, Esq., Denver,
Colorado, for Chester Bay,
doing business as "Chester
Bay Trucking," Protestant;
John P. Thompson, Esq., Denver,
Colorado, for Green Trucking,
Inc., and Jack Walter, doing
business as "Jack Walter
Trucking," Protestants;
Edward C. Hastings, Esq., Denver,
Colorado, for Western Transpor-
tation, Inc., Protestant.

PROCEDURE AND RECORD

Under date of April 4, 1973, Kenneth L. Miller, doing business as "Larry Miller Trucking," hereinafter referred to by name or 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 is more specifically set forth in the application. Docket No. 26557-PP was assigned to the application by the Commission, and due notice was given in accordance with 115-6-8(2), CRS 1963, as amended. Thereafter, protests were received from the Protestants noted above in the Appearances. After due and proper notice to all interested persons, firms, or corporations, the matter was set for hearing in the Courtroom of the District Court Probate Division, Otero County Court-house, La Junta, Colorado, commencing on Tuesday, August 14, 1973, where

it was concluded on Wednesday, August 15, 1973. The matter was heard by Examiner Robert L. Pyle, to whom it had been duly assigned.

Exhibits 1 through 18 were offered, Exhibits 2, 4, and 5 were rejected, Exhibit 8 was to be submitted immediately following hearing on the case but has not yet been submitted. All other Exhibits were admitted into evidence. The late-filed Exhibit designated as Exhibit 8 is Certificate of Public Convenience and Necessity PUC No. 1407 of Western Transportation, Inc., and notice is taken thereof from the Commission files.

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

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

FINDINGS OF FACT

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

1. Applicant is an individual who presently holds no authority from this Commission. He does, however, own one tractor and two trailers, which he operates in interstate commerce, to transport livestock, for which authority is not required.

2. By this application, Applicant seeks a Class "B" contract carrier permit for the transportation of livestock between points in Otero, Bent, and Prowers Counties, Colorado, restricted to not more than five customers. The five customers were Manuel Snider, Leroy McKinney, and Tom Westrope, all of Lamar; Tom Jagers of Wiley; and Dave Direzza of La Junta. It should be noted that only Manuel Snider, Tom Jagers, and Tom Westrope appeared in support of the application.

3. The Applicant has been transporting livestock for a period of approximately four to five years and is suitably experienced. He has, on occasion, leased his truck to other carriers for the transportation of livestock and now maintains a 1970 Peterbilt tractor and two ordinary livestock trailers. Applicant has on at least one occasion been involved in illegal intrastate transportation of livestock for and on behalf of one of the named customers, and he presently does interstate work for all of the named five customers.

4. Applicant submitted a financial statement identified as Exhibit 1; and, although it shows a net worth of \$35,707.19, there were other indications that it could be substantially incorrect. For one thing, in cross examination, Applicant denied that he had any other debts; but then, when presented with the records of the District Court of Otero County, admitted that there was a judgment against him dating back to December 4, 1970, in the amount of \$1,606.47; and the parties entered into a Stipulation to that effect. It is further noted with regard to finances that the value of assets were all determined by the Applicant himself and, considering all factors, Applicant's testimony with regard to finances is not acceptable.

5. Applicant admitted that he is not now familiar with the rules and regulations of the Commission but also indicated that he would be willing to discuss them with his attorney and learn and abide by them.

6. Applicant presented three shipper witnesses, the first of whom was a Mr. Manuel Snider who is a rather substantial cattle buyer in the area and sometimes enters into partnership arrangements with the other two shipper witnesses who testified in support of the application, Mr. Tom Jagers and Mr. Tom Westrope. This witness admitted that he has used the Applicant for transportation from point to point in the State of Colorado in the past but that Applicant was later forced to stop these illegal hauls. This witness, in fact, desires to simply have his own carrier, as he put it, so that "he can follow me around."

7. The next supporting witness was a Mr. Tom Jahers who generally would like to have his own private carrier. This witness was very evasive throughout his testimony.

8. The third witness was a Mr. Tom Westrope, who is a livestock auctioneer in the area and whose testimony was confusing and contradictory. In fact, some of the assertions made by this witness are not acceptable. Following his testimony, there were questions and concern about whether or not an auctioneer could deal in livestock in a sale he was working, which this witness does. No one at the hearing was able to answer the question exactly and, by that time, Mr. Westrope had been excused from the hearing. Upon returning to his office, your Examiner contacted the Practices and Stockyards Division of the Agricultural Department in Denver and found that Regulation No. 201.57 in the Practices and Stockyards Act of 1921 specifically prohibits auctioneers from dealing in livestock at sales where they are working.

9. The Applicant did not propose to furnish any unique or special type of service or equipment and none of the witnesses desired or needed such service or equipment.

10. Protestant Western Transportation, Inc., holds Certificate of Public Convenience and Necessity PUC No. 1407, which generally authorizes the transportation of livestock between points east of Rocky Ford and from those points to and from points in the State of Colorado with certain restrictions. This Protestant has substantial investment and equipment and is ready, willing, and able to serve the supporting witnesses. During the course of the hearing, three matters derogatory to this carrier came up, and your Examiner directed that this Protestant answer these matters, in writing, which were done. The first involved an allegation by Mr. Westrope concerning the acquisition of trucks, which was unfounded. The second involved a complaint of Mr. Jagers regarding the unloading of cattle, all of which was done at the direction of Mr. Jager's employees. The third and perhaps the

most serious charge was an allegation by Mr. Jagers and Mr. Snider to the effect that Western Transportation, Inc., had, in fact, loaded Mr. Snider and Mr. Jager's cattle on its truck, then unloaded them so as to transport cattle for someone else. This allegation, too, was unfounded. It is specifically stated these matters checked out by the Examiner following the hearing are not the basis for denial of the application, but simply add to the doubt placed upon the testimony of the witnesses at the time of the hearing.

11. Protestant Jack Walters Trucking holds Certificate of Public Convenience and Necessity PUC No. 2703 and PUC No. 2703-I, which generally authorizes transportation of livestock in the area of this application. This Protestant headquarters in La Junta, which has perhaps the largest livestock sales ring in the State of Colorado. This Protestant has ample equipment, considerable investment, and is ready, willing, and able to serve the supporting witnesses.

12. Protestant Green Trucking, Inc., has Certificate of Public Convenience and Necessity PUC No. 515 and PUC No. 515-I. This authority allows transportation service in an area reaching out to the north, south, east, and west of Fowler, Colorado. There is some question about the service area of this authority, and this Protestant does not, in fact, know what his authority is.

13. Protestant Chester Bay, doing business as "Chester Bay Trucking" has Certificate of Public Convenience and Necessity PUC No. 641 and PUC No. 641-I, which generally provides for the transportation of general commodities within a fifty-mile radius of Thatcher, Colorado, and livestock between Bent and Otero Counties from and to points in the State of Colorado. As far as this application is concerned except for being able to serve Prowers County, this authority duplicates that being requested. This Protestant has ample equipment and capital to serve the needs of the supporting witnesses.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant failed to establish the existence of a present or future private or personal need for the proposed service.
2. Existing motor vehicle common carriage, and particularly that of the Protestants Western Transportation, Inc., Jack Walters Trucking and Chester Bay, is adequately serving the same territory over the same general highway route or routes.
3. The proposed operation would, in fact, impair the efficient public service of authorized and existing common carriers and particularly the Protestants herein.
4. Applicant is not a fit person either financially or with respect to conducting operations in accordance with the rules and regulations of this Commission so as to hold authority from this Commission.
5. There was no showing whatsoever of any special need or that Applicant would furnish any unique or special service or equipment.
6. The granting of the application would create duplication of services, duplication of facilities, resulting in diminution of traffic for existing common carriers, and would not be in the public interest.
7. 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

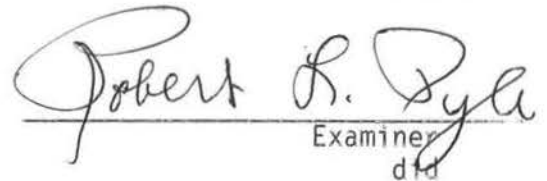
THE COMMISSION ORDERS THAT:

1. Application No. 26557-PP, being an application of Kenneth L. Miller, doing business as "Larry Miller Trucking," Box 242, Swink, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, denied.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
dtd

(Decision No. 83571)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MRS. GLENDELLA WEBSTER,
3614 INDIAN PIPE CIRCLE,
COLORADO SPRINGS, COLORADO,

Complainant,

vs.

THE MOUNTAIN STATES TELEPHONE
AND TELEGRAPH COMPANY,
931 - 14TH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5523

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

DISMISSING COMPLAINT

- - - - -
August 27, 1973
- - - - -

Appearances: Jarvis W. Seccombe, Esq.,
Denver, Colorado,
for Respondent;
James A. VanderWal,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 30, 1973, Mrs. Glendella Webster, 3614 Indian Pipe Circle, Colorado Springs, Colorado, hereinafter referred to as "Complainant," filed a Complaint with this Commission against The Mountain States Telephone and Telegraph Company, hereinafter referred to as "Respondent."

On May 11, 1973, Respondent was ordered by the Commission to Satisfy or Answer the Complaint within twenty (20) days from service upon said Respondent.

On May 31, 1973, Respondent filed its Answer to the Complaint.

By Notice duly served, the Commission set the subject matter for hearing before the Commission on Tuesday, July 10, 1973, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On July 9, 1973, by proper Notice, the Commission vacated the aforesaid hearing date and reset the Complaint for hearing on Friday, August 3, 1973, at 10 a.m. in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, at which time and place it was called for hearing by Examiner Christian O. Igenbergs, to whom the subject matter had been duly assigned pursuant to law.

Complainant or any representative of Complainant failed to appear at the hearing.

Counsel for Respondent moved for dismissal of the Complaint on the grounds that Complainant had failed to appear at the hearing and prosecute her case.

The aforesaid motion was granted by the Examiner.

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

FINDINGS OF FACT

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

1. Complainant is a resident of Colorado Springs, Colorado, and a part-time or former resident of Denver, Colorado. Complainant is also a customer and recipient of telephone services offered by Respondent.
2. Respondent is a public utility subject to regulation by this Commission.
3. This Commission has jurisdiction of Complainant, Respondent, and the subject matter of this proceeding.
4. By due and proper notice, all parties concerned were informed of the hearing to be held on August 3, 1973, in Colorado Springs, Colorado.

5. Complainant or any representative of Complainant failed to appear at the aforesaid hearing and failed to prosecute her case.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Complaint by Glendella Webster, being Case No. 5523, should be dismissed for lack of prosecution.

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 Complaint of Glendella Webster, 3614 Indian Pipe Circle, Colorado Springs, Colorado, being Case No. 5523, be, and hereby is, dismissed for lack of prosecution.

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. 83572)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN W. MOORE AND HAZEL M. MOORE,)
DOING BUSINESS AS "M & M WATER)
SERVICE," P. O. BOX 818, 350 ROSE)
STREET, CRAIG, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO)
CONTRACT CARRIER PERMIT NO. B-6151)
TO JACK A. LANG AND GARY D.)
OBERHANSLEY, DOING BUSINESS AS)
"M & M WATER SERVICE," SOUTH)
HIGHWAY 13, P. O. BOX 571, CRAIG,)
COLORADO,)

APPLICATION NO. 26704-PP-Transfer
ORDER OF THE COMMISSION

- - - - -
August 17, 1973
- - - - -

Appearances: Sid Pleasant, Esq., Craig,
Colorado, for Applicants.

IT APPEARING, That by Order of the Commission dated June 4, 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 Commis-
sion 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 Jack A. Lang and Gary D. Oberhansley, doing business as "M & M Water Service," herein seek approval of an encumbrance of Contract Carrier Permit No. B-6151 to The Moffat County State Bank, Craig, Colorado, to secure payment of indebtedness in the principal sum of fifty thousand dollars (\$50,000) in accordance with the terms and conditions of the Security Agreement and Financing Statement dated August 8, 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 Transferees has been satisfactorily established and that the transfer is compatible with the public interest and should be granted as set forth in the Order following;

AND WE FURTHER FIND, That Transferees are fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That John W. Moore and Hazel M. Moore, doing business as "M & M Water Service," P. O. Box 818, 350 Rose Street, Craig, Colorado, be, and are hereby, authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-6151 as granted by Commission Decision No. 76166, dated October 29, 1970, to Jack A. Lang and Gary D. Oberhansley, doing business as "M & M Water Service," South Highway 13, P. O. Box 571, 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 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 Jack A. Lang and Gary D. Oberhansley, doing business as "M & M Water Service," South Highway 13, P. O. Box 571, Craig, Colorado, be, and hereby are, authorized to encumber all right, title, and interest in and to Contract Carrier Permit No. B-6151 to the Moffat County State Bank, P. O. Box 37, Craig, Colorado, to secure payment of the sum of fifty thousand dollars (\$50,000) in accordance with the terms and conditions set forth in the Security Agreement and Financing Statement dated August 8, 1973, which is made a part of this Order by reference.

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 17th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

b1

(Decision No. 83573)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
HARRY OHLMAN, DOING BUSINESS AS	)	CASE NO. 312-H-Ins.
"DISPOSAL SERVICE," 131 WEST CARR)	
AVENUE, CRIPPLE CREEK, COLORADO,	)	SUPPLEMENTAL ORDER
UNDER CERTIFICATE OF PUBLIC CON-)	
VENIENCE AND NECESSITY PUC NO.)	
7185.)	

August 21, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled matter came before the Commission for hearing on Monday, July 9, 1973, at 10 a.m. in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, pursuant to NOTICE OF HEARING AND ORDER TO SHOW CAUSE in Case No. 312-H-Ins., at which time and place it was heard by Examiner Christian O. Igenbergs, to whom it was duly assigned.

Subsequent to the hearing, Examiner Igenbergs on July 23, 1973, transmitted to the Commission the record of this proceeding along with a written Recommended Decision No. 83370 containing his findings of fact and conclusions and a recommended order revoking Certificate No. 7185 for Mr. Ohlman's failure to have kept on file a current and continuous certificate of public liability and property damage insurance coverage as required by the Commission's Rules and Regulations. This recommended decision became effective as the Decision of the Commission on August 13, 1973.

The Commission is now in receipt of Petition dated August 15, 1973, and submitted jointly by Harry Ohlman, doing business as Disposal Service (the owner of the certificate herein), and one Jack V. Lundgren, doing business as Cripple Creek Victor Disposal, Cripple Creek, Colorado, and in which is sought (1) a waiver by the Commission of the public

liability and property damage insurance requirements relative to Mr. Ohlman from date of June 18, 1973, forward, and (2) a reinstatement of said certificate in order that the transfer of the certificate may be completed from Mr. Ohlman to Mr. Lundgren as was granted by the Commission's Decision No. 83432 dated July 27, 1973, and which became effective twenty-one (21) days from that date.

As grounds for such relief, the Petitioners state that the cancellation of Mr. Ohlman's insurance resulted from a misunderstanding between Mr. Ohlman and his insurance carrier with regard to the Commission's requirements; that Mr. Ohlman has not in fact operated any vehicles under his certificate since June 18, 1973, and therefore has had no exposure to claims arising since that time; that both Mr. Ohlman and Mr. Lundgren acted in good faith in prosecuting the application and attempting to conform to the Commission's requirements; and that to deny the Petition and the relief sought herein would cause irreparable harm to both parties.

(It is noted from the Commission's records that neither party was represented by counsel in the filing of their transfer application.)

CONCLUSIONS ON FINDINGS OF FACT

Based on the above information, the Commission states and finds that the relief sought in the instant Petition is compatible with the public interest and should be granted as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

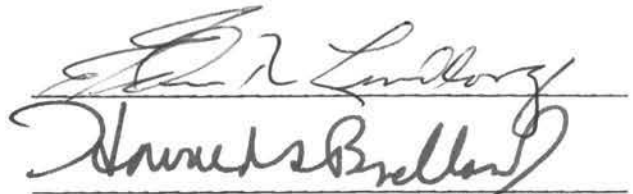
That Decision No. 83370, dated July 23, 1973, be, and the same hereby is, vacated, set aside, and held for naught as of the twenty-third day of July, 1973, insofar as it pertains to Certificate No. 7185 held under the name of Harry Ohlman, doing business as Disposal Service, 131 West Carr Avenue, Cripple Creek, Colorado, and that operating rights under that certificate are restored to active status as of that date and that, furthermore, the Commission's rules and regulations requiring current and

continuous evidence of filings of public liability insurance coverage shall be waived insofar as they pertain to the operation under Certificate No. 7185 under the name of Harry Ohlman, doing business as Disposal Service from June 18, 1973, to August 30, 1973.

That Case No. 312-H-Ins. be, and hereby is, dismissed.

DONE IN OPEN MEETING the 21st day of August, 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

* * *

RE: THE MATTER OF INCREASED
RATES AND CHARGES - COAL RATES
FROM ALLEN MINE TO MINNEQUA,
COLORADO, SUPPLEMENT NO. 5 TO
COLORADO & WYOMING RAILWAY
COMPANY FREIGHT TARIFF NO. 2.

Investigation and Suspension
Docket No. 793

August 24, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On the date of May 25, 1973, the Colorado & Wyoming Railway Company filed Supplement No. 5 to Colorado & Wyoming Railway Company Freight Tariff No. 2, scheduled to become effective July 1, 1973. The effect of said Supplement is to increase each rate by 9.6 cents per ton.

By Decision No. 83253, dated June 26, 1973, the Commission suspended said filing to and including October 24, 1973, unless otherwise ordered by the Commission. Said suspension was prompted by the freeze on prices announced by the President of the United States on June 13, 1973.

Effective August 13, 1973, public utility commodities and services were exempted from price adjustment requirements of the Economic Stabilization Program pursuant to Section 150.56 of the Phase IV regulations of the Cost of Living Council.

The Commission finds that the suspension of Supplement No. 5 to Colorado & Wyoming Railway Company Freight Tariff No. 2 should be lifted and the rates allowed to become effective.

O R D E R

THE COMMISSION ORDERS THAT:

1. The suspension of Supplement No. 5, Colorado and Wyoming Railway Company Freight Tariff No. 2, be, and it hereby is, rescinded.

2. Colorado and Wyoming Railway Company may place the suspended rates in effect by publishing and filing the necessary Supplement to the tariff on one day's notice.

DONE IN OPEN MEETING this 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MATTER OF INCREASED RATES
AND CHARGES -- COLORADO MOTOR TARIFF
BUREAU, INC., AGENT, 5th REVISED
PAGE NO. 55, MOTOR FREIGHT TARIFF
NO. 12-B, COLORADO PUC NO. 19

Investigation and Suspension
Docket No. 787

August 24, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On the date of May 18, 1973, J. R. Smith, Chief of Tariff Bureau, filed 5th Revised Page No. 55 to Motor Freight Tariff 12-B, Colorado PUC No. 19, containing Item 22, providing for a charge to be made for copies of Bills of Lading, Freight Bills and Statements, to become effective June 25, 1973, for the accounts of all carriers party to said tariff.

The Commission, by Decision No. 83231, dated June 22, 1973, suspended said filing to and including October 24, 1973, unless otherwise ordered by the Commission. Said suspension was prompted by the freeze on prices announced by the President of the United States on June 13, 1973.

Effective August 13, 1973, public utility commodities and services were exempted from price adjustment requirements of the Economic Stabilization Program pursuant to Section 150.56 of the Phase IV regulations of the Cost of Living Council.

The Commission finds that the suspension of 5th Revised Page No. 55, Colorado Motor Tariff Bureau Tariff No. 12-B, Colorado PUC No. 19, should be lifted and the rates and charges allowed to become effective.

O R D E R

THE COMMISSION ORDERS THAT:

1. The suspension of 5th Revised Page No. 55, Colorado Motor Tariff Bureau, Tariff No. 12-B, Colorado PUC No. 19, be, and it hereby is, rescinded.

2. The Colorado Motor Tariff Bureau may place the suspended rates in effect by publishing and filing the necessary supplement to the tariff on one day's notice.

DONE IN OPEN MEETING this 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

(Decision No. 83576)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION FOR)	
AUTHORITY TO TRANSFER PUC NO. 453)	
AND PUC NO. 453-I FROM HOFFMAN)	
TRANSFER CO., A COLORADO CORPORATION,)	APPLICATION NO. 26197
4825 LIMA STREET, DENVER, COLORADO,)	
TO COLORADO MOVING & STORAGE, INC.,)	
4825 LIMA STREET, DENVER, COLORADO.)	

August 24, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 15, 1973, Mountain States Bank, by its attorney Wilbur M. Pryor, Jr., 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 proceeding.

The official files in this matter disclose that the Sheriff of the City and County of Denver had executed and levied upon "Transportation License Nos. 453&I and 2500&I on January 9, 1973. Although the property levied on was described as "Transportation Licenses" the property, in fact, is Certificate of Public Convenience and Necessity No. 453&I and Certificate of Public Convenience and Necessity No. 2500&I. Although the Commission had no actual or constructive knowledge of the interest of Mountain States Bank at the time the application notice was given, it does not appear that the Commission did have actual or constructive knowledge on January 9th of the levy at the time the notice of hearing was disseminated on January 11, 1973. In any event, it would appear that, in fact, Mountain States Bank is an interested party in this proceeding.

It is noted that the hearing in this matter has been concluded, and that exceptions have been filed by certain parties which have been overruled by the Commission in Decision No. 83427 dated July 27, 1973. It may well be that Mountain States Bank, which is being authorized to intervene as a party by the Order herein, may wish to file a Petition for Reconsideration, Reargument and Rehearing. We shall construe the pleading filed by Mountain States Bank on August 15, 1973, as a request for an extension of time within which to make application for Reconsideration, Reargument and Rehearing. The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Mountain States Bank be, and the same hereby is, granted leave to be a party in the within matter.
2. Mountain States Bank be, and the same hereby is, granted an extension of time within which to file an Application for Reconsideration, Reargument and Rehearing of Commission Decision No. 83427 to September 4, 1973.
3. A copy of this Order shall be served upon the Sheriff of the City and County of Denver, (Attention: Civil Action No. 32793).

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of August, 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)	
COLORADO-UTE ELECTRIC ASSOCIATION,)	
INC., P. O. BOX 1149, MONTROSE,)	
COLORADO 81401, FOR AN ORDER AUTHOR-)	
IZING THE EXECUTION AND DELIVERY OF	)	APPLICATION NO. 26905-Securities
A CERTAIN NOTE TO THE UNITED STATES)	
OF AMERICA, TO BE SECURED BY A)	
MORTGAGE OBLIGATION.)	
IN THE MATTER OF THE APPLICATION OF)	
COLORADO-UTE ELECTRIC ASSOCIATION,)	
INC., MONTROSE, COLORADO, FOR A	)	APPLICATION NO. 26906
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT, OPERATE)	
AND MAINTAIN A SUBSTATION NEAR)	
SALIDA, COLORADO, A SUBSTATION IN	)	ORDER OF THE COMMISSION
STEAMBOAT SPRINGS, COLORADO, AND)	
6.89 MILES OF 230 KV TRANSMISSION)	
LINE OUT OF THE SAID SUBSTATION IN)	
STEAMBOAT SPRINGS, COLORADO.)	

- - - - -
AUGUST 24, 1973
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Appearances: John A. Hughes, Esq.
Montrose, Colorado, and
John J. Conway, Esq.,
Denver, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 22, 1973, Colorado-Ute Electric Association, Inc., by its attorneys, filed a Motion to (1) consolidate the within applications for hearing and permit the same to be heard on a consolidated record, (2) permit the within applications to be heard on less than the statutory (30-day) notice as prescribed by 1963 CRS 115-6-8(2), to wit, on 10-days notice, as permitted by 1963 CRS 115-6-8(4), (3) to set the within applications for hearing in Denver on either September 6 or 7, 1973, and (4) continue, if necessary, the period for issuance of a decision in connection with the above- described securities application for a period in excess of 30 days.

The Commission finds and concludes that proper grounds exist for the granting of the motion and that the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applications No. 26905-Securities and No. 26906 be, and the same hereby are, consolidated for hearing.

2. Applications No. 26905-Securities and No. 26906 be, and the same hereby are, permitted to be heard on 10-days notice.

3. The Secretary of the Commission be, and the same hereby is, directed to set the within applications for hearing in the hearing room of the Commission, 1845 Sherman Street, Denver, Colorado, on September 7, 1973, at 10:00 o'clock A.M.

4. This order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

nto

(Decision No. 83578)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

- - - - -
August 24, 1973
- - - - -

Appearances: Jorge E. Castillo, Esq.,
Denver, Colorado, for
Applicant;
John P. Thompson, Esq.,
Denver, Colorado, for
Overland Motor Express, Inc.,
doing business as "Boulder-
Denver Truck Line," Protestant;
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for Bowers
Transfer & Storage Co.,
Protestant;
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.;
Merchant's Transfer & Storage
Co., Inc.; Tiller's Moving &
Storage, Inc.; and Weicker
Transfer & Storage Co.,
Protestants.

PROCEDURE AND RECORD

Under date of February 23, 1973, the above-entitled application was filed with this Commission requesting the issuance of a contract carrier permit to conduct operations as a contract carrier by motor vehicle for hire for the transportation services as specifically set forth therein.

This application was later amended on May 15, 1973. Subsequently, protests were duly filed by the parties shown in the Appearances. After due and proper notice to all interested parties, the application was set for hearing in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, August 7, 1973, at 10 a.m., at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned. At the time the matter was called for hearing, Applicant, through its attorney, requested that the application be dismissed.

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. Applicant requested that the application be dismissed.
2. There was no objection by Protestants, and the request was granted.
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. 26424-PP-Amended, being the application of Joseph A. Chavez, doing business as "Joseph A. Chavez Delivery Service," 1233 Gray Street, Lakewood, 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

b1

(Decision No. 83579)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PTARMIGAN P'TOURS, INC., %RUSSELL)	APPLICATION NO. 26726
E. BARBER, BOX 109, BRECKENRIDGE,)	
COLORADO, AND %PETER D. NIMS, 821)	RECOMMENDED DECISION OF
17TH STREET, DENVER, COLORADO, FOR)	THOMAS M. McCaffrey,
A CERTIFICATE OF PUBLIC CONVENIENCE)	EXAMINER
AND NECESSITY TO OPERATE AS A)	
COMMON CARRIER BY MOTOR VEHICLE)	GRANTING APPLICATION
FOR HIRE.)	

- - - - -
August 24, 1973
- - - - -

Appearances: Kim B. Batcheller, Esq.,
Breckenridge, Colorado,
for Applicant;
Robert C. Barbour, Esq.,
Denver, Colorado, for
Tiger Run, Inc., Protestant.

PROCEDURE AND RECORD

On June 11, 1973, Applicant filed the above-titled application with this Commission for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire as specifically set forth in the application.

Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on July 3, 1973, was granted such temporary authority.

The Commission assigned Docket No. 26726 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On June 25, 1973, Tiger Run, Inc., filed its protest to the granting of 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 person, firms, or corporations, set the herein matter for hearing to be held in the Courtroom of the District Court, Courthouse, Breckenridge, Colorado, on Friday, August 10, 1973, at 10 a.m. The hearing was held at the said time and place.

Exhibits 1 through 5, inclusive, were tendered and admitted into evidence.

After the testimony of the Applicant's operating witness, Russell E. Barber, and one supporting witness, Protestant, Tiger Run, Inc., moved to withdraw its protest to the application, which motion was granted by the Examiner. The hearing on the application then proceeded 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 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. The officers and directors of the Applicant corporation are Peter D. Nims, President; Robert G. Nims, Vice President; and Dennis Cheroutes, Secretary-Treasurer.
2. Applicant proposes to operate a public utility, as defined in Chapter 115, CRS 1963, as amended.
3. The Commission has jurisdiction over the Applicant and the subject matter of this proceeding.
4. Applicant presently holds no authority from this Commission, and by this application seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for transportation, in sightseeing service, of passengers over the following routes:

Between Breckenridge, Colorado, and Como, Colorado, over Boreas Pass;

Between Breckenridge, Colorado, and Alma, Colorado, over Hoosier Pass;

Between Breckenridge, Colorado, and Evans, Colorado, over Hoosier Pass and Mosquito Pass;

Between Breckenridge, Colorado, and Humbug Hill through French Gulch;

Between Breckenridge, Colorado, and points lying within three miles on either side of the above-named routes over unchartered jeep trails;

All such transportation to be restricted to that originating and terminating in Breckenridge, Colorado.

5. Applicant operates a retail outlet in Breckenridge, Colorado, selling sporting goods and equipment for mountaineering, camping, and cross-country skiing. It also provides a mountain guide service in conjunction with its retail sales. The retail store is managed by Russell E. Barber, the major stockholder in the Applicant corporation.

6. There is presently no jeep tour service operating in the same area Applicant proposes to serve, and the only additional 4-wheel tour service in or near Breckenridge is Tiger Run, Inc. This firm was initially a protestant in this proceeding but withdrew its protest during the course of the hearing, and its president made a statement in support of this application. Tiger Run, Inc., is located approximately four and one-half miles north of Breckenridge.

The purpose of this application is to initiate jeep-tour-type sightseeing service from a point within Breckenridge and in near proximity to the various motels and condominiums in that town. Applicant's proposed service is strongly supported by the Breckenridge Chamber of Commerce and the Breckenridge Resort Association, which organizations are presently initiating a nation-wide advertising campaign to attract summer tourism.

The Breckenridge Resort Association, in cooperation with the Chamber of Commerce, is organizing and promoting various outdoor summer activities, which will be enumerated in an advertising brochure to be distributed among the various travel agencies throughout the country. Applicant's sightseeing services, if this application is granted, are to be included as one of the activities available to summer visitors in Breckenridge. Applicant expects to attract a considerable amount of business from this extensive advertising, as well as walk-in business and referrals from local business firms.

7. Applicant will conduct half-day sightseeing tours, lasting approximately four and one-half hours, and all-day tours of approximately nine and one-half hours in duration. Weather permitting, the tours will be conducted from approximately May to October. Applicant intends to provide light lunches for its customers on the all-day tours. While Applicant has apparently made no definite plans as to the preparation of these lunches, and, although food service is not within the jurisdiction of this Commission, the Examiner notes that arrangements for preparation of food to be served to the public should be made through established properly licensed food-handling firms.

8. Applicant's tours are to be conducted by Russell E. Barber, who holds an Advanced First-Aid Certificate, Michael G. Robinson, and Nicholas A. Logan, both Emergency Medical Technicians. All are experienced drivers holding Colorado Chauffeur's Licenses and all are familiar with the mountainous terrain and Jeep Trails over which the tours are to be conducted. All drivers are familiar with the operation of 4-wheel drive vehicles, and it is hereby found as fact that Applicant has sufficient experience to conduct the transportation services requested herein.

9. The vehicles to be used initially in the Applicant's sightseeing services are a 1971 4-wheel drive Toyota 5-passenger Land Cruiser and a 12-passenger 1972 Ford Econoline bus. A strict maintenance program

for these vehicles has been formulated, and the drivers will be carefully instructed in all phases of the program and individual care of the vehicles so as to insure the passengers' safety and a minimum of mechanical breakdowns in remote areas. Applicant has a net worth of \$11,665, which amount, as well as the aforementioned equipment, is ample and suitable for the operation of the authority requested.

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

11. The present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth, and the granting of this 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 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. Ptarmigan P'Tours, Inc., 821 - 17th Street, Denver, Colorado 80203, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

Transportation, in sightseeing service of
Passengers

Between Breckenridge, Colorado, and Como,
Colorado, over Boreas Pass;

Between Breckenridge, Colorado, and Alma,
Colorado, over Hoosier Pass;

Between Breckenridge, Colorado, and Evans,
Colorado, over Hoosier Pass and Mosquito
Pass;

Between Breckenridge, Colorado, and Humbug
Hill through French Gulch;

Between Breckenridge, Colorado, and points
lying within three miles on either side of
the foregoing routes over unchartered jeep
trails.

RESTRICTION:

All transportation service rendered under
this authority shall be restricted to that
originating and terminating in Breckenridge,
Colorado;

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

2. Applicant shall file tariffs of rates, rules, and regula-
tions as required by the rules and regulations of this Commission within
twenty (20) days from date.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

b1

(Decision No. 83580)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELBERT W. PADDOCK, DOING BUSINESS)
AS "A & A TRUCK LINES," 1221 LA)
PALOMA WAY, COLORADO SPRINGS, COLO-)
RADO, FOR AUTHORITY TO TRANSFER ALL)
RIGHT, TITLE, AND INTEREST, IN AND)
TO CONTRACT CARRIER PERMIT NO. A-22)
TO A & A TRUCK LINES, INC., 1221 LA)
PALOMA WAY, COLORADO SPRINGS, COLO-)
RADO.)

APPLICATION NO. 26610-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
August 24, 1973
- - - - -

Appearances: John J. Conway, Esq., Denver,
Colorado, for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be

authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. A-22, as granted by Commission Decision No. 49926 dated March 26, 1958 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 have advised the Commission in writing 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.

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 filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

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 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

b1

(Decision No. 83581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

H. R. WARNER)	
1913 DOTSERO)	
LOVELAND, COLORADO,)	
	)	CASE NO. 5514
Complainant,)	
	)	RECOMMENDED DECISION OF
vs.	)	CHRISTIAN O. IGENBERGS,
	)	EXAMINER
CASEY HOUSEMOVING, INC.)	
228 11TH AVENUE	)	DISMISSING COMPLAINT
GREELEY, COLORADO,)	
)	
Respondent.)	

August 27, 1973

Appearances: Peter J. Crouse, Esq.,
Denver, Colorado,
for Complainant;
Thomas A. Connell, Esq.,
Greeley, Colorado,
for Respondent;
Dalton O. Ford, Denver,
Colorado, of the Staff
of the Commission.

PROCEDURE AND RECORD

Under date of March 7, 1973, H. R. Warner, hereinafter referred to as Complainant, a common carrier by motor vehicle for hire under Certificate of Public Convenience and Necessity PUC No. 7579, filed a Complaint with the Commission against Casey Housemoving, Inc., hereinafter referred to as Respondent, another common carrier, requesting, inter alia, an Order from this Commission restraining and enjoining said Respondent from transporting houses between points in the County of Larimer, State of Colorado.

The Commission assigned Case No. 5514 to the proceeding and entered its ORDER TO SATISFY OR ANSWER on March 8, 1973, which said Order was duly served upon Respondent. Upon request, by Order No. 82699, Respondent was granted an extension of time to and including April 30, 1973, within which to Satisfy or Answer.

On May 3, 1973, Respondent duly filed its Answer and Satisfaction.

On May 25, 1973, the Commission set the subject matter for hearing in the Blue Flame Room of the Greeley Gas Company, 1200 - 11th Avenue, Greeley, Colorado, on Tuesday, June 5, 1973, at 1:30 p.m., at which time and place it was heard by Christian O. Igenbergs, Examiner, to whom the subject case had been assigned pursuant to law.

The Examiner, upon his own motion, took official notice of Commission Decision No. 82793, dated April 18, 1973. The aforesaid Decision revoked the authority of Respondent as of May 5, 1973, said authority being Certificate of Public Convenience and Necessity PUC No. 5255, for failure to be properly insured in accordance with the Public Utilities Law of this state and the Rules and Regulations of this Commission. The Examiner ruled that, lacking the necessary authority from this Commission, Respondent was no longer a common carrier within the jurisdiction of this Commission; and, therefore, the Complaint had become moot. Upon his own motion, the Examiner dismissed the subject Complaint.

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. Respondent Casey Housemoving, Inc., is no longer a common carrier by motor vehicle for hire.
2. The subject Complaint is, therefore, moot and should be dismissed.
3. The parties have arrived at an amicable settlement, and Respondent intends to file with this Commission a request for reinstatement of the authority it formerly held, excluding the area in controversy.

Any proceedings thereafter, however, are not part of the subject proceeding before the Examiner in the within case.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Complaint No. 5514 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

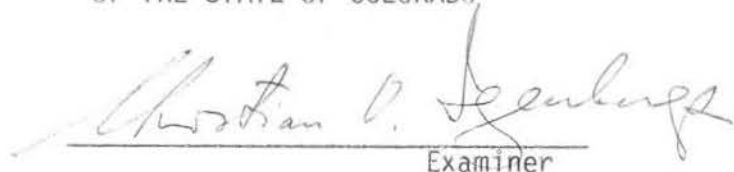
THE COMMISSION ORDERS THAT:

1. Complaint No. 5514, being a complaint by H. R. Warner, 1913 Dotsero, Loveland, Colorado, vs. Casey Housemoving, Inc., 228 - 11th Avenue, Greeley, 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION)
OF THE DENVER AND RIO GRANDE)
WESTERN RAILROAD COMPANY TO)
CLOSE STATION AT BOND, COLORADO.)

APPLICATION NO. 26759

August 24, 1973

PROCEDURE AND STATEMENT

BY THE COMMISSION:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations pertaining to Railroads and Express Companies operating in the State of Colorado, The Denver and Rio Grande Western Railroad Company, hereinafter referred to as Rio Grande, on June 25, 1973, filed an application seeking authority to close and withdraw its agency station at Bond, Eagle County, Colorado, and to therewith provide alternate services through the agency station at Glenwood Springs, Colorado. In conformity with Commission rules, public notice of the proposed station closing was posted at the Bond station.

Explanatory material submitted with the application was a Form of Public Notice to be posted at Bond station to show proposed withdrawal of the rail agent to be effective August 1, 1973.

Other reference material provided as information for Commission consideration consists of:

1. Statement - Carloads and Revenues for Rail Freight forwarded and received. Includes station expenses for Bond, Colorado, during the years 1971 through April 1973.
2. Revenue Accounting Statement for Bond, Colorado. Basis of System-wide station expenses showing revenue loss during the years 1971 through April 1973.

In conformance with the Commission rules herein, public notice of the requested station closing was posted at the Bond Station, the Glenwood Springs Station and the Phippsburg Station on June 27, 1973. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. No protest in the matter has been received by the Commission.

Upon Staff investigation and Commission consideration of the instant application, it appears that the proposed request is compatible with the public interest, and, pursuant to Chapter 115-6-9 (5), CRS 1963, as amended, the Commission determined to hear, and has heard, said matter forthwith upon the record and files herein.

FINDINGS OF FACT

THE COMMISSION FINDS:

From the record and files herein, the Commission is informed in the matter, and the following is found as fact that:

1. Public Notice of the proposed railroad Agency closing has been posted in accordance with the Commission Rules, and no protest in the matter has been received.

2. Bond, Colorado (population 40), is located 129.3 miles west of Denver on the Rio Grande Mainline extending between Denver, Colorado and Salt Lake City and Ogden, Utah. Agency stations are maintained at Glenwood Springs located 56 miles to the west, Kremmling located 26 miles to the east, and Phippsburg located 40 miles to the north on the Craig branch. Bond is served by north-south State Highway No. 131.

3. Rail service consists of 5 freight trains operated in each direction daily. Passenger train service is provided at Bond westbound on Monday, Thursday and Saturday and eastbound on Tuesday, Friday and Sunday. No checked baggage is handled at Bond and no passenger train tickets are sold at Bond. The passenger trains will continue to stop at Bond.

4. All train operations are controlled by the Rio Grande dispatcher at Denver, Colorado, such that train orders by the agent are not required at Bond. No railroad express business is handled at Bond by the agent. The agency station at Bond is not necessary for the operational purposes of the Railroad. The spotting and picking up of railroad cars will remain the same.

5. Rio Grande's chief customers at the Bond agency are a small number of shippers of cattle from Burns, Colorado, and all business the shippers at that point transact with Rio Grande will be handled through railroad forces at Glenwood Springs, Colorado, including billing, spotting, weighing, car orders, and inquiries. Any other business occasionally handled at Sweetwater and Range, as well as other blind sidings to the west of Bond will be handled by the agency at Glenwood Springs which is open six days a week during daylight hours. Any business that would ordinarily be handled at Bond by occasional shippers from Bond eastward will be handled by forces at Denver which are available seven days a week during daylight hours and on an around-the-clock basis through the switch desk at North Yard. Any shipments originating at Crater or Volcano and Bond will be handled by forces at Phippsburg, Colorado, where the agency is open during daylight hours six days a week.

6. Freight business generated at the Bond agency is as follows:

<u>Year</u>	<u>Cars Forwarded</u>	<u>Cars Received</u>
1971	7	--
1972	5	--
Jan. - April 1973	--	--
Total	12	

7. With the requested station closing it is proposed that the Rio Grande will save the station expenses including the agents wages at the Bond agency which have been as follows:

<u>Year</u>	<u>Station Expense</u>
1971	\$43,959
1972	\$48,497
Jan. - April 1973	\$18,124

8. If the application is granted, the Rio Grande will accept collect calls at Phippsburg, Glenwood Springs, and/or Denver, Colorado, relative to railroad business formerly handled by the Bond agency.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Safe and economical railroad operation does not require the maintenance of an agent at the Bond station, Eagle County, Colorado.
2. There will be a continuation of rail service, including local switching movements and the necessary trackage facilities. Handling of passenger tickets on the train will also be continued.
3. Alternate personal agency service will be available according to customer needs through the agency stations of Glenwood Springs, Denver, and Phippsburg, Colorado.
4. The proposed station closing will cause only minor, if any, inconvenience to the public and non-productive station expenses will be eliminated.
5. The authority as sought in the instant application should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Applicant herein, The Denver and Rio Grande Western Railroad Company, be, and hereby is, authorized to discontinue agency service at Bond, Colorado, and to thereafter maintain same as a non-agency station served through the agency offices at Glenwood Springs, Denver, and Phippsburg, Colorado.

2. That charges for telephone calls of Bond area patrons relative to railroad business shall be accepted by the agency stations at Glenwood Springs, Denver, and Phippsburg, Colorado.

3. That reference shall be made to this Decision in the respective tariff schedules to show closing of the Bond Agency Office as authority for such action.

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

5. That this order shall become effective forthwith.

DONE IN OPEN MEETING the 24th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

(Decision No. 83583)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BROWN BROTHERS TRASH SERVICE, INC.,)
710 EAST HARRISON, COLORADO SPRINGS,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26924-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
August 28, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

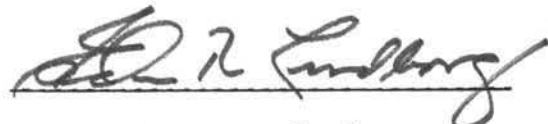
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Common Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

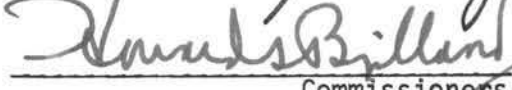
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 28th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Appendix
Decision No. 83583
August 28, 1973

Brown Brothers Trash Service, Inc.

Transportation of

Ash, trash, and other refuse

From all points located within a ten (10) mile radius of the intersection of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 83584)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES FOBERG AND LORI FOBERG,)
DOING BUSINESS AS "CONTINENTAL SAND)
& GRAVEL & PENEPRIME PAVING," 1223)
EBONY, DENVER, COLORADO, FOR EMER-)
GENCY TEMPORARY APPROVAL TO CON-)
DUCT OPERATIONS UNDER CONTRACT CAR-)
RIER PERMIT NO. B-7980 PENDING)
DETERMINATION OF THE APPLICATION TO)
ACQUIRE SAID PERMIT.)

APPLICATION NO. 26925-PP-Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

August 28, 1973

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

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and 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.


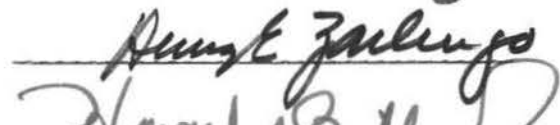

IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 28th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83585
August 28, 1973

Carl Patton

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 75 miles from the point(s) of origin.

(Decision No. 83586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENNETH G. FARR AND JOHNNY C. BURCH,)
DOING BUSINESS AS "RANGELY EXCAVATING,")
P. O. BOX 578, RANGELY, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26927-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

August 28, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

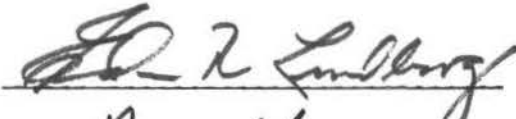
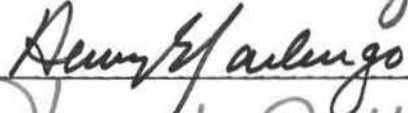

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 28th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83586
August 28, 1973

Rangely 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83587)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD M. SKILLETT, 844 GRECIAN N.W.,)
ALBUQUERQUE, NEW MEXICO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO OPER-)
ATE AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 26928-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

August 28, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

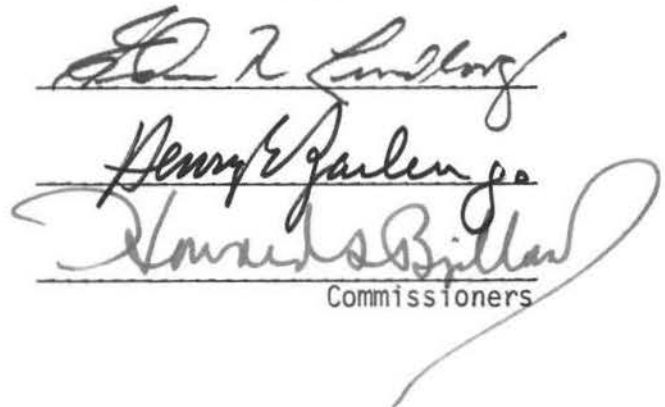
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 28th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83587
August 28, 1973

Harold M. Skillett

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 75 miles from the point(s) of origin.

