BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE FRYING PAN LIGHT AND POWER COMPANY, A PUBLIC SERVICE CORPORATION, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 4183
ORDER OVERRULING PETITION FOR REHEARING

December 16, 1937.

Appearances: Darrow and Darrow, Esqs., Glenwood Springs, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On October 6, 1937, an order was entered in the instant matter granting a certificate of public convenience and necessity to The Frying Pan Light and Power Company to exercise certain franchise rights in the Town of Basalt, Colorado. Thereafter, on, to-wit, the 16th day of October, 1937, a petition was filed by one Charles F. Garlington, requesting that our order be set aside and said case reopened and set for further hearing.

Said petition alleges, inter alia, that petitioner is a citizen of Pitkin County and also maintains a residence in Carbondale, Garfield County, and is conducting a licensed abstract business in both Pitkin and Eagle counties, Colorado. Further allegations are made that the interests of the public at large in Pitkin, Eagle and Garfield counties are adversely affected by our order, and that an opportunity should be granted to present a true picture of the situation upon the record.

An examination of the original notice served in the instant case, discloses that petitioner was notified of the date and place of hearing, but failed to appear. We also find that the Board of County Commissioners of Eagle County and the Mayor of the Town of Basalt, as well as others, were notified of said hearing. Under all the facts and circumstances as presented by the record, it does not appear that petitioner has such interest in the subject matter of

this application that would entitle him to apply for rehearing under Section 51 of the Public Utilities Act, and further, said petition fails to allege any valid reason why petitioner was not present at the former hearing that would justify the Commission in reopening said matter.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that under said petition it has no power or authority to order a rehearing, and that said petition should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed by Charles F. Garlington in the instant matter, be, and the same is hereby denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

BH

(Decision No. 11111)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALMA-DENVER BUS LINES, INC., AND RIO GRANDE MOTOR WAY, INC., FOR APPROVAL OF LEASE.

APPLICATION NO. 2309-A-B-A
ORDER APPROVING LEASE

December 16, 1937.

S T A T E M E N T

By the Commission:

An original copy of lease bearing date of December 14, 1937, between Alma-Denver Bus Lines, Inc., party of the first part, and Rio Grande Motor Way, Inc., party of the second part, has been filed with the Commission with a request that an order of approval of the terms and conditions of said lease be entered upon our records.

Said lease provides in part that second party shall take over the operations of first party in the transportation of passengers, baggage and express between Denver and Buena Vista, Colorado, and certain intermediate points. Said operation is to be conducted by the second party with its own equipment, and first party is to suspend its own operations while the agreement is in effect between said parties.

Said lease further provides that second party shall pay first party twenty-five (25) per cent of the net value (net value being the selling cost less 10 per cent) of all local tickets from, to and between Denver and Buena Vista, Colorado, with the further provision that said payments shall equal at least $2400.00 for each year of operation under said lease. The term of said lease is for a period of one year with certain rights of renewal.

It would appear from an examination of said application that the approval of said lease would be in the public interest, and, therefore, the Commission is of the opinion, and so finds, that said lease should be approved.

O R D E R

IT IS THEREFORE ORDERED, That the lease agreement dated December 14, 1937, by and between Alma-Denver Bus Lines, Inc., and Rio Grande Motor Way, Inc., be, and the same is hereby, approved by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

BH

(Decision No. 11112)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT R. PHILLIPS, CREEDE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4321-PP

December 16, 1937

Appearances: Robert R. Phillips, Creede, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Lute Vance, Oliver Curtis, B. B. Andis, and Adolph Arguello;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Robert R. Phillips of Creede, Colorado, the applicant herein, stated that he had a dump truck and wanted authority to transport sand, gravel, rock, shale, oil mix and like road construction material as well as the necessary loose materials used in the construction of bridges in Mineral County, Colorado, only.

Upon this statement being made by the applicant there were no objections offered by those appearing at the hearing.

After a careful consideration of the record the Commission is of the opinion and finds that the authority sought should be granted, limited however as indicated by the statement of the applicant.