(Decision No. 83588)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM C. KERST, DOING BUSINESS AS)
"KERST TRUCKING," BOX 125, YUMA,)
COLORADO, FOR TEMPORARY AUTHORITY TO)
EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-1502.)

APPLICATION NO. 26865-PP-
Extension-TA

ORDER DENYING TEMPORARY AUTHORITY


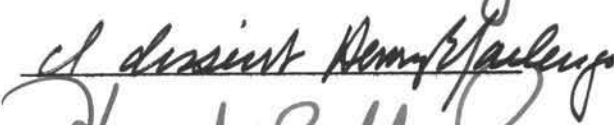
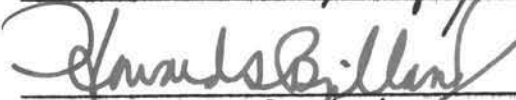
- - - - -
August 28, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 28th day of August, 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)	
THE STATE DEPARTMENT OF HIGHWAYS,)	
DIVISION OF HIGHWAYS - STATE OF	)	APPLICATION NO. 26047
COLORADO, FOR AUTHORITY TO CONSTRUCT,)	
OPERATE AND MAINTAIN TWIN HIGHWAY)	
GRADE SEPARATION STRUCTURES CARRYING	)	RECOMMENDED DECISION OF
STATE HIGHWAY NO. 83 (ACADEMY BOULE-	)	THOMAS M. McCaffrey,
VARD) OVER THE RAILROAD PROPERTY AND	)	EXAMINER
FACILITIES OF THE ATCHISON, TOPEKA)	
AND SANTA FE RAILWAY COMPANY IN THE)	
VICINITY OF THEIR MILEPOST 657.49±,	)	GRANTING APPLICATION
AND THE DENVER AND RIO GRANDE WESTERN)	
RAILROAD COMPANY IN THE VICINITY OF)	
THEIR MILEPOST 81.2955 NEAR COLORADO)	
SPRINGS IN EL PASO COUNTY, COLORADO.)	

August 30, 1973

Appearances: Wayne B. Schroeder, Assistant
Attorney General, Denver,
Colorado, for Applicant;
Peter J. Crouse, Esq., Denver,
Colorado, for the Atchison,
Topeka and Santa Fe Railway
Company;
James F. Pamp, Esq., Denver,
Colorado, for the Denver and
Rio Grande Western Railroad
Company;
John E. Archibold, Esq.,
Denver, Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

On September 13, 1972, Applicant, the State Department of Highways, Division of Highways, State of Colorado, filed the above-titled application for authority to construct, operate, and maintain twin highway grade separation structures carrying State Highway No. 83 over the property and facilities of the Atchison, Topeka and Santa Fe Railway Company, in the vicinity of that railroad's Milepost 657.49±, and the Denver and Rio Grande Western Railroad Company in the vicinity of their Milepost 81.2955 near Colorado Springs in El Paso County, Colorado.

The Commission assigned Docket No. 26047 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 Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on Wednesday, April 18, 1973, at 10 a.m. Pursuant to law, the Commission assigned Thomas M. McCaffrey, Examiner, for the purpose of conducting a hearing on the application, and the hearing was held at the aforesaid time and place.

No protests to the granting of the application were filed, and no person appeared in the hearing to protest the matter.

Exhibits Nos. 1 through 3 were offered and admitted into evidence. The Examiner granted permission to also file as late-filed exhibits a copy of the executed Agreement between the Atchison, Topeka and Santa Fe Railway Company and the State Department of Highways; a copy of the executed Agreement between the Denver and Rio Grande Western Railroad Company and the State Department of Highways; a copy of the Letter of Approval from the Federal Highway Administration; a copy of the El Paso County Commissioners' Resolution approving the requested construction; and a copy of the Letter of Approval from the Pikes Peak Area Council of Governments. These late-filed exhibits were duly received by 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. The Commission has jurisdiction over the parties and subject matter of this proceeding.

2. By this application the State Highway Department requests authority from this Commission to construct twin highway railroad grade separation structures, which will carry traffic over the property, tracks, and facilities of the Atchison, Topeka and Santa Fe Railway Company (hereinafter called "Santa Fe") and the Denver and Rio Grande Western Railroad Company (hereinafter called "Rio Grande"). These railroad grade separation structures are located on the new alignment of State Highway No. 83, which is also known as Academy Boulevard, southeast of Colorado Springs in El Paso County, Colorado.

3. There are actually two highways involved, viz., State Highway No. 83 and State Highway No. 85 (U.S. Highway No. 85-87). State Highway No. 83 is a federal aid Secondary-Urban Route and has been approved for realignment. The proposed construction project will include an overpass bridge above State Highway No. 85, and thereby completes the last link on State Highway No. 83 from "B" Street in Fort Carson easterly and northerly, thereby making Highway No. 83 a continuous route through Colorado Springs. The estimated average daily vehicular traffic in the project area is approximately 15,000. With the construction of the new route, the State Highway Department anticipates that the daily traffic volume will increase to 41,800 by 1992. It is intended that the construction of this 4-lane divided route will provide a higher degree of service, and at the same time relieve other routes, thereby contributing to the overall safety in the area.

4. The present track crossing is located on Bradley Road, approximately 1,200 feet northwest of the proposed construction site. This crossing, upon completion of the subject twin bridge structures, would, upon proper application, be closed. There are currently an estimated 19 through-train movements per day over the tracks of both railroads, and the proposed twin bridge structures will eliminate any vehicular traffic exposure to these train movements. The overpass structures also provide a direct route from Fort Carson to the Air Force Academy, thus eliminating considerable vehicular traffic on both I-25

and U.S. 85-87. On and off ramps would provide all Bradley Road traffic access to Highway No. 83 (Academy Boulevard).

5. The entire overpass construction project has been approved by the State Highway Department, the Santa Fe, the Rio Grande, the Federal Highway Administration, the El Paso Board of County Commissioners, and the Pikes Peak Area Council of Governments, as shown in Exhibits 4, 5, 6, 7, and 8, respectively, filed herein. Under the terms and provisions of the Agreements between the State Highway Department and the respective railroads, the cost of constructing the subject twin highway grade overpasses will be at the State Highway Department's expense. The estimated cost of construction for the twin bridges is approximately \$1,209,000.

After construction is completed, the State Highway Department will at its sole expense maintain the bridge structures, including piers, abutments, roadway drainage, embankments, and surfaces. The two railway companies will continue to maintain their respective tracks, railroad grades, and operating facilities.

6. The minimum vertical clearance between the railroad tracks and the bridge structures will be 23 feet 6 inches. Each bridge structure will be 54.6 feet wide and 637 feet long. Each roadway will have two 12-foot travel lanes with a 4-foot inside shoulder and a 3-foot 3-inch curb and gutter on the median side, a 12-foot speed-change lane plus an 8-foot shoulder and a 3-foot 3-inch curb and gutter on the outside. Standard bridge railing will be installed on all curbing over the structures.

All construction beneath the overpass structures shall conform to or exceed the Commission's requirements, and the respective railroads have agreed to furnish and install inside guard rails, as required, along their tracks beneath the overpass structures, at the State Highway Department's expense.

7. The public safety, convenience and necessity require and will be served by the construction of the twin highway grade separation structures proposed in this application.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by the State Department of Highways, Division of Highways, State of Colorado, in Application No. 26047 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. Authority and approval be, and hereby is, granted to the State Department of Highways, Division of Highways, State of Colorado, for the following: to construct, operate, and maintain twin highway grade separation structures carrying State Highway No. 83 (Academy Boulevard) over the railroad property and facilities of the Atchison, Topeka and Santa Fe Railway Company in the vicinity of their Milepost 657.49±, and the Denver and Rio Grande Western Railroad Company in the vicinity of their Milepost 81.2955 near Colorado Springs in El Paso County, Colorado.

2. The construction, operation, maintenance, and cost of the said twin highway grade separation structures shall all be performed and paid for in accordance with the appropriate agreements, understandings, exhibits and/or plans submitted and received herein, all of which are by reference hereby made a part hereof.

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
hbn

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
1601 EAST 19TH AVENUE, DENVER,)	
COLORADO, FOR A CLASS "B" PERMIT TO)	ORDER OF CHRISTIAN O. IGENBERGS,
OPERATE AS A CONTRACT CARRIER BY)	EXAMINER, SETTING APPLICATION FOR
MOTOR VEHICLE FOR HIRE.)	ADDITIONAL HEARING

- - - - -
August 27, 1973
- - - - -

Appearances: Lawrence Levin, Esq.,
Denver, Colorado, for
Applicant;
Walter M. Simon, Esq.,
Denver, Colorado, for
Yellow Cab, Inc.,
Protestant;
Edward T. Lyons, Jr., and
Robert G. Shepherd, Jr.,
Esqs., Denver, Colorado,
for Purolator Courier
Corporation, Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

Hearing on the above-entitled application was concluded on June 21, 1973, at which time the matter was taken under advisement. Upon reviewing testimony and exhibits, the Examiner has found that in order to render a decision in the within matter, additional evidence is needed and in particular with regard to the financial position, availability of funds, and earnings of Applicant. Furthermore, additional evidence is needed from Administrators or other responsible executives of the hospitals concerned in this matter. Without such evidence, certain facts and findings cannot be determined. It has, therefore, been determined that an additional hearing should be held and that Applicant be given an opportunity to present whatever additional testimony and/or exhibits it might desire in regard to these two aspects of the proposed services.

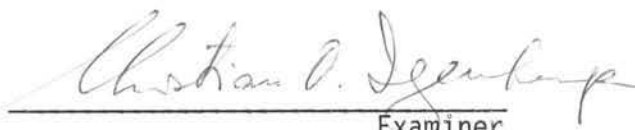
O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 26620-PP be, and hereby is, set for further hearing in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, September 25, 1973, commencing at 10 a.m., at which time the Applicant will be given the opportunity to present oral testimony and exhibits with respect to the financial position of Applicant, and the policy or intended use of Applicant's services by the hospitals concerned. Protestants may cross-examine and present such evidence as they might desire with respect to said matters.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
rw/hbp

(Decision No. 83591)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SANGRE DE CRISTO ELECTRIC ASSOCIATION,)	APPLICATION NO. 26346
INC., A COLORADO CORPORATION, P. O.)	
DRAWER J, BUENA VISTA, COLORADO, FOR)	RECOMMENDED DECISION OF
A CERTIFICATE OF PUBLIC CONVENIENCE)	CHRISTIAN O. IGENBERGS,
AND NECESSITY TO FURNISH ELECTRIC)	EXAMINER
SERVICE ON THE TERRITORY DESCRIBED IN)	
THE INSTANT APPLICATION LOCATED IN)	GRANTING APPLICATION
PORTIONS OF LAKE, CHAFFEE AND SAGUACHE)	
COUNTIES, STATE OF COLORADO.)	

August 29, 1973

Appearances: Robert P. Rush, Esq.,
of Rush and Rush,
Salida, Colorado,
for Applicant;
John E. Archibold, Esq.,
Denver, Colorado, for
the Staff of the Commission.

PROCEDURE AND RECORD

On February 1, 1973, the above-entitled application was filed by Sangre De Cristo Electric Association, Inc., hereinafter referred to by the full corporate name or as "Sangre De Cristo." By this application, Applicant seeks an order of the Commission to extend the area served by Sangre De Cristo to include certain areas in the counties of Chaffee, and Saguache, State of Colorado, described as follows:

PARCEL 1:

Sections 18, 19, 28, 29, 30, 31, 32, and
33, Township 49 North, Range 8 East of the N.M. P.M.;

Sections 25 and 26 of Township 49 North, Range 7
East of the N.M. P.M.;

Sections 5, 6, 7, 18 and 19, Township 48 North,
Range 8 East of the N.M. P.M.;

Homestead entry number 55, Township 48 North, Ranges
7 and 8 of the N.M. P.M.

PARCEL 2:

South 1/2 of Section 6, West 1/2 of Section 8, all in
Township 10 South, Range 79 West of the 6th P.M.

Upon due and proper notice to all interested parties, the matter was set for hearing on Tuesday, June 26, 1973, at 10 a.m. in the City Hall Auditorium, 124 "E" Street, Salida, Chaffee County, Colorado, at which time and place the matter was heard by Examiner Christian O. Igenbergs, to whom the matter had been duly assigned pursuant to law.

No one appeared at the hearing in opposition to the granting of the application. As a preliminary matter, the Applicant requested permission to change the legal description on Parcel 1 (the Saguache County property), by eliminating from Parcel 1 the following property: Sections 18, 19, the West 1/2 of Section 29, and all of Section 30, Township 49 North, Range 8 East of the N.M. P.M., Sections 25 and 26, Township 49 North, Range 7 East of the N.M. P.M. There was no objection to this amendment and the same was allowed.

Exhibits numbered 1 and 2 were tendered and admitted into evidence.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner 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 corporation, organized and existing under and by virtue of the laws of the state of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the generation, purchase, transmission, distribution and sale of electrical energy in the counties of Lake, Chaffee, Custer, and Fremont, State of Colorado.

2. A certified copy of Applicant's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission, together with a copy of the By-Laws as they are now in force and in effect.

3. By this application Sangre De Cristo requests that the Commission grant to it authority to serve, on an exclusive basis, a portion of the county of Saguache, State of Colorado, in a certain territory denoted as Parcel 1 and which, as amended at the hearing, consists of the following area, to wit:

Parcel 1:

Section 28, East 1/2 of Section 29, Sections 31, 32, and 33, Township 49 North, Range 8 East of the N.M. P.M.;

Sections 5, 6, 7, 18, and 19, Township 48 North, Range 8 East of the N.M. P.M.;

Homestead Entry No. 55, Township 48 North, Ranges 7 and 8 East of the N.M. P.M.

The area here described has heretofore not been certificated to any public utility. However, the Applicant had extended its lines into part of the property and was serving consumers at the time of hearing and had been serving some consumers within the area since December of 1972. The only other utility that has electric lines in the area is the Public Service Company of Colorado, and the evidence of record establishes that these lines were extended by Applicant into the Saguache County property with the consent and agreement of Public Service Company of Colorado. None of the area in Parcel 1 is contiguous to the exclusive area now being served by Applicant, but Applicant is able to serve the area with its existing manpower and equipment and provide power from transmission lines of Public Service Company of Colorado and pursuant to agreements between Applicant and Public Service Company of Colorado.

4. The second area where Sangre De Cristo proposes to serve on an exclusive basis, which is denoted as Parcel 2, adjoins the exclusive area served by Applicant in the county of Chaffee, State of Colorado.

The area consists of the two half sections described as the South 1/2 of Section 6 and the West 1/2 of Section 8, Township 10 South, Range 79 West of the 6th P.M. Applicant is able to extend its lines into those two areas and anticipates doing so in the future because of the development of the Beaver Lake Estates, a new real estate subdivision. No other public utility has lines in the vicinity of the property described as Parcel 2 who would be as able as Applicant to serve this area.

5. By Decision No. 50984, September 25, 1958, Sangre De Cristo was granted authority to distribute electrical energy to certain described areas on an exclusive basis and some on a non-exclusive basis with other utilities. Thereafter, the area designated as non-exclusive that Sangre De Cristo was serving with other utilities was divided into exclusive areas by order of the Public Utilities Commission, and recently, in Decision No. 80798, the Commission granted to Sangre De Cristo certain areas on an exclusive basis and certain areas to the Public Service Company on an exclusive basis.

6. As established by the record, there are requests by prospective customers of Sangre De Cristo to serve in both areas denoted as Parcel 1 and Parcel 2. It is found as a fact that public convenience and necessity requires and will require that Applicant serve in both areas on an exclusive basis.

7. 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 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. Sangre De Cristo Electric Association, Inc., P. O. Drawer J, Buena Vista, Colorado, be, and hereby is, granted authority to provide electrical service on an exclusive basis in the areas prayed for and that the certificate of said Sangre De Cristo Electric Association, Inc., previously granted to it be, and hereby is, amended to include the following described areas:

(A) In the county of Saguache, State of Colorado:

East 1/2 of Section 29, Sections 31, 32, and 33, Township 49 North, Range 8 East of the N.M. P.M., Sections 5, 6, 7, 18, and 19, Township 48 North, Range 8 East of the N.M. P.M., Homestead Entry No. 55, Township 48 North, Ranges 7 and 8 East of the N.M. P.M.

and

(B) In the county of Chaffee, State of Colorado:

South 1/2 of Section 6 and West 1/2 of Section 8, all in Township 10 South, Range 79 West of the 6th P.M.

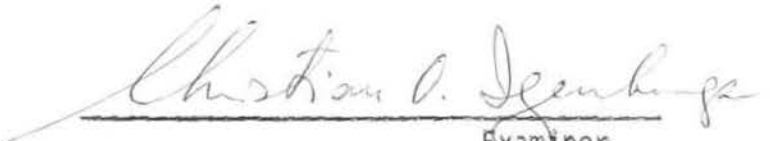
2. The complete area of service of Applicant Sangre De Cristo Electric Association, Inc., as of the date of this order, including the areas granted in the within order, shall read and be as described in Appendix A, which is attached to this order and by reference made a part hereof.

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
hbp

Parcel 1:

Beginning at a point on the Lake County-Chaffee County Line, said point being the Southwest corner of Section 30, Township 11 South, Range 81 West of the 6th Principal Meridian; thence northerly along section lines to the Northwest corner of Section 19, in said Township and Range; thence easterly along section lines to the Southwest corner of Section 13, said Township and Range; thence northerly along section lines to the west $\frac{1}{4}$ corner of Section 1, said Township and Range; thence easterly along section east-west centerlines to the west $\frac{1}{4}$ corner of Section 3, Township 11 South, Range 80 West of the 6th Principal Meridian; thence northerly along section lines to the Northwest corner of said Section 3; thence easterly to the south $\frac{1}{4}$ corner of the Southwest $\frac{1}{4}$ of Section 34, Township 10 South, Range 80 West; thence northerly along north-south half section centerlines to the northwest $\frac{1}{4}$ corner of the Northwest $\frac{1}{4}$ of Section 27, said Township and Range; thence easterly along section lines to the South $\frac{1}{4}$ corner of the Southeast $\frac{1}{4}$ of Section 22 said Township and Range; thence northerly along the north-south centerline to the north $\frac{1}{4}$ corner of the said Southeast $\frac{1}{4}$; thence easterly to the east $\frac{1}{4}$ corner of said Section 22; thence northerly along section lines to the northwest corner of Section 11, Township 10 South, Range 80 West of the 6th Principal Meridian; thence easterly along section lines to the Southwest corner of Section 6, Township 10 South, Range 79 West of the 6th Principal Meridian; thence northerly to the west $\frac{1}{4}$ corner of said Section 6; thence easterly along the east-west section centerline to the east $\frac{1}{4}$ corner of said Section 6; thence southerly to the northwest corner of Section 8, said Township and Range; thence easterly to the north $\frac{1}{4}$ corner of said Section 8; thence southerly along the north-south section centerline to the south $\frac{1}{4}$ corner of said Section 8; thence westerly along section lines to the northeast corner of Section 13, Township 10 South, Range 80 West of the 6th Principal Meridian; thence southerly to the southeast corner of Section 36, said Township and Range; thence westerly to the northeast corner of Section 1, Township 11 South, Range 80 West of the 6th Principal Meridian; thence southerly to the east $\frac{1}{4}$ corner of said Section 1; thence easterly along section east-west centerlines to a point on the Lake-Park County Line; thence southerly along said Lake-Park County Line to the Chaffee-Park County Line; thence southerly along said Chaffee-Park County Line to the Chaffee-Park-Fremont County Line; thence easterly along said Park-Fremont County Line to the northeast corner of Section 3, Township 16 South, Range 73 West of the 6th Principal Meridian; thence south to the southeast corner of Section 10, Township 16 South, Range 73 West of the 6th Principal Meridian; thence easterly along section lines to the northeast corner of Section 14, Township 16 South, Range 72 West of the 6th Principal Meridian; thence southerly along section lines to the southeast corner of Section 14, Township 17 South, Range 72 West of the 6th Principal Meridian; thence westerly along section lines to the southwest corner of Section 15, Township 17 South, Range 72 West of the 6th Principal

Meridian; thence South $12\frac{1}{2}$ miles in an unsurveyed area; thence east $3\frac{1}{2}$ miles more or less to the northeast corner of Section 25, Township 19 South, Range 72 West of the 6th Principal Meridian; thence southerly along the Range line to the southeast corner of Township 20 South, Range 72 West of the 6th Principal Meridian; thence west along the Township line to the northeast corner of Township 21 South, Range 73 West of the 6th Principal Meridian; thence south along the Range line to the southeast corner of said Township 21 South, Range 73 West of the 6th Principal Meridian; thence east along the Township line to the north $\frac{1}{4}$ corner of Section 6, Township 22 South, Range 72 West of the 6th Principal Meridian; thence south along the half section lines to the north $\frac{1}{4}$ corner of Section 30, Township 22 South, Range 72 West of the 6th Principal Meridian; thence east along the north line of Sections 30 and 29 to the easterly boundary of Colorado State Highway No. 69; thence southeasterly along said easterly Highway boundary to the east-west centerline of Section 29, Township 22 South, Range 72 West of the 6th Principal Meridian; thence easterly along the east-west centerlines of said Section 29, Sections 28, 27, 26, and 25, all in said Township and Range, and continuing easterly along the east-west centerline of Section 30, Township 22 South, Range 71 West of the 6th Principal Meridian to the east $\frac{1}{4}$ corner of said Section 30; thence northerly along the west line of Sections 29, 20, 17 and 8, all in said Township 22 South, Range 71 West to the northwest corner of said Section 8; thence easterly along the north line of said Section 8 to the northeast corner of said Section 8; thence northerly along the west line of Section 4 of said Township and Range, and continuing northerly along the west line of Section 33, Township 21 South, Range 71 West of the 6th Principal Meridian to the northwest corner of said Section 33; thence easterly along the north line of said Section 33 to the north-east corner of said Section 33; thence northerly along the west line of Section 27, said Township and Range, to the northwest corner of said Section 27; thence easterly along the north line of said Section 27 to the north-east corner of said Section 27; thence northerly along the west lines of Sections 23, 14, and 11, said Township and Range, to the northwest corner of said Section 11; thence easterly along the north line of said Section 11 to the north $\frac{1}{4}$ corner of said Section 11; thence northerly along the north-south centerline of Section 2, said Township and Range to the north $\frac{1}{4}$ corner of said Section 2; thence easterly along Township lines to the northeast corner of said Township 21 South, Range 70 West of the 6th Principal Meridian; thence southerly along the east line of said Township and Range to the southeast corner of said Township 21 South, Range 70 West, and continuing southerly along the east line of Sections 1 and 12 in Township 22 South, Range 70 West of the 6th Principal Meridian to the southeast corner of said Section 12; thence westerly along the south lines of said Section 12, said Sections 11 and 10 of said Township and Range, to the southwest corner of said Section 10; thence southerly along the east lines of Sections 16, 21, 28, and 33 to the Southeast corner of Section 33,

Township 22 South, Range 70 West of the 6th Principal Meridian; thence westerly along the south line of said Township to the southwest corner of said Township; thence southerly along the West line of Range 70 West to the Custer-Huerfano County line; thence westerly along the Custer-Huerfano County line to the Saguache-Custer County line; thence northwesterly along the Saguache-Custer County line to the Saguache-Fremont County line; thence northwesterly along the Saguache-Fremont County line to a point on the west line of Section 25, Township 48 North, Range 9 East of the New Mexico Principal Meridian; thence northerly along the section lines to the Northwest Corner of Section 1, Township 48 North, Range 9 East of the New Mexico Principal Meridian; thence westerly along the Township line to the Southwest corner of Section 36, Township 49 North, Range 9 East of the New Mexico Principal Meridian; thence northerly to a point on the west line of Section 12, Township 49 North, Range 9 East of the New Mexico Principal Meridian and the Chaffee-Fremont County line; thence northeasterly along the Chaffee-Fremont County line to the north line of Section 17, Township 50 North, Range 10 East of the New Mexico Principal Meridian; thence westerly along section lines to the north $\frac{1}{4}$ corner of Section 13, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence southerly along half section lines to the south $\frac{1}{4}$ corner of said Section 13; thence easterly along Section lines to the Northeast corner of Section 24, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence southerly to the west $\frac{1}{4}$ corner of Section 19, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence easterly along half section lines to the Northeast corner of the Southwest $\frac{1}{4}$ of Section 21, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence southerly to the Southeast corner of the Northwest $\frac{1}{4}$ of Section 28; thence westerly along half section lines to the Southeast corner of the Northeast $\frac{1}{4}$, Section 29; thence continuing westerly along half section lines a distance of 2300 feet; thence north 380 feet more or less to the centerline of Ute Creek; thence southwestwardly along the centerline of the said Ute Creek to a point of intersection with the south boundary of the Northwest $\frac{1}{4}$ of said Section 29; thence westerly along half section lines to the west $\frac{1}{4}$ corner of said Section 29; thence southerly along section lines to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence west along the fractional section line to the main line of the D & RGW Railroad; thence northwesterly along said railroad centerline to the Smelter switch near the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 30; thence westerly along the north boundary of the Smelter Spur of the D & RGW to the intersection with Chaffee County Road No. 150; thence westerly along the said County Road No. 150 to its intersection with a straight line between Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 30, and the Northwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 50 North, Range 8 East; thence northwest

along said line to said Northwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 25; thence southerly to the Northeast corner, Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 25; thence westerly along half section lines to the west $\frac{1}{4}$ corner of the said Section 25; thence southerly along section lines to the Southeast corner of Section 26, said Township and Range; thence westerly to the north $\frac{1}{4}$ corner of Section 34, said Township and Range; thence southerly along half section lines to the east $\frac{1}{4}$ corner of the Southwest $\frac{1}{4}$ of said Section 34; thence westerly along quarter section centerlines to the west $\frac{1}{4}$ corner of the Southwest $\frac{1}{4}$ of Section 33, Township 50 North, Range 8 East; thence northerly along section lines to the northwest corner of Section 16, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence westerly along section lines to the northwest corner of Section 18, said Township and Range; thence northerly along the Range line to the Northwest corner of Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence westerly along the north line of Township 50 North to the Chaffee-Gunnison County line; thence northerly along the Chaffee-Gunnison County line to the Southwest corner of Section 10, Township 13 South, Range 80 West of the 6th Principal Meridian; thence northerly along section lines to the Northwest corner of Section 34, Township 11 South, Range 80 West of the 6th Principal Meridian being on the Lake-Chaffee County line; thence westerly along the Lake-Chaffee County line to the point of beginning.

Parcel II

Beginning at a point which is the northwest corner of Section 8, Township 10 South, Range 80 West of the 6th Principal Meridian; thence easterly along section lines to the Northeast corner of the said Section 8; thence southerly to the west $\frac{1}{4}$ corner of the Northwest $\frac{1}{4}$ of Section 9; thence easterly along the east-west centerline of the North $\frac{1}{4}$ of Section 9 to the east $\frac{1}{4}$ corner of the Northeast $\frac{1}{4}$ of said Section 9; thence southerly along section lines to the east $\frac{1}{4}$ corner of the Southeast $\frac{1}{4}$, Section 21; thence westerly along the east-west centerline to the west $\frac{1}{4}$ corner of the said Southeast $\frac{1}{4}$; thence southerly to the south $\frac{1}{4}$ corner of the said Section 21; thence westerly along section lines to the Southwest corner of Section 20; thence northerly along section lines to the point of beginning.

Parcel III

Beginning at the northwest corner of Section 31, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence easterly along section lines to the south $\frac{1}{4}$ corner of Section 29, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence northerly along the north-south section centerline to the north $\frac{1}{4}$ corner of said Section 29; thence easterly along section lines to the northeast corner of Section 28, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence southerly along

section lines to the southeast corner of Section 33, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence westerly along section lines to the northeast corner of Section 5, Township 48 North, Range 8 East of the New Mexico Principal Meridian; thence southerly to the southeast corner of said Section 5; thence westerly to the northeast corner of Section 7, Township 48 North, Range 8 East of the New Mexico Principal Meridian; thence southerly along section lines to the southeast corner of Section 19, Township 48 North, Range 8 East of the New Mexico Principal Meridian; thence westerly to the southwest corner of said Section 19; thence northerly along the section line to the southerly line of Homestead Entry Survey No. 55, as described in patent recorded in Book 156 at page 171 of the Records of Saguache County, Colorado, lying within Sections 24, 25, and 26 of Suspended Township 48 North, Range 7 East of the New Mexico Principal Meridian; thence westerly along the southerly lines of said Homestead Entry Survey No. 55 to corner No. 5 of said Homestead Entry; thence northerly to corner No. 6 of said Homestead Entry; thence easterly along the northerly lines of said Homestead Entry to the west line of said Section 19, Township 48 North, Range 7 East of the New Mexico Principal Meridian; thence northerly along section lines to the northwest corner of Section 6, Township 48 North, Range 8 East of the New Mexico Principal Meridian; thence easterly along the section line to the southwest corner of Section 31, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence northerly along the section line to the point of beginning.

(Decision No. 83592)

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)	APPLICATION NO. 26907
(2), CRS 1963, FOR THE TEMPORARY OR)	
SEASONAL MOVEMENT OF LATE POTATOES,)	EMERGENCY DISTRICT 9-73
LETTUCE AND TOMATOES.)	

- - - - -
August 28, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of late potatoes, lettuce and tomatoes, in the Counties of Alamosa, Bent, Costilla, Crowley, Delta, Kit Carson, Larimer, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Rio Grande, Saguache, Washington, Yuma, and Weld, 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 late potatoes, lettuce and tomatoes 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 late potatoes, lettuce and tomatoes in the counties of Alamosa, Bent, Costilla, Crowley, Delta, Kit Carson, Larimer, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Rio Grande, Saguache, Washington, Yuma, and Weld, 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.

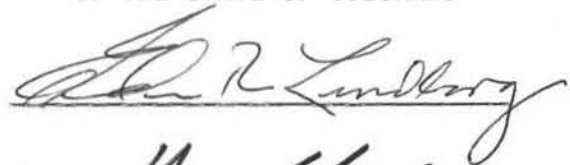
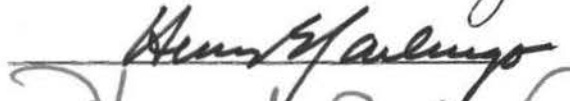
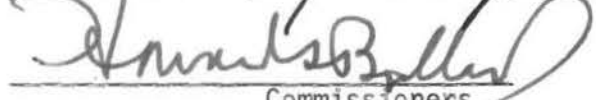
O R D E R

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 late potatoes, lettuce and tomatoes in the counties of Alamosa, Bent, Costilla, Crowley, Delta, Kit Carson, Larimer, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Rio Grande, Saguache, Washington, Yuma and Weld, State of Colorado; provided, however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing September 1, 1973.

DONE IN OPEN MEETING the 28th day of August, 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)	
LINK TRUCK LINES, INC., BOX 151,)	
GENOA, COLORADO, FOR AUTHORITY TO)	APPLICATION NO. 26811-Transfer
TRANSFER ALL RIGHT, TITLE, AND INTER-)	
EST IN AND TO CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC NO.)	
898 AND PUC NO. 898-I TO CLAUDE J.)	ORDER OF THE COMMISSION
SCHMATJEN, DOING BUSINESS AS)	
"SCHMATJEN TRUCKING," 1297 ELM,)	
BURLINGTON, COLORADO.)	

August 28, 1973

Appearances: David E. Driggers, Esq.,
 Denver, Colorado,
 for Applicants.

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to

Certificate of Public Convenience and Necessity PUC No. 898 and PUC No. 898-I as granted by Commission Decisions Nos. 47279 and 63130 dated February 6, 1957 and June 19, 1964, respectively, subject to encumbrance, 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 have advised the Commission in writing 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.


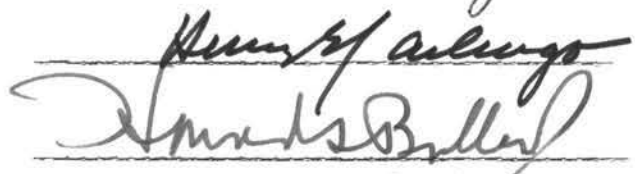
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

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 28th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
hbp

(Decision No. 83594)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EDDIE GALLEGOS, DOING BUSINESS AS)	
"G & S SANITATION SERVICE," P. O.)	APPLICATION NO. 26739-Transfer
BOX 1957, 3040 WEST VINE DRIVE,)	
FT. COLLINS, COLORADO, FOR AUTHORITY)	
TO TRANSFER ALL RIGHT, TITLE, AND)	ORDER OF THE COMMISSION
INTEREST IN AND TO CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 4438 TO G & S SANITATION)	
SERVICES, INC., 3040 WEST VINE)	
DRIVE, FT. COLLINS, COLORADO.)	

August 28, 1973

Appearances: Ramsey D. Myatt, Esq.,
Fort Collins, Colorado,
for Applicants.

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to

Certificate of Public Convenience and Necessity PUC No. 4438 as granted by Commission Decision No. 72547 dated February 14, 1969, and as amended by Decision No. 79404 dated January 13, 1972, 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 have advised the Commission in writing 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.

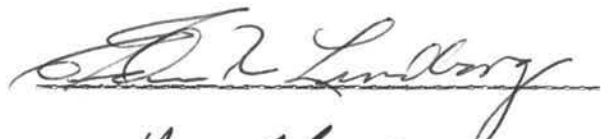
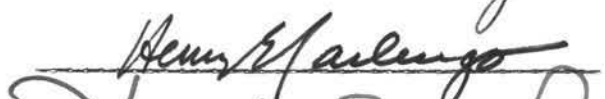
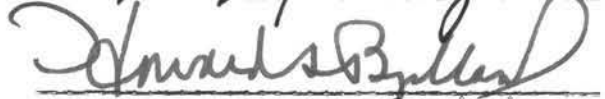
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

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 28th day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE	)	SEE APPENDIX "A"
CONTRACT CARRIERS LISTED ON	)	RECOMMENDED DECISION OF
"APPENDIX A" HERETO,	)	THOMAS M. McCAFFREY,
	)	EXAMINER
Respondents.)	

- - - - -
August 29, 1973
- - - - -

Appearances: Harold L. Lootens, 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 June 15, 1973. The matters were duly called for hearing pursuant to such notice on Wednesday, August 15, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, 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 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. The records and files of the Commission do not disclose an Annual Report filed with the Commission by each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto as required by the Public Utilities Laws of this state and the Rules and Regulations of this Commission.

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 file an Annual Report 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 Annual Report 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"

Contract Carriers

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Bazzel Tipps P.O. Box 733 Rangeley, CO 81648	B-3891	AR-253
Lyle K. Brandt P.O. Box 393 Granby, CO 80446	B-49494	AR-257
Jack Dickson 1800 Sheely Drive Fort Collins, CO 80521	B-6133	AR-266
Bacus Construction, Inc. 819 East 32nd Street Durango, CO 81301	B-6989	AR-279
Joe Nazario Padilla 5665 East Maplewood Englewood, CO 80110	B-7258	AR-282
Patricia A. White 7929 Elmwood Drive Denver, CO 80221	B-7400	AR-288

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE	)	SEE APPENDIX "A"
CONTRACT CARRIERS LISTED ON	)	RECOMMENDED DECISION OF
"APPENDIX A" HERETO,	)	THOMAS M. McCaffrey,
	)	EXAMINER
Respondents.)	

- - - - -
- August 29, 1973 -

Appearances: Harold L. Lootens, 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 June 19, 1973. The matters were duly called for hearing pursuant to such notice on Thursday, August 16, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, 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 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. The records and files of the Commission do not disclose an Annual Report filed with the Commission by each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto as required by the Public Utilities Laws of this state and the Rules and Regulations of this Commission.

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 file an Annual Report 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 Annual Report 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"

Contract Carriers

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Wheatridge Asphalt 3032 Arapahoe Street Denver, CO 80205	B-7599	AR-297
Carl R. and Veronica M. Phelps Route 1, Box 390A Durango, CO 81301	B-7648	AR-300
Larry L. Simpson 1491 South Meade Street Denver, CO 80219	B-7673	AR-302
Ray C. Lyday 16431 East Colfax Avenue Aurora, CO 80010	B-7742	AR-313
Eulalio Ed Vigil 4700 Leaf Court Denver, CO 80216	B-7755	AR-315
Kerry Prohaska 7390 North Federal Boulevard Westminster, CO 80030	B-7796	AR-322
Alvin L. Farmer Box 182 Nucla, CO 81424	B-7838	AR-327
James W. Barker 337 East Fountain Boulevard Colorado Springs, CO 80900	B-7847	AR-328
Norman Megenity d/b/a "Mother Trucking" 2675 Oneida Street Denver, CO 80207	B-7871	AR-335
Larvin J. Liberton 1150 Hillside Aurora, CO 80010	B-7880	AR-337
Edwin E. Hill Box 474 Granby, CO 80446	B-4941	AR-340
Charles Briggs Box 121 South Fork, CO 81154	B-7137	AR-345
Dean Gray P.O. Box 287 Cortez, CO 81321	B-7555	AR-347

(Decision No. 83597)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. FRANK ORCUTT, RAMAH, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-2196.)

APPLICATION NO. 26935-PP-
Extension-ETA

ORDER DENYING EMERGENCY
TEMPORARY AUTHORITY

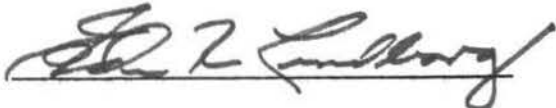
- - - - -
August 31, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

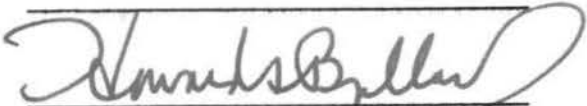
IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT D. WALSH, DOING BUSINESS AS)
"BOB WALSH & SONS," 6401 GRAPE)
STREET, COMMERCE CITY, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26933-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

August 31, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

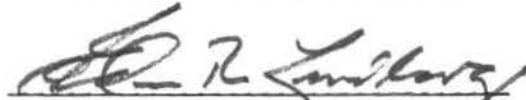
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83598
August 31, 1973

Bob Walsh & Sons

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 83599)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES L. SMITH, 8241 SHERIDAN COURT,)
ARVADA, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26934-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
August 31, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83599
August 31, 1973

James L. Smith

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILE HI DISPOSAL, INC., 1045 LARIMER)
STREET, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 3384.)

APPLICATION NO. 26310-Extension

RECOMMENDED DECISION OF
THOMAS M. McCAFFREY,
EXAMINER

GRANTING APPLICATION

- - - - -
August 30, 1973
- - - - -

Appearances: C. Mert Reese, Esq., Denver,
Colorado, and
Ernest Porter, Esq., Denver,
Colorado, for Applicant;
William A. Wilson, Esq.,
Denver, Colorado, for Best-
Way Disposal and Colorado
Disposal, Inc., Protestants.

PROCEDURE AND RECORD

On January 10, 1973, Mile Hi Disposal, Inc., hereinafter referred to as Applicant, filed the above-titled application with this Commission for authority to extend operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned Docket No. 26310-Extension to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On January 18, 1973, the following firms filed protests to the granting of the application: Best-Way Disposal; Colorado Disposal, Inc.; Metropolitan Trash, Inc.; Disposal Systems Corporation, doing business as "Wheatridge Disposal Service, Inc."; Alex Gerlach & Sons Disposal Company; Arvada Rubbish Removal, Inc.; Golden Waste Disposal; Lakewood Disposal, Inc.; Monarch Disposal, Inc.; B & W 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; Aurora Ash & Trash, Inc.; and Mountain View Rubbish Removal.

Pursuant to law, the Commission assigned the application to Robert L. Pyle, Examiner, for the purpose of conducting a hearing, and, after due and proper notice to all interested persons, firms, or corporations, set the application for hearing to be held on March 29, 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 hearing was called to order by Examiner Robert L. Pyle. Applicant did not appear in the hearing. In order to allow Applicant to file an amendment to the application and also Answers to Interrogatories propounded by the Protestants, Examiner Pyle continued the matter for further hearing on Thursday, May 3, 1973, at 10 a.m. in the Hearing Room of the Commission. Neither Applicant nor any person on its behalf appeared in the hearing, and the Examiner in his Recommended Decision issued May 5, 1973, ordered that the application be dismissed. Exceptions to the Examiner's Recommended Decision were duly filed, and the Commission in Decision No. 83188, issued June 15, 1973, granted the Exceptions to the Recommended Decision and set the application for hearing to be held on July 9, 1973, at 10 a.m. in the Hearing Room of the Commission. Said hearing date was vacated by order of the Commission on June 20, 1973, and reset for hearing in the Hearing Room of the Commission on Wednesday, August 8, 1973, at 10 a.m. The hearing was held at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been assigned pursuant to law.

Prior to the hearing, Applicant filed a Motion to Amend the Application by restricting the application to an extension of authority to serve the legal boundaries of the City and County of Denver as said boundaries existed on January 10, 1973, and also to serve Glendale, Colorado.

As a preliminary matter, the Examiner granted the aforesaid Motion to Amend Application, there being no objection and the amendment being clearly restrictive in nature. Applicant then moved to further restrict the application to serve one small area of Glendale, Colorado, only. The oral motion to further amend the application, being clearly restrictive in nature, was granted by the Examiner, whereupon all Protestants of record withdrew their protest, and the matter proceeded as a non-protested application.

Official notice was taken of Certificate of Public Convenience and Necessity PUC No. 3384, Applicant's Financial Statement, and List of Equipment filed with the instant application.

Upon 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 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, with principal offices at 1045 Larimer Street, Denver, Colorado.

2. Applicant presently holds authority from this Commission under Certificate of Public Convenience and Necessity PUC No. 3384, which authorizes:

"Transportation of

Ash, trash, and other refuse

From all points within the City and County of Denver, Colorado, to such locations where the same may be lawfully delivered or disposed of."

3. The authority to which extension is hereby sought, PUC No. 3384, has been continually operated in the past and is presently in good standing with the Commission.

4. By this application, as amended, Applicant seeks to extend the authority under PUC No. 3384 so as to include a plot of ground located in the Town of Glendale, County of Arapahoe, State of Colorado, which land is bounded roughly on the east by Colorado Boulevard, Ohio Avenue on the north, Birch Street on the east, and Kentucky Avenue on the south. The area for which authority is herein sought also includes a plot of ground approximately 300 feet by 288 feet situated on the south side of Kentucky Avenue.

5. The extension applied for herein does not duplicate or overlap the authority presently held by Applicant.

6. All protests of record to the granting of this application have been withdrawn, and the application, as amended, was not protested.

7. Only one witness testified in support of this application, that being an authorized representative of Celebrity Sports Center, which is located on the plot of ground for which authority is herein requested. Celebrity Sports Center began using Applicant's service in December of 1972. Prior to that time Celebrity Sports Center used the services of Metropolitan

Trash, Inc., but found that firm's services unsatisfactory. Applicant at the time it commenced serving Celebrity thought that it was located in Denver and that it was in Applicant's authorized service area. Applicant on or about January 5, 1973, was advised that it did not have authority to serve in Glendale, and Mr. Joseph Padilla, President of the Applicant corporation, then advised Celebrity that Applicant must cease transporting this firm's trash. Celebrity Sports management was immediately contacted by another carrier which offered to provide a trash container without charge and to perform the trash transportation services for a lesser rate than that charged by Applicant. Celebrity felt that this soliciting carrier's offer was unfair to other carriers, and possibly in violation of this Commission's rules and regulations, and thus declined the offer of service.

Applicant's services during the short period of time it was hauling for Celebrity Sports Center were "outstanding." Since the Applicant ceased performing services for this firm, Celebrity has used the services of two other carriers, both of which have been unsatisfactory because of their irregular pick ups and refusal to pick up the trash on Sunday.

8. While it is not the policy of this Commission to authorize an extension of a common carrier certificate into a small area of any municipality, it is clear from the evidence in this proceeding that the existing service in the area applied for herein is inadequate. Applicant is willing and able to render service on weekends and at such times as the existing carriers are unable or unwilling to do so. It is thus hereby found as fact that the present or future public convenience and necessity requires or will require the granting of the authority as hereinafter set forth, and the granting of this extension will be in the public interest.

9. Applicant has assets of \$40,230, liabilities of \$10,870, for a net worth of \$29,360, which amount is ample and suitable for the operation of the extension sought herein.

10. Applicant has sufficient experience and equipment for the operation of the authority sought in this application, and the chief corporate officers and employees of the Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Applicant also has made or will make adequate provision for insurance.

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 herein-after set forth.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Mile Hi Disposal, Inc., 1045 Larimer Street, Denver, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3384 as follows:

Transportation of

Ash, trash, and other refuse

From all points within an area located in the Town of Glendale, County of Arapahoe, State of Colorado, commencing at the southwest corner of the intersection of Colorado Boulevard and Kentucky Avenue; thence north approximately 495.6 feet; thence east a distance of 276.5 feet; thence north a distance of 165.2 feet to Ohio Avenue; thence east along the south side of Ohio Avenue to the intersection of

Birch Street; thence south a distance of 660.8 feet to the intersection of Birch Street and Kentucky Avenue; thence west along Kentucky Avenue 610 feet to the southwest corner of Block 8; thence south 355.4 feet to the southeast corner of Block 9; thence west 288.5 feet along the south boundary line of Block 9; thence 355.4 feet north to the south side of Kentucky Avenue; thence west along Kentucky Avenue to the point of beginning, EXCEPTING THEREFROM a plot of ground commencing at a point 457.75 feet east from the corner of Colorado Boulevard and Kentucky Avenue; thence north 230 feet; thence east 110 feet; thence south 230 feet to Kentucky Avenue; and thence 110 feet west on Kentucky Avenue to the point of beginning; to such locations where the same may be lawfully delivered or disposed of.

2. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3384 shall read and be as follows, to-Wit:

Transportation of

Ash, trash, and other refuse

- (1) From points within the City and County of Denver, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.
- (2) From all points within an area located in the Town of Glendale, County of Arapahoe, State of Colorado, commencing at the southwest corner of the intersection of Colorado Boulevard and Kentucky Avenue; thence north approximately 495.6 feet; thence east a distance of 276.5 feet; thence north a distance of 165.2 feet to Ohio Avenue; thence east along the south side of Ohio Avenue to the intersection of Birch Street; thence south a distance of 660.8 feet to the intersection of Birch Street and Kentucky Avenue; thence west along Kentucky Avenue 610 feet to the southwest corner of Block 8; thence south 355.4 feet to the southeast corner of Block 9; thence west 288.5 feet along the south boundary line of Block 9; thence 355.4 feet north to the south side of Kentucky Avenue; thence west along Kentucky Avenue to the point of beginning; EXCEPTING THEREFROM a plot of ground commencing at a point 457.75 feet east from the corner of Colorado Boulevard and Kentucky Avenue; thence north 230 feet; thence east 110 feet; thence south 230 feet to Kentucky Avenue; and thence 110 feet west on Kentucky Avenue to the point of beginning; to such locations where the same may be lawfully delivered or disposed of.

3. Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
js

(Decision No. 83601)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 26575-Transfer
ROY A. NORTH, 414 WEST MAIN STREET,)	
STERLING, COLORADO, FOR AUTHORITY TO	)	RECOMMENDED DECISION OF
TRANSFER PUC NO. 1788 AND PUC NO.	)	THOMAS M. McCAFFREY,
1788-I TO OLIVER A. RICHARDSON, DOING	)	EXAMINER
BUSINESS AS "RICHARDSON TRANSFER,")	
465 PLAINVIEW, STERLING, COLORADO.	)	GRANTING APPLICATION

- - - - -
September 6, 1973
- - - - -

Appearances: Joseph F. Nigro, Esq.,
Denver, Colorado, for
Transferor and Transferee;
John J. Conway, Esq.,
Denver, Colorado, for
Anton J. Boxler, doing business
as "Tony's Disposal Service,"
Protestant.

PROCEDURE AND RECORD

Applicant on April 13, 1973, filed the above-titled application with this Commission for authority to transfer Certificate of Public Convenience and Necessity PUC No. 1788 and PUC No. 1788-I from Roy A. North to Oliver A. Richardson, doing business as "Richardson Transfer."

The Commission assigned Docket No. 26575-Transfer to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On May 11, 1973, Anton J. Boxler, doing business as "Tony's Disposal Service," filed a protest to the granting of the application.

On July 20, 1973, Applicant filed an amendment to the application, which amendment did not in any manner change the substantive nature of the original application. Applicant also filed a Motion to Strike Specific Defenses of Protestant Anton J. Boxler, doing business as "Tony's Disposal Service," on July 20, 1973.

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 District Court, Courthouse, Sterling, Colorado, on Friday, July 13, 1973, at 10 a.m. The Commission subsequently, on June 20, 1973, vacated the said hearing and reset the application for hearing in the District Court, Courthouse, Sterling, Colorado, on Tuesday, July 24, 1973, at 10 a.m. The hearing was held at the said time and place.

As a preliminary matter, the Examiner heard arguments on Applicant's Motion to Strike Specific Defenses, which Motion the Examiner denied.

Exhibits 1 through 18, 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 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 Roy A. North (hereinafter referred to as Transferor) is an individual residing at 414 West Main Street, Sterling, Colorado, and is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 1788 and PUC No. 1788-I, which is the subject matter of this proceeding. This authority provides as follows:

"Call and demand, general cartage and transfer
business

Within the City of Sterling

And for the transportation, on call and demand, of cinder blocks, dirt, wet beet pulp, ashes, garbage, and trash.

Within the City of Sterling, and between points within a 4-mile radius of (and including) Sterling, Colorado.

INTERSTATE AUTHORITY: Between all points in 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.

Extended to include call and demand, general cartage and transfer business

Within the City of Sterling, and a four mile radius thereof;

Transportation of sugar beets,

From farms to receiving stations within a radius of fifty miles of Sterling, Colorado."

The foregoing authority is not the same as the letter of authority introduced as Exhibit 1 in this proceeding, and the Examiner on his own motion hereby takes official notice of Decision No. 59553 issued November 5, 1962, and a Letter of Authority to Roy A. North dated May 13, 1968.

2. Transferee Oliver A. Richardson (hereinafter referred to as Transferee) is an individual residing at 465 Plainview, Sterling, Colorado. If this application is granted, Transferee proposes to do business as "Richardson Transfer." Transferee is presently the owner and operator of Certificate of Public Convenience and Necessity PUC No. 8726, issued in the name of Trash Rich Technology, which authority provides:

"Transportation of

Ash, trash, and other refuse

From all points located within that portion of Logan County, Colorado, lying within a thirteen (13) mile radius of the intersection of Colorado State Highway No. 14 and U.S. Highway No. 6, to such locations where the same may lawfully be delivered or disposed of.

RESTRICTION:

This Certificate is restricted as follows:

- (a) Against serving within the city limits of Sterling, Colorado, as said city limits existed and were constituted on January 20, 1973.

- (b) Against the transportation of waste fluids, in bulk, in tank vehicles."

Transferee has also received authority from this Commission in Decision No. 82950, issued May 5, 1973, for:

"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 in bulk in tank vehicles."

No Letter of Authority has been issued to Transferee for this authority.

3. Protestant Anton J. Boxler, doing business as "Tony's Disposal Service," is an individual, 529 Columbine Street, Sterling, Colorado, and is presently owner and operator of Certificate of Public Convenience and Necessity PUC No. 1848, providing for:

"Transportation of ashes and rubbish

Within the City of Sterling, Colorado, and an area extending four miles outside City Limits."

4. The Commission has jurisdiction over the Transferor, Transferee, Protestant, and the subject matter of this proceeding.

5. Transferor has been engaged in the transportation of authorized commodities for various customers. Such service has been irregular and at the periodic request of the various customers, with one exception, that being the transportation of ash and trash from Taco John's Restaurant, located within the city limits of Sterling. Transferor has placed two trash container units at Taco John's and has rendered trash removal service to this firm on a regular basis, picking up the trash at the customer's location and transporting it outside the city limits of Sterling, where it is then placed in the Transferee's vehicle for disposal. Although the evidence is somewhat conflicting, there is substantial evidence to indicate that Transferee has made no charge for transporting trash outside the said city limits on behalf of the Transferor, and such service was rendered

merely as an accommodation. Transferor has made no effort to emphasize the ash and trash hauling services authorized under the said authority, but there is no evidence to indicate that Transferor has ever refused a request for transportation of any of the commodities authorized under this certificate. It is hereby found as fact that the authority sought to be transferred herein has been continually operated in the past and is in good standing with this Commission. It is further found as fact that the Transferee, in transporting trash commodities for and on behalf of the Transferor as an accommodation without charge, is not in violation of the rules and regulations of this Commission.

6. Transferee is presently engaged solely in the transportation of ash and trash outside the City of Sterling, and it is obvious that a primary consideration in Transferee's purchase of the subject authority is to obtain that portion authorizing transportation of ash and trash within the city limits of Sterling. The record clearly indicates, however, that the Transferee is also willing and able to transport the additional commodities authorized by the subject authority. The basis for Protestant's objection to the transfer is that the Transferee intends to substantially change the use of operation under the authority by soliciting and rendering business for the transportation of ash and trash on a regular basis, thereby possibly depriving the Protestant of its present and future business. Protestant's contention, as understood by the Examiner, is that if the Transferor's authority does in fact allow Transferor to solicit business on a regular basis, Transferor has not in the recent past actively solicited or rendered such service, and has therefore allowed the ash and trash portion of the authority to become dormant; to allow the Transferee to actively engage in the regular transportation of the authorized commodities is, in fact, granting to the Transferee a new and different authority without a showing of public convenience and necessity.

No decision or case law was cited wherein the phrase "call and demand" is defined, and certainly this proceeding is not a proper one to clarify, interpret, modify or attempt to restrict the authority sought to be transferred. Transferor, who is 80 years old, seeks to transfer the authority because he is no longer able to vigorously conduct operations. Transferee intends to increase the volume of business and regularity of service, but there is no evidence to show that any service will be on a scheduled basis. Such increase in volume and regularity is not a change in prior use, and is merely a change in the method of operating the authority. It is further noted, that if the Transferee wishes a clarification of the subject authority or if Protestant, at any time, contends that Transferee is conducting unauthorized operations under the authority, either party may initiate proper proceedings with this Commission.

It is found as fact that Protestant's contention that the subject authority, or any part thereof, is dormant and/or abandoned is without merit.

7. Transferee, who was previously employed as an instructor at Northeastern Junior College at Sterling, has had prior experience in the transportation of ashes and trash. While he has had no specific experience in the general cartage and transfer business, Transferee has had considerable experience in driving truck-type vehicles, and, if this application is granted, would employ experienced help in conducting services under the authority. It is hereby found as fact that the Transferee has sufficient experience to conduct operations under the authority sought to be transferred herein.

8. Transferee and Transferor have entered into a contract to transfer the subject operating authority, and the consideration to be paid therefor is \$4,250, which amount is presently being held in escrow by Transferor's attorney and is to be paid over to Transferor at the time of transfer. The purchase price includes all customers and business presently serviced by Transferor, but does not include any equipment. The consideration to be paid for this authority is fair and reasonable.

9. There is presently money owed the First National Bank of Sterling arising out of the operation of the subject authority. Although

the specific amount presently owed was not stated in this proceeding, the existing balance does slightly exceed the purchase price to be paid for this authority. The proceeds from the sale are to be paid in satisfaction of this debt, together with any excess amount due and owing.

10. There is some overlap and/or duplication between the authorities now held by Transferee and the authority to be acquired from the Transferor, which overlap and/or duplication Transferee is willing to eliminate, but this should be done upon proper application to clarify and redescribe all the subject authorities and after a proper hearing is had. An attempt to clarify and redescribe said authorities in the herein proceeding would not be in accordance with proper procedure and, therefore, not in the public interest.

11. Transferee presently owns one 1973 International truck with a 1972 Heil trash packer and Swanson loader, a 1951 Dodge van with lift, and 1973 Chevrolet pickup. Transferee anticipates that additional equipment, including a flat-bed type truck, possibly a dump truck, dollies, and other loading equipment will be necessary to conduct operations under the authority, which equipment Transferee will acquire as the need arises. Transferee presently has assets of \$59,374, liabilities of \$46,188, for a net worth of \$13,186. The Transferee's present equipment, plus any future equipment he will readily acquire, and Transferee's net worth are ample and suitable for the operation of the authority sought to be transferred herein.

12. 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.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Motion to Strike Specific Defenses Filed by Protestant Anton J. Boxler, doing business as "Tony's Disposal Service," should be denied.

2. The transfer 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 Motion to Strike Specific Defenses filed by Protestant Anton J. Boxler, doing business as "Tony's Disposal Service," be, and hereby is, denied.

2. Roy A. North, 414 West Main Street, Sterling, Colorado, 80751, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 1788 and PUC No. 1788-I to Oliver A. Richardson, doing business as "Richardson Transfer," 465 Plainview, Sterling, Colorado, 80751, subject to encumbrances, if any, against said authority.

3. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1788 and PUC No. 1788-I shall read and be as follows, to-wit:

Call and demand, general cartage and transfer business

With the City of Sterling

And for the transportation, on call and demand, of cinder blocks, dirt, wet beet pulp, ashes, garbage, and trash.

Within the City of Sterling, and between points within a 4-mile radius of (and including) Sterling, Colorado.

INTERSTATE AUTHORITY: Between all points in 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.

Extended to include call and demand, general cartage and transfer business

Within the City of Sterling, and a four-mile radius thereof;

Transportation of sugar beets,

From farms to receiving stations within a radius of fifty miles of Sterling, Colorado.

Excepted from the foregoing authority are any and all portions which overlap and/or duplicate any territorial authority held by Trash Rich Technology under Certificate of Public Convenience and Necessity PUC No. 8726.

4. Said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed; failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority hereinafter 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 of 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
vjr

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,	)	ROBERT L. PYLE, EXAMINER
)	
Respondents.)	

- - - - -
August 30, 1973
- - - - -

Appearances: 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 July 23, 1973. The matters were duly called for hearing pursuant to such notice on Monday, August 13, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, 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 Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The 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 and/or Tariffs and Issuance Fee paid 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.

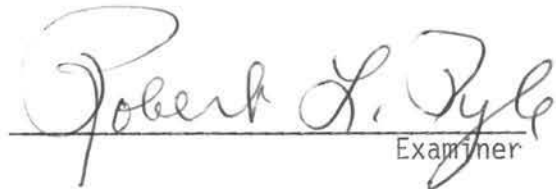
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance and/or Tariff or pays the required Issuance Fee prior to the effective date of this Order.

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>
J. H. Marks Trucking Co., Inc. Box 2192 Odessa, TX 79760	2501-I	369-H-Ins.
Lincoln Cab, Inc. 5607 Yukon Street Arvada, CO 80002	3768	371-H-Ins.
Laurence Harbaugh 1720 South Locust Street Grand Island, Nebraska	4136-I	372-H-Ins.
Eldred Rahjes 6620 Olive Street Commerce City, CO 80022	6136-I	375-H-Ins.
O. V. Smith P.O. Box 283 Alamosa, CO 81101	7428-I	377-H-Ins.
Coronado Paint Co., Inc. 1502 Pointsetta Santa Ana, CA 92701	7573-I	378-H-Ins.
Union Tractor Co., Inc. P.O. Box 1426 Havre, MT 59501	7741-I	379-H-Ins.
Midwinter Corporation 238 North Pine Street Telluride, CO 81435	7935	381-H-Ins.
Victor J. Dalla Rosa 521 North Skylark Drive Oklahoma City, OK 73127	8596-I	386-H-Ins.

Contract Carriers

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Highway Transportation Co. (Corp.) P.O. Box 37 Fremont, NE 68025	A-962-I	388-H-Ins.
James Franklin Lung Route 2, Box 1676A Brighton, CO 80601	B-7763	394-H-Ins.

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
	)	ROBERT L. PYLE, EXAMINER
Respondents.)	

- - - - -
August 30, 1973
- - - - -

Appearances: 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 July 23, 1973. The matters were duly called for hearing pursuant to such notice on Monday, August 13, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, 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 Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The 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 and/or Tariffs and Issuance Fee paid 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.

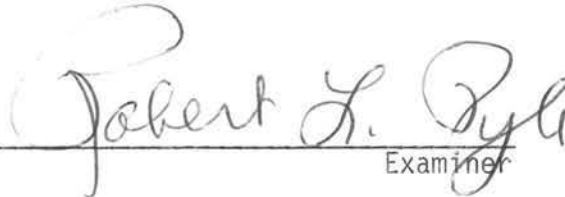
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance and/or Tariff or pays the required Issuance Fee prior to the effective date of this Order.

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>
L. David Patterson dba Patterson Construction Co. P.O. Box 163 Westcliffe, CO 81252	M-76	536-M-Ins.
National Commission Co., Inc. 2901 North El Paso Street Colorado Springs, CO 80907	M-300	538-M-Ins.
McCollum-Law Corporation East 48th Avenue and Colorado Boulevard Denver, CO 80222	M-507	540-M-Ins.
Lashley's Drywall Products, Inc. P.O. Box 7364 Colorado Springs, CO 80933	M-543	541-M-Ins.
Sachs Lawlor Co. 1543 Larimer Street Denver, CO 80202	M-745	542-M-Ins.
Jack E. Herman 129 West 9th Walsenburg, CO 81089	M-945	543-M-Ins.
Michael Denton Cummings P.O. Box 772 Paonia, CO 81428	M-1165	544-M-Ins.
James L. Hemmer dba Hemmer Trucking Box 211 Genoa, NE 68640	M-1230	545-M-Ins.
Robbins Incubator Co. 2555 South Santa Fe Drive Denver, CO 80223	M-1321	546-M-Ins.
Luther R. Bates dba Motorama Auto Sales 1201 West Colorado Avenue Colorado Springs, CO 80904	M-3195	548-M-Ins.
Boettcher Realty Co. dba Brown Palace Flowers 17th and Tremont Denver, CO 80202	M-3752	549-M-Ins.
Diversified Products Corp. 301 East Compton Boulevard Gardena, CA 90247	M-3868	550-M-Ins.
R. G. Duke and Charles E. Vernon dba R. G. Duke and Son 2603 Benrus Boulevard San Antonio, TX 78228	M-4033	552-M-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Winnie and Frieda Venn 79 Mayhew Lamar, CO 81052	M-4067	553-M-Ins.
Delbert Gooden 5401 Niagara Street Denver, CO 80216	M-4191	554-M-Ins.
House of Plywood, Inc. 4697 East Evans Avenue Denver, CO 80222	M-4324	555-M-Ins.
Donald D. Struck and Harlan E. Boen dba H & R Auto Wrecking 5500 Fenton Street Arvada, CO 80002	M-5267	557-M-Ins.
David R. Gardner dba Gardner's Trucking R. R. 1 Leoti, KS 67861	M-5748	558-M-Ins.
Ray F. Frey dba Ray F. Frey Company 1221 California Street Denver, CO 80204	M-6144	560-M-Ins.
Lawrence Miller dba Miller Furniture Co. 2468 South Colorado Boulevard Denver, CO 80222	M-6148	561-M-Ins.
Morton News Company 3601 East 46th Avenue Denver, CO 80216	M-6149	562-M-Ins.
The Lange Company P.O. Box 308 Broomfield, CO 80020	M-6300	564-M-Ins.
El Rey Stucco Company, Inc. P.O. Box 6122 Albuquerque, NM 87107	M-6514	565-M-Ins.
Harley Street dba Street Motors Co. 7929 East Colfax Avenue Denver, CO 80208	M-7649	569-M-Ins.
Kenneth L. Chapman dba Royal Crown Bottling Co. Box 462 Alamosa, CO 81101	M-9562	570-M-Ins.
Calvin G. Lucht and Forrest Hamilton dba H and L Wholesale 914 11th Avenue Greeley, CO 80631	M-9754	571-M-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Mack W. Reynolds and Dallas J. Norton dba Robins Motor Supply P.O. Box 395 Antonito, CO 81120	M-10102	572-M-Ins.
I. H. Milsten 7070 West 38th Avenue Wheatridge, CO 80033	M-10350	574-M-Ins.
Virgil J. and Johnny C. Spaccamonti dba J and J Excavating Route 1, Box 730 Pueblo, CO 81004	M-10514	575-M-Ins.
Richard H. and Merion R. DiRito dba DiRito Brothers 1413 Pine Street Canon City, CO 81212	M-10771	576-M-Ins.
Harold R. Lloyd dba Lloyd Sand and Gravel P.O. Box 334 Mesa, CO 81643	M-11680	577-M-Ins.
Morre Business Forms, Inc. P.O. Box 5252 Eastmont Station Oakland, CA 94605	M-11683	578-M-Ins.
Ronald Dotsie 8711 Norwich Westminster, CO 80030	M-12273	579-M-Ins.
Trappers Lake Lodge, Inc. Buford, CO 81641	M-12624	580-M-Ins.
Coronado Paint Co., Inc. Box 957 Whittier, CA 90608	M-12733	581-M-Ins.
Royal C. Elwess Chama, NM 87520	M-12788	582-M-Ins.
Daniel C. Anderson dba D A Excavating Route 1, Box 82 Littleton, CO 80120	M-13302	583-M-Ins.
Fred A. Piatt dba Hi-Way Wrecking Co. P.O. Box 9 Rocky Ford, CO 81067	M-13430	584-M-Ins.
M. B. Lavender dba Arkansas Valley Equipment Co. 1700 South Main Street Lamar, CO 81052	M-14308	587-M-Ins.

NAME AND ADDRESSPERMIT NO.CASE NO.

John McCormick and Gary Guseman
dba Pro-Vit-A1 Liquid Feed and Minerals
Route 1, Box 138
Center, CO 81125

M-14316

588-M-Ins.

True Egg Company
5001 Franklin Street
Denver, CO 80216

M-14599

589-M-Ins.

Golden Eagle Dairy, Inc.
Route 2, Box 25
Golden, CO 80401

M-15273

591-M-Ins.

Howard Johnson of Oklahoma, Inc.
P.O. Box C
Stroud, OK 74079

M-15421

592-M-Ins.

Leslie G. Hull
P.O. Box 296
Loveland, CO 80537

M-15596

593-M-Ins.

Towing Carriers

NAME AND ADDRESSPERMIT NO.CASE NO.

Jim Fuoco and Company
748 North 1st Street
Grand Junction, CO 81501

T-142

76-T-Ins.

Donald D. Struck and Harlan E. Boen
dba H and R Auto Wrecking
5500 Fenton Street
Arvada, CO 80002

T-644

77-T-Ins.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS LISTED)	
ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT L. PYLE, EXAMINER
Respondents.)	

- - - - -
August 31, 1973
- - - - -

Appearances: 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 July 16, 1973. The matters were duly called for hearing pursuant to such notice on Monday, July 30, 1973, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, 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 Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance and/or tariff and Issuance Fee paid 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 and/or Tariffs and Issuance Fee paid 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.

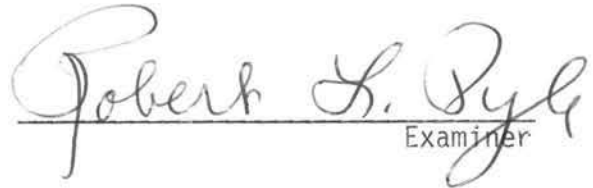
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance and/or Tariff or pays the required Issuance Fee prior to the effective date of this Order.

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"

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>CASE NO.</u>
David F. Foulk dba Fort Lyon Bus & Taxi Service P.O. Box 11 Las Animas, CO 81054	26305-Tfr.	56-App.
Leland Max Berringer dba Star Route Contractor 707 1/2 Martin Burlington, CO 80807	26437-PP	58-App.
Dennis J. Strain dba Strain Excavating Box 364 Bailey, CO 80421	26431-PP	59-App.
Air Aztlan, Inc. 827 Sherman Street Denver, CO 80203	26198	54-App.

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,	)	ROBERT L. PYLE, EXAMINER
)	
Respondents.)	

- - - - -
August 31, 1973
- - - - -

Appearances: 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 August 3, 1973. The matters were duly called for hearing pursuant to such notice on Monday, August 20, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, 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 Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance and/or Tariff and Issuance Fee paid 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 and/or Tariffs and Issuance Fee paid 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.

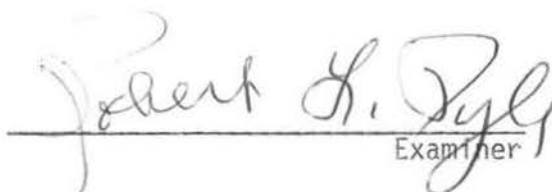
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance and/or Tariff or pays the required Issuance Fee prior to the effective date of this Order.

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"

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>CASE NO.</u>
Paul J. Boese 335 Juanita Street Colorado Springs, CO 80909	26604-PP	62-App.
Richard I. George dba Dick George Construction 303 West 7th Street Walsenburg, CO 81089	26585-PP	63-App.
Jay Leach 6711 East 77th Avenue Adams City, CO 80022	26673-PP	67-App.
Gary L. McCallister dba M-C Transportation Box 1106, Washakie Hotel #32 Worland, WY 82401	26558-PP	68-App.
Matthew G. Papi, Jr. dba Papi Trucking 3284 South Delaware Street Englewood, CO 80110	26553-PP	70-App.
Nelson L. Pettingill General Delivery Antonito, CO 81120	26601-PP	71-App.
R. D. Sasser 449 Reynolds Canon City, CO 81212	26629-PP	72-App.
William A. Taylor 780 South Oakland Street Aurora, CO 80012	26643-PP	74-App.
Walsenburg Sand & Gravel Co. Box 879 Walsenburg, CO 81089	26586-PP	75-App.

(Decision No. 83606)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. D. TETER, 7075 WEST 32ND PLACE,)
WHEATRIDGE, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26942-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
September 4, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83606
September 4, 1973

F. D. Teter

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 83607)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LONGMONT AIR SERVICE, LTD., 650 5TH)
AVENUE, LONGMONT, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT OPER-)
ATIONS UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
AC-36.)

APPLICATION NO. 26873-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
August 31, 1973
- - - - -

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

IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.


IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83608)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY	)	APPLICATION NO. 26755
CERTIFICATES OF PUBLIC CONVENIENCE)	
AND NECESSITY UNDER CHAPTER 115-9-4	)	EMERGENCY DISTRICT 6-73
(2), CRS 1963, FOR THE TEMPORARY OR)	
SEASONAL MOVEMENT OF CORN, MILLET,	)	SUPPLEMENTAL ORDER
SORGHUMS, SMALL GRAINS, ENSILAGE)	
AND HAY.)	

August 31, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 26, 1973, the Commission entered its Decision No. 83248, authorizing temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage, and hay, in the counties of Adams, Alamosa, Baca, Bent, Boulder, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Delta, Douglas, Elbert, Kiowa, El Paso, Kit Carson, Las Animas, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Sedgwick, Washington, Weld, and Yuma, Colorado, to be effective for a period of ninety (90) days commencing July 6, 1973.

The Staff of the Transportation Section of this Commission has received a request that the county of Denver be added to the Emergency District.

Request, pursuant to the above, has been made for a supplemental order of the Commission authorizing the county of Denver to be added to those counties as set forth in said Decision No. 83248.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, sorghums, small grains, ensilage and hay in the county

of Denver, and that Decision No. 83248 dated June 26, 1973, should be amended as set forth in the order following.

O R D E R

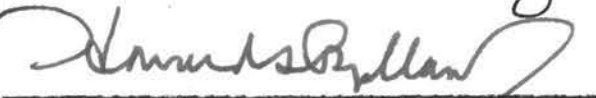
THE COMMISSION ORDERS:

That Commission Decision No. 83248 dated June 26, 1973, be, and the same hereby is, amended by adding the county of Denver to those counties set forth in said Decision No. 83248.

That except as herein amended Decision No. 83248 shall remain in full force and effect.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

(Decision No. 83609)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION FOR)	
AN ORDER OF THE COMMISSION EXEMPTING)	
LEADVILLE CORPORATION FROM PART)	APPLICATION NO. 26882-M-Waiver
391.6 OF THE COMMISSION'S RULES AND)	
REGULATIONS GOVERNING COMMERCIAL)	
CARRIERS BY MOTOR VEHICLE AND)	
ADOPTED IN COMMISSION DECISION NO.)	RE: PERMIT NO. M-9162
76076 WITH RESPECT TO JAMES M. BERTHOD)	
ONLY.)	

August 31, 1973

IT APPEARING, That by notice of the Commission dated August 13, 1973, notice of the filing of the above-entitled petition 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 notice, and that the herein proceeding is therefore noncontested and unopposed;

AND IT FURTHER APPEARING, That the evidence submitted by Petitioner amply warrants the relief herein sought.

Wherefore, and good cause appearing therefor:

WE FIND, That the request for exemption of Part 391.6 of the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle with regard to one driver only, to wit: James M. Berthod of Leadville, Colorado, is in the public interest; and that an appropriate order should be entered, and

IT IS ORDERED, That Leadville Corporation, Box 960, Leadville, Colorado, be, and hereby is, granted an exemption from complying with the provisions of Part 391.6 of the Commission's Rules and Regulations with regard to one driver only, to wit: James M. Berthod, Leadville, Colorado.

AND IT IS FURTHER ORDERED, That this order shall be effective
as of the day and date hereof.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

H. GORDON HOWARD, INDIVIDUALLY,
AND AS TRUSTEE OF THE HOWARD
LAND TRUST,
2470 SOUTH IVANHOE PLACE
HOLLY HILLS
DENVER, COLORADO,

Complainant,

vs.

CASE NO. 5483

THE POUDE VALLEY RURAL ELECTRIC
ASSOCIATION, INC., A COLORADO
CORPORATION,
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Respondent.

H. GORDON HOWARD, TRUSTEE FOR THE
HOWARD FAMILY TRUST, AND THE
BENEFICIARIES THEREOF, AND THE
PINE LAKE TRAILER RESORT AND
CAMPGROUND,
2470 SOUTH IVANHOE PLACE
HOLLY HILLS
DENVER, COLORADO,

Complainant,

vs.

CASE NO. 5491

THE POUNDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC., A COLORADO
CORPORATION,
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Respondent.

ORDER DENYING EXCEPTIONS TO
RECOMMENDED DECISION NO. 83531

August 31, 1973

Appearances: H. Gordon Howard, Denver,
Colorado, pro se,
Complainant;
Warren H. Price, Esq.,
Loveland, Colorado,
for The Poudre Valley
Rural Electric Association,
Inc., Respondent.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 16, 1973, Thomas M. McCaffrey, Examiner, entered his Recommended Decision No. 83531 in the above captioned matter.

On August 29, 1973, Complainant H. Gordon Howard, filed an exception to said Decision. It is noted that no transcript has been filed and accordingly it is conclusively presumed that the basic findings of fact of the Examiner are complete and accurate pursuant to CRS 115-6-13 (4).

The Commission has now reconsidered the matter and has determined that the Exception filed herein by Complainant H. Gordon Howard should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 83531 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 Exception filed herein by Complainant H. Gordon Howard be, and the same hereby is, overruled and denied.
2. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 83531 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 83531 be, and hereby is, entered as the order of the Commission herein without any change or modification; and 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 be effective forthwith.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
WILLIAM H. SCHULTZ, P. O. BOX 193,
IDLEDALE, COLORADO, FOR AUTHORITY
TO OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 26891-PP
)
) ORDER OF THE COMMISSION
)

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

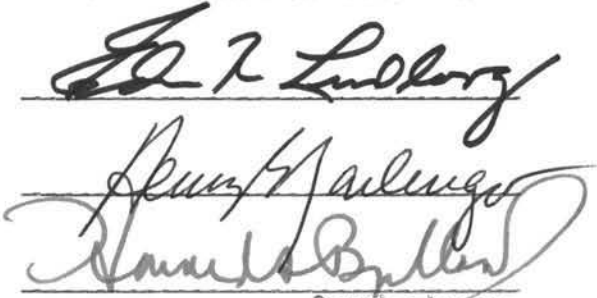
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83611
September 7, 1973

William H. Schultz

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JACK B. HADLEY, 2767 SOUTH LEWISTON
STREET, AURORA, COLORADO, FOR AUTH-
ORITY TO OPERATE AS A CLASS "B" CON-
TRACT CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 26894-PP
)
) ORDER OF THE COMMISSION
)

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

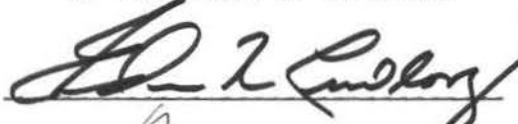
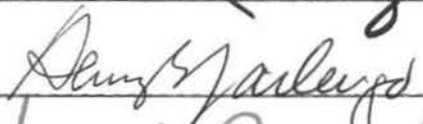
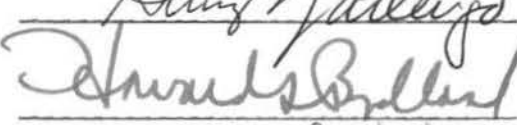
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83612
September 7, 1973

Jack B. Hadley

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

* * *

ORDER OF THE COMMISSION

September 7, 1973

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw 2 Lundberg
Henry Spillings
Donalds Byller
Commissioners

Appendix
Decision No. 83613
September 7, 1973

Everett Calmer

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
LARRY A. McKINNEY, DOING BUSINESS
AS "LARRY'S TRUCKING," 7211 PECOS,
DENVER, COLORADO, FOR AUTHORITY TO
OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE.

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APPLICATION NO. 26897-PP

ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83614
September 7, 1973

Larry's 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELBERT GOODEN, DOING BUSINESS AS)
"GOODEN TRUCKING CO.," 7490 EAST)
80TH AVENUE, COMMERCE CITY, COLORADO,)
FOR AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26898-PP

ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83615
September 7, 1973

Gooden Trucking Co.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ROBERT E. KITTRELL AND ISABEL J.
KITTRELL, 4296 EAST 69TH AVENUE,
COMMERCE CITY, COLORADO, FOR AUTH-
ORITY TO OPERATE AS A CLASS "B"
CONTRACT CARRIER BY MOTOR VEHICLE.

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APPLICATION NO. 26902-PP

ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

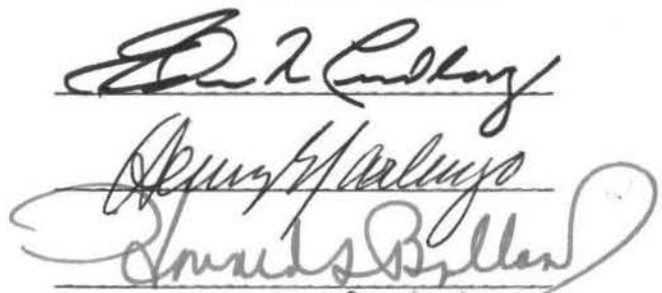
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83616
September 7, 1973

Robert E. Kittrell and Isabel J. Kittrell

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CRAIG L. McCLENNY, DOING BUSINESS AS)
"McCLENNY'S TRUCKING," 6725 WEST)
MISSISSIPPI AVENUE #51, LAKEWOOD,)
COLORADO, FOR AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26910-PP
ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

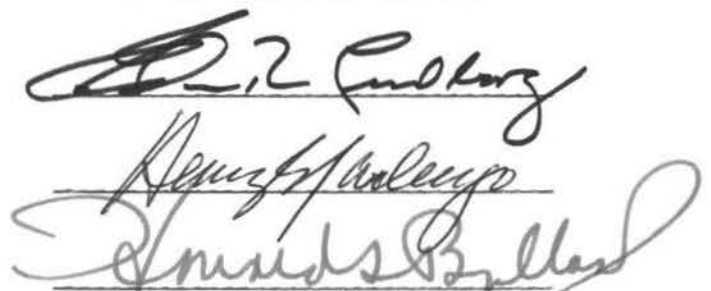
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83617
September 7, 1973

McClenny's 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CLARENCE ARDEAN SCOTT, DOING BUSINESS
AS "C. A. SCOTT TRUCKING," 221 SO.
15TH AVE., BRIGHTON, COLORADO, FOR
AUTHORITY TO OPERATE AS A CLASS "B"
CONTRACT CARRIER BY MOTOR VEHICLE.

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APPLICATION NO. 26914-PP

ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

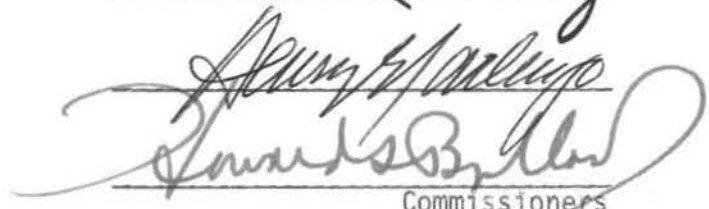
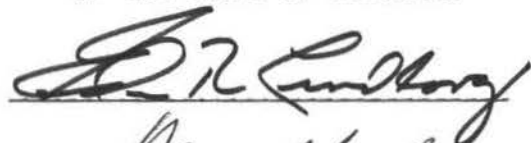
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Appendix
Decision No. 83618
September 7, 1973

C. A. Scott 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
VICTOR E. COGBURN, 829 EAST 3RD
STREET, CORTEZ, COLORADO, FOR AUTH-
ORITY TO OPERATE AS A CLASS "B"
CONTRACT CARRIER BY MOTOR VEHICLE.

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APPLICATION NO. 26915-PP
ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83619
September 7, 1973

Victor E. Cogburn

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED AND REDUCED RATES)
AND CHARGES, CMTB, INC., TARIFF)
NO. 13, COLORADO PUC NO. 12*)
(*THE MOTOR TRUCK COMMON CARRIERS)
ASSOCIATION, AGENT, SERIES))

CASE NO. 1585

August 31, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 29, 1973, and July 27, 1973, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed 9th Revised Page 38-B, scheduled to become effective June 29, 1973, and 15th Revised Page 33, including 20th Revised Page 24, scheduled to become effective August 27, 1973. By Decision No. 83256, dated June 26, 1973, 9th Revised Page No. 38-B, supra, was suspended pursuant to "Economic Stabilization Program" and, subsequently, the suspension was lifted under Decision No. 83501, dated August 14, 1973, permitting the rates to become effective. The effective rates under date of August 27, 1973, however, were not suspended and became effective as scheduled, pursuant to CRS 115-6-11 (2), 1973, as amended.

It now appears 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.

The Commission finds that the public convenience and necessity will be served by approval of said revisions and the said rates should be prescribed in accordance with CRS 115-11-5, 1973, as amended, adjusting the provisions of Case 1585 to reflect the provisions set forth in Appendix "A" attached hereto. The following Order should be entered.

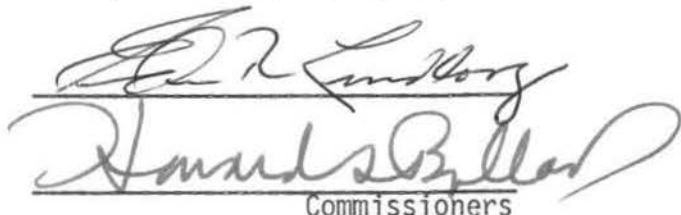
O R D E R

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 set forth in Appendix "A" attached hereto, 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 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.
6. 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.
7. That this Order shall become effective forthwith.
8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

DONE IN OPEN MEETING this 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Colorado Motor Tariff Bureau, Inc. Agent
Motor Freight Tariff No. 13
Colorado PUC No. 12*
(*The Motor Truck Common Carriers' Association,
Agent, Series)

9TH REVISED PAGE No. 38-B

CANCELS

8TH REVISED PAGE No. 38-B

SECTION NO. 3 SPECIFIC COMMODITY RATES				
RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
740 (CON- CLU- DED ON PAGE 39)	IRON OR STEEL ARTICLES, VIZ.: BLADES OR CUTTING EDGES; GRADER OR SCRAPER, STEEL; BRACES OR SUPPORTS, POLE, GALVANIZED, PAINTED OR PLAIN; PLATE GIRDERS; STRINGERS; FABRICATED TRUSSES; STEEL CONCRETE CONSTRUCTION FORMS; ANGLES; BALLS, BARS OR SHAPES, CRUSHING OR GRINDING; NAILS; PIPE, EXCEPT OIL COUNTRY TUBULAR GOODS; RAILS; BARS, NO. 1; STRAP, IRON OR STEEL; BEAMS; CHAN- NELS; PLATE OR SHEET; WIRE; WIRE MESH, WELDED OR WOVEN; WIRE ROPE OR STRAND; WIRE RODS, OR CHAIN, IRON, IN COILS, AS DESCRIBED IN ITEM 107500 OF THE GOVERNING CLASSIF- ICATION; SEAMLESS TUBING; FENCE POST FIXTURES, WIRE FENCE, CONSISTING OF BRACE COLLARS, BRACE PLATES, BRACE RODS, FACE PLATES, SPREADERS, TOPS, CAPS, CLAMPS, CLIPS AND EXTEN- SION ARMS, OR WIRE FENCE STAYS; FENCE POSTS OR CLOTHES POSTS, WITH OR WITHOUT EQUIPMENT OF STEEL FITTINGS OR TUBULAR FENCE POST DRIVERS; FENCING OR POULTRY NETTING, WELDED OR WOVEN WIRE, GALVANIZED, PLAIN, ALUMINUM COATED, OR WITH PLASTIC OR RUBBER COATING, AND PARTS AND PIECES CONSTITUTING A COMPLETE ARTICLE. ① MINIMUM WEIGHT 30,000 POUNDS PER TRAILER. ② MINIMUM WEIGHT 40,000 POUNDS PER TRAILER. ③ MINIMUM WEIGHT 46,000 POUNDS PER TRAILER. ④ MINIMUM WEIGHT 50,000 POUNDS PER TRAILER. ⑤ MINIMUM WEIGHT 45,000 POUNDS PER TRAILER. ⑥ APPLIES VIA HARP TRANSPORTATION LINE, OR RIO GRANDE MOTOR WAY, INC., ONLY. ⑦ SUBJECT TO LOADING BY THE SHIPPER AND UNLOADING BY THE CONSIGNEE.	MINNEQUA, COLO. PUEBLO, COLO.	DENVER, COLO., AND POINTS AND PLACES WITHIN 5 MILES OF THE DENVER CITY LIMITS. PLANT SITE OF SPECIAL PRODUCTS CO., 4350 KENDRICK AVE., JEFFERSON COUNTY.	③ ⑤ 32
			GREELEY, COLO.	② 44
			COLO. SPGS., COLO. FT. CARSON, COLO. U. S. AIR FORCE ACADEMY, COLO.	② 26
			GOLDEN, COLO.	① 50 ② 40 ④ 35
			SITE OF INDUSTRIAL CHEMICALS DIVI- SION NEAR BOULDER, COLO.	② 43
			BOULDER, COLO.	① 51 ② 41 ④ 35
			EASTMAN KODAK PLANT SITE NEAR WINDSOR, COLO.	③ 44
			MINNEQUA, COLO.	② ⑥ 55
			CRAIG, COLO. HAYDEN POWER PLANT SITE NEAR HAYDEN, COLO.	③ ⑥ 56
			DENVER, COLO.	② 35 ② 37
			COLO. SPGS., COLO. PUEBLO, COLO.	② 35 ② 37

ISSUED MAY 29, 1973

EFFECTIVE JUNE 29, 1973

Appendix "A"

20TH REVISED PAGE No. 24
CANCELS
19TH REVISED PAGE No. 24

ITEM No.	RULES AND REGULATIONS	
	<u>HOURLY RATES AND CHARGES:</u>	
	THE HOURLY RATES AND CHARGES IN THIS ITEM APPLY FOR THE TRANSPORTATION OF ALL SHIPMENTS TRANSPORTED A DISTANCE OF LESS THAN 31 MILES AND FOR THE TRANSPORTATION OF SHIPMENTS WEIGHING IN EXCESS OF 50,000 POUNDS PER VEHICLE FOR ALL DISTANCES, EXCEPT AS OTHERWISE PROVIDED IN SECTIONS No. 3, 4 OR 5 OF THIS TARIFF.	
	RATES SHOWN BELOW INCLUDE THE SERVICES OF DRIVER OR OPERATOR WHERE INDICATED.	
	ALL HOURLY CHARGES SHALL BE COMPUTED FROM THE TIME UNIT AND OPERATOR LEAVE CARRIER'S TERMINAL UNTIL THEY RETURN TO THE CARRIER'S TERMINAL.	
	STRAIGHT TIME RATES WILL BE CHARGED FOR ALL HOURS WORKED EXCEPT THOSE PROVIDED FOR IN OVERTIME ITEM No. 220.	
	EXTRA SERVICES:	
	WHEN EXTRA SERVICES AND/OR EXTRA LABOR ARE REQUIRED:	
	1. DUE TO WEAK BRIDGES OR OTHER HIGHWAY OBSTRUCTIONS PREVENTING ACCESSIBILITY ON THE NORMAL ROUTE;	
	2. TO STRING MATERIAL ALONG A RIGHT-OF-WAY;	
	3. TO TOW, DRAG OR GATHER MATERIAL OR EQUIPMENT TO OR FROM LOADING OR UNLOADING PLACE;	
	4. TO PULL DOWN OR SET UP MATERIAL, MACHINERY OR EQUIPMENT, OR TO WRECK OR PLACE SAME IN POSITION;	
	5. TO RIG UP, OR	
	6. TO PUMP LIQUIDS ON OR OFF TANKS,	
	SUCH SERVICES WILL BE PERFORMED AND THE CHARGES LISTED BELOW WILL BE ASSESSED IN ADDITION TO THE HUNDREDWEIGHT OR THE PER MILE TRANSPORTATION CHARGES PROVIDED IN THIS TARIFF.	
270	<u>EQUIPMENT</u>	<u>STRAIGHT TIME PER HOUR</u>
	STAKE TRUCK AND DRIVER	\$ 11.50
	WINCH TRUCK AND DRIVER	12.50
	TAIL GATE LIFT TRUCK AND DRIVER	12.50
	TRACTOR AND DRIVER - SINGLE AXLE	12.25
	TRACTOR AND DRIVER - TANDEM AXLE	15.00
	TRACTOR AND FLAT BED OR STRETCH TRAILER, AND DRIVER	16.00
	TRACTOR AND LOW-BED AND DRIVER:	
	LADING NOT EXCEEDING 40 TONS	20.00
	LADING EXCEEDING 40 TONS BUT NOT EXCEEDING 50 TONS	25.00
	LADING EXCEEDING 50 TONS BUT NOT EXCEEDING 60 TONS	35.00
	LADING EXCEEDING 60 TONS	75.00
	TRAILER ONLY (MAXIMUM CHARGE \$17.50 IN A 24-HOUR PERIOD) ..	3.00
	FOREMAN - EACH	(E)
	HELPERS - EACH	(E)
	FRACTIONS OF AN HOUR WILL BE CHARGED FOR AT THE NEAREST ONE-HALF HOUR.	
	NOTE 1: A MINIMUM OF 2 HOURS WILL APPLY TO ALL STRAIGHT TIME AT RATES ABOVE.	
	NOTE 2: OTHER EQUIPMENT WHICH IS REQUIRED TO TRANSPORT, PUSH OR SUPPORT LADING SHALL BE CHARGED FOR AT THE RATE OR CHARGE OF THE CONTRACTOR AND SUCH EXPENSE SHALL BE BORNE BY THE CONSIGNOR OR CONSIGNEE. COPY OF INVOICE WILL BE ATTACHED TO CARRIER'S BILLING.	
	ANY EXTRA EXPENSE INVOLVED IN FURNISHING MATERIAL AND EQUIPMENT FOR RIGGING UP, BRACING, OR MOVING OF WIRES WILL BE IN ACCORDANCE WITH THE AMOUNT REQUIRED OR THE EXPENSES INCURRED.	
	ANY NECESSARY TRAVEL OR SUBSISTENCE EXPENSES INVOLVED IN PERFORMING THE ABOVE SERVICES ARE ADDITIONAL.	
ISSUED JULY 27, 1973		
EFFECTIVE AUGUST 27, 1973		

Appendix "A"

15TH REVISED PAGE No. 33
CANCELS
14TH REVISED PAGE No. 33

ALL RATES ON THIS PAGE ARE INCREASES

COLORADO MOTOR TARIFF BUREAU, INC., AGENT						
MOTOR FREIGHT TARIFF No. 13						
SECTION NO. 2						
DISTANCE COMMODITY RATES						
THE FOLLOWING RATES WILL APPLY ON THE COMMODITIES DESCRIBED ON PAGES 28 TO 31.						
RATES IN CENTS PER LOADED MILE APPLYING BETWEEN POINTS IN ALL TERRITORIES. HOURLY CHARGES IN ITEM 270 WILL APPLY ON ALL DISTANCES OF 30 MILES OR LESS.						
MILES	WEIGHT PER VEHICLE OR COMBINATION OF VEHICLES OPERATED UNDER A SINGLE POWER UNIT: (SUBJECT TO ITEM 330)					
	LESS THAN 30,000 POUNDS		30,000 TO 40,000 POUNDS		40,001 TO 50,000 POUNDS	
	RATE	BREAK POINT (MILES)	RATE	BREAK POINT (MILES)	RATE	BREAK POINT (MILES)
31 - 50	216	40	239	43	250	43
51 - 70	171	61	205	65	212	65
71 - 90	148	73	188	86	197	84
91 - 120	128	107	178	110	182	111
121 - 150	114	- -	162	137	168	140
151 - 175	114	- -	147	167	156	168
176 - 200	114	- -	140	180	149	184
201 - 225	114	- -	126	215	137	216
226 - 250	114	- -	120	- -	131	238
OVER 250	114	- -	120	- -	125	- -
LOADS IN EXCESS OF 50,000 POUNDS PER VEHICLE:						
HOURLY CHARGES IN ITEM 270 WILL APPLY.						
ISSUED JULY 27, 1973			EFFECTIVE AUGUST 27, 1973			

- / denotes addition
- ↑ denotes increase
- ↓ denotes reduction
- ⓔ denotes elimination

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LA PLATA ELECTRIC ASSOCIATION, INC.,)
A COLORADO CORPORATION, DURANGO,)
COLORADO, FOR AN ORDER APPROVING THE)
ISSUANCE OF SECURITIES AND FOR AN) APPLICATION NO. 26876-Securities
ORDER AUTHORIZING THE ISSUANCE OF)
SECURITIES AND THE APPLICATION OF)
THE PROCEEDS THEREFROM FOR CERTAIN)
LAWFUL PURPOSES.)