O R D E R

IT IS THEREFORE ORDERED, That Robert R. Phillips of Creede, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, rock, shale, oil mix and other road surfacing materials, including similar loose materials used in the construction of bridges, with authority to render this service in Mineral County, Colorado, only.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

B

(Decision No. 11113)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES S. JENSEN FOR AUTHORITY TO)
TRANSFER HIS PRIVATE PERMIT A-1057) APPLICATION NO. 2400-PP-A
TO J. F. McINTYRE, SANFORD, COLORADO)

December 16, 1937

Appearances: J. S. Jensen and J. F. McIntyre, both of Sanford, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

James S. Jensen testified that he was the holder of Permit No. A-1057, granted by authority of Decision No. 6746, under date of October 24, 1935, authorizing the transportation of:

> "milk only, with back haul of empties only, along the milk route delineated on map attached to said application and described as commencing at a point three miles north of the Conejos-Alamosa county line on State Highway No. 17, and thence along said highway and certain county roads west thereof to La Jara, and thence along Highway 136 to Sanford";

that he desired authority to transfer same to J. F. McIntyre; that there were no outstanding unpaid obligations as a result of his operations under this permit; that for some time back he had been unable to handle the matter personally and had engaged the services of J. F. McIntyre until a transfer could be authorized; that the consideration to be paid by McIntyre was $1,000.00; and that to his own knowledge McIntyre possessed two trucks, was financially able to conduct the operation, was an experienced operator, and highly satisfactory to the customers.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the authority should be granted to the transferor to transfer his rights in said permit.

O R D E R

IT IS THEREFORE ORDERED, That James S. Jensen be and he hereby

is granted authority to transfer all of his right, title and interest in and to Permit A-1057 to J. F. McIntyre of Sanford, Colorado, and this order shall be authority for such action.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferees in writing have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in 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 right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

B

(Decision No. 11114)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PETRANILO ARMIJO, KERSEY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4247-PP

December 16, 1937

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company and Union Delivery Co.; Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association, et al.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing at Greeley, Colorado, November 10, 1937, pursuant to due notice, at which time and place the applicant failed to appear.

Protestants appearing at the hearing interposed motion to dismiss for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss the above numbered application be and the same is hereby granted, and Application No. 4247-PP be and the same hereby is dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

B

(Decision No. 11115)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT HERMAN, RURAL ROUTE, LINCOLN, KANSAS, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4251-PP

December 16, 1937

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company and Union Delivery Company;
Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association, et al.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing at Greeley, Colorado, November 10, 1937, pursuant to due notice, at which time and place the applicant failed to appear.

Protestants appearing at the hearing interposed motion to dismiss for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss the above numbered application be and the same is hereby granted, and Application No. 4251-PP be and the same hereby is dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

B

(Decision No. 11116)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
BUD HUFFMAN, ILIFF, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4265-PP

December 16, 1937

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company and Union Delivery Company;
Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association, et al.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing at Greeley, Colorado, November 10, 1937, pursuant to due notice, at which time and place the applicant failed to appear.

Protestants appearing at the hearing interposed motion to dismiss for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss the above numbered application should be, and the same is hereby granted, and Application No. 4265-PP should be, and the same hereby is, dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1937.

MW

(Decision No. 11117)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. A. VAN DYKE, OVID, COLORADO,) CASE NO. 4466-R
RESPONDENT.) PERMIT NO. B-1235

December 16, 1937

S T A T E M E N T

By the Commission:

On December 1, 1937, in Case No. 4466-R, an order was issued by the Commission revoking and cancelling Permit No. B-1235, on account of the respondent having failed to pay the deposit required by law and the Rules and Regulations of the Commission, as a guarantee for the payment of state highway compensation taxes.

The Commission is now in receipt of the required deposit, it having been paid under date of December 4, 1937, and the records show that the respondent has complied with all laws, Rules and Regulations of the Commission governing private carriers for hire.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the revocation order should be set aside and said permit restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued in Case No. 4466-R, under date of December 1, 1937, be, and the same is hereby set aside and held for naught and Permit No. B-1235 declared to be in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Evans

W. E. Danks

Walter Bossom

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1937.

MW

(Decision No. 11118)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
KATHERINE AND LOUIS WEITZEL,)
FORT COLLINS, COLORADO, RES-)
PONDENTS.)