- - - - -
September 4, 1973
- - - - -

Appearances: Frank J. Anesi, Esq., Durango, Colorado,
for Applicant;
James D. Grundy, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

BY THE COMMISSION:

On August 7, 1973, La Plata Electric Association, Inc. (herein-
after referred to as La Plata Electric or Applicant), filed with the Com-
mission the above-entitled application for authority (1) to execute an
Amendment to the Amending Loan Contract, dated April 17, 1973, amending
the Loan Contract between La Plata Electric and The United States of
America, dated December 15, 1952, as amended; (2) to execute a Loan Agree-
ment covering advances of \$100,000, dated April 17, 1973, between La Plata
Electric and National Rural Utilities Cooperative Finance Corporation;
(3) to execute a Mortgage Note for \$234,000 to The United States of
America bearing interest at the rate of five percent (5%) per annum and
payable within thirty-five (35) years after the date thereof; (4) to execute
a Secured Promissory Note made by La Plata Electric Association to National
Rural Utilities Cooperative Finance Corporation in the amount of \$100,000
bearing interest at the rate of seven percent (7%) per annum and payable

within thirty-five (35) years after the date thereof; and (5) to execute a Supplemental Mortgage and Securities Agreement made by and among La Plata Electric, The United States of America, and National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing after due notice to all interested parties on August 24, 1973, at 9:30 a.m. in the Columbine Room, Courthouse, Durango, Colorado, and at such time and place was heard by Hearing Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

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

Applicant's President, General Manager, and Engineer testified in support of the application.

Exhibits A through E and F (5) through F (15), inclusive, were admitted into evidence.

FINDINGS OF FACT

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

1. Applicant, La Plata Electric, is a public utility -- as defined in Chapter 115-1-3 CRS 1963, as amended -- and is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its members and nonmember consumers on its lines in the Counties of La Plata, Archuleta, Hinsdale, and Mineral in the State of Colorado.

By Application No. 19763, La Plata Electric applied for a Certificate of Public Convenience and Necessity of its service territory and was granted the same by this Commission under Decision No. 60823, dated June 5, 1963.

2. The Commission has jurisdiction over the Applicant and the subject matter of this application.

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical systems, for the construction, completion, extension, and improvement of its properties; for the improvement and maintenance of its service; and for other lawful purposes.

4. The Board of Directors of Applicant, the Rural Electrification Administration, and the National Rural Utilities Cooperative Finance Corporation all have approved the herein two (2) loan applications totaling \$334,000 subject to the approval of this Commission.

5. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

7. The Amendment, dated April 17, 1973, to the Amending Loan Contract between La Plata Electric Association and The United States of America, dated December 15, 1952, as amended (Exhibit A) should be authorized and approved.

8. The Loan Agreement, dated April 17, 1973, between La Plata Electric and the National Rural Utilities Cooperative Finance Corporation (Exhibit B) providing for the advancement of loan funds in the amount of \$100,000 should be authorized and approved.

9. The Mortgage Note payable to The United States of America in the amount of \$234,000 (Exhibit C) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115 CRS 1963, and therefore should be authorized and approved.

10. The Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$100,000 (Exhibit D) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115 CRS 1963, and therefore should be authorized and approved.

11. The Supplemental Mortgage and Security Agreement made by and among La Plata Electric and The United States of America and National Rural Utilities Cooperative Finance Corporation (Exhibit E) should be authorized and approved.

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

CONCLUSION

It is the conclusion of the Commission that the authority sought in the instant application is in the public interest and should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS:

That the execution of the Amendment, dated April 17, 1973, to Amending Loan Contract between La Plata Electric Association, Inc., and The United States of America, dated December 15, 1952, as amended (Exhibit A) be, and the same hereby is, authorized and approved.

That the execution of the Loan Agreement between La Plata Electric Association, Inc., and the National Rural Utilities Cooperative Finance Corporation covering loan advances of \$100,000 (Exhibit B) be, and the same hereby is, authorized and approved.

That the issuance of the Mortgage Note payable to The United States of America in the amount of \$234,000 (Exhibit C) be, and the same hereby is, authorized and approved.

That the issuance of the Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$100,000 (Exhibit D) be, and the same hereby is, authorized and approved.

That the execution of the Supplemental Mortgage and Security Agreement made by and among La Plata Electric Association, Inc., The United States of America, and National Rural Utilities Cooperative Finance Corporation (Exhibit E) be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the five (5) loan instruments authorized herein, La Plata Electric Association, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

That nothing herein shall be construed to imply any recommendation or guarantee of, or any obligation with regard to such securities on the part of the State of Colorado.

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

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

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

DONE IN OPEN MEETING the 4th day of September, 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: THE MATTER OF INCREASED
RATES AND CHARGES ON BITUMINOUS
STEAM SLACK COAL, THE DENVER AND
RIO GRANDE FREIGHT TARIFF NO.
7493-D.

INVESTIGATION AND SUSPENSION
Docket No. 792

September 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On the date of May 30, 1973, the Denver and Rio Grande Western Railroad Company filed its Freight Tariff No. 7493-D, cancelling its Tariff No. 7493-C, to become effective July 1, 1973. The result of said publication would cancel the existing 10-car minimum rate of \$2.01 per ton subject to X-281 increase, and establish a 10-car minimum rate of \$2.49, not subject to further increase. Also established would be 30-car minimum rates of \$2.29, \$2.19 and \$2.16, dependent upon the tonnage shipped within a specified time.

On June 26, 1973, the Commission suspended said tariff to and including October 24, 1973, due to the price freeze announced by the President on June 13, 1973. On August 21, 1973, the matter was set for hearing on September 20, 1973, by the Secretary of the Commission.

By Petition filed August 27, 1973, the Respondent requested that the hearing be cancelled, citing as reason therefor that the subject tariff constitutes a contract between the Respondent and the Public Service Company of Colorado. Also received by the Commission on August 28, 1973, is a letter signed by Mr. J. R. Birrell, Vice President and Secretary of Public Service Company of Colorado, stating that his Company would not appear as a protestant in the hearing set for September 20, 1973.

The Commission finds that no good purpose would be served in proceeding with this hearing and that the same should be cancelled.

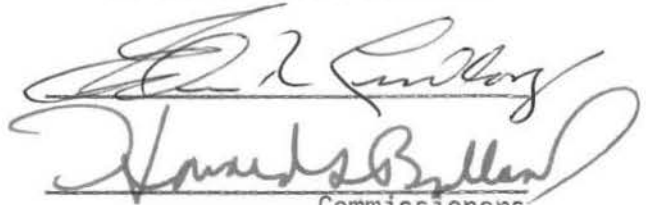
O R D E R

THE COMMISSION ORDERS:

1. That the suspension of D&RGW Freight Tariff No. 7493-D be, and it hereby is, withdrawn.
2. That the hearing set for September 20, 1973, shall be vacated and Investigation and Suspension docket No. 792 shall be closed upon the Commission's Docket.
3. That this Order shall become effective forthwith.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE BOARD OF COUNTY COMMISSIONERS)	
OF EL PASO COUNTY, COLORADO, FOR	)	APPLICATION NO. 26750
AUTHORITY TO WIDEN AND RESIGNALIZE)	
THE CROSSING OF THE ATCHISON, TOPEKA	)	ORDER OF THOMAS M. McCAFFREY,
AND SANTA FE RAILWAY COMPANY AND	)	EXAMINER, SETTING APPLICATION
THE DENVER AND RIO GRANDE WESTERN	)	FOR FURTHER HEARING
RAILROAD COMPANY AT FONTAINE)	
BOULEVARD IN EL PASO COUNTY, COLORADO.)	

- - - - -
September 5, 1973
- - - - -

Appearances: Norman A. Palermo, Esq.,
El Paso County Attorney
Colorado Springs, Colorado,
for Applicant;
John S. Walker, Jr., Esq.,
Denver, Colorado, for Denver
and Rio Grande Western Railroad
Company;
Peter J. Crouse, Esq., Denver,
Colorado, for Atchison, Topeka
and Santa Fe Railway Company;
John H. Baier, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE HEARING EXAMINER:

Pursuant to notice, the above-captioned matter was called for hearing on Monday, July 30, 1973, at 10:30 a.m. in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, by Thomas M. McCaffrey, the duly-appointed Examiner, at which time the above and foregoing parties entered appearances. Applicant proceeded to present evidence. Exhibits 1 through 5, inclusive, were tendered and admitted into evidence, and the Examiner granted Applicant permission to file as late-filed Exhibits 6 and 7, respectively, a certified copy of the Resolution passed by the El Paso County Board of County Commissioners and an executed copy of the Agreement between El Paso County and the Atchison, Topeka and

Santa Fe Railway Company. The Resolution of the Board of County Commissioners, Exhibit 6, has been duly received.

Applicant's evidence shows that the public convenience and necessity requires the widening and resignalizing of the subject crossing as proposed in this application. This evidence as presented in the hearing, however, is unclear and to some extent contradictory as to the manner in which the work is to be performed, the estimated costs, maintenance, and the prorated share of the costs the railroad is to pay. The Examiner is unable to write a recommended decision based upon the present state of the record in this proceeding, and the application should thus be set for further hearing so that Applicant may clarify and verify all facts concerning the estimated costs, the share each respective party is to pay, and the manner in which the work is to be performed. It is hereby noted by the Examiner that 115-4-6(2)(b), CRS 1963, as amended, provides that ten percent of the total cost of signals or devices at any crossing shall be paid by the railroad corporation. The statute further provides that every signal or device installed at the crossing shall be maintained by the railroad corporation for the life of the crossing to be so protected. The language in this statute is clearly mandatory, and the Applicant and railroad should take the necessary steps to insure that there is strict compliance with the terms and provisions thereof.

For the foregoing reasons, this application will be set for further hearing as set forth in the following Order.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 26750, being the application of The Board of County Commissioners of El Paso County, Colorado, for authority to widen and resignalize the crossing of the Atchison, Topeka and Santa Fe Railway Company and The Denver and Rio Grande Western Railroad Company at Fontaine Boulevard in El Paso County, Colorado, be, and hereby is, set for further

hearing on Friday, October 12, 1973, at 10 a.m. in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. Mc Caffrey
Examiner
db

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES)
APPLICABLE TO CEMENT IN BAGS AND)
IN BULK IN TANK VEHICLES)
-----)

CASE NO. 1585

August 31, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 4, 1973, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed various revised pages as set forth in Appendix "A" attached hereto, scheduled to become effective July 5, 1973.

On June 13, 1973, the President of the United States announced a sixty-day freeze on the price of commodities and services.

On July 3, 1973, Decision No. 83286, the above revised pages were suspended for a period of one hundred twenty (120) days.

Effective August 13, 1973, public utility commodities and services were exempted from price adjustment requirements of the Economic Stabilization Program, pursuant to Section 150.56 of the Phase IV regulations of the Cost of Living Council. Subsequently, Decision No. 83501, dated August 14, 1973, rescinded this suspension.

It now appears that, pursuant to Rule 19-D of the Rules of Practice and Procedure, an Order should be entered in Case No. 1585, prescribing the changes involved herein.

The Commission finds that public convenience and necessity will be served by approval of said revisions and the said rates should be prescribed in accordance with CRS 115-11-5, 1973, as amended, adjusting the provisions of Case No. 1585 to reflect the provisions set forth in Appendix "A" attached hereto. The following Order should be entered.

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 set forth in Appendix "A" attached hereto, 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 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.

6. 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.

7. That this Order shall become effective forthwith.

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

DONE IN OPEN MEETING THIS 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Colorado Motor Tariff Bureau, Inc. Agent
Motor Freight Tariff No. 14
Colorado PUC No. 13*
(*The Motor Truck Common Carriers' Association,
Agent, Series)

13TH REVISED PAGE No. 38

CANCELS

12TH REVISED PAGE No. 38

SECTION NO. 1	
THE DISTANCE OR MILEAGE RATES PUBLISHED ON PAGES 42-A TO 42-C OF THIS SECTION WILL APPLY ON THE FOLLOWING COMMODITIES, AS INDICATED IN EACH ITEM:	
ITEM No.	COMMODITY DESCRIPTION
245	<u>COLUMN "F"</u> RATES WILL APPLY ON THE FOLLOWING: CEMENT, HYDRAULIC, PORTLAND OR NATURAL, IN BULK IN TANK VEHICLES, MINIMUM WEIGHT 45,000 POUNDS.
246	<u>COLUMN "G"</u> RATES WILL APPLY ON THE FOLLOWING: CEMENT, HYDRAULIC, PORTLAND OR NATURAL, IN BAGS. WHEN SHIPMENTS ARE PALLETIZED, THE WEIGHT OF THE PALLETS WILL NOT BE CONSIDERED IN ARRIVING AT THE FREIGHT CHARGES. THE PALLETS WILL BE RETURNED TO THE OWNER THEREOF, AT HIS REQUEST, AND WILL BE CHARGED FOR AT 25¢ EACH.
<p>NOTE: WHEN SHIPMENT IS TRANSPORTED BY FREDERIC A. BETHKE, D/B/A BETHKE TRUCK LINES OR RED BALL MOTOR FREIGHT, INC., THE FOLLOWING RESTRICTION WILL APPLY: SUBJECT TO SHIPPER LOADING AND CONSIGNEE UNLOADING. THREE AND ONE-HALF HOURS' FREE LOADING TIME AND THREE AND ONE-HALF HOURS' FREE UNLOADING TIME WILL BE ALLOWED. ALL DELAY IN EXCESS OF THE FREE TIME ALLOWED WILL BE CHARGED FOR AT THE RATE OF \$5.50 PER HOUR OR FRACTION THEREOF.</p> <p>WHEN SHIPMENT IS TRANSPORTED BY WESTWAY MOTOR FREIGHT, INC., THE FOLLOWING WILL APPLY: ONE HOUR'S FREE LOADING TIME WILL BE ALLOWED AT POINT OF ORIGIN. ANY LOADING TIME IN EXCESS OF ONE HOUR WILL BE CHARGED FOR AT A RATE OF \$4.00 PER HOUR OR FRACTION THEREOF FOR ONE MAN AND TRUCK. ANY ADDITIONAL MEN REQUIRED IN PERFORMING EXPEDITED SERVICE AT THE REQUEST OF THE SHIPPER WILL BE CHARGED FOR AT \$2.00 PER HOUR PER MAN, BEGINNING AT THE TIME THE EXTRA MAN OR MEN REQUIRED ARRIVE AT THE PLACE OF LOADING.</p>	

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

♦ denotes increase

Appendix "A"

ALL RATES SHOWN IN PLAINS SCALE AND MOUNTAIN SCALE ARE INCREASES

6TH REVISED PAGE No. 42-A
CANCELS
5TH REVISED PAGE No. 42-A

SECTION NO. 1 RATE SCALES			
THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON SHIPMENTS OF CEMENT, IN BULK IN TANK VEHICLES.			
DISTANCE--MILES	COLUMN F MINIMUM WEIGHT 45,000 POUNDS		
	#PLAINS SCALE	#DIFFERENTIAL SCALE	#MOUNTAIN SCALE
10 MILES AND UNDER	10	1	11
15 MILES AND OVER 10	11	1	12
20 MILES AND OVER 15	12	1	13
25 MILES AND OVER 20	13	1	14
30 MILES AND OVER 25	14	1	15
35 MILES AND OVER 30	15	2	17
40 MILES AND OVER 35	16	2	18
45 MILES AND OVER 40	17	2	19
50 MILES AND OVER 45	18	2	20
55 MILES AND OVER 50	19	2	21
60 MILES AND OVER 55	20	3	23
65 MILES AND OVER 60	21	3	24
70 MILES AND OVER 65	22	3	25
75 MILES AND OVER 70	23	3	26
80 MILES AND OVER 75	23½	3	26½
85 MILES AND OVER 80	24	4	28
90 MILES AND OVER 85	24½	4	28½
95 MILES AND OVER 90	25	4	29
100 MILES AND OVER 95	26	4	30
105 MILES AND OVER 100	27	4	31
110 MILES AND OVER 105	28	5	33
115 MILES AND OVER 110	29	5	34
120 MILES AND OVER 115	30	5	35
125 MILES AND OVER 120	31	5	36
130 MILES AND OVER 125	32	5	37
135 MILES AND OVER 130	32½	6	38½
140 MILES AND OVER 135	33	6	39
145 MILES AND OVER 140	33½	6	39½
150 MILES AND OVER 145	34	6	40
160 MILES AND OVER 150	35	6	41
170 MILES AND OVER 160	36	7	43
180 MILES AND OVER 170	37	7	44
190 MILES AND OVER 180	38	7	45
200 MILES AND OVER 190	39	7	46
210 MILES AND OVER 200	40	7	47
220 MILES AND OVER 210	41	8	49
230 MILES AND OVER 220	42	8	50
240 MILES AND OVER 230	43	8	51
250 MILES AND OVER 240	44	8	52
260 MILES AND OVER 250	45	8	53
270 MILES AND OVER 260	46	9	55
280 MILES AND OVER 270	47	9	56
290 MILES AND OVER 280	48	9	57
300 MILES AND OVER 290	49	9	58
310 MILES AND OVER 300	50	9	59
320 MILES AND OVER 310	51	10	61
330 MILES AND OVER 320	52	10	62
340 MILES AND OVER 330	53	10	63
350 MILES AND OVER 340	54	10	64
ISSUED JUNE 4, 1973			
EFFECTIVE JULY 5, 1973			

Appendix "A"

7TH REVISED PAGE No. 42-B
CANCELS
6TH REVISED PAGE No. 42-B

SECTION NO. 1
RATE SCALES

THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON SHIPMENTS OF CEMENT, IN BAGS, AS DESCRIBED IN ITEM No. 246 HEREIN.

↗ ALL RATES FORMERLY PUBLISHED ON THIS PAGE ARE HEREBY CANCELED.

RATES SUBJECT TO A MINIMUM WEIGHT OF 45,000 POUNDS PUBLISHED ON PAGE 42-C WILL APPLY.

see Appendix "B" for previous rates.

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

↗ denotes increase

ALL RATES SHOWN IN PLAINS SCALE AND MOUNTAIN SCALE ARE INCREASES

7TH REVISED PAGE No. 42-C
CANCELS
6TH REVISED PAGE No. 42-C

SECTION NO. 1 RATE SCALES			
THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON SHIPMENTS OF CEMENT, IN BAGS, AS DESCRIBED IN ITEM No. 246 HEREIN.			
DISTANCE--MILES	COLUMN G MINIMUM WEIGHT 45,000 POUNDS		
	# PLAINS SCALE	# DIFFERENTIAL SCALE	# MOUNTAIN SCALE
10 MILES AND UNDER	11	1	12
15 MILES AND OVER 10	12	1	13
20 MILES AND OVER 15	13	1	14
25 MILES AND OVER 20	14	1	15
30 MILES AND OVER 25	15	1	16
35 MILES AND OVER 30	16	2	18
40 MILES AND OVER 35	17	2	19
45 MILES AND OVER 40	18	2	20
50 MILES AND OVER 45	19	2	21
55 MILES AND OVER 50	20	2	22
60 MILES AND OVER 55	21	3	24
65 MILES AND OVER 60	22	3	25
70 MILES AND OVER 65	23	3	26
75 MILES AND OVER 70	24	3	27
80 MILES AND OVER 75	24½	3	27½
85 MILES AND OVER 80	25	4	29
90 MILES AND OVER 85	25½	4	29½
95 MILES AND OVER 90	26	4	30
100 MILES AND OVER 95	27	4	31
105 MILES AND OVER 100	28	4	32
110 MILES AND OVER 105	29	5	34
115 MILES AND OVER 110	30	5	35
120 MILES AND OVER 115	31	5	36
125 MILES AND OVER 120	32	5	37
130 MILES AND OVER 125	33	5	38
135 MILES AND OVER 130	33½	6	39½
140 MILES AND OVER 135	34	6	40
145 MILES AND OVER 140	34½	6	40½
150 MILES AND OVER 145	35	6	41
160 MILES AND OVER 150	36	6	42
170 MILES AND OVER 160	37	7	44
180 MILES AND OVER 170	38	7	45
190 MILES AND OVER 180	39	7	46
200 MILES AND OVER 190	40	7	47
210 MILES AND OVER 200	41	7	48
220 MILES AND OVER 210	42	8	50
230 MILES AND OVER 220	43	8	51
240 MILES AND OVER 230	44	8	52
250 MILES AND OVER 240	45	8	53
260 MILES AND OVER 250	46	8	54
270 MILES AND OVER 260	47	9	56
280 MILES AND OVER 270	48	9	57
290 MILES AND OVER 280	49	9	58
300 MILES AND OVER 290	50	9	59
310 MILES AND OVER 300	51	9	60
320 MILES AND OVER 310	52	10	62
330 MILES AND OVER 320	53	10	63
340 MILES AND OVER 330	54	10	64
350 MILES AND OVER 340	55	10	65
ISSUED JUNE 4, 1973		EFFECTIVE JULY 5, 1973	

Appendix "A"

27TH REVISED PAGE No. 44

CANCELS

26TH REVISED PAGE No. 44

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
340	CEMENT, IN BULK IN TANK VEHICLES, MINIMUM WEIGHT 45,000 POUNDS. (DON WARD & Co., AND WEICKER TRANSPORT Co.)	BOETTCHER, COLO.	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY	19
			GOLDEN, COLO.	20

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

denotes increase

16TH REVISED PAGE No. 44-A
CANCELS
15TH REVISED PAGE No. 44-A

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
345	CEMENT, IN BAGS. ① MIN. WT. 25,000 POUNDS. ③ MIN. WT. 45,000 POUNDS. (DON WARD & Co., AND WEICKER TRANSPORT Co.)	BOETTCHER, COLO.	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY	① ③ 24 ③ 22
		PORTLAND, COLO.		① ③ 24 ③ 28
		LYONS, COLO.		③ 18

Boettcher ① ③ 24
Portland ① ③ 30

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

③ denotes increase

6TH REVISED PAGE No. 44-B
CANCELS
5TH REVISED PAGE No. 44-B

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
356 ↕	CEMENT, IN BULK, MINIMUM WEIGHT 50,000 POUNDS.	BOETTCHER, COLO.	IDEAL CEMENT Co., DISTRIBUTION FACILITY NEAR LYONS, COLO.	14

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

↕ denotes increase

18TH REVISED PAGE No. 46
CANCELS
17TH REVISED PAGE No. 46

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
400	CEMENT, IN BULK IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS. (ELBERT TRANSFER Co., RIO GRANDE MOTOR WAY, INC., DON WARD & Co., OR WEICKER TRANSPORT Co.)	TO COLORADO SPRINGS, COLO. PIKEVIEW, COLO. TRANSIT MIX PLANT No. 2 (APPROXIMATELY 1/2 MILE NORTH OF COLORADO SPRINGS) FT. CARSON, COLO., AND POINTS WITHIN 1 MILE OF THE BOUNDARY OF FT. CARSON	RATES FROM	
			LYONS	PORTLAND
			25	14
			24	15
410	CEMENT, IN BULK IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS.	LYONS, COLO. PORTLAND, COLO.	U. S. AIR FORCE ACADEMY, COLO.	
			SEE BELOW	
			PORTLAND: TO BREED, COLORADO, \$15¢ PER 100 POUNDS, PLUS 1/2¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND BREED TO LOCATIONS AND INSTALLATIONS ON THE SITE OF THE U. S. AIR FORCE ACADEMY; TO HUSTED, COLORADO, \$16¢ PER 100 POUNDS, PLUS 1/2¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND HUSTED TO LOCATIONS AND INSTALLATIONS ON THE SITE OF THE U. S. AIR FORCE ACADEMY.	
			LYONS: TO BREED, COLORADO, \$24¢ PER 100 POUNDS, PLUS 1/2¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND BREED TO LOCATIONS AND INSTALLATIONS ON THE SITE OF THE U. S. AIR FORCE ACADEMY; TO HUSTED, COLORADO, \$23¢ PER 100 POUNDS, PLUS 1/2¢ PER 100 POUNDS PER MILE FOR EACH MILE OR FRACTION THEREOF BEYOND HUSTED TO LOCATIONS AND INSTALLATIONS ON THE SITE OF THE U. S. AIR FORCE ACADEMY. (ELBERT TRANSFER Co., DON WARD & Co., AND WEICKER TRANSPORT Co.)	

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

↑ denotes increase

Appendix "A"

32ND REVISED PAGE No. 47
CANCELS
31ST REVISED PAGE No. 47

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
420 ♦	CEMENT, IN BULK, IN TANK VEHICLES, MINIMUM WEIGHT 50,000 POUNDS.	PORTLAND, COLO.	STRAIGHT CREEK TUNNEL CONSTRUCTION PROJECT	34
430 ♦	CEMENT, IN BULK, IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS. (RIO GRANDE MOTOR WAY, INC., DON WARD & Co., AND WEICKER TRANSPORT Co.)	PORTLAND, COLO.	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY	24
450 ♦	CEMENT, IN BULK, IN TANK TRUCKS, MINIMUM WEIGHT 45,000 POUNDS.	PORTLAND, COLO.	PUEBLO, COLO.	14
	CEMENT, IN BAGS, MINIMUM WEIGHT 45,000 POUNDS. (RIO GRANDE MOTOR WAY, INC., DON WARD & Co., AND WEICKER TRANSPORT Co.)			14
485 ♦	CEMENT, IN BULK, IN TANK VEHICLES, OR IN BAGS, MINIMUM WEIGHT 45,000 POUNDS. SUBJECT TO LOADING BY CONSIGNOR AND UNLOADING BY CONSIGNEE. (ASHTON TRUCKING Co., GIBSON TRUCK LINE, RIO GRANDE MOTOR WAY, INC., THOMAS W. ROGERS, DON WARD & Co., OR WEICKER TRANSPORT Co., EXCEPT AS NOTED) ① WILL NOT APPLY VIA GIBSON TRUCK LINE OR THOMAS W. ROGERS.	PORTLAND, COLO.	<u>COLORADO</u> ALAMOSA ANTONITO CENTER ① DEL NORTE ① LA JARA MONTE VISTA ① ROMEO SAGUACHE ① SAN LUIS	28 30 29 29 29 28 29 29 27

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

♦ denotes increase

Appendix "A"

8TH REVISED PAGE NO. 47-A
CANCELS
7TH REVISED PAGE NO. 47-A

SECTION NO. 1 COMMODITY RATES RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)				
ITEM No.	COMMODITY COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	FROM (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	TO (EXCEPT AS NOTED IN INDIVIDUAL ITEMS)	RATES
487 ♦	CEMENT, IN BULK IN TANK VEHICLES, MINIMUM WEIGHT 45,000 POUNDS.	LYONS, COLO., AND CEMENT DISTRIBUTION FACILITIES LOCATED WITHIN A 2-MILE RADIUS OF THE CITY LIMITS THEREOF	DENVER, COLO., AND POINTS WITHIN A 10-MILE RADIUS OF COLFAX & BROADWAY GOLDEN, COLO.	14
489 ♦	CEMENT, IN BAGS, PALLETIZED, LOADED BY CONSIGNOR AND UNLOADED BY (ROBERT L. HARRIS, D/B/A LAS ANIMAS TRANSFER COMPANY)	PORTLAND, COLO.	LAS ANIMAS, COLO.	24

ISSUED JUNE 4, 1973

EFFECTIVE JULY 5, 1973

♦ denotes increase

Appendix "B"

6TH REVISED PAGE NO. 42-B

CANCELS

5TH REVISED PAGE NO. 42-B

SECTION NO. 1

RATE SCALES

THE FOLLOWING RATES IN CENTS PER 100 POUNDS WILL APPLY ON SHIPMENTS OF CEMENT, IN BAGS, AS DESCRIBED IN ITEM NO. 246 HEREIN.

DISTANCE--MILES	COLUMN C		
	MINIMUM WEIGHT 25,000 POUNDS		
	#PLAINS SCALE	#DIFFERENTIAL SCALE	#MOUNTAIN SCALE
10 MILES AND UNDER	13	1	14
15 MILES AND OVER 10	14	1	15
20 MILES AND OVER 15	15	1	16
25 MILES AND OVER 20	16	1	17
30 MILES AND OVER 25	17	1	18
35 MILES AND OVER 30	18	2	20
40 MILES AND OVER 35	19	2	21
45 MILES AND OVER 40	20	2	22
50 MILES AND OVER 45	21	2	23
55 MILES AND OVER 50	22	2	24
60 MILES AND OVER 55	23	3	26
65 MILES AND OVER 60	24	3	27
70 MILES AND OVER 65	25	3	28
75 MILES AND OVER 70	26	3	29
80 MILES AND OVER 75	25 $\frac{1}{2}$	3	29 $\frac{1}{2}$
85 MILES AND OVER 80	27	4	31
90 MILES AND OVER 85	27 $\frac{1}{2}$	4	31 $\frac{1}{2}$
95 MILES AND OVER 90	28	4	32
100 MILES AND OVER 95	29	4	33
105 MILES AND OVER 100	30	4	34
110 MILES AND OVER 105	31	5	36
115 MILES AND OVER 110	32	5	37
120 MILES AND OVER 115	33	5	38
125 MILES AND OVER 120	34	5	39
130 MILES AND OVER 125	35	5	40
135 MILES AND OVER 130	35 $\frac{1}{2}$	6	41 $\frac{1}{2}$
140 MILES AND OVER 135	36	6	42
145 MILES AND OVER 140	36 $\frac{1}{2}$	6	42 $\frac{1}{2}$
150 MILES AND OVER 145	37	6	43
160 MILES AND OVER 150	38	6	44
170 MILES AND OVER 160	39	7	46
180 MILES AND OVER 170	40	7	47
190 MILES AND OVER 180	41	7	48
200 MILES AND OVER 190	42	7	49
210 MILES AND OVER 200	43	7	50
220 MILES AND OVER 210	44	8	52
230 MILES AND OVER 220	45	8	53
240 MILES AND OVER 230	46	8	54
250 MILES AND OVER 240	47	8	55
260 MILES AND OVER 250	48	8	56
270 MILES AND OVER 260	49	9	58
280 MILES AND OVER 270	50	9	59
290 MILES AND OVER 280	51	9	60
300 MILES AND OVER 290	52	9	61
310 MILES AND OVER 300	53	9	62
320 MILES AND OVER 310	54	10	64
330 MILES AND OVER 320	55	10	65
340 MILES AND OVER 330	56	10	66
350 MILES AND OVER 340	57	10	67

ISSUED DECEMBER 28, 1970

EFFECTIVE JANUARY 1, 1971

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WOODLAND TRASH SERVICE, INC., BOX)
396, WOODLAND PARK, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 6776 TO ENVIRON-)
MENTAL DISPOSAL CORP., 3 SOUTH)
TEJON STREET, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 26810-Transfer

ORDER OF THE COMMISSION

- - - - -
September 4, 1973
- - - - -

Appearances: Michael R. Bromley, Esq.,
Colorado Springs, Colorado,
for Applicants.

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

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 to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate

of Public Convenience and Necessity PUC No. 6776, as granted by Commission Decision No. 81526 dated October 16, 1972, 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 have advised the Commission in writing 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.


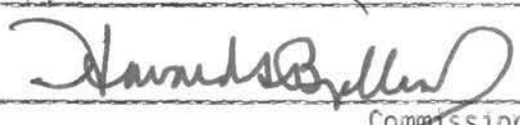
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

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 September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.

(Decision No.83626)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE TRANSFER OF CERTIFICATE NO.)	
1025 & I FROM WILLIAM M. WILSON,)	APPLICATION NO. 26736-Transfer
DOING BUSINESS AS "WILSON TRUCK)	
SERVICE," ROCKY FORD, COLORADO,)	RECOMMENDED DECISION OF
TO LAW FARMS AND CATTLE COMPANY,)	THOMAS M. McCaffrey, EXAMINER
1012 SWINK AVENUE, ROCKY FORD,)	
COLORADO.)	GRANTING APPLICATION

September 6, 1973

Appearances: Joseph F. Nigro, Esq.,
Denver, Colorado, for
Transferor and Transferee;
John A. Hurt, Denver,
Colorado, of the Staff
of the Commission.

PROCEDURE AND RECORD

On June 7, 1973, Applicants filed the above-titled application with this Commission for authority to transfer Certificate of Public Convenience and Necessity PUC No. 1025 and PUC No. 1025-I from William M. Wilson, doing business as "Wilson Truck Service," to Law Farms and Cattle Company.

The Commission assigned Docket No. 26736-Transfer 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 herein matter for hearing to be held in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, August 21, 1973, at 10 a.m. The hearing was held at the said time and place.

Exhibits 1 through 7, inclusive, were offered and admitted into evidence.

At the conclusion of the hearing, the subject matter of this proceeding 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, William M. Wilson, is an individual doing business as "Wilson Truck Service," and is the present owner of Certificate of Public Convenience and Necessity PUC No. 1025 and PUC No. 1025-I, which authority is the subject matter of this proceeding. The authority reads as follows:

"(1) Transportation -- on call and demand -- of
General commodities

In the counties of Bent, Otero, Pueblo, Crowley, Las Animas, Kiowa, Prowers, and Baca, State of Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION: Item No. 1 of this Certificate is restricted as follows:

- (a) Transportation of commodities, other than household goods, between points served singly or in combination by scheduled carriers shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by 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 Rocky Ford, Colorado; and further is prohibited, without further order from the Commission, from having an agent employed in any other city or town than Rocky Ford, Colorado, for the purpose of developing and conducting business.

(2) Transportation -- on call and demand of --
General commodities

Between all points located within the City of Las Animas, Colorado.

- (3) Transportation -- on call and demand -- of

Agricultural products (including livestock)

Between all points located within an area described as follows: Commencing at a point on U.S. Highway 50, one (1) mile east of Hasty, Colorado; thence north on a line for a distance of forty-seven (47) miles to a point; thence west on a line for a distance of thirty (30) miles to a point; thence south on a line for a distance of one hundred (100) miles to a point; thence east on a line for a distance of thirty (30) miles to a point; thence north on a line for a distance of fifty-three (53) miles to the point of origin, on the one hand, and the City of Las Animas, Colorado on the other hand.

RESTRICTION: Item Nos. 1, 2, and 3 of this Certificate are restricted against rendering any transportation service between the City of Las Animas, Colorado, and the City of Pueblo, Colorado.

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

2. Transferee, Law Farms and Cattle Company, doing business as "Law Motor Lines" (a division of Law Farms and Cattle Company), is a Colorado corporation duly organized and existing under the laws of the State of Colorado with principal offices located at 1012 Swink Avenue, Rocky Ford, Colorado. Transferee's officers and directors are John W. Law, President; Leonard Law, Vice President; Gladys E. Law, Secretary-Treasurer; and John F. Law, a member of the Board of Directors. The Transferee corporation presently holds no authority from this Commission.

3. The authority sought to be transferred in this proceeding, PUC No. 1025 and PUC No. 1025-I, has been continually operated in the past and is presently in good standing with the Commission.

4. This application was not protested.

5. Transferor has for some time experienced serious financial difficulty, incurring known unpaid debts of approximately \$35,600. This amount does not include the sum of \$23,218.95 owed to Transferor's sisters, Jeanette Cobb and Barbara Wookey, whose encumbrance in this amount has been approved by this Commission.

Many of the creditors' claims included in the aforesaid approximately \$35,600 have been reduced to judgment, and one of the creditors, Trinidad National Bank, holding a judgment for \$15,092.55 plus costs, has executed and levied upon the authority sought to be transferred herein, as shown in Exhibit No. 2. Pursuant to the Writ of Execution and Levy, the subject authority was sold to the Transferee at a Sheriff's Sale on April 23, 1973, for the purchase price of \$46,500. These proceeds are now in the custody of the District Court of Las Animas County for distribution to creditors and other persons entitled thereto.

6. Also included in the aforementioned approximately \$35,600 figure is a sum approximating \$6,253.74 owed the United States Internal Revenue Service and \$4,254 owed the State of Colorado. The Internal Revenue Service has filed a Notice of Levy against the subject Certificate with this Commission.

7. All of Transferor's creditors, excluding his sisters, Barbara Wookey and Jeanette Cobb, will be paid from the \$46,500 now held by the Las Animas County District Court. The Transferee herein has entered into an agreement and stipulation with Barbara Wookey and Jeanette Cobb wherein the aforesaid sisters-creditors agree that the Transferee will take the subject authority without objection and subject to the existing encumbrance filed with this Commission, and subject to these two creditors obtaining the balance of funds held by the Las Animas District Court not paid to the other creditors.

It is hereby found as fact that reasonable provision has been made for payment of Transferor's creditors arising out of the operation of the authority sought to be transferred herein.

8. John W. Law, President of Transferee corporation, formerly held authority from this Commission for the transportation of general commodities, and also held intrastate authority from the states of Kansas and Oklahoma, as well as interstate authority. Transferee has for a number of years operated as a cattle raiser and feeder of fat cattle

in the Rocky Ford area, and also owns approximately 1,600 acres from which it transports the commodities grown on these farms to market. Applicant has sufficient experience for operation of the authority sought to be transferred herein, and if this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein. Transferee as of December 31, 1972, had a net worth in excess of one million dollars. Transferee owns eight semi-tractors and sixteen semi-trailers for operation of the subject authority. It also has adequate facilities, including buildings, warehousing space, and docks in the immediate vicinity of Rocky Ford, Colorado. Transferee's net worth and equipment are ample and sufficient for the operation of the authority sought to be transferred.

9. The chief corporate officers as well as the employees of Transferee are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have made or will make adequate provision for insurance.

10. The granting of this 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. William M. Wilson, doing business as "Wilson Truck Service," Route 2, Box 116, Rocky Ford, Colorado 81067, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of

Public Convenience and Necessity PUC No. 1025 and PUC No. 1025-I to Law Farms and Cattle Company, doing business as "Law Motor Lines," a division of Law Farms and Cattle Company, 1012 Swink Avenue, Rocky Ford, Colorado 81067, subject to encumbrances against said authority.

2. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1025 and PUC No. 1025-I shall read and be as follows, to wit:

- (1) Transportation -- on call and demand -- of
General commodities

In the counties of Bent, Otero, Pueblo, Crowley, Las Animas, Kiowa, Prowers, and Baca, State of Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION: Item No. 1 of this Certificate is restricted as follows:

- (a) Transportation of commodities, other than household goods, between points served singly or in combination by scheduled carriers shall require a rate to be charged that shall be as much as twenty percent (20%) higher in all cases than the rates charged by 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 Rocky Ford, Colorado; and further is prohibited, without further order from the Commission, from having an agent employed in any other city or town than Rocky Ford, Colorado, for the purpose of developing and conducting business.

- (2) Transportation -- on call and demand -- of
General commodities

Between all points located within the City of Las Animas, Colorado.

- (3) Transportation -- on call and demand -- of
Agricultural products (including livestock)

Between all points located within an area described as follows: Commencing at a point on U.S. Highway 50, one (1) mile east of Hasty, Colorado; thence north on a line for a distance of forty-seven (47) miles to a point; thence west on a line for a distance of thirty (30) miles to a point; thence south on a line for a distance of one hundred (100) miles to a point; thence east on a line for a distance of thirty (30) miles to a point; thence north on a line for a distance of fifty-three (53) miles to the point of origin, on the one hand, and the City of Las Animas, Colorado on the other hand.

RESTRICTION: Items Nos. 1, 2, and 3 of this Certificate are restricted against rendering any transportation service between the City of Las Animas, Colorado, and the City of Pueblo, Colorado.

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

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


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

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

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
hbp

(Decision No. 83627)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ERNEST R. CHISM, 210 SOUTH RALEIGH,)
DENVER, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26944-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 7, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

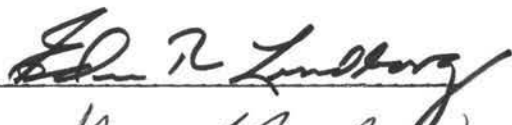

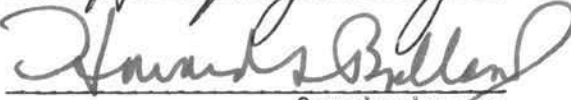
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83627
September 7, 1973

Ernest R. Chism

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83628)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DUANE VINEY, 1529 W. VINE, FORT)
COLLINS, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26945-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 7, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

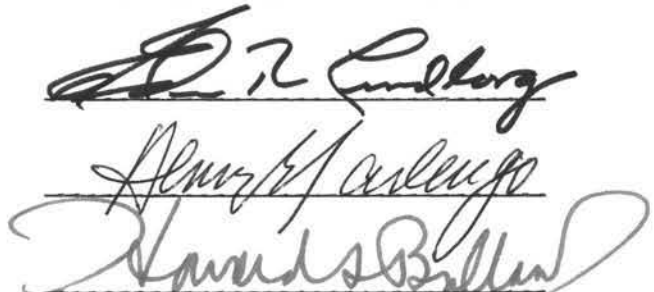
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83628
September 7, 1973

Duane Viney

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 83629)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES P. VELTRI, DOING BUSINESS)
AS "FLY'N V TRUCK'N", 5305 SHERIDAN)
BLVD., #41, ARVADA, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26946-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 7, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

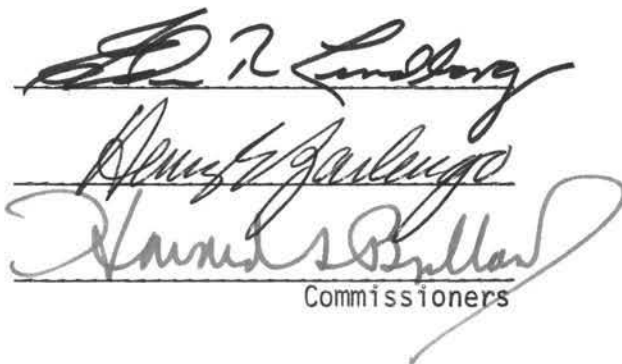
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83629
September 7, 1973

Fly'n V Truck'N

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

(Decision No. 83630)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES C. MURPHY, DOING BUSINESS AS)
"MURPHY'S TRUCKING," P. O. BOX 711,)
PAONIA, COLORADO, FOR EMERGENCY)
TEMPORARY APPROVAL TO CONDUCT OPER-)
ATIONS UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
976 AND 976-I.)

APPLICATION NO. 26947-Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

September 7, 1973

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

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and 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.

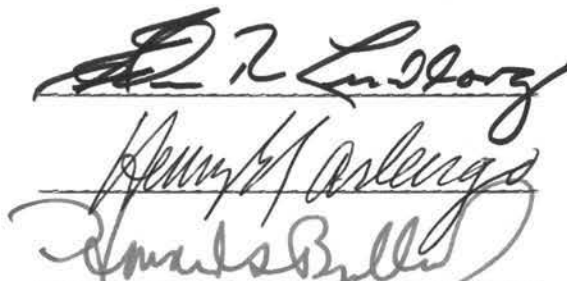
IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 83631)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEAN A. SKINNER, 208 EAST GENESCO)
STREET, LAFAYETTE, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26948-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 7, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

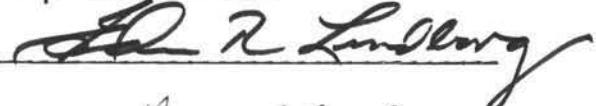
IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

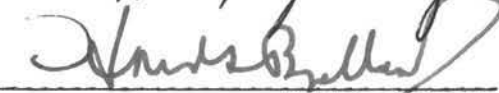
DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A Dissent







Commissioners

Appendix
Decision No. 83631
September 7, 1973

Dean A. Skinner

Transportation of

Rough and finished lumber, insulation, structural steel, shingles, siding, nails, cement, cinder block, brick, roofing materials, dry wall, paint, window glass, window frames, doors, electrical fixtures, and hardware necessary to hang doors and install windows,

Between all points located within an area comprised of the Counties of Gilpin, Clear Creek, Denver, Larimer, Boulder, Adams, Weld, Morgan, Teller, El Paso, Arapahoe, Elbert, Douglas, Jefferson, Grand, and Summit, State of Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only 84 Lumber Company of Broomfield and Aurora, Colorado.

(Decision No. 83632)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
V. M. IRVIN, 1245 PARK AVENUE,)
CANON CITY, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26895-TA
ORDER DENYING TEMPORARY
AUTHORITY


- - - - -
September 7, 1973
- - - - -

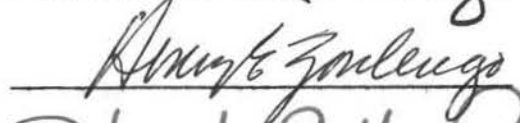
The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

(Decision No. 83633)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLAUDE E. WHEELER, DOING BUSINESS AS)
"GRAIN TRANSPORT," BOX 82, ORDWAY,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26903-PP-TA

ORDER DENYING TEMPORARY
AUTHORITY

- - - - -
September 7, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 83634)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLIFFORD B. RUSSELL, DOING BUSINESS)
AS "AIRCRAFT SALES CO.," 2527 NORTH)
LINCOLN AVENUE, LOVELAND, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY AIRCRAFT.)

APPLICATION NO. 26919-TA
ORDER DENYING TEMPORARY
AUTHORITY

- - - - -
September 7, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 7th day of September, 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)	
VIGO TORSKE, CORY, COLORADO, FOR	)	APPLICATION NO. 26823-PP
AUTHORITY TO OPERATE AS A CLASS)	
"B" CONTRACT CARRIER BY MOTOR VEHICLE.	)	ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

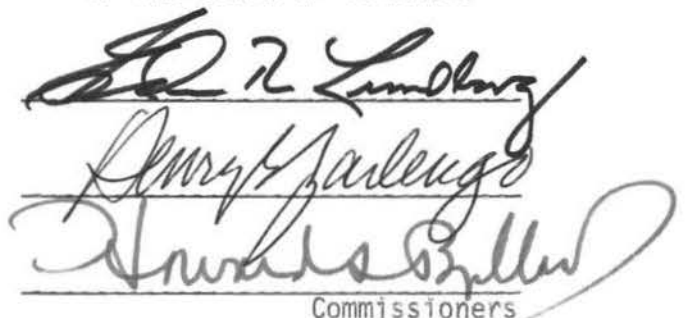
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83635
September 7, 1973

Vigo Torske

Transportation of

Ash, trash, and other refuse

From that portion of the Grand Mesa National Forest located within the Counties of Delta and Mesa, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This Permit is restricted to rendering transportation service for only the U.S. Department of Agriculture Forest Service.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GENE KUENNEN AND STAN STENSON, DOING)
BUSINESS AS "K & S DRYWALL DELIVERY,")
11737 NORTH WASHINGTON, APT. #1412,)
NORTHGLENN, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 26833-PP
ORDER OF THE COMMISSION

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

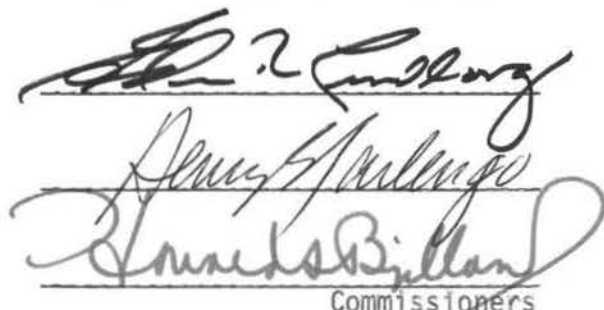
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83636
September 7, 1973

K & S Drywall Delivery

Transportation of

Drywall

Between all points located within an area comprised of the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only Schriber Decorating, Denver, Colorado; Alarid Enterprises, Inc., Denver, Colorado; and Denver Drywall Company, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JOEL CARRIGAN, 785 DEVINNEY, GOLDEN,
COLORADO, FOR AUTHORITY TO OPERATE
AS A CLASS "B" CONTRACT CARRIER BY
MOTOR VEHICLE.

)
) APPLICATION NO. 26843-PP
)
) ORDER OF THE COMMISSION
)

September 7, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

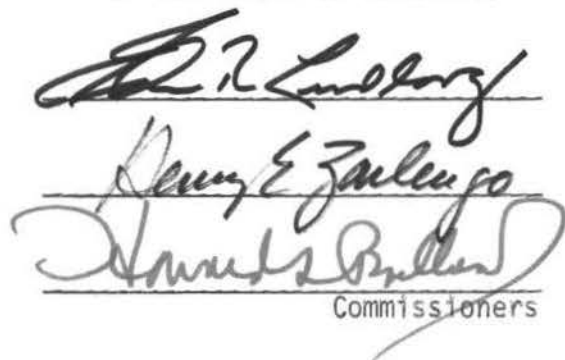
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83637
September 7, 1973

Joel Carrigan

Transportation of

Newspapers

From Denver, Colorado, to Dillon, Idaho Springs, and Leadville, Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only Rocky Mountain News, Denver, Colorado.

(Decision No. 83638)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
DOUG'S TOWING SERVICE, INC., 5320
IRVING STREET, DENVER, COLORADO, FOR
TEMPORARY AUTHORITY TO OPERATE AS A
CLASS "B" CONTRACT CARRIER BY MOTOR
VEHICLE.)

) APPLICATION NO. 26904-PP-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)

- - - - -
September 7, 1973
- - - - -

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

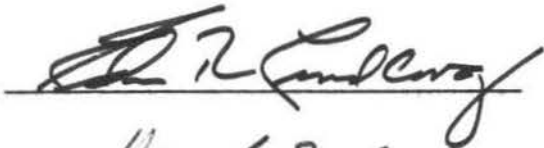

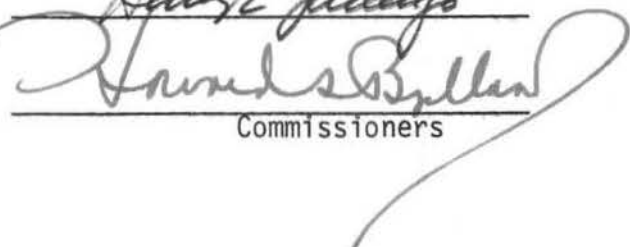
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need,

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83638
September 7, 1973

Doug's Towing Service, Inc.

Transportation of

Motor vehicles

From all points located within the State of Colorado, to National Auto Salvage Auction, Inc., 2100 West Oxford Street, Englewood, Colorado.

RESTRICTION: This Temporary Authority is restricted as follows:

- (a) Against the transportation of trucks and tractors having greater than 3/4 ton manufacturers rated capacity.
- (b) To rendering transportation service for only National Auto Salvage Auction, Inc.

(Decision No. 83639)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JOHN A. REESE AND BEVERLY Z. REESE,
2932 HOLLY STREET, DENVER, COLORADO,
FOR TEMPORARY AUTHORITY TO EXTEND
OPERATIONS UNDER CONTRACT CARRIER
PERMIT NO. B-7743.

)
) APPLICATION NO. 26921-PP-Extension-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)
)

- - - - -
September 7, 1973
- - - - -

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

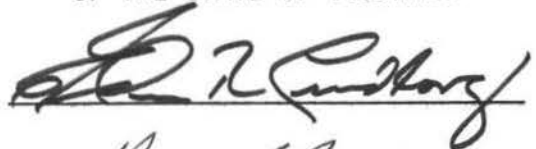
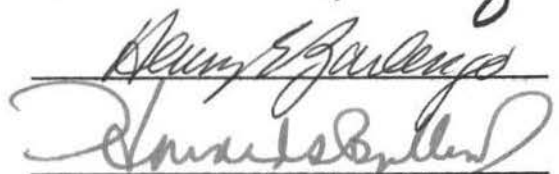
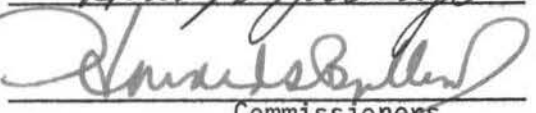
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83639
September 7, 1973

John A. Reese and Beverly Z. Reese

Transportation of
electronic component parts

From Cramer Electronic, Inc., 5465 East Evans Place, Denver, Colorado, to all points located within the County of Denver, and that portion of Adams, Arapahoe, and Jefferson Counties lying within a nine (9) mile radius of the intersection of Broadway and Colfax, Denver, Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only Cramer Electronic, Inc., Denver, Colorado.

(Decision No. 83640)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
NEWS AND FILM SERVICE, INC., 745
LIPAN STREET, DENVER, COLORADO, FOR
TEMPORARY AUTHORITY TO EXTEND OPER-
ATIONS UNDER CONTRACT CARRIER PER-
MIT NO. A-4500 AND A-4500-I.

)
) APPLICATION NO. 26922-PP-Extension-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)
)

- - - - -
September 7, 1973
- - - - -

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

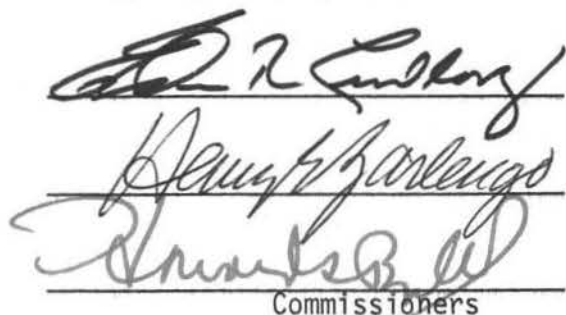
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83640
September 7, 1973

News and Film Service, Inc.

Transportation of

Bakery goods

Between Denver, Colorado, and all points located within an eight (8) mile radius of the intersection of Colfax and Broadway, Denver, Colorado, and Grand Junction, Colorado, and all points located within a five (5) mile radius of the Mesa County Courthouse, Grand Junction, Colorado, over U.S. Highway Nos. 6 and 40 and Interstate Highway No. 70 serving all intermediate points and the off route points of Empire, Black Hawk, Golddust, Central City, Leadville, Colorado, and all points located on Colorado Highway 91 between Wheeler Junction and Leadville and all points on U.S. Highway 24 between Leadville and Dowd.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only Star Bread Company.

(Decision No. 83641)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EVERETT SEALS, DOING BUSINESS AS
"CHARLIE'S EXPRESS & DELIVERY
SERVICE," 2801 EAST COLFAX, SUITE
202, DENVER, COLORADO, FOR TEMPO-
RARY AUTHORITY TO EXTEND OPERATIONS
UNDER CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY PUC NO. 8371.

)
)
)
)
)
)
)

APPLICATION NO. 26923-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

September 7, 1973

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

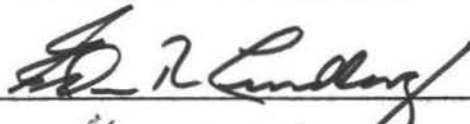
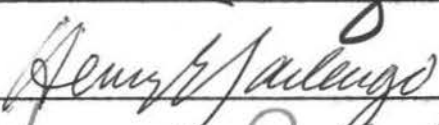

IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83641
September 7, 1973

Charlie's Express & Delivery Service

Transportation - - on call and demand - - of

Groceries (in sacks from retail stores) and passengers (having a point of origin or a point of destination at a retail grocery store and which are enroute to or returning from purchasing groceries at such store.)

Between points located within a five (5) mile radius of the intersection of 27th Street and Welton Street, Denver, Colorado, including Stapleton International Airport.

(Decision No. 83642)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 25832-Amended
WYCOFF COMPANY, INCORPORATED, FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	RECOMMENDED DECISION OF
AND NECESSITY TO OPERATE AS A COMMON)	ROBERT L. PYLE, EXAMINER
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
	DENYING APPLICATION

September 6, 1973

Appearances: John J. Conway, Esq.,
Denver, Colorado, and
Harry D. Pugsley, Esq.,
Salt Lake City, Utah,
for Applicant;
John R. Barry, Esq.,
Denver, Colorado,
for Denver-Colorado Springs-
Pueblo Motorway, Continental
Bus Systems, Inc., (Rocky
Mountain Lines Division),
Continental Central Lines,
Continental American Lines,
Denver-Salt Lake-Pacific Stages, Inc.,
Protestants;
David Butler, Esq.,
Denver, Colorado, and
Michael D. Martin, Esq.,
Denver, Colorado, for
Colorado Motorway, Inc.,
Protestant;
Leslie R. Kehl, Esq.,
Denver, Colorado, for
North Park Transportation Company,
Protestant;
James M. Lyons, Esq.,
Denver, Colorado, for
Wells-Fargo, Inc.,
Protestant;
John P. Thompson, Esq.,
Denver, Colorado, for
Edson Express, Inc.,
Ephraim Freightways, Inc.,
Larson Transportation, Inc.,
Mountain Motorway, Inc.,
Rio Grande Motor Way, Inc.,
South Park Motor Lines,
Overland Motor Express, Inc.,
doing business as Boulder-Denver Truck Line,
and Transwestern Express, Protestants.

PROCEDURE AND RECORD

On June 8, 1972, Wycoff Company Incorporated ("Wycoff"), a
Utah corporation authorized to do business in Colorado, filed the

above-titled application with this Commission requesting the issuance of a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation service specifically set forth in said application and described below.

The Commission assigned Docket No. 25832 to the application and gave due notice in accordance with the provisions of 115-6-8 (2), CRS 1963, as amended.

Protests to the application were filed by Trans-Western Express, Ltd. ("TWX") on June 21, 1972; by North Park Transportation Co. ("North Park") on June 26, 1972 (supplemented on July 7, 1972); by Boulder-Denver Truck Line ("Boulder-Denver") on June 28, 1972; and by Edson Express, Inc. ("Edson"), Ephraim Freightways, Inc. ("Ephraim"), Larson Transportation Company ("Larson"), Mountain Motorway, Inc. ("Mountain Motorway"), Rio Grande Motor Way, Inc. ("Rio Grande") and South Park Motor Lines ("South Park"), all on July 19, 1972.

On July 6, 1972, petition for leave to intervene and to protest was filed by Denver-Colorado Springs-Pueblo Motorway, Continental Bus Systems, Inc. (Rocky Mountain Lines Division), Continental Central Lines, Continental American Lines, and Denver-Salt Lake-Pacific Stages, Inc. (collectively, "Continental Trailways"). This was granted by Decision No. 80774 dated July 12, 1972.

On July 31, 1972, Colorado Motorway, Inc., filed its petition to intervene and its protest. This was granted by Decision No. 81009 dated August 3, 1972.

Colorado Cartage Co. filed timely protest, but subsequently withdrew its protest. Wells-Fargo, Inc., filed timely protest, but upon amendment of the application as described below, withdrew its protest.

United Parcel Service was permitted to appear for the purpose of being present during the hearing, receiving orders, and to inform the Commission of any facts necessary concerning its services. Though

certain witnesses during examination by others referred to United Parcel's service, United Parcel examined no witnesses, presented no evidence and filed no pleadings or briefs.

Pursuant to law, the Commission assigned the application to Robert L. Pyle, 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 in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, commencing on Wednesday, October 4, 1972, at 10 o'clock a.m. Further hearings were held at Denver, Fort Collins, Craig, Grand Junction and Glenwood Springs, Colorado. In total, the hearings occupied 29 days, concluding on February 22, 1973.

119 exhibits were tendered and admitted in evidence. The transcript of the testimony exceeds 4,000 pages.

At the conclusion of the hearing, the parties were permitted to submit statements of position on or before April 10, 1973. On April 4, 1973, Applicant requested that this time be extended to May 7, 1973; that extension of time was granted April 5, 1973. On May 3, 1973, Applicant requested that the time for filing its statement of position be further extended to May 31, 1973. This further extension was granted by Decision No. 82914, dated May 9, 1973. Statements of position were filed by all parties on May 31, 1973, whereupon the matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to this 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 Utah corporation duly organized and existing under the laws of the State of Utah, and it holds a Certificate of Authority to do business in the State of Colorado.

2. Applicant in this matter proposes to operate as a motor vehicle common carrier as defined in Chapter 115, CRS 1963, as amended, and this Commission has jurisdiction over the Applicant, Protestants, and the subject matter of this proceeding.

3. Applicant presently holds no motor vehicle common carrier authority issued by this Commission. It does hold a motor vehicle contract carrier authority, PUC No. A-7282. The authority of this contract carrier permit is set forth in Exhibit 1 in this record. In general, it authorizes transportation of newspapers for the Denver Post between Denver and Boulder and intermediate points, and between Denver and the Utah State Line over U.S. Highway 40, serving intermediate points located on that highway and on Colorado Highways 84 and 131 (Gore Pass-Toponas-Steamboat Springs). Applicant actively operates said contract carrier permit.

4. By its present application as amended, Applicant seeks the following authority:

A Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the transportation of:

General Commodities, excluding household goods, Class A and B explosives, and poisons; also excluding the transportation of money (coins and currency), gold, silver, bullion, jewelry, checks, bank drafts, negotiable instruments, business papers securities, valuables, mail and interoffice correspondence, and other valuable papers, as may or may not require armed guard during transit;

With no shipment for any one customer in any one day to weigh more than 500 pounds and no one parcel making up said shipment to weigh more than 100 pounds;

(a) Between Denver, Colorado and points within a radius of 15 miles thereof, on the one hand, and Fort Collins, Colorado and points within a 5-mile radius thereof, on the other hand, over (1) U.S. Highway 87-Interstate Highway 25, to its junction with Colorado Highway 14, thence over Colorado Highway 14 to Fort Collins; and (2) Over U.S. Highway 287; serving all intermediate points and all points located within 5 miles of the aforementioned highways (hereinafter "Ft. Collins Route");

(b) Between Denver, Colorado and points within the radius of 15 miles thereof, on the one hand, and Dinosaur, Colorado and points within a 5 mile radius thereof, on the other hand, over: (1) U.S. Highway 6 and/or Interstate Highway 70 and/or U.S. Highway 40 to its junction with Colorado Highway 9, thence over Colorado Highway 9 to its junction with U.S. Highway 40, thence over: (a) U.S. Highway 40 to Dinosaur, or (b) U.S. Highway 40 to its junction with Colorado Highway 134, thence over Colorado Highway 134 to its junction with Colorado Highway 131, thence over Colorado Highway 131 to its junction with U.S. Highway 40, thence over U.S. Highway 40 to Dinosaur; or (2) U.S. Highway 6 and/or Interstate Highway 70 and/or U.S. Highway 40 to its junction with Colorado Highway 131, thence over Colorado Highway 131 to a point near Toponas (for operating convenience only), thence over Colorado Highway 131 to its junction with U.S. Highway 40, thence over U.S. Highway 40 to Dinosaur; or (3) U.S. Highway 6 and/or Interstate Highway 70 and/or U.S. Highway 40 to a point near Empire, thence over U.S. Highway 40 to Dinosaur; serving all intermediate points and all points located within five miles of the aforementioned highways, (hereinafter "Craig Route") and

(c) Between Denver, Colorado and points within a radius of 15 miles thereof, on the one hand, and Mack, Colorado and points within a radius of 5 miles thereof, on the other hand, over (1) U.S. Highway 6 and/or Interstate Highway 70 and/or U.S. Highway 40 to a point near Lawson, thence over Interstate Highway 70 and/or U.S. Highway 6 to Mack, Colorado; serving all intermediate points and all points located within five miles of the aforementioned highways, (hereinafter "Grand Junction Route").

5. Protestant Continental Trailways is engaged in the transportation of passengers and express as a common carrier by motor bus between numerous Colorado points. Among the operating rights it holds from this Commission are its PUC No. 761 (Exhibit 93 in this record), PUC No. 1635 (Exhibit 92) and PUC No. 4562 (Exhibit 94). Pursuant to its PUC Nos. 761 and 1635 it operates several schedules each day in each direction in daily service between Denver and the Utah State Line over U.S. Highway 40 and Colorado Highways 84 and 131, serving all intermediate points, transporting (as material here) express. Pursuant to its PUC No. 1635 it operates several schedules each day in each direction daily service between Denver and the Utah State Line over Interstate Highway 70 and U.S. Highway 6, serving all intermediate points, transporting (as material here) express. Among other services, it also operates

express service Denver-Durango and intermediate points, and Grand Junction-Durango and intermediate points (Exhibit 117). It contends that this service, though beyond the scope of this present application, is pertinent here for the reason that the total revenue from these operations is needed to pay their total expense, and loss of Denver-Grand Junction route revenue will therefore affect the ability of Trailways to maintain its Denver-Durango and Grand Junction-Durango service to the public.

6. Protestant Colorado Motorway, Inc., is engaged in the transportation of passengers and express (including the transportation of express parcels up to 100 pounds) as a common carrier by motor bus. Pursuant to the authority of its PUC No. 5 (Exhibit 57) it operates seven schedules each day in each direction between Denver and Fort Collins on weekdays and six on weekends and holidays. Shipments which are delivered to Colorado Motorway's terminal more than fifteen minutes prior to the departure of a schedule are carried on that schedule and it provides same day service to terminals in both directions on shipments tendered more than fifteen minutes prior to the departure of its last schedule.

7. Protestant Wells-Fargo is in general a motor vehicle common carrier of money, commercial papers, and articles of unusual value. The application as originally filed sought authority to transport these commodities. Applicant amended its application to exclude those commodities whereupon Wells-Fargo withdrew its protest, and since then has not participated in these proceedings.

8. Protestant Edson is a motor vehicle common carrier operating scheduled truck service for the transportation of general commodities in shipments of all weights and sizes. Pursuant to its PUC No. 26 (Exhibit 81) it operates scheduled service between the Denver metropolitan area and Berthoud, Colorado serving all intermediate points (the principal point being Longmont) plus certain off-route points, such as Mead, Erie, and a large portion of eastern Boulder County. It operates several schedules in each direction each day, and provides same day service on shipments which shippers make available to it in the morning.

9. Protestant Ephraim is a motor vehicle common carrier operating scheduled truck service for the transportation of general commodities in shipments of all weights and sizes. Pursuant to its PUC No. 7946 (Exhibit 42) it operates scheduled truck service between the Denver metropolitan area and Grand Junction, Colo., serving intermediate points via U.S. Highway 6 - Interstate 70 and also via the Denver-Pueblo-Gunnison-Montrose route. Ephraim contends that the latter route is pertinent even though not sought by applicant. It explains that freight which it transports between the terminals at Denver and Grand Junction is handled in part in vehicles moving over the latter route, thus permitting efficient use of all truck space Ephraim has available. It asserts that if its total Grand Junction traffic were to be reduced as a result of a grant to the applicant, the result would be a loss of truck loading efficiency and higher cost to serve points on the latter route, with consequent deterioration in Ephraim's capability to serve those points. Ephraim operates several schedules each way Monday through Friday, regularly provides next day delivery, and performs Saturday delivery service to the customer's door.

10. Protestant Larson is a motor vehicle common carrier operating scheduled service for the transportation of general commodities in shipments of all weights and sizes. Pursuant to its PUC No. 331 (Exhibit 34) it operates scheduled truck service between the Denver metropolitan area and Craig, via U.S. 40 and via Colorado Highways 84 and 131 (Gore Pass - Oak Creek route), serving intermediate points lying west of Kremmling. Larson operates daily scheduled truck service to these points Monday through Friday and regularly provides next-day delivery to the customer's door. Larson built a new terminal at Steamboat Springs to meet the needs of that rapidly growing area, opening that new terminal in January, 1973. As evidence of its conscientious efforts to serve its public, it operated delivery trucks at Steamboat as late as 9 o'clock at night, in order to get customers their freight while their new terminal was being completed.

11. Protestant Mountain Motorway is a motor vehicle common carrier operating scheduled service for the transportation of general commodities in shipments of all weights and sizes. Pursuant to its PUC No. 6557 (Exhibit 51) and its PUC No. 8045 (Exhibit 52) it operates scheduled truck service over U.S. Highways 6 and 40 between the Denver metropolitan area and Frisco, serving all intermediate points and a number of off-route points such as Empire, Montezuma, and the Cabin Creek project of Public Service Company of Colorado. It operates its schedules six days per week. Especially when the difficult mountain area it serves is considered, the praise it received from public witnesses testifying in this proceeding indicates it is very conscientious in serving its territory.

12. Protestant North Park is a motor vehicle common carrier operating scheduled service for the transportation of general commodities in shipments of all weights and sizes. Pursuant to its PUC No. 1600 (Exhibit 26) it operates scheduled truck service, as pertinent here, over U.S. Highways 6 and 40 between the Denver metropolitan area and Kremmling, serving all intermediate points between Empire and Kremmling. It regularly provides next day delivery to the customer's door.

13. Protestant Rio Grande is a motor vehicle common carrier operating scheduled service for the transportation of general commodities in shipments of all weights and sizes. Pursuant to its PUC No. 149 (Exhibit 33) Rio Grande operates scheduled truck service generally throughout western Colorado and as pertinent here, between the Denver metropolitan area and Grand Junction over Interstate Highway 70 and U.S. Highway 6, serving all intermediate points beyond Frisco. It operates several schedules each way each day, regularly provides next day delivery, and provides Saturday delivery service to the customer's door. It has recently opened a new terminal at Avon so as to supply the upper Eagle River Valley and Vail with better service from a central location there.

14. Protestant South Park is a motor vehicle common carrier operating scheduled service for the transportation of general commodities in shipments of all weights and sizes. Pursuant to its PUC No. 1026 (Exhibit 44) it operates scheduled truck service between the Denver metropolitan area and Frisco-Copper Mountain, serving (as pertinent here) intermediate points from Dillon to Copper Mountain. It regularly provides next day delivery and Saturday delivery throughout its destination territory. Due to weather conditions in that mountainous area, that service is often very difficult to provide. South Park has been very conscientious about serving the public in its territory.

15. Protestant Boulder-Denver Truck Line is a motor vehicle common carrier operating scheduled service for the transportation of general commodities, in shipments of all weights and sizes. Pursuant to its PUC No. 3058 (Exhibit 76) it operates scheduled truck service between the Denver metropolitan area, Boulder and Niwot, serving a large portion of eastern Boulder County. The communities of Broomfield, Louisville and Lafayette are within this territory but are not within the scope of this application, as it does not seek authority between any two points both of which are within fifteen miles of Denver's City Limits.

16. Protestant TWX is a motor vehicle common carrier operating scheduled service for the transportation of general commodities, in shipments of all weights and sizes. Pursuant to its PUC No. 51 (Exhibit 71) and PUC No. 205 (Exhibit 72) it operates scheduled truck service between the Denver metropolitan area and Loveland and Fort Collins, serving all intermediate points commencing at Berthoud and also serving a substantial off-route area in Larimer County. In addition to its Denver terminal it maintains full time terminals at Loveland and Fort Collins where the public in its destination territory can receive full attention without the necessity to call or travel to Denver. It operates several schedules in each direction each day, and regularly provides next day service at all destinations from delivery vehicles which leave its terminals early in the morning and deliver to the customer's door.

17. United Parcel Service operates its package-type common carrier service in the entire territory under consideration here. A number of the public witnesses use this service. Its operation on the Western Slope is of only recent origin and is conducted under temporary authority (Exhibit 85). Those shippers now using this service have no complaints.

18. A number of the public witnesses testified that they use parcel post service. In general it appears that this service is slow and that considerable damage is done to shipments sent parcel post. A number of the witnesses testified that they use it regularly nevertheless. It appears that to these witnesses the delays and inconvenience though annoying, are acceptable solely because of the low cost. Their concern is not with service, but with cost.

19. Although a total of 118 public witnesses testified in support of the application, the evidence of these witnesses does not warrant a conclusion either that existing service is substantially inadequate, or that there is any significant need for the service which the applicant proposes. There was some doubling up among the witnesses whereby a Denver shipper and a Grand Junction consignee talked about the same shipments, for example. A substantial number of the witnesses were supporting service which the applicant is apparently not proposing to render, such as Fort Collins-Kremmling service, for example, or Grand Junction-Craig service. A number of witnesses have no voice at all as to how their freight is handled; they could not give any freight to the applicant even if the application were granted. Many of the witnesses made it clear that service is not a problem, the reason for their presence being the hope of lower rates. Among these were the witnesses who continue to make substantial use of parcel post solely because of its cheap cost, in spite of the poor service and their damage experience and in spite of the availability of United Parcel Service, bus and truck service. Time and service are not important to them, only cost. Also among these witnesses were those who testified about a "void" in service. There is

no void in service; trucking companies handle all weights and size of shipments. The void they speak of is not a service void, but a cost complaint. The testimony of these witnesses shows that they receive both the kind of service they want and the kind of cost they want to pay, as to shipments up to 50-60 pounds, by United Parcel and bus; and as to shipments 100 pounds and over, by truck. In the 60-100 pound range they have the same service, they only want lower cost. Their testimony thus tends to confirm that existing service is satisfactory. A significant number had so little to do with their own traffic and so little knowledge about it, that they were not aware of the service already available to them, such as Saturday delivery service, for example; some were actually receiving that service and were not aware that they were, evidently because someone else in their organization actually handles that work. Some were simply confused, such as the Grand Junction witness who complained about a delay of two days on a Denver shipment which (she later discovered) actually came direct from Los Angeles, and another who complained of delays out of Denver several times every week when in fact (it was stipulated after investigation) this witness had received only three shipments from Denver in the previous ten months and had received next day delivery on all of them. In summary, when one disregards the mere numbers involved, and looks at what the witnesses actually said, the testimony here falls far short of showing that existing service is inadequate or that the public convenience and necessity requires or will require the services applied for. Indeed, a large percentage of the witnesses expressed complete satisfaction with existing service, and a strong desire to have said existing service continued.

20. There is an abundance of service and competition for traffic available throughout the territory applicant seeks to serve. Every community of any significant population has multiple services available: truck, parcel post, bus express, and United Parcel Service. Most have multiple truck services. No community is without parcel type

service of some kind, in addition to parcel post. In the larger communities duly authorized delivery services operate between the shipper's or consignee's place of business and the bus terminals which, when combined with the services provided by the bus companies, result in a service which is better than that which the applicant proposes. In smaller communities the absence of such delivery services is not an inconvenience to shippers and consignees because of the proximity of their businesses to the terminal.

21. Public convenience and necessity does not require the service proposed by the applicant. Service is generally good throughout the territory. Communities close to Denver receive same day service; communities farthest away--Grand Junction and Craig--have regular overnight service. In several particulars, existing service is actually better than the service which the applicant proposes. Applicant proposes only limited insurance coverage built into its rates; the trucking companies provide unlimited coverage without extra charge. Truck companies provide store-door delivery at all points during normal working hours of the consignee; on the Western Slope, Wycoff is proposing to do that only in a few large communities. North Park, for example, provides early morning delivery at Granby; there is no way the applicant could do so under its proposal. Rio Grande has a full-time terminal at Avon; people at Vail and in the upper Eagle River valley can obtain full personal attention there. Applicant's best hope is to have a small terminal at Glenwood Springs, 60 miles away. South Park has a terminal in Summit County; applicant proposes none. TWX starts delivering to Fort Collins consignees at 8:00 a.m.; applicant is proposing to start at about 11:00 a.m. The bus companies provide far more and faster schedules for express than the applicant proposes. Commission regulations protect shippers and consignees by requiring the truck and bus companies to obtain a receipt upon delivery; applicant would not do this on its proposed night and "lock box" deliveries.

22. Granting the application would divert badly needed revenues from existing carriers to the applicant, thus threatening deterioration of the adequate existing service. Applicant made no showing that it would be obtaining significant revenues from new or untapped sources. The public witnesses all use existing service, and said that much of the traffic (in some instance all of the traffic) which they could give to the applicant would be traffic which protestants are now handling, thus diverting to the applicant revenues which the protestants now receive. Even witnesses who said they now have very good service testified that they would nevertheless give some of their traffic to the applicant. Applicant's proposed operation would not be feasible unless substantial revenues were in fact diverted. Applicant chose not to put into evidence how much revenue it would take to support its proposed operation, whether in fact such revenues could be obtained, or where they would come from. It is very clear from this record that any significant diversion of revenues from the protestants to the applicant would impair the ability of the protestants to continue their present level of service to the public. In the absence of any showing of significant need for the proposed service, such a consequence is unwarranted, undesirable, and contrary to the public interest. To divide the available revenues still further would create ruinous competition, would be economically disastrous, particularly to the smaller carriers, and would serve no public purpose whatsoever.

23. Granting the application would also have detrimental consequences to the public in the area beyond the scope of the application. Applicant is not proposing to serve all of the State, or even any substantial area of the State, and definitely not areas which require service but do not produce substantial revenues. Applicant has instead applied for authority to serve only one of the most populated routes on the Eastern Slope and the two most populated on the Western Slope--those routes most productive of revenues. This would permit the applicant to serve the high-density areas only, taking revenues in these areas from

existing carriers such as Continental Trailways, Ephraim, Rio Grande and others while leaving those carriers the burden of continued service to the less productive, higher cost areas. It is mandatory that these carriers be able to obtain the full benefit of the more populated areas in order to maintain service to the public in the less populated areas, so long as they continue giving adequate service to all.

CONCLUSIONS ON FINDINGS OF FACT

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

1. There was no showing or proof that the existing service and particularly the services of protestants was inadequate.
2. It was shown that there is ample common carrier service available and to put a competing carrier in under the theory of 115-9-5(2), C.R.S. 1963, as amended, would (a) tend to create ruinous competition, (b) be economically disastrous, particularly to the smaller carriers, and (c) serve no public interest whatsoever.
3. Although Applicant presented an extremely large number of public witnesses, generally speaking the great bulk of those public witnesses were ill-prepared, sometimes even confused, had been subjected to considerable "puffing" about service from the applicant, and, considering the testimony as a whole, I have concluded that applicant failed to prove public convenience and necessity.
4. To grant the application as applied for (between Denver and Fort Collins -- Denver and Craig -- Denver and Grand Junction) would allow applicant to reap off the profit from and along three of the main arterials in the state of Colorado with no obligation to serve southern and eastern areas of the state at all or to serve areas off those three arterial highways, which could well be disastrous to carriers who are serving those areas, and it would certainly not be in the public interest. In order to continue to serve the less populated areas and citizens of the state of Colorado whose needs are equally urgent and important, it is

mandatory that existing carriers continue to be able to have the full benefit of also serving the main arterial highways in the state. In short, to grant this application could conceivably be within the bounds of competition as such but it would not be in the public interest and would not be in the spirit of competitive motor carrier service as contemplated by 115-9-5(2), C.R.S. 1963, as amended.

5. There was no showing of any significant need for the additional service here proposed.

6. Application No. 25832-Amended should be denied.

7. 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. 25832-Amended, being the application of Wycoff Company, Incorporated, 560 S. Second West Street, Salt Lake City, Utah, for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire be, and hereby is, denied.

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

3. As provided by 115-6-9 (2), 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
hbp

(Decision No. 83643)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HENRY LEE YATES, 943 EAST LAS ANIMAS,) APPLICATION NO. 26889-Suspension
COLORADO SPRINGS, COLORADO.)
PUC NO. 5336

September 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the order following.

O R D E R

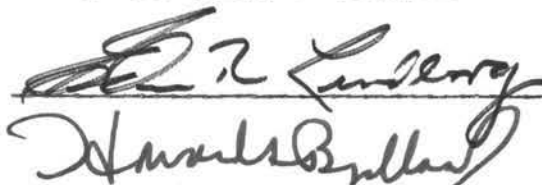
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 4, 1973 to and including September 4, 1974.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

(Decision No. 83644)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF	}	
BERTHA KNAUS, SURVIVING SPOUSE OF	}	
GEORGE KNAUS (DECEASED), DOING	}	
BUSINESS AS "CITY WIDE RUBBISH	}	PUC NO. 3312
REMOVAL," 6691 E. 80TH AVENUE,	}	
COMMERCE CITY, COLORADO.	}	

August 31, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

PUC No. 3312 was placed in suspension on March 23, 1973, for the period February 27, 1973 to and including August 27, 1973.

On August 27, 1973, the owner of the above-entitled authority requested another six month extension to resume operations because of her health. A supporting letter from Robert Hodge, M.D., states that because of her current health condition, Mrs. Bertha Knaus is not now able to operate PUC No. 3312.

The Commission states and finds that to grant the herein request for further suspension will be in the public interest and should be granted as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

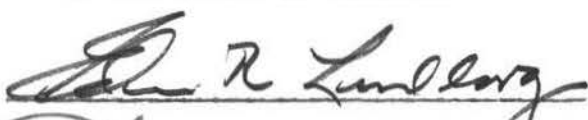
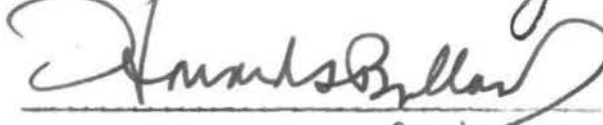
That further suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from August 27, 1973 to and including February 27, 1974.

That unless prior to the expiration of said suspension period a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations

of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

(Decision No. 83645)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
NU-MINE COAL CO., INC., ISLAND)	APPLICATION NO. 26890-Suspension
ADDITION, BOX 419, GUNNISON,)	
COLORADO.)	PUC NO. 1636

September 4, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 4, 1973 to and including March 4, 1974.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

(Decision No. 83646)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LIBERTY SUTHERLAND, DOING BUSINESS)
AS "ESTES TRASH SERVICE," ROUTE #4,) PUC NO. 2451
BOX 113, PUEBLO, COLORADO.)

August 31, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled Certificate of Public Convenience and Necessity requesting that the same be cancelled.

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

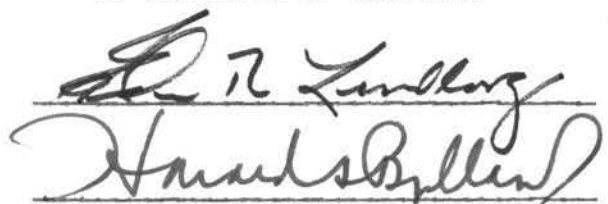
O R D E R

THE COMMISSION ORDERS:

That the above-entitled Certificate of Public Convenience and Necessity be, and the same hereby is, cancelled effective as of the day and date hereof.

DONE IN OPEN MEETING the 31st day of August, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF HENRY LINDEMANN AND DOROTHY C.)	
LINDEMANN, DOING BUSINESS AS	)	APPLICATION NO. 26872-Extension-TA
"H & L RUBBISH REMOVAL," 4320)	
SOUTH HURON, ENGLEWOOD, COLORADO,	)	ORDER GRANTING TEMPORARY AUTHORITY
FOR TEMPORARY AUTHORITY TO EXTEND	)	AND SETTING ASIDE DECISION NO. 83567
OPERATIONS UNDER CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 3742.)	

- - - - -
September 7, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled application was filed under CRS 1963, 115-6-20(1) on July 26, 1973. After proper notice of the said application was given, the Commission considered the matter at its regular open meeting on August 24, 1973, and entered its Decision No. 83567, denying temporary authority.

Subsequently, it has come to the attention of the Commission that it may not have been fully advised with respect to this matter at the time Decision No. 83567 was entered.

Accordingly, the Commission finds that it should, on its own motion, reconsider and rescind said Decision No. 83567.

The Commission, now being fully advised in the premises, further finds that the area for which temporary authority is sought herein has been previously served by Applicants in good faith under the interpretation that such authority was contained in Certificate of Public Convenience and Necessity PUC No. 3742; that such service cannot be continued by Applicants under the interpretation by the Commission in Decision Nos. 82341, 82518, 83300, and 83325 (which are incorporated herein by reference) pursuant to a complaint case filed against Applicants by Englewood-Littleton-Arapahoe Rubbish Removal, Inc., it being Case No. 5502; that a segment of the public

in such area has been dependent upon the services provided by Applicants in the past, and discontinuance of Applicants' services could be detrimental to this segment of the public; and that it appears that the public needs the continued services by Applicants in such area.

The Commission concludes that it appearing that there is an immediate and urgent need for motor carrier service described below, and that there is no carrier service capable of meeting such need, the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Applicants, Henry Lindemann and Dorothy C. Lindemann, doing business as "H & L Rubbish Removal," Englewood, Colorado, be, and are hereby, granted temporary authority for a period of 180 days from the effective date of this Order, to engage in the business of transportation as a common carrier by motor vehicle as follows:

Transportation of

Ash, trash, and other refuse

From all points located within the boundaries of the City and County of Denver, Colorado, as they existed as of July 26, 1973, to such location where the same may be lawfully delivered or disposed of.

2. 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.

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

4. 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.


5. That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

6. That Decision No. 83567 be, and hereby is rescinded and set aside.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG DISSENTING

CHAIRMAN EDWIN R. LUNDBORG DISSENTING:

I respectfully dissent.

It is still my firm opinion that this Commission's recent denial of temporary authority in this proceeding (Decision No. 83567, dated August 24, 1973) was correct and should -- I think -- accordingly be affirmed herein.

The action by my colleagues which here reverses the above Commission Decision and which gratuitously authorizes the grant of temporary authority as sought by the Applicants is totally contrary to and inconsistent with the statutory criteria as set forth in 115-6-20(1), CRS 1963, as amended, which -- in part -- provides:

"115-6-20. Temporary authority.--(1) To enable the provision of carrier service for which there appears to be an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier, or a private carrier by motor vehicle, as the case may be. . . ." (Emphasis supplied)

It is impossible for me to conceive how there can be an apparent immediate and urgent need for temporary carrier authority or service when the records of this Commission* disclose -- in addition to the three (3) protesting carriers of record -- that there are also many other certificated common carriers who are capable of meeting the needs of the territory for which the Applicants seek temporary authority to serve. If all these common carriers -- who have a legal duty to serve the general public and who have the requisite operating authority, financial ability, equipment and experience -- can not render capable service to meet the needs of the territory involved under their certificates of public convenience and necessity, I would think it should then mandatorily become the absolute duty of this Commission to institute appropriate show cause proceedings to cancel their certificates because of failure to provide service to the public as is required by law.

There is absolutely nothing in the files of this informal proceeding to indicate that the common carriers, as above referred to, have refused service or that they are unable or unwilling to capably serve the involved territory. Likewise, there is again nothing in the files to indicate that any member of the public has ever attempted to utilize the service of any of the above referred to carriers. It is especially noted that the application for temporary authority filed by the Applicants is completely and notoriously silent regarding these factors.

Also, in context with the above, even the Petition** (of support) -- attached by the Applicants to their application for temporary authority -- fails to comply with the guidelines as set forth in Appendix H, II-C-2-j-(1), (2) and (3) of the Commission's Rules of Practice and Procedure which -- on page forty five (45) provides as follows:

* See memorandum from Lloyd C. Espinosa, Chief of Transportation, Colorado Public Utilities Commission, reproduced in Appendix A attached hereto.

**See Petition reproduced in Appendix B attached hereto.

"j. Attach to the application letter or letters indicating shipper support containing the following information:

(1) An accurate description of commodity; quantity; frequency of shipments; and the consequences if the application should be denied.

(2) A statement indicating whether there is or is not any other carrier service available (rail, air or motor carriers), either single line or by interline between the points or area involved. If service is available, indicate to what extent it has been used; what effort has been made to utilize it; whether a carrier with appropriate authority has refused to furnish such service; the manner and extent that existing carrier service, if any, is inadequate; and the detailed reasons why additional service is needed. If shipper support is based upon alleged failure of existing carriers to provide service, the names and addresses of such carriers must be stated.

(3) A statement indicating whether or not the shipper has supported a prior application by the applicant or any other person seeking authority to render the proposed service. If so, state the name and address of applicant; application number assigned thereto; and whether the application was granted or denied, together with the date of such action."

Considering all the above and foregoing, I would deny Applicants' application for temporary authority.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

DONE IN OPEN MEETING THE 7TH
DAY OF SEPTEMBER, 1973.

ma

September 6, 1973

MEMORANDUM

TO: Chairman Lundborg
FROM: Lloyd C. Espinosa, Chief of Transportation
RE: H&L Rubbish Removal

In response to your request for information regarding ash and trash carriers who are authorized to serve Denver as it is presently constituted, the information follows:

As to the three protestants, Best-Way Disposal under Certificate 2097 can serve all of Denver with the exception of a portion of Montbello. The same is true of Colorado Disposal Inc. under Certificate 2042. Commerce Refuse under Certificate 2212 is only authorized to serve a portion of Denver including Montbello.

The following carriers can serve substantially all of Denver:

- A-Aurora Removal Service Inc. - Certificate 1996
- Metropolitan Trash Inc. - Certificate 2127
- Decker Disposal Inc. - Certificate 2843
- U. S. Cargo Corp. - Certificate 3639

In addition to the abovenamed carriers there are approximately 15 carriers who can serve portions of Denver that has been annexed to the City of Denver since 1957.

LCE/vc

P E T I T I O N

The undersigned, having need for trash and garbage hauling services in areas of the City and County of Denver, State of Colorado, which have become a part of said City and County of Denver since 15 April 1957, being familiar with a knowing of the business and services offered by Henry Lindemann and Dorothy C. Lindemann, doing business as "H & L RUBBISH REMOVAL", do by our signatures hereunder, support their application for temporary authority and for extension of their authority under P.U.C. 3742 for the purpose of authorizing them to do business in the City and County of Denver as it now exists. We further state that we have been receiving the services of Henry Lindemann and Dorothy C. Lindemann, doing business as "H & L RUBBISH REMOVAL", have been relying on the same, and that it would be detrimental to each of us if said service were discontinued.

MSB:10

No.	Signature	Address	Age	Date
1.	Chris O'Connor	1687 S. Colorado Blvd. ^{Denver, Colo.}	28	8-2-73
2.	Rodney Jim ^{Owner}	4760 E. Evans ^{Denver, Colo.}	42	8/2/73
3.	D. Schuman ^{Owner}	4770 E. Evans ^{Denver, Colo.}	38	8/2/73
4.	Ann ^{Owner}	4782 E. Evans ^{Denver, Colo.}	33	8/2/73
5.	Wanda ^{Owner}	4750 E. Hampden ^{Denver, Colo.}	25	8/2/73
6.	S. Krista ^{Owner}	8998 E. Hampden ^{Denver, Colo.}	30	8-2-73
7.	Mary ^{Owner}	8994 E. Hampden ^{Denver, Colo.}	53	8-2-73
8.	W. L. Jackson ^{Owner}	8988 E. Hampden ^{Denver, Colo.}	32	8-2-73
9.	Wanda ^{Owner}	8970 E. Hampden ^{Denver, Colo.}	39	8-2-73
10.	Hampden Place ^{Owner}	8525 E. Hampden ^{Denver, Colo.}	25	8-2-73
11.	Continental ^{Owner}	6363 E. Jefferson ^{Denver, Colo.}	30	8-3-73
12.	W. L. Jackson ^{Owner}	8900 E. Hampden ^{Denver, Colo.}	46	8-3-73
13.				
14.				

(Decision No. 83648)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26375-Extension-
FRANCIS KUBOSKE, DOING BUSINESS AS)	Amended
"SAN JUAN SCENIC JEEP TOURS," BOX)	
143, OURAY, COLORADO, FOR A CERTI-)	SUPPLEMENTAL ORDER DENYING REQUEST
FICATE OF PUBLIC CONVENIENCE AND)	FOR RECONSIDERATION, REARGUMENT OR
NECESSITY AUTHORIZING EXTENSION OF)	REHEARING.
OPERATIONS UNDER PUC NO. 1846.)	

September 7, 1973

Appearances: Frank J. Woodrow, Esq.,
Montrose, Colorado,
for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 17, 1973, the Commission entered its Decision No. 83535. On August 31, 1973, the Applicant filed his Request for Reconsideration, Reargument, or Rehearing of the said decision.

After careful consideration of the said pleading and each and every allegation thereof, the Commission finds that the Request for Reconsideration, Reargument, or Rehearing should be denied.

O R D E R

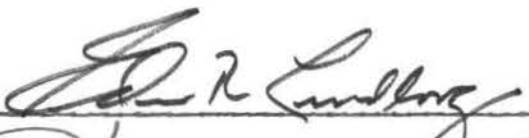
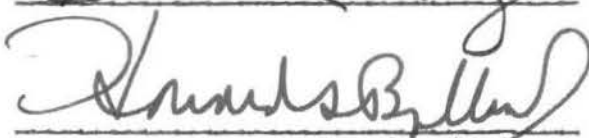
THE COMMISSION ORDERS THAT:

The Request for Reconsideration, Reargument, or Rehearing filed in this matter by Applicant on August 31, 1973, be, and hereby is, denied.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.


Commissioner
hbp

(Decision No. 83649)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF TARIFF SHEETS ACCOMPANYING ADVICE	)	INVESTIGATION AND SUSPENSION
LETTER NO. 178 - GAS, FILED BY)	
PUBLIC SERVICE COMPANY OF COLORADO	)	DOCKET NO. 766
AFFECTING COMMERCIAL AND INTERRUPTIBLE)	
GAS CUSTOMERS OF SAID COMPANY.)	
RE: INVESTIGATION AND SUSPENSION OF)	
TARIFF SHEETS ACCOMPANYING ADVICE	)	INVESTIGATION AND SUSPENSION
LETTER NO. 52 - GAS, FILED BY THE)	
PUEBLO GAS AND FULE COMPANY AFFECTING	)	DOCKET NO. 767
COMMERCIAL AND INTERRUPTIBLE GAS)	
CUSTOMERS OF SAID COMPANY.	)	SUPPLEMENTAL ORDER GRANTING
		APPLICATION FOR RECONSIDERATION
		AND AMENDING DECISION NO. 83549

September 7, 1973

Appearances: Bryant O'Donnell, Esq.,
Denver, Colorado, for
Public Service Company of Colorado
and Pueblo Gas and Fuel Company,
Respondents;
Benjamin L. Craig, Esq.,
Denver, Colorado, for
School District No. 1,
City and County of Denver,
Protestant;
John H. Lewis, Esq.,
Denver, Colorado, and
Ruhan Schilling, Esq.,
Rockford, Illinois, for
Sundstrand Corporation,
Protestant;
Richard O. Campbell, Esq.,
Denver, Colorado, for
Crow-Thomas-Guffey,
Protestant;
Wayne J. Fowler, Esq.,
Denver, Colorado, for
Colorado Hospital Association,
Protestant;
Stanley L. Matthews, Esq.,
Pueblo, Colorado, for
Pueblo Rock Wool Insulating Division,
Protestant;
Rudolph Eskra,
Pueblo, Colorado, of the
Dana Corporation,
Protestant;
John E. Archibold, Esq.,
Denver, Colorado, for the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 17, 1973, the Commission entered its Decision No. 83549 in the above-entitled proceedings.

On August 31, 1973, Public Service Company of Colorado, Respondent, filed its Application for Rehearing, Reconsideration or Reargument of the said decision.

Upon reconsideration, the Commission finds that the said Application for Rehearing, Reconsideration or Reargument correctly points out an omission on page 3, Appendix A, attached to Decision No. 83549, which should be corrected as set forth in the order below.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Application for Reconsideration filed by Respondent in this proceeding on August 31, 1973, be, and hereby is granted, and Decision No. 83549 dated August 17, 1973, be, and hereby is, amended as follows: The last paragraph on page 3 of Appendix A of the said Decision No. 83549, which paragraph is entitled, "Limitation on Availability", shall be stricken and the following paragraph shall be substituted therefor:

"Except for service in the Western Division, as more fully defined on pages 23 and 23A of Colorado PUC No. 4 - Gas, Interruptible Industrial Service is available only to locations receiving service as of March 30, 1973 at hourly use levels existing and under the rate schedule being applied as of that date and to locations in the process of planning and construction where a written commitment for service has been executed between Company and customer on or before March 30, 1973, and where physical construction of customer's facilities at which new or expanded service will be rendered has been started by October 1, 1973, and is diligently continued thereafter."

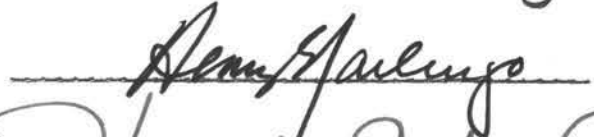
2. In all other respects, said Decision No. 83549, as amended herein, shall be and remain in full force and effect.

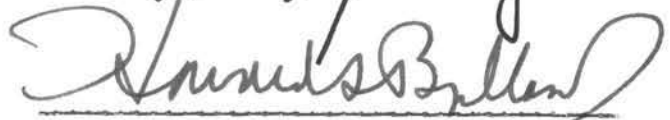
3. This order shall be effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
hbp

(Decision No. 83650)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26654-Extension
JOHN SPANGLER, ROUTE 4, MONTROSE,)	
COLORADO, FOR A CERTIFICATE OF PUB-)	RECOMMENDED DECISION OF
LIC CONVENIENCE AND NECESSITY AUTH-)	THOMAS M. McCAFFREY, EXAMINER
ORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 879.)	DENYING APPLICATION

- - - - -
September 10, 1973
- - - - -

Appearances: Theodore L. Brooks, Esq.,
Montrose, Colorado, for
Applicant;
Victor T. Roushar, Esq.,
Montrose, Colorado, for
Dennis Jamieson Trucking,
Protestant;
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for
Rio Grande Motor Way, Inc.,
Protestant;
Lois Lashbrook, Grand Junction,
Colorado, of Lashbrook Sani-
tation Service, Inc., pro se, Protestant.

PROCEDURE AND RECORD

On May 10, 1973, Applicant filed the above-titled application with this Commission for authority to extend operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned Docket No. 26654-Extension to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

The following protests were received subsequent to the filing of the application: on May 23, 1973, the protests of Montrose-Mayflower, Montrose Transfer & Storage, and Orville Dunlap & Son, Inc.; on May 24, 1973, the protest of Rio Grande Motor Way, Inc.; on May 25, 1973, the protest of

Lashbrook Sanitation Service, Inc.; on May 29, 1973, the protests of Thomas C. Hedlund, doing business as "Telluride Transfer," and Dennis W. Jamieson, doing business as "Dennis Jamieson Trucking," and the protest of Northwest Transport Service, Inc.; on June 5, 1973, the protests of the 84 certificated ash and trash carriers located in various cities in the State of Colorado represented by William A. Wilson, Esq., Denver, Colorado; on June 14, 1973, the protest of Don Ward, Inc.; on June 20, 1973, the protests of Western Slope Truck Line, Inc., and Milt Hawks & Son.

On July 16, 1973, Applicant filed a restrictive amendment to the application, and the protests of Orville Dunlap & Son, Inc., Northwest Transport Service, Inc., and Telluride Transfer were subsequently withdrawn. Prior to the hearing, Attorney William A. Wilson advised the Commission that all protests of his numerous ash and trash carrier clients would also be withdrawn.

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 Courtroom of the District Court, Montrose County Courthouse, Montrose, Colorado, on Tuesday, August 14, 1973, at 9 a.m. The hearing was held at the said time and place.

As a preliminary matter, Applicant moved to further restrictively amend the application so as to request authority for the transportation of electrical and communications equipment between points in Mesa, Montrose, Delta, San Miguel, Gunnison, Hinsdale, Ouray, and Dolores Counties. There being no objection to the Motion to Amend the application, and the amendment being restrictive in nature, the said Motion was granted by the Examiner, whereupon Protestant Rio Grande Motor Way, Inc., withdrew its protest.

No exhibits were offered 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 Thomas M. McCaffrey now transmits herewith to the Commission the record 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 residing at Route 4, Montrose, Colorado.
2. Applicant presently holds authority from this Commission under Certificate of Public Convenience and Necessity PUC No. 879, which provides as follows:

"Transportation -- on call and demand -- of

- (1) Farm products (including livestock), farm supplies, farm machinery and equipment and used furniture

From farm to farm, from farm to town, and town to farm within a fifty (50) mile radius of Montrose, Colorado.

- (2) New and used furniture and household goods

From and to points within a fifty (50) mile radius of Montrose, Colorado, to and from points within the State of Colorado.

RESTRICTION:

- (a) Items (1) and (2) are restricted against rendering service in competition with the line-haul operations of Rio Grande Motor Way, Inc.
 - (3) General commodities
- Between all points within Montrose, Colorado."

3. The authority to which extension is hereby sought, PUC No. 879, has been continually operated in the past and is presently in good standing with the Commission.

4. No evidence was presented to indicate the authority held by Protestants Dennis W. Jamieson, doing business as "Dennis Jamieson Trucking," or Lashbrook Sanitation Service, Inc.

5. No person appeared on behalf of Protestants Don Ward, Inc.; Western Slope Truck Line, Inc.; Milt Hawks & Son; the 84 certificated ash and trash carriers represented by attorney William A. Wilson, and these protests should be dismissed.

6. By this application, Applicant seeks to extend the authority under PUC No. 879 as follows:

Transportation of

Electrical and communications equipment

Between points in the Counties of Mesa, Montrose, Delta, San Miguel, Gunnison, Hinsdale, Ouray, and Dolores, State of Colorado.

7. Only one supporting witness testified on behalf of this application, that person being Mr. Jack Guess, Supervisor of the Western Electric Company in Grand Junction. Applicant has transported electrical and communications equipment for Western Electric for a number of years in the area for which authority is now sought in this application. Applicant was unable to state under which portion of his present authority such transportation services were conducted, and it is clear from the evidence in this proceeding that Applicant's Certificate of Public Convenience and Necessity PUC No. 879 does not authorize the transportation services Applicant has been rendering. Applicant in conducting such transportation services knew, or certainly should have known, that he was in violation of the rules and regulations of this Commission. To grant the extension of authority sought herein would be to condone such unauthorized operations and would, in effect, reward a wrongdoer.

8. The evidence further shows that the service Applicant is to render under the requested extension of authority is for one customer only, i.e., Western Electric Company, and is in fact not true common carriage.

9. The present and future public convenience and necessity does not require or will not in the future require the granting of this application, such granting would not be in the public interest, and this application should be denied.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 26654-Extension should be denied.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26654-Extension, being an application of John Spangler, Route 4, Montrose, Colorado, for authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 879 be, and hereby is, denied.

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

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

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McLaughlin
Examiner
js

(Decision No. 83651)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF KANSAS-)	DOCKET NO. 768
NEBRASKA NATURAL GAS COMPANY, INC.,)	
PHILLIPSBURG, KANSAS, FILED UNDER)	RECOMMENDED DECISION OF
ADVICE LETTER NO. 30.)	ROBERT L. PYLE, EXAMINER

September 10, 1973

Appearances: Fred L. Witsell, Esq.,
Denver, Colorado, and
Robert Wilson, Esq., and
Larry D. Hall, Esq.,
Hastings, Nebraska,
for Respondent;
Sherman E. Walrod, Esq.,
Holyoke, Colorado, for the
Town of Holyoke; Phillips
County School District; and
Phillips County Telephone
Company, Protestants;
George Clough, Esq., Denver,
Colorado, for The Great
Western Sugar Company,
Protestant;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

PROCEDURE AND RECORD

On February 8, 1973, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), filed with the Commission Advice Letter No. 30 which provides for proposed changes in the Applicant's Colorado PUC No. 4 Gas Tariff. The tariff changes were proposed to become effective on March 15, 1973. On February 8, 1973, notice of the filing of the revised tariff sheets was given by mail to each of the Company's customers.

On March 6, 1973, by its Decision No. 82514, the Commission suspended the effective date of the tariff sheets until July 13, 1973. Thereafter, and more particularly, on July 3, 1973, by Decision No. 83283, the effective date of the tariff sheets was suspended for an additional ninety (90) days or until October 11, 1973.

On April 3, 1973, by Decision No. 82750, the Commission issued its order authorizing The Great Western Sugar Company leave to participate as a party in the above-captioned proceedings.

The matter was originally set for hearing to begin at 10 a.m. on April 30, 1973, in the Courtroom of the Yuma County Courthouse, Wray, Colorado, and hearing was held at that time and place. However, additional hearing dates were required. On May 4, 1973, by Decision No. 82887, the Commission set the matter for additional hearings at Holyoke, Julesburg, and Denver, Colorado. Hearing was concluded on June 28, 1973, by Examiner Robert L. Pyle.

Exhibits 1 through 29 were tendered and admitted into evidence; and, at the conclusion of the hearing, the matter was taken under advisement. Briefs containing an explicit enumeration of issues and suggested findings of fact and conclusions of law were permitted to be filed simultaneously but not later than August 6, 1973.

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

From the record herein the Commission finds as fact that:

1. Kansas-Nebraska Natural Gas Company, Inc., is a public utility engaged in the business of producing, purchasing, transporting and selling natural gas to industries and other ultimate users located on its pipeline system and to residential, commercial and industrial customers served by its distribution systems located in a number of communities in the states of Colorado, Kansas, Nebraska and Wyoming, and, at wholesale, to other gas distribution companies and to other gas pipeline systems for resale in the states of Colorado, Kansas and Nebraska. Respondent also conducts non-utility businesses through its several subsidiary companies.

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2. The Commission has jurisdiction over Respondent's retail gas service in the State of Colorado including residential, commercial, industrial and irrigation sales but excluding wholesale sales which are under the jurisdiction of the Federal Power Commission.

3. The test year for determination of rate base, rate of return and revenue requirements for Kansas-Nebraska Natural Gas Company, Inc., in these proceedings is the twelve-month period ended December 31, 1972.

4. The rate base of Respondent used and useful for the State of Colorado for other than wholesale sales is \$3,868,069, properly consisting of:

(a) Average gas plant in service including general plant allocation	\$7,959,378
(b) Average gas plant held for future use, gas stored underground--noncurrent	140,990
(c) Average working capital	421,614
(d) Deduction of reserve for depreciation, depletion and amortization, including allocations	3,917,538
(e) Deduction of contributions in aid of construction	736,375

5. The total Colorado operating revenue for Kansas-Nebraska excluding wholesale sales but after in-period adjustments is \$2,006,652. The operating revenue deductions for the same period after in-period adjustments and excluding wholesale deductions is \$1,871,053. Net operating earnings amount to \$135,599.

6. The use of a test year requires that proper relationships be established between rate base, revenues and expenses that may prevail for a reasonable period in the future when the rates will be in effect. To help maintain such relationships we must make certain adjustments to test year figures that will normalize and amortize their effect in ensuing years. Some of the adjustments included in the foregoing findings are:

(a) Elimination of the 5.5% estimated labor increase for 1973 and the 5 cents per hour income inequity adjustment for 1973. These labor charges are out-of-period, hence the necessity for adjustments amounting to \$43,124.

(b) Adjustments of \$11,164 Investment Tax Credit* and \$2,174 Deferred Income Taxes are made to reflect the feedback of these items charged above the line in prior years but not actually paid.

(c) Adjustments of \$1,345 and \$516 were made to the rate base to remove out-of-period wages resulting from the company allocation procedure.

(d) Cash working capital was adjusted by deducting out-of-period wages, out-of-period insurance cost, the company adjustment to the trust fund, the company procedure in determining pensions and benefits for 1971, an adjustment removing property taxes added by the company and an adjustment for accrued property taxes of \$39,870, since this figure represents one-half of the 1972 property taxes which are available to the company for its own use prior to payment. Total adjustments to cash working capital amount to \$57,647.

(e) An adjustment of \$3,102 was also made to Prepaid Purchased Gas to remove the effect of out-of-period prepaid purchased gas from the Wyoming rate base.

(f) Any cash working capital allowance must also properly be reduced by 1/3 of applicable federal income tax. No income taxes are applicable to Respondent's Colorado jurisdictional operations unless a rate increase is granted. This effect upon cash working capital due to an increase in rates is considered in the derivation of the formula utilized in Finding No. 14 below, to convert net deficiency in earnings to gross revenues required.

* Includes \$1,512 in feedback of job development credit. Inclusion or exclusion of this item in cost of service does not affect final rates established by this Decision. (See Finding No. 10 below) Accordingly, this matter, being de minimis, need not be ruled upon.

7. In determining the cost of capital, careful consideration must be given to investment in subsidiaries to determine their true nature as to debt and equity.

Respondent's investment in subsidiaries is \$32,414,800, retained earnings are \$3,688,679, for a total investment in subsidiaries of \$36,103,479. As a practical matter, the division of Respondent's investment in subsidiaries of \$32,414,800 between debt and equity would dictate that \$18,449,974 must be deducted from common equity, \$3,133,782 from preferred stock and \$10,831,044 from long-term debt. After these deductions, the remaining balances reasonably reflect what the Respondent's capitalization would be if the subsidiaries were spun off from the utility parent.

In addition, consideration must be given to the effect of cost-free funds on the capitalization. Certain tax reserves as well as the reserve for injuries and damages constitute cost-free funds to the Respondent and have been considered in determining the overall cost of capital. Accordingly, such reserves cannot properly be, and are not, deducted from rate base. Therefore, a proper and reasonable capital structure for rate-making purposes in this proceeding is as follows:

	<u>Pro Forma Capitalization</u> \$	<u>Adjustment</u> \$	<u>Adjusted Pro Forma Capitalization</u> \$	<u>%</u>
Cost-free Funds		7,470,048	7,470,048	7.51
Long Term Debt	65,765,000	(10,831,044)	54,933,956	55.23
Preferred Stock	7,300,000	(3,133,782)	4,166,218	4.19
Common Equity	<u>51,344,714</u>	<u>(18,449,974)</u>	<u>32,894,740</u>	<u>33.07</u>
	124,409,714	(24,944,752)	99,464,962	100.00

8. A rate of return on common equity of 13.00% indicates a total cost of capital to Respondent's utility business of 8.51%, as follows:

	<u>Adjusted Capitalization</u>	<u>Percent</u>	<u>Annual Rate</u>	<u>Cost</u>
	\$			
Cost-free Funds	7,470,048	7.51	0.00	0.00
Long Term Debt	54,933,956	55.23	7.24	4.00
Preferred Stock	4,166,218	4.19	5.00	.21
Common Equity	<u>32,894,740</u>	<u>33.07</u>	<u>13.00</u>	<u>4.30</u>
	\$99,464,962	100.00		8.51

9. A return on common equity in the range of 12.6% to 13.2% was found fair and reasonable for Kansas-Nebraska in the last rate case, Decision No. 79100. A return on common equity in the range of 12.6% to 13.2% continues to be fair and reasonable in the present rate case. A return on rate base of 8.4 to 8.6% would produce a return on common equity that lies within this range and should remain so for a reasonable time in the future.

10. The required net operating earnings, based upon test year conditions and after applying the fair return of 8.55% (8.51% if job development credit is used to reduce the cost of service) to the appropriate value of Kansas-Nebraska's property (rate base) devoted to providing other than wholesale gas service in Colorado are \$330,720.

11. A fair rate of return on rate base for Kansas-Nebraska, considering the methods and ratemaking principles utilized in the findings of fact herein,** is between 8.4 and 8.6%. A rate of return in this range is both adequate and necessary to service its debt, pay a reasonable dividend, provide for reasonable accumulation of surplus, attract necessary new capital and maintain the financial integrity of the company.

12. Respondent's existing rates produce and will continue to produce, less than a fair rate of return on its other than wholesale utility operations in the State of Colorado. The earnings deficiency based upon the test year are as follows:

** A fair rate of return on rate base cannot be found in a vacuum without considering how the return is computed, and what elements are included in the cost of service as well as rate base, as Finding No. 10 above illustrates with respect to a very minor item (the job development tax credit).

Net Operating Earnings (Finding No. 10)	\$330,720
Test year adjusted Net Operating Earnings (Finding No. 5)	<u>135,599</u>
Net Operating Earnings Deficiency	\$195,121

13. The calculation of taxable income requires several adjustments to test year net operating earnings of \$135,599 (Finding No. 5) as follows:

\$135,599	
(11,164) - Investment Tax Credit Feedback (Finding No. 6(b))	
<u>(2,174) - Deferred Income Tax Feedback (Finding No. 6(b))</u>	
122,261 - Net Operating Revenues before taxes (Staff Exhibit No. 18A, page 2)	
(170,075) - Interest (Includes \$23,836 upward revision resulting from change in capitalization reducing long-term debt by \$10,831,044 (Finding No. 7)	
<u>(11,114) - Schedule M adjustments (Staff Exhibit No. 18A, page 2)</u>	
\$(58,928) - Taxable Income Deficiency	

14. Since Respondent is in a taxable income deficiency position in the amount of \$58,928, a factor of 1.004144 should be applied to the first \$58,928 of additional revenue requirements to take care of the additional franchise taxes. At this point a taxable income position will be reached. In order to produce \$1 of net operating earnings, from this point on, a gross revenue increase of 1.981320 is required because of additional income and franchise taxes. Accordingly, a gross revenue increase of \$329,014 is required to overcome the earnings deficiency stated in Finding No. 12.

15. The rates proposed by Respondent in this proceeding would result in an annual increase in revenues, based upon the test year of \$460,675 to the extent such rates would produce revenues substantially in excess of the revenue deficiency stated in Finding No. 14 above, such rates are not just and reasonable.

16. Respondent proposes to increase its GGS-2 rate, which applies to residential and small commercial customers in all towns served except Julesburg and Ovid, by an average of 18.7¢/MCF. At the same time the increase to GGS-1 customers (Julesburg and Ovid) as proposed, amounts

to 12.7¢/MCF. While there are substantial reasons why the Julesburg and Ovid rate should be lower, there is no reason why the increase in GGS-2 rates should not be the same as for GGS-1 on a BTU basis. The average BTU content per cubic foot of the Julesburg-Ovid gas is 950, while the rest of the system receives gas containing an average of 1030 BTU per cubic foot. On the basis of the ratio of the BTU content, an increase of 13.8¢/MCF on the GGS-1 rate is equivalent to the 12.7¢/MCF on the GGS-2 rate. The total sales on the GGS-2 rate for the test year were 978,059 MCF. If the increase to the GGS-2 customers were reduced to correspond with the increase proposed by Respondent to the GGS-1 customers, revenues would be reduced by \$47,835 annually, as follow:

Revenue from GGS-2 proposed by Respondent (average of 18.7¢/MCF)	\$182,807
Revenue from an average 13.8¢/MCF increase (equi- valent to a 12.7¢/MCF increase to GGS-1 customers)	\$134,972
Difference in revenues	\$ 47,835

To avoid unjust discrimination, GGS-2 rates should be increased 13.8¢/MCF for each 12.7¢/MCF increase to GGS-1 customers.

Respondent proposes to increase GGS-5, GGS-6 and GGS-7, as well as IGS-1, IGS-2, and IGS-3 rates by 9¢/MCF. Since GGS-5, GGS-6 and GGS-7 sales are made on a pressure base of 13.25 psia, while IGS-1, IGS-2 and IGS-3 gas is sold on a 14.65 psia base, these increases are not equivalent.

A reasonable increase to GGS-5, GGS-6 and GGS-7 customers would amount to 8/9ths of any increase to IGS-1, IGS-2 and IGS-3 customers.

A reduced rate increase to GGS-5, GGS-6 and GGS-7 customers to correspond with a 9¢/MCF increase to the "IGS" customers would reduce additional revenues as follows:

Proposed increase in GGS-5, GGS-6 and GGS-7 rates	9¢/MCF
Increase equivalent to a 9¢/MCF increase to IGS customers	8¢/MCF
Difference	1¢/MCF
Annual MCF sales in the test year	721,684 MCF
Reduction in additional revenues	\$7,217

17. A just, reasonable and not unjustly discriminatory rate schedule requires (a) the adjustments to the filed GGS-2 rates as discussed in Finding No. 15; (b) the adjustments to the filed GGS-5, GGS-6 and GGS-7 rates as discussed in Finding No. 16; and (c) a further reduction of 18.91% from the filed rates; all computed as follows:

Additional Revenue from filed rates (Finding No. 15)	\$460,675
<u>Adjustments:</u>	
Less: Revenue effect of a 4.9¢/MCF reduction in GGS-2 rate (Finding No. 16)	\$ 47,835
Less: Revenue effect of a 1¢/MCF reduction in GGS-5, GGS-6, GGS-7 rates (Finding No. 16)	\$ 7,217
Balance of Revenue from filed rates after adjustments above	\$405,729
Revenue deficiency, Finding No. 14	\$329,014
Difference	\$ 76,715
% Difference	18.91%

In applying the percentage reduction, appropriate rounding must be employed so that rates in fractions of mills would be avoided.

18. The Purchased Gas Adjustment (PGA) Clause as contained in Original Sheets 22.7 and 22.8 of the proposed tariff would base rates upon estimates of future gas costs by Respondent, subject to refunds if estimates exceeded actual experience. Such a PGA Clause amounts to a guaranteed cost-plus type of ratemaking and is not just and reasonable. If and when costs of gas increase, requiring a rate increase, an appropriate rate filing, with notice to customers, can be made. The PGA Clause as proposed is further an attempt to limit future Commission action and therefore unenforcible.

19. Other provisions of the filed tariff are designed to set up priorities of gas use in case of shortages, increase the reconnection charge when service is disconnected for non-payment in line with costs, and impose an annual minimum to grain drying customers. These proposed provisions are just and reasonable and are neither unjustly discriminatory nor preferential.

20. Original Sheets No. 32 and No. 33 of Respondent's current tariff impose temporary riders upon all existing rates pending the disposition of this docket and should not continue in force.

CONCLUSIONS

From the above Findings of Fact, it is concluded that:

1. New rates and charges should be established for Respondent that would, on the basis of calendar year 1972, increase Respondent's Colorado intrastate revenues by \$329,014. The specific rates are contained in Appendix A attached hereto. The calculations made to arrive at the specific rates are shown in Appendix B attached hereto.

2. The Purchased Gas Adjustment Clause as proposed is not just and reasonable and should not be permitted to become effective.

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 tariff revisions filed by Respondent on February 8, 1973, under Advice Letter No. 30 be, and hereby are, permanently suspended and not permitted to become effective, but in lieu thereof, the said tariff revisions with the following modifications be, and hereby are, established as the effective rates, charges, rules and regulations of Respondent as of the effective date of this order.

(a) Third Revised Sheet No. 3 (GGS-1):

All rates contained therein, except the minimum charge, shall be reduced by \$.002/CCF.

(b) Sixth Revised Sheet No. 4 (GGS-2):

All rates contained therein, except the minimum charge, shall be reduced by \$.008/CCF.

(c) Sixth Revised Sheet No. 5 (GGS-5, old IGS-1);
Fourth Revised Sheet No. 9 (GGS-6, old IGS-2); and
Fourth Revised Sheet No. 13 (GGS-7, old GGS-3):

All rates contained therein, except the minimum charge, shall be reduced by \$.025/MCF.

(d) Fifth Revised Sheet No. 15 (GGS-4):

All rates contained therein, except the minimum charge, shall be reduced by \$.002/CCF.

(e) Fourth Revised Sheet No. 16 (GGS-3):

All rates contained therein, except the minimum charge, shall be reduced by \$.002/CCF.

(f) Second Revised Sheet No. 27 (IGS-1, old IGS-4);
Second Revised Sheet No. 28 (IGS-2, old IGS-5);
Second Revised Sheet No. 29 (IGS-3, old IGS-6):

All rates contained therein, except the minimum charge, shall be reduced by \$.017/MCF.

(g) Tariff sheets filed with Supplemental Advice Letter No. 30 on June 18, 1973, shall prevail over the original filing under Advice Letter No. 30.

2. Original Sheets No. 32 and No. 33 of Respondent's tariff filed with Advice Letter No. 31 are hereby cancelled.


3. Respondent shall, within thirty days of the effective date of this order, refile such tariff sheets as may be necessary to reflect the rates and charges established hereby, the effective date thereof, and the number of the decision authorizing the same. This filing is solely for housekeeping purposes and may be made without further notice, this order being fully self-executing in all respects.

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
hbp

APPENDIX A

Decision No. 83651

Page 1 of 2 pages

Tariff Provisions Established in
Investigation and Suspension Docket No. 768

	<u>Filed Rate</u>	<u>Reduction</u>	<u>Rate Established By This Order</u>
1. Third Revised Sheet No. 3 is modified as follows:			
<u>Rate GGS-1</u> (Domestic and Commercial, Julesburg and Ovid)			
First 1,000 cu. ft. or less per month	\$2.00		\$2.00
Next 4,000 cu. ft. per month per CCF	.10	.002	0.098
Next 45,000 cu. ft. per month per CCF	.065	.002	0.063
Next 50,000 cu. ft. per month per CCF	.060	.002	0.058
All Additional per month per CCF	.055	.002	0.053
2. Sixth Revised Sheet No. 4 is modified as follows:			
<u>Rate GGS-2</u> (Domestic and Commercial, Other Areas)			
First 1,000 cu. ft. or less per month	\$2.00		\$2.00
Next 4,000 cu. ft. per month per CCF	.11	.008	0.102
Next 45,000 cu. ft. per month per CCF	.090	.008	0.082
Next 50,000 cu. ft. per month per CCF	.075	.008	0.067
All Additional per month per CCF	.070	.008	0.062
3. Sixth Revised Sheet No. 5 is modified as follows:			
<u>Rate GGS-5</u> (Old IGS-1, Irrigation Flat Rate)			
All gas consumed, per Mcf	\$0.402	.025	\$0.377
4. Fourth Revised Sheet No. 9 is modified as follows:			
<u>Rate GGS-6</u> (Old IGS-2, Lease Production and Treatment of Oil)			
All gas consumed, per Mcf	\$0.402	.025	\$0.377
5. Fourth Revised Sheet No. 13 is modified as follows:			
<u>Rate GGS-7</u> (Old IGS-3, Alfalfa Dehydration)			
All gas consumed, per Mcf	\$0.402	.025	\$0.377
6. Fifth Revised Sheet No. 15 is modified as follows:			
<u>Rate GGS-4</u> (Hereford Rural Customers)			
First 1,000 cu. ft. or less per month	\$2.00		\$2.00
Next 4,000 cu. ft. per month per CCF	.11	.002	0.108
Next 45,000 cu. ft. per month per CCF	.090	.002	0.088
Next 50,000 cu. ft. per month per CCF	.075	.002	0.073
All Additional per month per CCF	.0402	.002	0.038

APPENDIX A

Decision No. 83651

Page 2 of 2 pages

- | | Filed
Rate | Reduction | Rate
Established
By This
Order |
|--|---------------|-----------|---|
| 7. Fourth Revised Sheet No. 16 is modified as follows: | | | |
| <u>Rate GGS-3 (Minimum Billed Rural Service)</u> | | | |
| First 1,000 cu. ft. or less per month | \$2.00 | | \$2.00 |
| Next 4,000 cu. ft. per month per CCF | .11 | .002 | 0.108 |
| Next 45,000 cu. ft. per month per CCF | .090 | .002 | 0.088 |
| Next 50,000 cu. ft. per month per CCF | .075 | .002 | 0.073 |
| All Additional per month per CCF | .070 | .002 | 0.068 |
| 8. Original Sheet No. 22.7 is permanently suspended. (P.G.A. Clause) | | | |
| 9. Original Sheet No. 22.8 is permanently suspended. (P.G.A. Clause) | | | |
| 10. Second Revised Sheet No. 27 is modified as follows: | | | |
| <u>Rate IGS-1 (Old IGS-4, Great Western Sugar Company, Ovid)</u> | | | |
| First 50 MCF per month per MCF | \$0.83 | .017 | \$0.813 |
| Next 50 MCF per month per MCF | 0.665 | .017 | 0.648 |
| Next 200 MCF per month per MCF | 0.555 | .017 | 0.538 |
| Next 9,700 MCF per month per MCF | 0.46 | .017 | 0.443 |
| Excess over 10,000 MCF per month per MCF | 0.44 | .017 | 0.423 |
| 11. Second Revised Sheet No. 28 is modified as follows: | | | |
| <u>Rate IGS-2 (Old IGS-5, Great Western Sugar Company, Sterling)</u> | | | |
| First 50 MCF per month per MCF | \$0.83 | .017 | \$0.813 |
| Next 50 MCF per month per MCF | 0.665 | .017 | 0.648 |
| Next 200 MCF per month per MCF | 0.555 | .017 | 0.538 |
| Next 9,700 MCF per month per MCF | 0.46 | .017 | 0.443 |
| Excess over 10,000 MCF per month per MCF | 0.44 | .017 | 0.423 |
| 12. Second Revised Sheet No. 29 is modified as follows: | | | |
| <u>Rate IGS-3 (Old IGS-6, Julesburg Power Plant)</u> | | | |
| First 50 MCF per month per MCF | \$0.83 | .017 | \$0.813 |
| Next 50 MCF per month per MCF | 0.665 | .017 | 0.648 |
| Next 200 MCF per month per MCF | 0.555 | .017 | 0.538 |
| Next 9,700 MCF per month per MCF | 0.46 | .017 | 0.443 |
| Excess Over 10,000 MCF per month per MCF | 0.44 | .017 | 0.423 |
| 13. Original Sheets No. 32 and 33 filed with Advice Letter No. 31 are cancelled. | | | |
| 14. Fifteenth Revised Sheet No. 2, First Revised Sheet No. 31, and Original Sheet No. 32, as filed under Supplemental Advice Letter No. 30 on June 13, 1973, shall prevail over the original filing. | | | |

APPENDIX B

Decision No. 83651

ADJUSTMENT ARITHMETIC

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rate	Filed Increase (Average)	Less Adjustments Set Out In Finding No. 16	Adjusted Increase (2) - (3)	Less 18.91% Adjustments (Finding No. 17)	Total Reduction From Filed Rates (3) + (5)	
	\$/MCF	\$/MCF	\$/MCF	\$/MCF	\$/MCF	\$/CCF
GGs-1	.127		.127	.02		.002
GGs-2	.187	.049	.138	.03		.008
GGs-3	.114		.114	.02		.002
GGs-4	.115		.115	.02		.002
GGs-5	.09	.01	.08	.015	.025	
GGs-6	.09	.01	.08	.015	.025	
GGs-7	.09	.01	.08	.015	.025	
IGs-1	.09		.09	.017	.017	
IGs-2	.09		.09	.017	.017	
IGs-3	.09		.09	.017	.017	

(Decision No. 83652)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CECIL E. TOMBLESON, 305 NORTH 9TH)
STREET, LAMAR, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO OPER-)
ATE AS A CLASS "B" CONTRACT CAR-)
RIER BY MOTOR VEHICLE.)

APPLICATION NO. 26960-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 11, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83652
September 11, 1973

Cecil E. Tombleson

Transportation of

Buildings

Between all points located within a radius of one hundred (100) miles of the intersection of Main and Olive Streets, Lamar, Colorado.

(Decision No. 83653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDDIE LEE, 3520 ELM STREET, DENVER,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26961-PP-ETA

ORDER DENYING EMERGENCY
TEMPORARY AUTHORITY

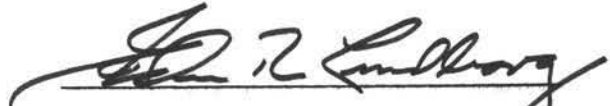
- - - - -
September 11, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

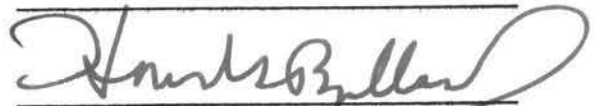
IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

(Decision No. 83654)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GUNNISON TRUCKING, INC., 512 WEST)
VIRGINIA, GUNNISON, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-8156.)

APPLICATION NO. 26959-PP-Extension-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 11, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83654
September 11, 1973

Gunnison Trucking, Inc.

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of **250** miles from the point(s) of origin.

(Decision No. 83655)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN DILLON, 2500 COLUMBINE DRIVE,)
DURANGO, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 26962-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 11, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

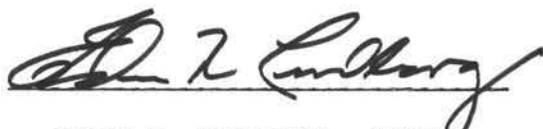
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.


IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83655
September 11, 1973

John Dillon

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO TRANSFER & STORAGE, INC.,)
4815 LIMA STREET, DENVER, COLORADO,)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
3538 TO TRAVIS L. FOWLER AND EVELYN I.)
FOWLER, DOING BUSINESS AS "FOWLER)
MOVING & STORAGE CO.," 1940 BAVARIA)
DRIVE, COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 26735-Transfer
ORDER GRANTING LEAVE TO INTERVENE

September 7, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 29, 1973, Mountain States Bank, a Colorado banking corporation, by its attorneys, Ireland, Stapleton, Pryor & Holmes, filed a Motion to Intervene and Protest in the above-captioned proceeding. The Commission finds that Mountain States Bank is a person who may or might be interested in or affected by any order that might be entered in this proceeding and that the intervention should be authorized.

ORDER


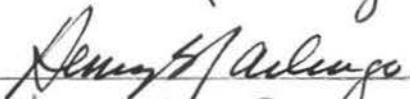
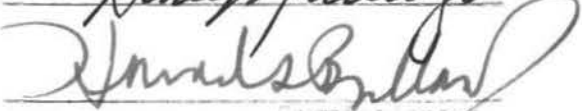
THE COMMISSION ORDERS THAT:

Mountain States Bank, a Colorado banking corporation, be, and hereby is, granted leave to intervene in the above-captioned proceeding.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner
did

(Decision No. 83657)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLIFFORD B. RUSSELL, DOING BUSINESS)
AS AIRCRAFT SALES CO., 2527 NORTH)
LINCOLN AVENUE, LOVELAND, COLORADO,)
80537, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY AIRCRAFT.)

APPLICATION NO. 26919

ORDER GRANTING LEAVE TO
INTERVENE

- - - - -
September 7, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 30, 1973, Longmont Aviation, Inc., Longmont, Colorado, by its attorney William T. Secor, filed a petition to intervene in the above-captioned proceeding. The Commission finds that Longmont Aviation, Inc., is a person who may or might be interested in or affected by any order that might be entered in this proceeding and that the intervention should be authorized.

O R D E R

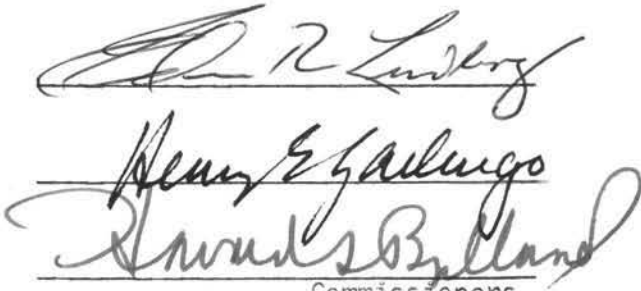
THE COMMISSION ORDERS THAT:

Longmont Aviation, Inc., be, and hereby is, granted leave to intervene in the above-captioned proceeding.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 7th day of September, 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 THE SANGRE DE CRISTO ELECTRIC)
ASSOCIATION, INC., A COLORADO)
CORPORATION, FOR THE PERMISSION)
TO BORROW MONEY FROM THE RURAL)
ELECTRIFICATION ADMINISTRATION)
AND FROM THE NATIONAL RURAL)
UTILITIES COOPERATIVE FINANCE)
CORPORATION.)

APPLICATION NO. 26899-Securities

- - - - -
September 7, 1973
- - - - -

Appearances: Robert P. Rush, Esq., Salida,
Colorado, for Applicant;
James A. Richards, Denver,
Colorado; and
James D. Grundy, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On August 16, 1973, Sangre De Cristo Electric Association, Inc., (hereinafter referred to as Sangre De Cristo or Applicant) filed with the Commission the above-entitled application for authority (1) to execute an Amendment to the Amending Loan Contract, dated May 21, 1973, amending the Loan Contract between Sangre De Cristo and The United States of America, dated April 24, 1957; (2) to execute a Mortgage Note for \$228,000 to The United States of America bearing interest at the rate of five percent (5%) per annum and payable within thirty-five (35) years after the date thereof; (3) to execute a Loan Agreement covering advances of \$98,000 dated May 21, 1973, between Sangre De Cristo Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation; (4) to execute a Secured Promissory Note made by Sangre De Cristo Electric Association, Inc., to National Rural Utilities Cooperative Finance Corporation in the amount of \$98,000 bearing interest at the rate of seven percent (7%) per annum and payable within thirty-five (35) years after the date thereof; and (5) to execute a Supplemental Mortgage and Security Agreement made by and among Sangre De Cristo Electric Association, Inc., The United States of America

and National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing after due and proper notice on August 31, 1973, at 9 a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and -- at such time and place -- was heard by Examiner Thomas M. McCaffrey, to whom the matter was assigned pursuant to law.

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

Applicant's Vice President, General Manager, and Assistant General Manager of Finance testified in support of the application.

Exhibits 1 through 20, inclusive, were admitted into evidence.

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

FINDINGS OF FACT

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

1. Applicant, Sangre De Cristo Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963. It is engaged in the business of purchasing, transmitting, distributing, and selling electricity to its consumers on its lines in the Counties of Lake, Chaffee, Fremont, Custer and Saguache, all in the State of Colorado.

The Applicant herein is a corporation organized under the laws of the State of Colorado and its Articles of Incorporation and all amendments thereto properly certified are on file with this Commission.

2. The Commission has jurisdiction over the Applicant and the subject matter of this application.

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical system; for construction, completion, extension and improvement of its properties; for improvement and maintenance of its service; and other lawful purposes.

4. The Board of Directors of Applicant, The Rural Electrification Administration, and National Rural Utilities Cooperative Finance Corporation all have approved the herein two (2) loan applications totaling \$326,000 subject to approval by this Commission.

5. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

7. The Amendment, dated May 21, 1973, to the Amending Loan Contract between Sangre De Cristo Electric Association, Inc., and The United States of America, dated as of April 24, 1957, as amended (Applicant's Exhibit 2), should be authorized and approved.

8. The Mortgage Note payable to The United States of America, in the amount of \$228,000 (Applicant's Exhibit 3) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes 1963, and therefore should be authorized and approved.

9. The Loan Agreement, dated May 21, 1973, between Sangre De Cristo Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit 4) providing for the advancement of loan funds in the amount of \$98,000 should be authorized and approved.

10. The Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$98,000 (Applicant's Exhibit 5) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, CRS 1963, and therefore should be authorized and approved.

11. The Supplemental Mortgage and Security Agreement made by and among Sangre De Cristo Electric Association, Inc., The United States of America and National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit 6) should be authorized and approved.

12. 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 authority sought in the instant application is not inconsistent with the public interest and should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the execution of the Amendment, dated May 21, 1973, to Amending Loan Contract between Sangre De Cristo Electric Association, Inc., and The United States of America, dated April 24, 1957, as amended, (Exhibit 2) be, and the same hereby is, authorized and approved.

2. That the issuance of the Mortgage Note to The United States of America, in the amount of \$228,000 (Exhibit 3) be, and the same hereby is, authorized and approved.

3. That the execution of the Loan Agreement between Sangre De Cristo Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation covering loan advances of \$98,000 (Exhibit 4) be, and the same hereby is, authorized and approved.

4. That the issuance of the Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$98,000 (Exhibit 5) be, and the same hereby is, authorized and approved.

5. That the execution of the Supplemental Mortgage and Security Agreement made by and among Sangre De Cristo Electric Association, Inc., The United States of America and National Rural Utilities Cooperative Finance Corporation (Exhibit 6) be, and the same hereby is, authorized and approved.

6. That within one hundred twenty (120) days of the execution of the five (5) loan instruments authorized herein, Sangre De Cristo Electric Association, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

7. 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.

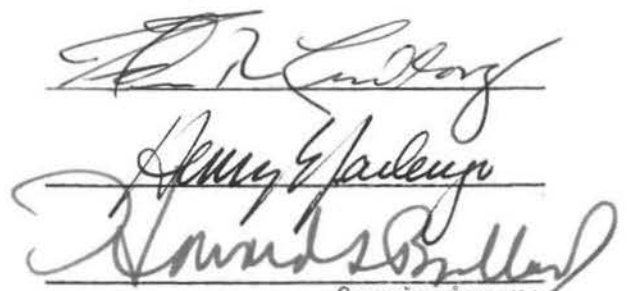
8. That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as it may deem proper or desirable.

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

10. 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 7th day of September, 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)
MOUNTAIN VIEW ELECTRIC ASSOCIATION,)
INC., A COLORADO CORPORATION, LIMON,)
COLORADO, FOR AN ORDER AUTHORIZING)
THE ISSUANCE OF SECURITIES AND)
CREATING LIENS ON ITS PROPERTIES,)
AND THE APPLICATION OF THE PROCEEDS)
THEREFROM.)

APPLICATION NO. 26892-Securities

- - - - -
September 7, 1973
- - - - -

Appearances: Robert T. James, Esq., Colorado
Springs, Colorado,
for Applicant;
James D. Grundy, Denver, Colorado,
and Craig Merrell, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On August 13, 1973, Mountain View Electric Association, Inc., (hereinafter referred to as Mountain View or Applicant) filed with the Commission the above-entitled application for (1) approval of an Amendment dated April 17, 1973, to the Amending Loan Contract, amending the Loan Contract between Mountain View and The United States of America, dated May 7, 1964; (2) for authority to execute a Mortgage Note for \$1,707,000 to The United States of America bearing interest at the rate of five percent (5%) per annum and payable within thirty-five (35) years after the date thereof; (3) for approval of a Loan Agreement covering advances of \$190,000, dated April 17, 1973, between Mountain View Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation; (4) for authority to execute a Secured Promissory Note made by Mountain View Electric Association, Inc., to National Rural Utilities Cooperative Finance Corporation in the amount of \$190,000 bearing interest at the rate of seven percent (7%) per annum and payable within thirty-five (35) years after the date thereof; (5) for authority to execute a supplement to a Supplemental Mortgage and

Security Agreement made by and among Mountain View Electric Association, Inc., The United States of America and National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing after due and proper notice on August 29, 1973, at 9 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and -- at such time and place -- was heard by Hearing Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

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

Applicant's General Manager and Consulting Engineer testified in support of the application.

Exhibits A through M, inclusive, were admitted into evidence.

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

FINDINGS OF FACT

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

1. Applicant, Mountain View Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963. It is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its consumers on its lines in the Counties of Elbert, Arapahoe, El Paso, Pueblo, Washington, Lincoln, and Douglas, all in the State of Colorado.

The Applicant herein is a corporation organized under the laws of the State of Colorado and its Articles of Incorporation and all amendments thereto properly certified are on file with this Commission.

By Decision No. 49651, dated February 18, 1958, Mountain View Electric Association, Inc., was declared to be a public utility by this Commission. Subsequent decisions of the Commission granted Mountain View Electric Association, Inc., certificates of public convenience and necessity of its service territory.

2. The Commission has jurisdiction over the Applicant and the subject matter of this application.

3. Mountain View Electric Association, Inc., needs the loan funds sought to be approved in this application for the necessary improvement of its electrical system; for the necessary construction, completion, extension, and improvement of its properties and for other lawful purposes.

4. The Board of Directors of Applicant, the Rural Electrification Administration, and The National Rural Utilities Cooperative Finance Corporation all have approved the herein above specified proposed loans totaling \$1,897,000, subject to the approval of this Commission.

5. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

7. The Amendment, dated April 17, 1973, to the Amending Loan Contract between Mountain View Electric Association, Inc., and The United States of America, dated as of May 7, 1964, as amended (Applicant's Exhibit A) should be authorized and approved.

8. The Mortgage Note payable to The United States of America, in the amount of \$1,707,000 (Applicant's Exhibit B) 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, and therefore should be authorized and approved.

9. The Loan Agreement, dated April 17, 1973, between Mountain View Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit C) providing for the advancement of loan funds in the amount of \$190,000 should be authorized and approved.

10. The Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$190,000 (Applicant's Exhibit D) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, CRS 1963, as amended, and therefore should be authorized and approved.

11. The Supplement to the Supplemental Mortgage and Security Agreement made by and among Mountain View Electric Association, Inc., The United States of America and National Rural Utilities Cooperative Finance Corporation (Applicant's Exhibit E) should be authorized and approved.

12. 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 authority sought in the instant application is not inconsistent with the public interest and should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS:

That the execution of the Amendment, dated April 17, 1973, to Amending Loan Contract between Mountain View Electric Association, Inc., and The United States of America, dated May 7, 1964, as amended (Exhibit A) be, and the same hereby is, authorized and approved.

That the issuance of the Mortgage Note to The United States of America, in the amount of \$1,707,000 (Exhibit B) be, and the same hereby is, authorized and approved.

That the execution of the Loan Agreement dated April 17, 1973, between Mountain View Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation covering loan advances of \$190,000 (Exhibit C) be, and the same hereby is, authorized and approved.

That the issuance of the Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$190,000 (Exhibit D) be, and the same hereby is, authorized and approved.

That the execution of the Supplement to the Supplemental Mortgage and Security Agreement made by and among Mountain View Electric Association, Inc., The United States of America and National Rural Utilities Cooperative Finance Corporation (Exhibit E) be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the loan instruments authorized herein, Mountain View Electric Association, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

That nothing herein contained shall be construed to imply any recommendation or guarantee of or any obligation with regard to said securities on the part of the State of Colorado.

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

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

That the within Decision and Order should 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 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
did

(Decision No. 83660)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ARTHUR V. NEHRING, DOING BUSINESS AS)	APPLICATION NO. 26758-Extension
"BIG 'D' TRASH & RUBBISH REMOVAL,")	
HIGHWAY 50, GRAND JUNCTION ROAD,)	ORDER OF THE COMMISSION
P. O. BOX 55, DELTA, COLORADO, FOR)	
AUTHORITY TO EXTEND OPERATIONS UNDER)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY PUC NO. 7047.)	

September 7, 1973

It appearing, That by Notice of the Commission dated July 2, 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 Notice, 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 Arthur V. Nehring, doing business as "Big 'D' Trash & Rubbish Removal," Highway 50, Grand Junction Road, P. O. Box 55, Delta, Colorado, be, and is hereby, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 7047 to include the following:

"Transportation of

Ash, trash, and other refuse

From all points located within Somerset, Colorado, and a five (5) mile radius thereof, to such locations where the same may be lawfully delivered or disposed of."

It is further ordered, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 7047 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.

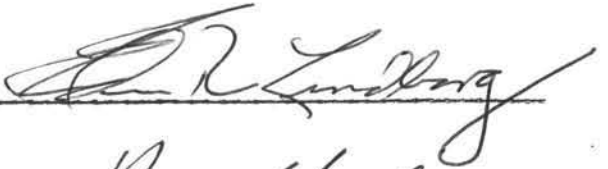
It is further ordered, That the holder of this Certificate shall operate in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

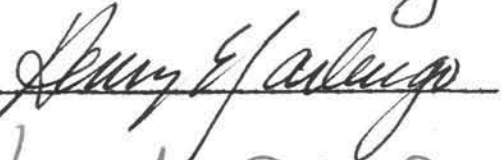
It is further ordered, That this order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

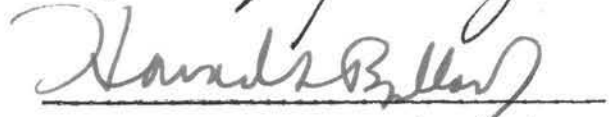
And it is further ordered, That this order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
hbn

Appendix "A"

Decision No. 83660
September 7, 1973

Big "D" Trash & Rubbish Removal

Transportation of

- (1) Ash, trash, refuse, liquid waste and industrial waste

From all points within Delta County to such locations where the same may be lawfully delivered or disposed of.

- (2) Ash, trash, and other refuse

From points within Montrose, Colorado, and a twenty (20) mile radius of the County Courthouse located in Montrose, Colorado, to such locations where the same may be lawfully delivered or disposed of.

- (3) Ash, trash, and other refuse

From all points located within Somerset, Colorado, and a five (5) mile radius thereof, to such locations where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MICHAEL GUTTERSEN, CORNISH, COLORADO,	)	CASE NO. 5519
)	
Complainant,	)	RECOMMENDED DECISION OF
	)	CHRISTIAN O. IGENBERGS,
vs.	)	EXAMINER,
)	
MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, 931 - 14TH STREET DENVER, COLORADO,	)	ORDERING RESPONDENT TO PROVIDE TELEPHONE SERVICE TO COMPLAINANT
)	
Respondent.)	

- - - - -
September 11, 1973
- - - - -

Appearances: John P. Donley, Esq.,
Greeley, Colorado,
for Complainant;
Denis G. Stack, Esq.,
Denver, Colorado,
for Respondent;
John E. Archibold, Esq.,
Denver, Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 4, 1973, Michael Guttersen, a resident of Cornish, Colorado, hereinafter also referred to as Complainant, filed with this Commission a pleading entitled "Petition," which said Petition is being treated herein as a formal complaint against The Mountain States Telephone and Telegraph Company (hereinafter also referred to as Respondent), praying, inter alia, for an order of the Commission ordering said Respondent to provide telephone service to Complainant at his address in Cornish, Colorado. As grounds for his Complaint, said Complainant stated that he is now receiving telephone service from the Wiggins Telephone Association, that said service is totally inadequate, that the residence and business office of Complainant is in close proximity or less than 100 feet from available telephone facilities owned and operated

by Mountain Bell, and that Complainant had previously received telephone service from Respondent.

On April 13, 1973, the Commission issued an ORDER TO SATISFY OR ANSWER to Respondent. On April 26, 1973, Respondent filed with the Commission a MOTION TO DISMISS. On May 4, 1973, the Commission, by Decision No. 82905, denied Respondent's Motion to Dismiss and ordered Respondent to answer or satisfy within 10 days of the aforesaid order.

On the 15th day of May, 1973, Respondent filed with the Commission its ANSWER.

On May 17, 1973, by due and proper notice, the Commission set the within matter for hearing before the Commission on Tuesday, June 5, 1973, in the Blue Flame Room of the Greeley Gas Company, 1200 - 11th Avenue, Greeley, Colorado, at 10 a.m., at which time and place the case was heard by Christian O. Igenbergs, Examiner, to whom the within case had been assigned, pursuant to law.

Exhibits numbered 1 through 5, 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 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. Respondent Mountain States Telephone and Telegraph Company is a public utility providing telephone service in the state of Colorado.

2. Michael Guttersen is a resident of Cornish, Colorado, and an owner and operator of extensive ranch and farm property in the north-east quadrant of this state. Said Complainant and his wife also have extensive business interests in the state of Texas, which said business includes management of oil and mineral properties, holdings in banks, cattle companies, real estate companies, two local telephone companies in Sugarland, Texas, and a sugar manufacturing company in the same state. Furthermore, the Guttersen family has business interests in real estate developments in the state of Nevada and oil and mineral properties in the state of Utah.

For this reason, Complainant and his wife use telephone services extensively, including both intrastate and interstate calls.

3. With regard to the Wiggins Telephone Association, which now provides Complainant with telephone service, the record is rather bare, and it is only possible to establish from said record that Wiggins has not been certificated by this Commission, and no tariffs are on file with the Commission evidencing a possible public utility status of said entity.

This means, and it is found as a fact, that Respondent The Mountain States Telephone and Telegraph Company may at any time respond to any requests for telephone service within the subject area under 115-5-1, CRS 1963, as amended, without fear of interference with the service territory of another recognized public utility and since said area is contiguous to the present service area of Respondent and the extension is necessary in the ordinary course of business, Respondent should do so.

4. Further facts were established at the hearing as follows:

There exists a so-called boundary line between the territory served by Respondent and the territory served by the Wiggins Telephone Association. This boundary line, however, has been established solely by tariff filings of Respondent. Furthermore, there exists and is in force

by Respondent a policy which provides that Respondent shall not disturb the so-called service areas of any and all entities offering telephone service. Respondent, however, is not barred from extending services to Complainant by the statutory provisions of 115-5-1, CRS 1963, as amended, and because, under 115-4-2, CRS 1963, as amended, the Commission has the power to so order.

The house and business office of the Complainant is located less than 100 feet from the so-called border line between the two telephone lines involved here, Respondent's facilities are available, and the necessary installation can be made any time and a telephone number, which is presently unused, can be assigned to the GutterSENS. In fact, Complainant did have Mountain Bell service in a building he had erected approximately 100 feet west of his present home and residence in 1964 and where Respondent provided telephone service to Complainant in the years 1964, 1965, and 1966. Due to the fact that the newly erected building could not be used in wintertime because no heating facilities had been provided therein, Complainant had purchased some jacks and extension cord and connected same to the telephone in his home and office east of the so-called boundary line. Upon complaint by Wiggins, Respondent had Complainant remove the extension into his permanent business office and also removed the telephone in the newly erected building west of the boundary line.

Complainant is not satisfied with the quality of service provided through Wiggins Telephone Association, requests service by Respondent, for which he is prepared to pay the applicable tariff charges. Under the statutory provisions enumerated in this finding, supra, such service can, and should be, reasonably extended to Complainant.

CONCLUSIONS ON FINDINGS OF FACT

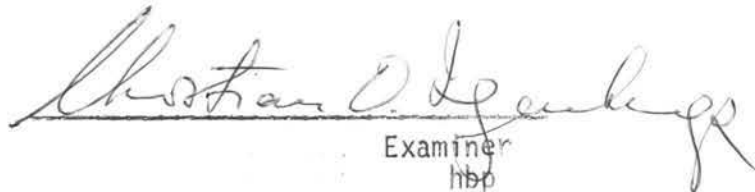
Based on the aforesaid findings of fact, it is concluded that:

1. The Complaint by Michael GutterSEN contains facts for which relief as prayed for should be granted.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

THE COMMISSION ORDERS THAT:

1. Mountain States Telephone and Telegraph Company, 931 - 14th Street, Denver, Colorado, be, and hereby is, ordered to provide telephone service to Complainant Michael Guttersen at Cornish, Colorado, as prayed for upon tender of the applicable tariff charges, including any charges in regard to Aid-to-Construction.
2. Any change in the appropriate tariff of Respondent with regard to the extended service territory shall be made within thirty (30) days from the date of this order and filed with the Commission. This filing is required solely for housekeeping purposes and may be made without further notice, this order being fully self-executing in all respects.
3. Complaint Case No. 5519 be, and hereby is, 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 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
hbp

(Decision No. 83662)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26056
UNION PACIFIC RAILROAD COMPANY, 560)	
DENVER CLUB BUILDING, DENVER, COLO-)	ORDER DENYING REHEARING,
RADO, TO DISCONTINUE AND ABANDON THE)	RECONSIDERATION, OR REARGUMENT
STATION AGENCY AT HUGO IN LINCOLN)	OF COMMISSION DECISION NO. 82470
COUNTY, COLORADO.)	

- - - - -
September 11, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 28, 1973, Hearing Examiner Thomas M. McCaffrey entered his Recommended Decision No. 82470 in the above-captioned matter.

On September 6, 1973, Protestants Town of Hugo and Snell Grain & Feed, Inc., by their attorney George J. Francis, filed with the Commission an Application for Rehearing, Reconsideration or Reargument of Commission Decision No. 82470.

The Commission states and finds that Applicant's Application for Rehearing, Reconsideration or Reargument 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:

1. The Application for Rehearing, Reconsideration or Reargument filed on September 6, 1973, by Protestants Town of Hugo and Snell Grain & Feed, Inc., of Decision No. 82470, dated February 28, 1973, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 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 FOR)	APPLICATION NO. 26197-Transfer
AUTHORITY TO TRANSFER PUC NO. 453)	
AND PUC NO. 453-I FROM HOFFMAN)	ORDER OF THE COMMISSION DENYING
TRANSFER CO., A COLORADO CORPORATION,)	APPLICATION FOR RECONSIDERATION,
4825 LIMA STREET, DENVER, COLORADO,)	REARGUMENT AND REHEARING.
TO COLORADO MOVING & STORAGE, INC.,)	
4825 LIMA STREET, DENVER, COLORADO.)	

- - - - -
September 11, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 29, 1973, Mountain States Bank, Intervenor herein, filed its Application for Reconsideration, Reargument and Rehearing of Commission Decision No. 83427. Specifically Mountain States Bank seeks an additional order permitting it to be a recognized creditor of the Transferor in accordance with the execution and levy in the amount of \$36,290.04, and that said bank be permitted to share, pro rata, with the other creditors of the Transferor in accordance with Finding No. 6 of the Recommended Decision No. 82598, and further states that upon so being made a participating creditor, to the extent of its judgment as herein provided, Mountain States Bank consents to the transfer of Certificate of Public Convenience and Necessity PUC No. 453 and PUC No. 453-I.

The Commission by Decision No. 83427 adopted the Examiner's Recommended Decision No. 82598 as the Order of the Commission without any change or modification. In such Recommended Order, paragraph 1 states as follows:

"1. Hoffman Transfer Co., 4825 Lima Street, Denver, Colorado 80239, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificates of Public Convenience and Necessity PUC No. 453 and PUC No. 453-I to Colorado Moving & Storage, Inc., 4700 Holly Street, Denver, Colorado 80216, subject to encumbrances, if any, against said authorities." (Emphasis added.)

Accordingly, the Commission finds that Certificate of Public Convenience and Necessity PUC No. 453 and PUC No. 453-I, which is the subject of the proposed transfer in this proceeding is subject to an encumbrance in favor of the Mountain States Bank by virtue of the execution and levy upon such Certificate by the Sheriff of the City and County of Denver, State of Colorado, on January 9, 1973.

The Commission concludes that in view of the above the relief sought by Mountain States Bank in its Application for Reconsideration, Reargument and Rehearing as to the extent such is within the jurisdiction of the Commission already been granted to it by Decision No. 83427. In this connection it should also be noted that the Commission has no jurisdiction or authority to order or permit the Intervenor to share pro rata with the other creditors of the Transferor in accordance with Finding No. 6 of the Recommended Decision No. 82598. Finding No. 6 of the said decision is simply a recitation of facts with respect to arrangements for payment of creditors in connection with the transfer.

The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Application for Reconsideration, Reargument and Rehearing filed by Mountain States Bank on August 29, 1973, be, and hereby is, denied.

2. This Order shall become effective forthwith.

DONE IN OPEN MEETING THE 11th day of September, 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: PUBLICATION BY AERO WEST,
INC., PETERSON FIELD, COLORADO
SPRINGS, COLORADO, OF A NEW
TARIFF ON LESS THAN STATUTORY
NOTICE

APPLICATION NO. 26888

September 11, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By application received September 7, 1973, Aero West, Inc., by its President, Howard I. Sperry, requests permission to publish a new tariff, on less than statutory notice.

Applicant claims that by its adoption notice filed with this Commission it adopted the rates of the Transferor, Aero Colorado, Inc., and that the rates assumed in its adoption notice do not presently apply to Petitioner in that the Petitioner presently owns or leases later model aircraft from that purchased from the Transferor.

The Commission finds that the filing of a new tariff showing rates for later model aircraft would be in the public interest and should be allowed.

O R D E R

THE COMMISSION ORDERS:

1. That Aero West, Inc., be, and it hereby is, authorized to publish a new tariff to establish rates on later model aircraft, on less than statutory notice.

2. That said Tariff shall become effective one (1) day after filing with the Public Utilities Commission.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MATTER OF INCREASED
RATES AND CHARGES ON FLAG DROP
FOR FIRST ONE-FOURTH MILE, FOR
CABS, INC., D/B/A DOLLAR CAB LINE,
OPERATING AS ZONE CABS

)
)
)
)
)
Investigation and Suspension
Docket No. 810

September 11, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On the date of August 28, 1973, Cabs, Inc., d/b/a Dollar Cab Line, operating as Zone Cabs, by its General Manager, George Sellens, filed its Tariff Colorado PUC No. 19, cancelling Tariff Colorado PUC No. 18. The new tariff, scheduled to become effective on September 1, 1973, had the effective date postponed to the 15th of September, 1973, by the filing of Supplement No. 1 to Colorado PUC No. 19.

The new Tariff, Colorado PUC No. 19, increases the rates and charges for the first quarter (1/4) mile, from 60¢ to 70¢.

The Commission finds that the above filing may be in violation of the law and that it should suspend the filing and enter upon a hearing to determine its lawfulness.

O R D E R

THE COMMISSION ORDERS:

1. That Cabs, Inc., d/b/a Dollar Cab Line, operating as Zone Cabs, Tariff No. 19, Colorado PUC No. 19, be, and the same hereby is, suspended for a period of 120 days, to and including January 15, 1974, unless otherwise ordered by the Commission.
2. That it shall enter upon a hearing concerning the lawfulness of said tariff filing.

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 George Sellens, General Manager, Cabs, Inc., d/b/a Dollar Cab Line, operating as Zone Cabs, 2358 Washington Street, Denver, Colorado 80205. The necessary suspension supplement shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

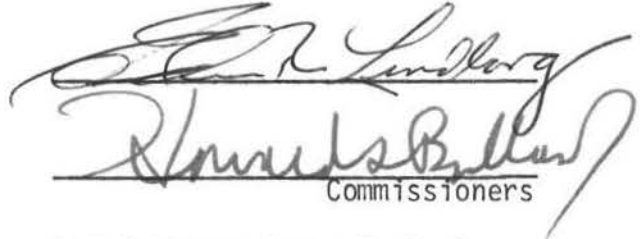
6. That fifteen days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case.

7. That this Investigation and Suspension Docket No. 810, be, and the same is hereby, set for hearing before the Commission on the 31st day of October, at 10 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

8. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

(Decision No. 83666)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 26389 -
OF SCA SERVICES, INC., FOR AUTHOR-)	Stock Transfer - Amended
IZATION TO PURCHASE THE OUTSTAND-)	
ING CAPITAL STOCK OF ALEX GERLACH)	
& SON DISPOSAL CO. RECORD OWNER OF)	
PUC NO. 3344.)	

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 26390 -
OF SCA SERVICES, INC., FOR AUTHOR-)	Stock Transfer - Amended
IZATION TO PURCHASE THE OUTSTAND-)	
ING CAPITAL STOCK OF ALEX GERLACH)	
& SON DISPOSAL CO. RECORD OWNER OF)	
PUC NO. 5342.)	

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 26391-PP -
OF SCA SERVICES, INC., FOR AUTHOR-)	Stock Transfer - Amended
IZATION TO PURCHASE THE OUTSTAND-)	
ING CAPITAL STOCK OF ALEX GERLACH)	
& SON DISPOSAL CO. RECORD OWNER OF)	
PERMIT NO. B-6128.)	

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 26572 -
OF MONARCH DISPOSAL CO., FOR AUTH-)	Transfer Amended
ORIZATION TO TRANSFER PUC NO. 3156)	
TO ALEX GERLACH & SON DISPOSAL CO.)	

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 26573 -
OF GREEN MOUNTAIN DISPOSAL COMPANY)	Transfer Amended
FOR AUTHORIZATION TO TRANSFER)	
PUC NO. 3452 TO ALEX GERLACH & SON)	
DISPOSAL CO.)	

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 26574 -
OF GREEN MOUNTAIN DISPOSAL COM-)	Transfer Amended
PANY FOR AUTHORIZATION TO TRAN-)	
SFER PUC NO. 5341 TO ALEX GERLACH)	
& SON DISPOSAL CO.)	

ORDER OF THE COMMISSION
SETTING THE MATTERS FOR
FURTHER HEARING

September 11, 1973

Appearances: Leslie R. Kehl, Esq.,
Denver, Colorado, for
Transferors and Transferees;
Girts Krumins, Esq., and
John E. Archibold, Esq.,
Denver, Colorado, for the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 12, 1973, Recommended Decision No. 83132 was entered in the above-entitled applications by the Examiner. On June 29, 1973, the Commission by Decision No. 83272, stayed and postponed the Recommended Decision No. 83132 pending final determination thereof by the Commission. The Commission also ordered a transcript of the proceedings held before the Examiner so as to enable the Commission to determine whether or not the record sustains a finding that the granting of the applications is in the public interest. Such transcript has now been filed.

Upon reviewing the record of the proceedings, including the transcript thereof, the Commission finds that it does not contain sufficient information with respect to the existing competitive situation in the areas served by the respective Applicants or the effect upon such competitive conditions if the authority sought in the applications were to be granted.

Accordingly, the Commission finds that the matters should be set for further hearing before the Commission as provided for in the Order below.

O R D E R

THE COMMISSION ORDERS THAT:

1. The above-entitled applications be, and hereby are, set for further hearing before the Commission as follows:

DATE: October 3, 1973
TIME: 10:00 o'clock A.M.
PLACE: Hearing Room
500 Columbine Building
1845 Sherman Street
Denver, Colorado

2. The hearing hereinabove set is for the purpose of, and shall be limited to, receiving such evidence as may be appropriate from the parties and

Commission staff with respect to the existing competitive conditions insofar as operations under the various certificates which are the subject matter of these proceedings are involved, and the effect thereon if the authority for transfer as sought in the applications is granted. The evidence to be introduced at such hearing should be material and relevant to both the potential and actual competition now existing in the area covered by the certificates proposed to be transferred.

3. Notice be, and hereby is, given of the further hearing in these proceedings.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 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 RULES OF THE	)	CASE NO. 5321
PUBLIC UTILITIES COMMISSION OF THE)	
STATE OF COLORADO REGULATING THE	)	NOTICE OF PROPOSED RULEMAKING
SERVICE OF GAS UTILITIES WITHIN	)	AND NOTICE OF HEARING
THE STATE OF COLORADO.)	

- - - - -
September 11, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 68570 the Commission on November 25, 1966, adopted its "Rules Regulating the Service of Gas Utilities Within the State of Colorado" which became effective on January 1, 1967. Subsequently, on November 9, 1970, the Commission entered its Decision No. 76203 amending Rule 18(b) thereof. Rule 18(b) was again amended on December 7, 1971, by Decision No. 79205. Currently, the rule reads as follows:

"RULE 18

Construction Requirement.-- * * *

(b) Unless otherwise specified by the Commission, utilities shall use the Federal Minimum Safety Standards in part 192 of Title 49, Code of Federal Regulations, containing the minimum Federal Safety Standards for the transportation of gas and for pipeline facilities used for this transportation. These regulations are set forth in detail in the Federal Register, Volume 35, No. 161 of Wednesday, August 19, 1970, and Federal Register, Volume 35, No. 223 on Tuesday, November 17, 1970 (Miscellaneous Amendments), and Federal Register, Volume 36, No. 126 on Wednesday, June 30, 1971 (Requirements for Corrosion Control) and are made a part hereof by reference."

Under Section 5(a) of the Natural Gas Pipeline Safety Act, the Commission is qualified as the enforcement agency of gas safety standards as to persons other than interstate pipelines under Federal Power jurisdiction, after certification that it has adopted the

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE	)	CASE NO. 5321
PUBLIC UTILITIES COMMISSION OF THE)	
STATE OF COLORADO REGULATING THE	)	NOTICE OF PROPOSED RULEMAKING
SERVICE OF GAS UTILITIES WITHIN	)	AND NOTICE OF HEARING
THE STATE OF COLORADO.)	

- - - - -
September 11, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 68570 the Commission on November 25, 1966, adopted its "Rules Regulating the Service of Gas Utilities Within the State of Colorado" which became effective on January 1, 1967. Subsequently, on November 9, 1970, the Commission entered its Decision No. 76203 amending Rule 18(b) thereof. Rule 18(b) was again amended on December 7, 1971, by Decision No. 79205. Currently, the rules reads as follows:

"RULE 18

Construction Requirement.-- * * *

(b) Unless otherwise specified by the Commission, utilities shall use the Federal Minimum Safety Standards in part 192 of Title 49, Code of Federal Regulations, containing the minimum Federal Safety Standards for the transportation of gas and for pipeline facilities used for this transportation. These regulations are set forth in detail in the Federal Register, Volume 35, No. 161 of Wednesday, August 19, 1970, and Federal Register, Volume 35, No. 223 on Tuesday, November 17, 1970 (Miscellaneous Amendments), and Federal Register, Volume 36, No. 126 on Wednesday, June 30, 1971 (Requirements for Corrosion Control) and are made a part hereof by reference."

Under Section 5(a) of the Natural Gas Pipeline Safety Act, the Commission is qualified as the enforcement agency of gas safety standards as to persons other than interstate pipelines under Federal Power jurisdiction, after certification that it has adopted the

O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5321 be, and hereby is, reopened for the purpose of considering amendments to Rule 18(b) of the Rules Regulating the Service of Gas Utilities as proposed hereinabove, and that the same be, and hereby is, set for hearing as follows:

DATE: October 24, 1973

TIME: 10:00 a.m.

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

2. Anyone desiring to intervene or otherwise become a party hereto shall file appropriate pleadings therefor on or before the seventh day prior to the hearing hereinabove set.

3. In addition to the proposed amended Rule 18(b) as set forth hereinabove, the Commission will consider all suggestions, comments and proposals filed with the Commission in writing at least seven (7) days prior to the hearing herein.

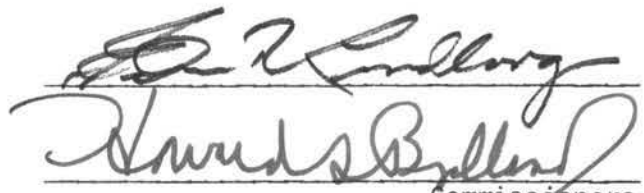
4. Notice be, and hereby is, given of the rulemaking proceeding herein.

5. This Notice and Order is issued pursuant to the authority contained in Sections 115-2-16, 115-4-1, and 115-4-6, CRS 1963, as amended; other pertinent provisions of the Public Utilities Law; and the Colorado Administrative Code, CRS 1963, 3-16-1, et seq., as amended.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 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 APPLICATION)	
OF KIT CARSON ELECTRIC COOPERATIVE,)	
INC., TAOS, NEW MEXICO, A NEW MEXICO)	
CORPORATION, FOR AN ORDER AUTHORIZING)	
THE ISSUANCE OF SECURITIES AND	)	APPLICATION NO. 26900-Securities
CREATING LIENS ON ITS PROPERTIES,)	
AND THE APPLICATION OF THE PROCEEDS)	
THEREFROM FOR CERTAIN LAWFUL)	
PURPOSES.)	

- - - - -
September 11, 1973
- - - - -

Appearances: Raphael J. Moses, Esq.,
Boulder, Colorado, and
John F. McCarthy, Esq.,
Santa Fe, New Mexico,
for Applicant;
James D. Grundy,
Denver, Colorado, and
Craig Merrell,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

On August 15, 1973, Kit Carson Electric Cooperative, Inc. (hereinafter referred to as Kit Carson or Applicant), filed with the Commission the above-entitled application for authority (1) to execute an Amendment to the Amending Loan Contract, dated April 17, 1973, amending the Loan Contract between Kit Carson Electric Cooperative, Inc., and United States of America, dated October 19, 1951; (2) to execute a Mortgage Note for \$221,000 to United States of America bearing interest at the rate of five percent (5%) per annum and payable within thirty-five (35) years after the date thereof; (3) to execute a Loan Agreement covering advances of \$95,000, dated April 17, 1973, between Kit Carson Electric Cooperative, Inc., and the Cooperative Utilities Finance Corporation; (4) to execute a Secured Promissory Note made by Kit Carson Electric Cooperative, Inc., to the Cooperative Utilities Finance Corporation in the amount of \$95,000 bearing interest at

the rate of seven and one-half percent (7½%) per annum and payable within thirty-five (35) years after the date thereof; and (5) to execute a Supplemental Mortgage and Security Agreement made by and among Kit Carson Electric Cooperative, Inc., United States of America and the Cooperative Utilities Finance Corporation.

The matter was set for hearing after due and proper notice on September 4, 1973, at 9 a.m., in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and-- at such time and place--was heard by Hearing Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

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

As a preliminary matter prior to the commencement of the hearing, Applicant's counsel presented an amended application to the Hearing Examiner which corrected and clarified certain aspects of the original application.

Applicant's Chairman of the Board and General Manager testified in support of the application.

Exhibits 1 through 26, inclusive, were admitted into evidence. An Income Statement for the twelve months ended June 30, 1973, a description of long-term debt, a statement of capital structure, and a statement showing capital credit refunds during the last four years were subsequently filed as late-filed exhibits.

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

FINDINGS OF FACT

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

1. Applicant, Kit Carson Electric Cooperative, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes

1963. It is engaged in the business of purchasing, transmitting, distributing, furnishing, and selling electricity to its consumers on its lines in the Counties of Conejos and Costilla, in the State of Colorado, and in certain other counties located in the State of New Mexico.

The Applicant is a corporation organized under the laws of the State of New Mexico and qualified to do business in the State of Colorado and certified copies of its Articles of Incorporation and all amendments thereto and a Certificate of Standing are on file with this Commission.

2. The Commission has jurisdiction over the Applicant and the subject matter of this application.

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical system and for the construction, completion, extension, and improvement of its properties, for the improvement and maintenance of its service and for other lawful purposes.

4. The Board of Directors of Applicant, the Rural Electrification Administration and the Cooperative Utilities Finance Corporation, all have approved the herein two (2) loan applications totaling \$316,000 subject to approval by this Commission.

5. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

7. The Amendment, dated April 17, 1973, to the Amending Loan Contract between Kit Carson Electric Cooperative, Inc., and United States of America, dated as of October 19, 1951, as amended (Applicant's Exhibit No. 9), should be authorized and approved.

8. The Mortgage Note payable to United States of America, in the amount of \$221,000 (Applicant's Exhibit No. 10) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes 1963, and therefore should be authorized and approved.

9. The Loan Agreement, dated April 17, 1973, between Kit Carson Electric Cooperative, Inc., and the Cooperative Utilities Finance Corporation (Applicant's Exhibit No. 14), providing for the advancement of loan funds in the amount of \$95,000, should be authorized and approved.

10. The Secured Promissory Note payable to the Cooperative Utilities Finance Corporation in the amount of \$95,000 (Applicant's Exhibit No. 13) is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, CRS 1963, and therefore should be authorized and approved.

11. The Supplemental Mortgage and Security Agreement made by and among Kit Carson Electric Cooperative, Inc., United States of America and the Cooperative Utilities Finance Corporation (Applicant's Exhibit No. 11) should be authorized and approved.

12. 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 authority sought in the instant application is in the public interest and should be granted.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That the execution of the Amendment, dated April 17, 1973, to the Amending Loan Contract between Kit Carson Electric Cooperative, Inc., and United States of America, dated October 19, 1951, as amended (Exhibit No. 9), be, and the same hereby is, authorized and approved.

2. That the issuance of the Mortgage Note to United States of America, in the amount of \$221,000 (Exhibit No. 10) be, and the same hereby is, authorized and approved.

3. That the execution of the Loan Agreement between Kit Carson Electric Cooperative, Inc., and the Cooperative Utilities Finance Corporation covering loan advances of \$95,000 (Exhibit No. 14) be, and the same hereby is, authorized and approved.

4. That the issuance of the Secured Promissory Note payable to the Cooperative Utilities Finance Corporation in the amount of \$95,000 (Exhibit No. 13) be, and the same hereby is, authorized and approved.

5. That the execution of the Supplemental Mortgage and Security Agreement made by and among Kit Carson Electric Cooperative, Inc., United States of America and the Cooperative Utilities Finance Corporation (Exhibit No. 11) be, and the same hereby is, authorized and approved.

6. That within one hundred twenty (120) days of the execution of the five (5) loan instruments authorized herein, Kit Carson Electric Cooperative, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

7. 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.


8. That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as it may deem proper or desirable.

9. That the authority granted herein should be exercised from and after the date of this Order and the Order herein contained shall be effective forthwith.

10. 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 11th day of September, 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

* * *

RE: THE INVESTIGATION AND SUSPENSION OF)	
PROPOSED CHANGES IN CONTRACT RATE COVERING)	INVESTIGATION AND SUSPENSION
SERVICE TO THE UTILITIES BOARD OF THE CITY)	DOCKET NO. 763
OF LAMAR BY PEOPLES NATURAL GAS DIVISION)	
OF NORTHERN NATURAL GAS COMPANY, COLORADO)	
SPRINGS, COLORADO.)	
RE: INVESTIGATION AND SUSPENSION OF)	
PROPOSED CHANGES IN RATES OF PEOPLES)	INVESTIGATION AND SUSPENSION
NATURAL GAS DIVISION OF NORTHERN)	DOCKET NO. 783
NATURAL GAS COMPANY, COLORADO SPRINGS,)	
COLORADO.)	

- - - - -
September 11, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 17, 1973, Hearing Examiner Christian O. Igenbergs entered his Recommended Decision No. 83543 in the above-caption matter.

On September 6, 1973, Applicant Peoples Natural Gas Division of Northern Natural Gas Company by their attorneys, Thomas M. Wright and William F. Liliensiek and Phillips, Gresham & Stifler, filed with the Commission Exceptions to said Recommended Decision.

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. 83543 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 Peoples Natural Gas Division of Northern Natural Gas Company 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. 83543 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 83543 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and 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 be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 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

* * *

H. GORDON HOWARD, INDIVIDUALLY,
AND AS TRUSTEE OF THE HOWARD
LAND TRUST,
2470 SOUTH IVANHOE PLACE
HOLLY HILLS
DENVER, COLORADO,

Complainant;

vs.

CASE NO. 5483

THE POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC., A COLORADO
CORPORATION,
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Respondent.

H. GORDON HOWARD, TRUSTEE FOR THE
HOWARD FAMILY TRUST, AND THE
BENEFICIARIES THEREOF, AND THE
PINE LAKE TRAILER RESORT AND
CAMPGROUND,
2470 SOUTH IVANHOE PLACE
HOLLY HILLS
DENVER, COLORADO,

Complainant,

vs.

CASE NO. 5491

THE POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC., A COLORADO
CORPORATION,
220 EAST OLIVE STREET
FORT COLLINS, COLORADO,

Respondent.

September 11, 1973

Appearances: H. Gordon Howard, Denver,
Colorado, pro se,
Complainant;
Warren H. Price, Esq.,
Loveland, Colorado,
for The Poudre Valley
Rural Electric Association,
Inc., Respondent.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 16, 1973, Examiner Thomas M. McCaffrey, entered his Recommended Decision No. 83531 in the above-entitled proceedings.

On August 29, 1973, Complainant filed an exception to the said Recommended Decision.

On August 31, 1973, the Commission, by Decision No. 83610, denied Complainant's exception and adopted the Recommended Decision of the Examiner as its own. Decision No. 83610 was, however, prematurely entered as the time for filing exceptions did not expire until September 5, 1973.

On September 5, 1973, Respondent, The Poudre Valley Rural Electric Association, Inc., filed its Exceptions to the Recommended Decision of the Examiner and on September 6, 1973, the Complainant filed an Application for Reconsideration, Reargument or Rehearing of Commission Decision No. 83610.

THE COMMISSION FINDS:

1. That Decision No. 83610, having been entered prematurely, should be set aside.
2. That Complainant's Application for Reconsideration, Reargument or Rehearing of Decision No. 83610 should be denied as being moot after Decision No. 83610 is set aside. This, however, does not preclude Complainant from filing an application for reconsideration, reargument or rehearing of the instant decision herein.
3. That no transcript has been filed by any party in these proceedings. Accordingly, pursuant to 115-6-13, CRS 1963, as amended, the basic findings of fact of the Examiner must be, and hereby are, conclusively presumed to be correct and accurate.
4. That after reconsideration as required by statute, the Commission finds that exceptions filed by both parties respectively should be denied and the following order entered.

O R D E R

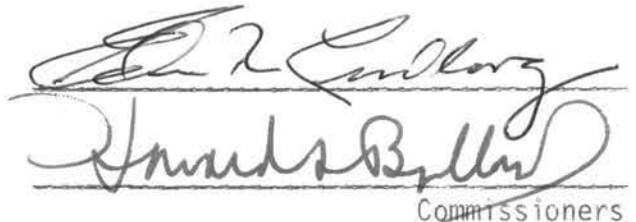
THE COMMISSION ORDERS THAT:

1. Decision No. 83610 be, and hereby is, set aside, and Complainant's Application for Reconsideration, Reargument or Rehearing thereof, being moot, be, and hereby is, denied.
2. Exception to Recommended Decision No. 83531 filed by the Complainant on August 29, 1973, be, and hereby is, denied.
3. Exceptions filed by Respondent on September 5, 1973, be, and hereby are, denied.
4. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 83531 be, and hereby are, adopted by the Commission.
5. The Examiner's Recommended Order in said Decision No. 83531 be, and hereby is, entered as the order of the Commission herein without any change or modification; and 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 be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.

hbp

(Decision No. 83671)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) SAN ISABEL ELECTRIC SERVICES, INC.,) TO TRANSFER CERTAIN FACILITIES TO) COLORADO-UTE ELECTRIC ASSOCIATION, INC.)	APPLICATION NO. 26930
IN THE MATTER OF THE APPLICATION OF) SOUTHEAST COLORADO POWER ASSOCIATION) TO TRANSFER CERTAIN FACILITIES TO) COLORADO-UTE ELECTRIC ASSOCIATION, INC.)	APPLICATION NO. 26931
IN THE MATTER OF THE APPLICATION OF) COLORADO-UTE ELECTRIC ASSOCIATION,) INC., FOR AN ORDER AUTHORIZING IT TO) ISSUE AND ASSUME CERTAIN SECURITIES.)	APPLICATION NO. 26932-Securities

September 11, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 7, 1973, the above-named Applicants filed a Motion which requested, in substance, the following relief:

- (1) That the above-captioned applications be consolidated for hearing and heard on a joint record;
- (2) That the time for entry of a decision on the above securities application be extended until such time as decisions are entered on the above transfer applications; and
- (3) That the filing of the captioned applications be noticed at an early date and the hearing be scheduled in Denver, Colorado.

The Commission notes that in said Motion the Applicant, Colorado-Ute Electric Association, Inc., waives the requirements set forth in CRS 115-1-4 (5) to the effect that the Commission must enter a decision within thirty (30) days after the filing of a securities application; and that said Applicant prays that the Commission accept such waiver.

The Commission finds and concludes that the granting of the foregoing Motion will be in the public interest and that the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The above-captioned applications be, and the same hereby are, consolidated for hearing, and shall be heard on a joint record.
2. The time for the entry of a decision on Securities Application No. 26932 be, and the same hereby is, extended until such time as decisions are entered on Application No. 26930 and Application No. 26931.
3. The Secretary of the Commission is directed to notice the above applications at the earliest practicable date and to schedule the hearing in Denver, Colorado.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM M. TYLER, DOING BUSINESS AS)	
"WESTERN ARMORED CAR," 1410 N. 7TH)	APPLICATION NO. 26539
STREET, GRAND JUNCTION, COLORADO)	
81501, FOR A CERTIFICATE OF PUBLIC)	ORDER VACATING AND DISMISSING
CONVENIENCE AND NECESSITY FOR THE)	APPLICATION
TRANSPORTATION OF COMMODITIES AS)	
IS MORE FULLY SET FORTH IN THE)	
APPLICATION BETWEEN POINTS AND)	
PLACES IN MESA COUNTY, COLORADO.)	

September 11, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 25, 1973, the above-entitled application was set for hearing on Tuesday, September 11, 1973, at 10 a.m. in the Courtroom -- Division 1, Mesa County Courthouse, Grand Junction, Colorado.

On September 6, 1973, John H. Lewis, attorney for Applicant, filed with the Commission a letter requesting the Commission to vacate the hearing and dismiss the application thereon.

Considering the letter received from Applicant's attorney, it appears proper to the Commission that the hearing scheduled for September 11, 1973, be vacated and the application dismissed.

O R D E R

THE COMMISSION ORDERS THAT:

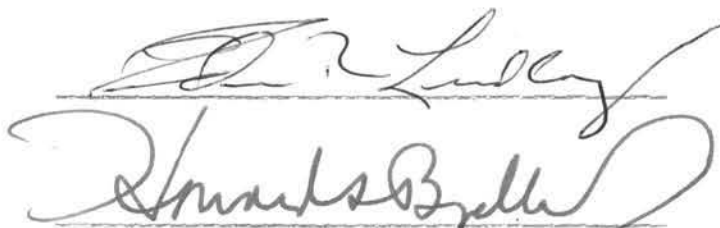
1. The hearing scheduled on Application No. 26539 for Tuesday, September 11, 1973, at 10 a.m. in the Courtroom -- Division 1, Mesa County Courthouse, Grand Junction, Colorado, be vacated.

2. Application No. 26539 be, and hereby is, dismissed.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 11th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Two handwritten signatures in cursive script, one above the other, each underlined. The top signature appears to be "D. R. Luby" and the bottom signature appears to be "Thomas B. ...".

Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RONALD F. SEELHOFF AND WALTER H.)
SEELHOFF, ROUTE 3, BURLINGTON, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26887-PP

ORDER OF THE COMMISSION

September 14, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and 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 IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and 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.

An appropriate Order will be entered.

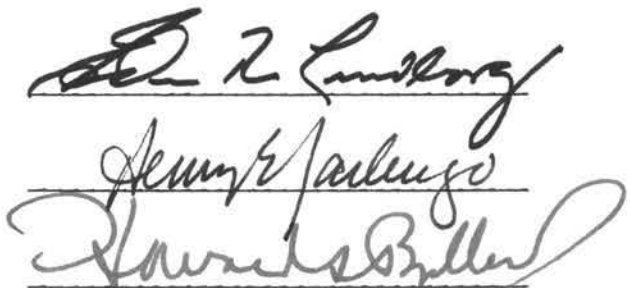
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83673
September 14, 1973

Ronald F. Seelhoff & Walter H. Seelhoff

Transportation of

Farm products

Between all points located on U.S. Interstate Highway 70 beginning at the Kansas-Colorado State line on the one hand and terminating in the City and County of Denver, Colorado, on the other hand serving all intermediate points.

RESTRICTION: This Permit is restricted against transporting livestock, bulk milk, and dairy products.

(Decision No. 83674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES RAY NELSON, DOING BUSINESS AS)
"J. R. NELSON TRUCKING," 1161 E.)
105TH PLACE, NORTHGLENN, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26964-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
September 14, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

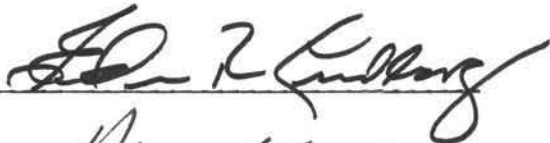
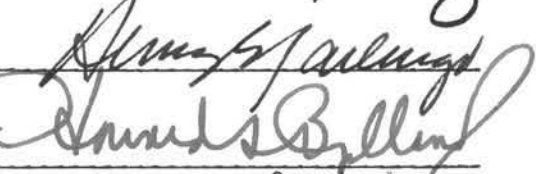
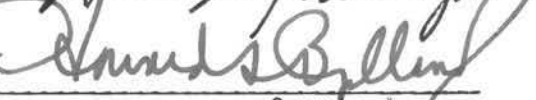
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83674
September 14, 1973

J. R. Nelson 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

(Decision No. 83675)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY I. DAVIS AND WILMA J. DAVIS,)
DOING BUSINESS AS "LEROY'S WRECKER)
SERVICE," ROUTE 2, BOX 45, LOVELAND,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26965-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 14, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

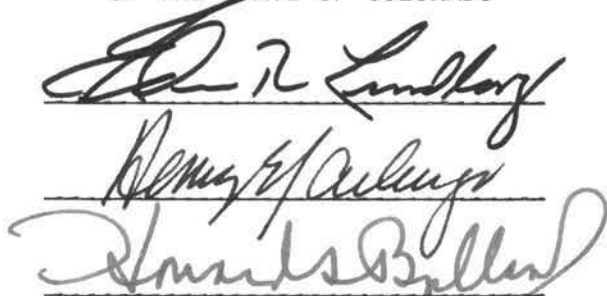
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83675
September 14, 1973

Leroy's Wrecker Service

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83676)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOUG MURRAY AND COWAN EASTHAM, OWNERS)
OF ALL THE OUTSTANDING CAPITAL STOCK)
IN AND TO COLORADO AEROMOTIVE COM-)
PANY, DOING BUSINESS AS "RAMPART)
AVIATION CO.," FOR AUTHORITY TO TRANS-)
FER SAID CAPITAL STOCK IN AND TO)
COLORADO AEROMOTIVE COMPANY, DOING)
BUSINESS AS "RAMPART AVIATION CO.,")
RECORD OWNER OF CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY PUC NO.)
AC-76 TO JOSEPH CONWAY.)

APPLICATION NO. 26807-Stock Transfer

ORDER OF THE COMMISSION

September 11, 1973

Appearances: Frederic M. Wise, Colorado Springs,
Colorado, for Transferee

It appearing, That by Notice of the Commission dated July 16, 1973,
notice of the filing of the above entitled application was given to all inter-
ested 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 Notice, and that
the herein proceeding is therefore noncontested and unopposed;

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

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

Wherefore, and good cause appearing therefor:

We find, That the Transferee is fit, willing and able, to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. AC-76, and that the transaction is compatible with the public interest and that the following Order should be entered.

It is ordered, That Doug Murray and Cowan Eastham, owners of all the outstanding capital stock in and to Colorado Aeromotive Company, doing business as "Rampart Aviation Co.," be, and are hereby, authorized to transfer all the outstanding capital stock in and to Colorado Aeromotive Company, doing business as "Rampart Aviation Co.," record owner of Certificate of Public Convenience and Necessity PUC No. AC-76 to Joseph Conway.

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 stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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 capital stock.

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

DONE IN OPEN MEETING the 11th day of September, 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)	
COLORADO TRANSFER & STORAGE, INC.,)	APPLICATION NO. 26735-Transfer
4815 LIMA STREET, DENVER, COLORADO,)	
TO TRANSFER CERTIFICATE OF PUBLIC)	RECOMMENDED DECISION OF
CONVENIENCE AND NECESSITY PUC NO.)	ROBERT L. PYLE, EXAMINER
3538 TO TRAVIS L. FOWLER AND EVELYN)	
I. FOWLER, DOING BUSINESS AS "FOWLER)	
MOVING & STORAGE CO.", 1940 BAVARIA)	GRANTING APPLICATION
DRIVE, COLORADO SPRINGS, COLORADO.)	

September 13, 1973

Appearances: Travis L. Fowler, Colorado
Springs, Colorado, Transferee,
pro se;
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for
Transport Clearings of
Colorado, Inc., Intervenor;
Wilbur M. Pryor, Jr., Esq.,
Denver, Colorado, for
Mountain States Bank, Intervenor.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on June 8, 1973; and, on July 6, 1973, upon a Protest and Motion to Intervene filed by Transport Clearings of Colorado, Inc., the Commission, by Decision No. 83302, allowed such intervention. Further, the Mountain States Bank appeared at the time of the hearing and was allowed to intervene as a creditor of Transferor.

After due and proper notice to all interested parties, the application was set for hearing on Wednesday, August 29, 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 heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Exhibits 1 and 2 were tendered and admitted into evidence; and, at the conclusion of the hearing, the subject matter was taken under advisement.

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

FINDINGS OF FACT

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

1. Transferor is a Colorado corporation whose principal stockholder, president and manager is one Earl F. Buckingham, who is now apparently having financial difficulties. Transferor, however, is the owner of Certificate of Public Convenience and Necessity PUC No. 3538, which is the subject of this transfer proceeding.

2. Transferees are individuals who propose to operate under the name and style of Fowler Moving & Storage Co. with a business address of 1940 Bavaria Drive, Colorado Springs, Colorado.

3. Certificate of Public Convenience and Necessity PUC No. 3538, the subject of this transfer proceeding, authorizes the following:

"To conduct a transfer, moving, and general cartage business within the City Limits of the City of Pueblo, Colorado."

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

4. Transferor is indebted to Intervenor Transport Clearings of Colorado, Inc., hence the intervention of said Transport Clearings of Colorado, Inc., in this proceeding. Also, Transferor is indebted to Mountain States Bank, hence its appearance in this proceeding.

5. Pursuant to the agreement between Transferor and Transferees for the sale and purchase of the authority, Transferees are paying a total sum of Five Thousand Dollars (\$5,000). One Thousand Dollars (\$1,000) has already been paid to Transferor and the balance is payable as follows: Two Thousand Dollars (\$2,000) upon the approval of the transfer by the

Public Utilities Commission and the balance payable at the rate of One Hundred Dollars (\$100) per month until fully paid. This is without interest.

6. The two Intervenorors have worked out an agreement with the Transferees whereby Transferees will pay the balance to said Intervenorors in the same manner as Transferees were to pay Transferor, which payments will be credited to Transferor's accounts with Intervenorors.

7. Transferees have a net worth of \$104,690, of which \$88,000 is in a savings account.

8. Transferees propose to lease for the time being the necessary equipment, which will be one truck to begin with so as to perform services under the authority.

9. Transferees are familiar with the rules and regulations of the Public Utilities Commission and agree to abide with them in the event this transfer is approved. They will provide adequate and necessary insurance.

10. Transferees have sufficient net worth and will obtain sufficient equipment so as to adequately operate the authority. Consideration being paid for the authority is fair and reasonable.

11. Travis L. Fowler, one of the Transferees, has recently retired from the military where, for several years, he handled the moving and storage of goods for military personnel at various bases. He is sufficiently experienced to operate this authority.

12. 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 herein-after set forth.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Colorado Transfer & Storage, Inc., 4815 Lima Street, Denver, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 3538 to Travis L. Fowler and Evelyn I. Fowler, doing business as "Fowler Moving & Storage Co.," 1940 Bavaria Drive, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority.
2. Said transfer shall become effective only if and when, but not before, said Transferor and Transferees, in writing have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, 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.
3. 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.
4. The right of Transferees 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.
5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF GREELEY GAS COMPANY FOR A CERTI-	)	APPLICATION NO. 26874
FICATE OF CONVENIENCE AND NECESSITY)	
TO EXERCISE FRANCHISE RIGHTS IN THE	)	RECOMMENDED DECISION OF
TOWN OF AULT, COUNTY OF WELD, STATE	)	ROBERT L. PYLE, EXAMINER
OF COLORADO, FOR THE PURCHASE, MANU-)	
FACTURE, DISTRIBUTION AND SALE OF	)	GRANTING APPLICATION
GAS, EITHER NATURAL, ARTIFICIAL OR)	
MIXED, IN SAID CITY.)	

September 13, 1973

Appearances: Houtchens, Houtchens and Dooley, Esqs.,
Greeley, Colorado, by
Barnard Houtchens, Esq.,
for Applicant;
Girts Krumins, Esq., Denver,
Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

On August 2, 1973, Greeley Gas Company, hereinafter referred to as Applicant, filed the above-titled application with this Commission for a certificate of public convenience and necessity to exercise franchise rights in the Town of Ault, County of Weld, State of Colorado, for the purchase, manufacture, distribution, and sale of gas, either natural, artificial or mixed, in said town.

The Commission assigned Docket No. 26874 to the application and gave due notice of the filing of the application in accordance with the provisions of 115-6-8 (2), CRS 1963, as amended.

Pursuant to law, the Commission designated Robert L. Pyle Examiner, for the purpose of conducting a hearing on this application and, after due and proper notice to all interested parties, set the matter for hearing at 10 a.m. in the Municipal Court Room, City Hall, Civic Center, Greeley, Colorado. The hearing was held at the same time and place.

No one appeared at the hearing in opposition to the granting of the application.

Exhibits Nos. A and B were tendered and admitted into evidence.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision containing 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 corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility subject to the jurisdiction of this Commission. Applicant is primarily engaged in the purchase, distribution, and sale of natural gas at various points within the State of Colorado.

2. A certified copy of Applicant's Certificate of Incorporation together with all amendments thereto is on file with this Commission.

3. On June 19, 1973, the Board of Trustees of the Town of Ault passed Ordinance No. 189 granting a gas franchise to Applicant, which Ordinance was entitled:

AN ORDINANCE GRANTING TO GREELEY GAS COMPANY, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A PLANT OR PLANTS AND WORKS FOR THE PURCHASE, MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ARTIFICIAL AND NATURAL GAS, OR EITHER THEREOF WITHIN THE CORPORATE LIMITS OF THE TOWN OF AULT.

A copy of said franchise, Exhibit A herein, was offered and admitted into evidence. This franchise is for a 25-year term and provides for a franchise

consideration to be paid to the Town of Ault in the amount of three percent of its gross revenue derived from the sale of gaseous fuel within the corporate limits of the town.

4. Under franchise granted by Ordinance No. 189 dated June 19, 1973, and under authority of a certificate of public convenience and necessity of this Commission granted in Decision No. 36824 issued June 4, 1951, Applicant has previously been providing natural gas service to the people of Ault.

5. Applicant obtains its supply of natural gas for distribution and sale in Ault from Western Slope Gas Company. The supply is presently adequate but may not be adequate for the entire term of this franchise.

6. There is no other public utility in the business of distributing gas in the Town of Ault. The population of Ault in 1973 was 1,333. As of July 31, 1973, Applicant served 381 gas customers in the town. Applicant's existing facilities, which are hereby found to be adequate, will be all utilized in continuing service. Applicant's financial statement, Exhibit B, herein, demonstrates Applicant's financial ability to perform its franchise obligations.

7. The present and future public convenience and necessity requires, and will require, the exercise by Applicant of the franchise rights granted in and by Ordinance No. 189, as set forth in Finding of Fact No. 3, supra, for the purchase, manufacture, transmission, distribution and sale of artificial and natural gas, or either thereof, within the corporate limits of the town.

8. The granting of this application would be in the public interest.

CONCLUSIONS

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

1. The authority sought in the application should be granted; limited, however, to serving only existing customers and such additional customers as can be served from available gas supplies.

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 present and future public convenience and necessity requires, and will require, the exercise by Applicant of the franchise rights granted in and by Ordinance No. 189 dated June 19, 1973, Exhibit A herein, which is by reference incorporated into and made a part hereof, for the purchase, manufacture, transmission, distribution and sale of artificial and natural gas, or either thereof, by Applicant in the Town of Ault, and this order shall be deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. This order shall not be construed as imposing any obligation or granting any right to extend gas service to new customers if such new customers cannot be served from available gas supplies.

3. Applicant shall install, operate and maintain its gas system and supply service in the Town of Ault in accordance with its schedules of rates, classifications, rules and regulations now on file with this Commission, or as the same may be changed, according to law and the rules and regulations of this Commission.

4. Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices in accordance with the Commission's Rules Regulating the Service of Gas Utilities and other requirements of the Commission.

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
hbp

(Decision No. 83679)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: AIR CARRIER OPERATIONS OF)
MEEKER AIRPORT, INC., MUNICIPAL) PUC NO. AC-30
AIRPORT, MEEKER, COLORADO 81641.)

SEP 7 1973
SEP 7 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Meeker Airport, Inc., requesting the Commission's approval of an encumbrance of Certificate of Public Convenience and Necessity PUC No. AC-30 to the First National Bank of Meeker, Meeker, Colorado, to secure payment of indebtedness in the principal sum of Forty-Six Thousand Dollars (\$46,000) in accordance with the terms and conditions of the Security Agreement dated January 24, 1973 and the Financing Statement dated May 23, 1969, as executed by and between said parties.

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

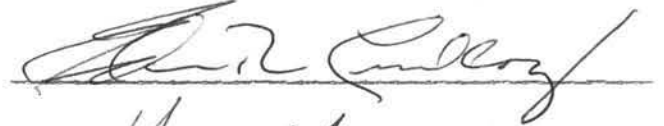
O R D E R

THE COMMISSION ORDERS:

That Meeker Airport, Inc., Meeker, Colorado, be, and hereby is, authorized to encumber all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. AC-30 to the First National Bank of Meeker, Meeker, Colorado, to secure the payment of the sum of Forty-Six Thousand Dollars (\$46,000) in accordance with the terms and conditions set forth in the Security Agreement dated January 24, 1973 and the Financing Statement dated May 23, 1969, which are 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 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
hbp

(Decision No. 83680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26329-Amended
WESTERN SLOPE TRANSPORTATION COMPANY,)	
A COLORADO CORPORATION, P. O. BOX 31,)	RECOMMENDED DECISION OF
EAGLE, COLORADO, FOR A CERTIFICATE)	ROBERT L. PYLE, EXAMINER
OF PUBLIC CONVENIENCE AND NECESSITY)	
TO OPERATE AS A COMMON CARRIER BY)	DISMISSING APPLICATION
MOTOR VEHICLE FOR HIRE.)	

- - - - -
September 13, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

The above-entitled application was filed with the Commission on January 19, 1973, and numerous protests were subsequently filed. After due and proper notice to all interested parties, the matter was set for hearing to begin on April 16, 1973, in the City Council Chambers, Municipal Building, Glenwood Springs, Colorado, where it was called for hearing by Examiner Robert L. Pyle, to whom it was duly assigned.

Following several restrictive amendments, it was found and determined that the case had not been properly noticed, and Applicant requested that it be given an opportunity to file an amended application, and that the matter be renoticed and reset in the usual course of procedure by this Commission. There being no objection thereto, this request was granted, and Applicant did subsequently file an amended application.

The amended application was set for hearing on Wednesday, July 18, 1973, at 9 a.m. in the Garfield County Courthouse, Glenwood Springs, Colorado. At that time when the matter was called for hearing, it was found and determined that Applicant's attorney was in ill health and unable to attend. The hearing was therefore canceled; and, pursuant to notice to all parties,

the application was called for a pre-hearing conference on Friday, August 10, 1973, at 8:30 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

At this pre-hearing conference where Applicant's attorney and several Protestants were present, it was determined and agreed by all parties that Applicant would answer numerous Interrogatories propounded by certain Protestants on or before August 20, 1973, that Applicant's attorney would prepare and file a pre-trial order on or before September 10, 1973, and that Applicant would amend its application so as to request authority to transport only livestock, beer and carbonated beverages, contractors' equipment, lumber and building materials, farm and ranch products (no town-to-town service), petroleum and petroleum products in tank vehicles to specific customers, and bulk cement. Also, certain counties, namely, Chaffee, Lake, Routt, and Rio Blanco were to be restricted from the application; and the application was to be amended so as to request an "in and out" authority from and to certain base counties.

Applicant has failed to answer Interrogatories, amend its application, or submit the pre-trial order on the dates indicated; and the Examiner, on his own motion, is dismissing the application.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above, it is concluded that:

1. Application No. 26329-Amended 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. 26329-Amended, being an application of Western Slope Transportation Company, a Colorado corporation, Post Office Box 31,

Eagle, Colorado, for a certificate of public convenience and necessity to operate 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. 83681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: DISCONTINUANCE OF DENVER
METRO TRANSIT BUS SCHEDULE -
MT. OLIVET ROUTE 83.

)
)
)

INVESTIGATION AND SUSPENSION
DOCKET NO. 808

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

September 13, 1973

Appearances: Max P. Zall, City Attorney, and
Brian H. Goral, Assistant City
Attorney, Denver, Colorado, for
Respondent;
John E. Archibold, Esq., Denver,
Colorado, for the Staff of the
Commission.

PROCEDURE AND RECORD

Under date of July 24, 1973, the Transit Management of Colorado, Inc., acting for and on behalf of Denver Metro Transit, filed weekday Schedule 73-2, Mt. Olivet Route 83, and Saturday Schedule 73.2, Mt. Olivet Route 83, announcing that said schedules would be discontinued August 25, 1973. Notice to the public of such discontinuance was prominently posted by the company in the busses serving the involved route. In essence, this is a request by Denver Metro Transit to discontinue the routes and schedules of its Mt. Olivet Route 83 bus.

Under date of August 3, 1973, the Commission, by Decision No. 83448, suspended the proposed cancellation and set Investigation and Suspension Docket No. 808 for hearing before the Commission on August 27, 1973, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle.

The only person appearing at the hearing to protest the discontinuance of the route in question was Mrs. Hazel Ware, whose address is 8341 West 52nd Avenue, Arvada, Colorado, 80002. Exhibits A, B, C, and D were tendered and admitted into evidence; and, 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. This is an application for Denver Metro Transit to discontinue the scheduled operations of Route No. 83-Mt. Olivet operating between West 44th Avenue and Yates Street and West 44th Avenue and Youngfield Street in the Denver metropolitan area and particularly in the Arvada area.

2. Proper notice to the public was posted in a conspicuous and prominent place within the vehicle and due notice of the scheduled hearing on the application was given to Transit Management of Colorado, Inc., the City Attorney for the City and County of Denver, Mrs. Hazel Ware, a citizen of Arvada interested in the continuance of the line, the Chamber of Commerce for the City of Arvada, the Chamber of Commerce for the City and County of Denver, and the Managing Director of the Mt. Olivet Cemetery Association. As indicated in the Procedure and Record, the only person appearing and expressing a desire for the continuance of the line was Mrs. Hazel Ware.

3. Exhibit A reveals the total number of passengers carried each day from June 18, 1973, through August 14, 1973. Exhibit B shows the total number of passengers carried on Route No. 83 beginning June 18, 1973, through August 23, 1973, and includes a breakdown of the exact number of passengers carried on every scheduled run each day during this time period. Exhibit B reflects that seventeen round trips are made on weekdays and ten round trips are made on Saturdays.

4. Exhibit C shows the total cost for the operation of Route No. 83 during the period June 18, 1973, through August 13, 1973, and reflects a total net loss of \$9,042.25 during this time period. The "Cost Per Mile" and the "Labor Cost Per Mile" in Exhibit C were calculated on the basis of actual direct costs attributable to the operation of this particular Route during the time period included in this Exhibit. Exhibit D discloses the fully-allocated or total costs in connection with the operation of Route No. 83 during the period June 18, 1973, through August 13, 1973, utilizing actual "Cost Per Mile" and "Labor Cost Per Mile" applicable uniformly to the operation of all transit busses throughout the entire system, both within and outside the City and County of Denver. Exhibit D reflects a net operating loss from June 18, 1973, through August 13, 1973, of \$11,272.17.

5. Denver Metro Transit will suffer losses in the amount of 1.3 million dollars during 1973; and, because of increased costs of operations and a new labor contract, the 1974 operating losses will amount to 1.9 million dollars.

6. There was no justification for the continuation of Route No. 83 when consideration is given to the financial losses that have already been sustained, and also, when consideration is given to the overall needs of Denver Metro Transit for additional busses where the demand is far greater on other scheduled routes. The public is inconvenienced in that many people are standing and waiting for busses on some routes, while Route No. 83 is operating with an average of less than two passengers on its most heavily-patronized run.

7. The Staff of the Commission did not present any exhibits or testimony supported by statistical data so as to justify the retention of this particular bus line. Further and although Mrs. Ware's personal needs are of great importance to her, it is not in the public interest to use public funds to furnish a bus that acts more in the nature of a taxicab service for one or two people. The added expense of maintaining this line is simply not justified by its public use.

8. The record made during the hearing revealed that Denver Metro Transit is operating Route No. 83 with inordinate financial losses. These losses become unconscionable when considered in the light of the small number of passengers utilizing this scheduled service. It is clearly apparent that this bus could be placed elsewhere in the system and thus better serve the general public. The record discloses that Denver Metro Transit presently operates 241 busses and additionally leases 19 busses at the cost of \$400 to \$800 per month each, depending upon the size of the bus.

9. The bus assigned to Route No. 83 could be better utilized elsewhere in the system and thus serve the public interest. It is not in the public interest to underwrite the high cost of transportation to serve the transportation requirements or needs of just a few people. The continuation of Route No. 83 is not required by public convenience and necessity.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The application to discontinue Denver Metro Transit Bus Schedule Mt. Olivet Route No. 83 should be granted.

2. The Suspension Order of the Commission on August 3, 1973, by Decision No. 83448, should be set aside.

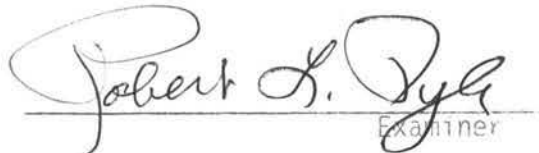
3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Denver Metro Transit, be, and hereby is, authorized to discontinue and otherwise cancel its Schedule 73-2 Mt. Olivet Route No. 83, and suspension thereof contained in Commission Decision No. 83448, dated August 3, 1973, be, and hereby is, canceled.
2. Investigation and Suspension Docket No. 808 be, and hereby is, vacated and the matter discontinued.
3. Denver Metro Transit shall issue the necessary cancellation supplement on thirty (30) days' notice to the Commission and the general public.
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

JS

(Decision No. 83682)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALEX GERLACH & SON DISPOSAL CO.,)
3510 BRIGHTON BOULEVARD, DENVER,)
COLORADO FOR EMERGENCY TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 3344.)

APPLICATION NO. 26967-Extension-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
September 14, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.


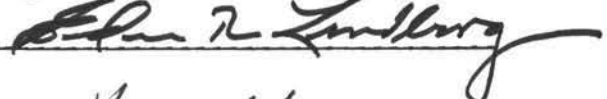
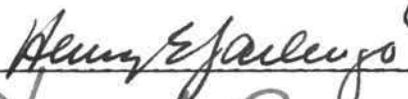
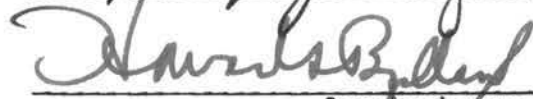
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Common Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Appendix
Decision No. 83682
September 14, 1973

Alex Gerlach & Son Disposal Co.

Transportation of

Ash, trash, and other refuse

From the sites of The Cedar Run Apartments located at 888 South Oneida, Denver, Colorado, and from The Boardwalk Apartments located at 7201 Leetsdale Drive, Denver, Colorado, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 83683)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GERARD C. BERTSCH, DOING BUSINESS)
AS "ROD'S RUBBISH REMOVAL," 3237)
SOUTH DALE COURT, ENGLEWOOD, COLO-)
RADO, FOR EMERGENCY TEMPORARY AUTH-)
ORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26968-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 14, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

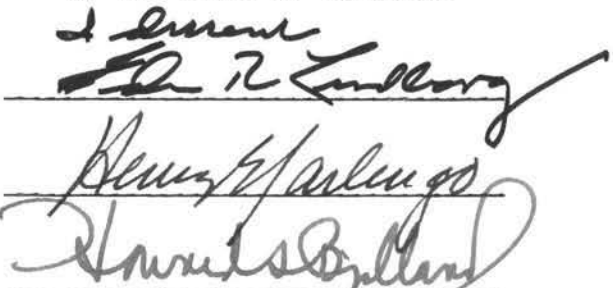
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83683
September 14, 1973

Rod's Rubbish Removal

Transportation of

Ash, trash, and other refuse

From points located within the following described area: Commencing at the intersection of East Quincy Avenue and Parker Road in Arapahoe County; thence south along Parker Road to its intersection with Orchard Avenue as extended; thence east along Orchard Avenue as extended to its intersection with Buckley Road; thence north along Buckley Road to its intersection with East Quincy Avenue; thence west along East Quincy Avenue to the point of beginning, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only Pheasant Run Townhomes Association.

(Decision No. 83684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY D. FIDLER AND MARY F. FIDLER,)
FOR EMERGENCY TEMPORARY APPROVAL TO)
ACQUIRE OPERATIONAL CONTROL OF)
GOODWIN DISPOSAL SERVICE COMPANY,)
RECORD OWNER OF CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY PUC)
NO. 3901, PENDING DETERMINATION OF)
THE APPLICATION TO ACQUIRE THE)
CAPITAL STOCK IN AND TO GOODWIN)
DISPOSAL SERVICE COMPANY.)

APPLICATION NO. 26569-Stock Transfer-ET

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

September 14, 1973

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

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and 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 the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ed R. Culberson
I dissent: the competitive
situation remains unclear. Henry E.
Zeigler
Handwritten signature
Commissioners

(Decision No. 83685)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GREG FRANKS, DOING BUSINESS AS)
"GREG FRANKS TRUCKING," 9870 W.)
37TH AVENUE, WHEATRIDGE, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26966-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 14, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

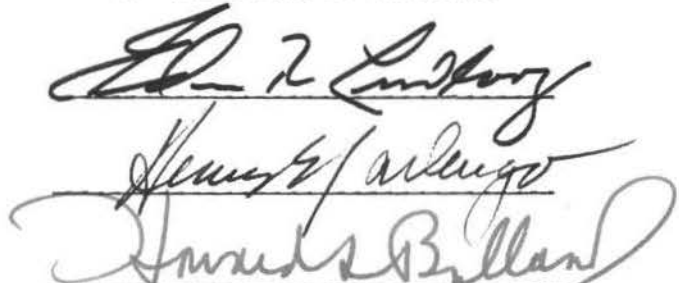
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83685
September 14, 1973

Greg Franks 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

(Decision No. 83686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARCEE CO., INC., 4620 SO. GALAPAGO,))
ENGLEWOOD, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26969-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

September 14, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

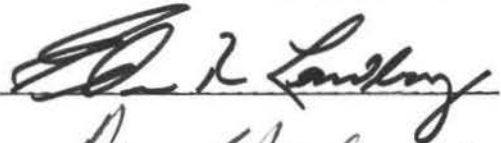
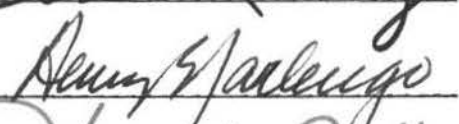
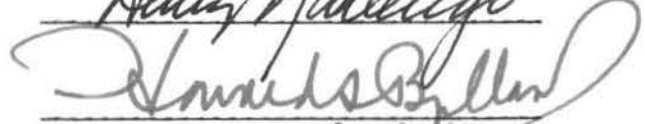
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 14th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83686
September 14, 1973

Arcee 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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICARDO P. REID, DOING BUSINESS AS)
"COMMUNITY FURNITURE MOVERS," 1335)
EAST 35TH AVENUE, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 26703-Amended

RECOMMENDED DECISION OF
THOMAS M. McCaffrey,
EXAMINER

GRANTING APPLICATION

- - - - -
September 14, 1973
- - - - -

Appearances: Lionel M. Menin, Esq.,
Denver, Colorado,
for Applicant;
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for
Bowers Transfer & Storage Co.,
Protestant;
Ernest Porter, Esq., of the
firm of Stockton & Lewis,
Denver, Colorado, for
Colorado Moving & Storage, Inc.,
Protestant;
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.,
Duffy Storage & Moving Co.,
G. I. Moving & Storage Co.,
Johnson Storage & Moving Co.,
Kamp Moving & Storage Co.,
Merchants Transfer & Storage Co., Inc.,
Murphy's Express, Inc.,
Thomas & Son Transfer Line, Inc.,
Tiller's Moving & Storage, Inc.,
United States Transfer & Storage Co., and
Weicker Transfer & Storage Co.,
Protestants.

PROCEDURE AND RECORD

On May 30, 1973, Ricardo P. Reid, hereinafter referred to as Applicant, filed the above-titled application with this Commission for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire as specifically set forth in the application.

The Commission assigned Docket No. 26703 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

The following protests were received subsequent to the filing of the application: on June 21, 1973, the protests of Bowers Transfer & Storage Co. and Colorado Moving & Storage, Inc.; and on June 22, 1973, the protests of Acme Delivery Service, Inc.; Amick Transfer & Storage Co.; Bekins Van & Storage Co.; Berkeley Moving & Storage Co.; Bonanaza Moving & Storage Co.; Buehler Transfer Co.; Denver Moving & Storage, Inc.; Duffy Storage & Moving Co.; G. I. Moving & Storage Co.; Johnson Storage & Moving Co.; Kamp Moving & Storage Co.; Merchants Transfer & Storage Co., Inc.; Murph's Express, Inc.; Thomas & Son Transfer Line, Inc.; Tiller's Moving & Storage, Inc.; United States Transfer & Storage Co.; and Weicker Transfer & Storage Co.

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 application for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Thursday, August 16, 1973, at 10 a.m. The hearing was held at the said time and place.

As a preliminary matter, Applicant orally moved to amend the application so as to authorize the transportation of used light household goods, furniture, and appliances, and further restricting the application to the use of no more than four vehicles of 12-foot van body type equipment. There being no objection to the motion to so amend, and the amendment being clearly restrictive in nature, the Examiner granted the Motion to Amend the Application, whereupon all protestants of record withdrew their protests, and the matter proceeded as uncontested proceeding.

Exhibit No. 1 was offered and admitted into evidence. Official notice was taken of the financial statement filed by the Applicant with his application.

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

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

FINDINGS OF FACT

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

1. Applicant is an individual doing business as "Community Furniture Movers," 1335 East 35th Avenue, Denver, Colorado.
2. Applicant in this matter proposes to operate a public utility, as defined in Chapter 115, CRS 1963, as amended.
3. The Commission has jurisdiction over the Applicant and the subject matter of this proceeding.
4. Applicant presently holds no authority from this Commission, and by this application seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire as follows:

Transportation of

Household goods, used furniture, and used appliances

Between points in an area bounded by Quince Street on the east, Colfax Avenue on the south, Broadway on the west until it becomes Brighton Boulevard, thence northeast along Brighton Boulevard to the intersection with Interstate 70, and on the north by Interstate 70.

RESTRICTED: No more than 4 vehicles with van-body equipment not exceeding 12 feet in length shall be used in the operation of this authority.

5. This application, as amended, was not protested.

6. Numerous common carriers are authorized to and do transport the commodities within the area requested in this application. The evidence clearly shows, however, that because of the smallness of the loads to be transported, many times consisting of but a single item such as a sofa, bedroom furniture, etc., and the short distance these used commodities are to be transported, there is a delay of three days or more in obtaining service from these other carriers. Such delay causes considerable inconvenience to the residents and businesses in the requested area and many times results in the prospective customer transporting the items himself rather than using the common carrier service.

Applicant, if this application is granted, proposes to direct his advertising and solicitation to the small volume, short-haul type of business, and thus should be able to render quick, reliable service. By allowing competition of the Applicant in this area for the proposed used commodities, service to the public upon which it can rely should improve by virtue of the existence of such competition. For these reasons, public convenience and necessity requires the additional competition that will result in the granting of this application, and such granting will not create ruinous competition or substantially adversely affect the economic position of existing certificated common carriers.

7. Applicant owns a 1973 Chevrolet 3/4-ton pickup truck which he will initially utilize in rendering the proposed service. Applicant was formerly employed by a moving company in Kingston, Jamaica, for approximately seven and one-half years, and thus has considerable experience in and knowledge of the transportation industry. Applicant also intends to hire two part-time experienced employees to assist him. It is hereby found as fact that Applicant's equipment and experience are ample and suitable for the operation of the authority requested in this application.

8. Applicant has a net worth of \$3,975, which amount, although not substantial, is ample and sufficient for the operation of the authority sought herein.

9. Applicant is, or will become, sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

10. The granting of this 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 as herein-after set forth.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Ricardo P. Reid, doing business as "Community Furniture Movers," 1335 East 35th Avenue, Denver, Colorado 80205, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

Transportation of

Used household goods, used furniture, and used appliances

Between points within the following described area: beginning at a point where Quince Street intersects Colfax Avenue; thence west along Colfax Avenue to Broadway; thence north along Broadway to Brighton Boulevard; thence northeast along Brighton Boulevard to Interstate Highway No. 70; thence east on Interstate Highway No. 70 to Quince Street, as extended; thence south on Quince Street, as extended, to the point of beginning.

RESTRICTION:

This authority is restricted to the use of no more than four vehicles of 12-foot van body equipment;

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

2. Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McCaffrey
Examiner
VJR

(Decision No. 83688)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ANNA MARIE DIGREGORIO AND JOSEPH A.)	
DIGREGORIO, OWNERS OF ALL THE OUT-)	APPLICATION NO. 26792-Stock Transfer
STANDING CAPITAL STOCK IN AND TO)	
JOS. DIGREGORIO & SONS TRASH HAUL-)	ORDER OF THE COMMISSION
ING, INC., FOR AUTHORITY TO TRANS-)	
FER SAID CAPITAL STOCK IN AND TO)	
JOS. DIGREGORIO & SONS TRASH HAUL-)	
ING, INC., RECORD OWNER OF CERTIF-)	
ICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY PUC NO. 3197 TO HOMER)	
JENNINGS AND DEAN KRAMER.)	

September 7, 1973

Appearances: Arthur B. Odden, Esq.,
Denver, Colorado,
for Applicants.

IT APPEARING, That by Notice of the Commission dated July 16, 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 Notice, and that the herein proceeding is therefore noncontested and unopposed;

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

AND IT FURTHER APPEARING, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 3197, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Anna Marie DiGregorio and Joseph A. DiGregorio, owners of all the outstanding capital stock in and to Jos. DiGregorio & Sons Trash Hauling, Inc., be, and are hereby, authorized to transfer all the outstanding capital stock in and to Jos. DiGregorio & Sons Trash Hauling, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 3197 to Homer Jennings and Dean Kramer.



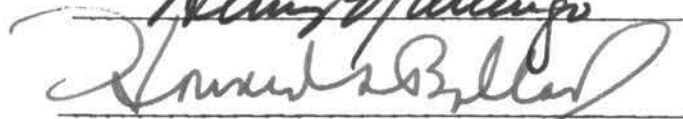
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with,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

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one (21) days from the date hereof.

DONE IN OPEN MEETING the 7th day of September, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
CONTRACT CARRIERS LISTED ON)	
"APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCaffrey,
Respondents.	)	EXAMINER

- - - - -
September 14, 1973
- - - - -

Appearances: Vicki Benson, 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 August 20, 1973. The matters were duly called for hearing pursuant to such notice on Tuesday, September 4, 1973, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, 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 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. The records and files of the Commission do not disclose a currently effective Certificate of Insurance and/or Tariff, Equipment List, or Issuance Fee paid 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, Tariff, and/or Equipment List, or Issuance Fee paid 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, Tariff, and/or Equipment List or pays the required Issuance Fee 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

Thomas M. Mc Caffrey
Examiner

"APPENDIX A"

Applications

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>CASE NO.</u>
Donald H. Smith dba A All Weather Operations Route 1 Henderson, CO 80640	26686-PP	76-App.
Abel Velasquez, Jr. dba Abe's Logging 715 Townsend Montrose, CO 81401	25498-PP	77-App.
A. C. Cockrum Box 92 Larkspur, CO 80118	26679-PP	80-App.
John M. Johnson P.O. Box 280 Buena Vista, CO 81211	26644-PP	82-App.
Western Leasing Co. of Colo. Boulder Municipal Airport Boulder, CO 80301	26702-PP	87-App.