CASE NO. 4498-R
PERMIT NO. B-1446

December 16, 1937

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit No. B-1446, on account of the respondent having failed to pay the deposit required by law and the rules and regulations of the Commission, as a guarantee for the payment of State Highway Compensation Taxes. The records now disclose that on December 3, 1937, the required deposit was received at the office, indicating that the same had been collected by the Patrol, under date of October 28, more than thirty days prior to the date of the revocation order.

After careful consideration of the record, the Commission is of the opinion, and finds, that the deposit was in the hands of proper authority more than thirty days prior to the issuance of the revocation order, although same had not reached the Auditor, and that revocation order should be set aside and held for naught.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered in Case No. 4498-R, revoking and cancelling Permit No. B-1446 should be and the same hereby is revoked and set aside and Permit No. B-1446 is hereby declared to be in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1937.
MW

(Decision No. 11119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF J. M. FOX AND ARNOLD NICHOLS, DOING BUSINESS AS "GREEN AND WHITE CAB COMPANY", TO OPERATE A GENERAL TAXI SERVICE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BETWEEN ANY AND ALL POINTS WITHIN A RADIUS OF THIRTY-FIVE MILES FROM CITY LIMITS OF DENVER, COLORADO.	APPLICATION NO. 3156
IN THE MATTER OF THE APPLICATION OF THE PUBLIX CAB COMPANY, A CORPORATION, TO OPERATE A GENERAL TAXI SERVICE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BETWEEN ANY AND ALL POINTS WITHIN A RADIUS OF THIRTY-FIVE MILES FROM CITY LIMITS OF DENVER, COLORADO.	APPLICATION NO. 3157
IN THE MATTER OF THE APPLICATION OF W. MARLAR AND FRIEDA MARLAR, A CO-PARTNERSHIP, DOING BUSINESS AS "BILL'S CAB COMPANY", TO OPERATE A GENERAL TAXI SERVICE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BETWEEN ANY AND ALL POINTS WITHIN A RADIUS OF THIRTY-FIVE MILES FROM CITY LIMITS OF DENVER, COLORADO.	APPLICATION NO. 3158
IN THE MATTER OF THE APPLICATION OF FORREST M. WOODS AND LOUIN O. WOODS A CO-PARTNERSHIP, DOING BUSINESS AS "DOLLAR CAB COMPANY", OPERATING ZONE CABS TO OPERATE A GENERAL TAXI SERVICE FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BETWEEN ANY AND ALL POINTS WITHIN A RADIUS OF THIRTY-FIVE MILES FROM CITY LIMITS OF DENVER, COLORADO.	APPLICATION NO. 3159

December 16, 1937

S T A T E M E N T

By the Commission:

On April 24, 1937, a petition for rehearing was filed in the instant matters, upon which no action has as yet been taken by the Commission.

We are now in receipt of a request from the attorney for petitioners, asking authority to withdraw said motion for rehearing and for a dismissal of the proceedings without prejudice.

After a careful consideration of the record, including said petition, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That applicants be, and they are hereby, authorized to withdraw their petition for rehearing filed April 24, 1937.

IT IS FURTHER ORDERED, That the instant applications be, and the same are hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1937.

MW

(Decision No. 11120)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF DALE DOUGLAS, LARAMIE, WYOMING, RESPONDENT.)

PERMIT 975-I

December 16, 1937

S T A T E M E N T

By the Commission:

On November 10, 1937, the Commission issued an order in Case No. 4317-R revoking and cancelling P.U.C. 975-I, because the respondent had failed to file reports for the months of June, July and August, 1937, and to pay the deposit required by law and our rules to guarantee payment of State Highway Compensation taxes.

The Commission is now in receipt of two communications made in response to a letter from the Auditing Department and another from the Secretary of the Commission, which show that the reports have been filed as required by the Rules and Regulations of the Commission and the $10.00 deposit has been made as required by law and that Permit 975-I should be restored to its original status.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order should be set aside and said permit restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered under date of November 10, 1937, revoking Permit 975-I should be and the same hereby is set aside and Permit 975-I restored to full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

B

(Decision No. 11121)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SOUTHERN COLORADO POWER COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE RIGHTS UNDER A FRANCHISE GRANTED TO APPLICANT BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVER CLIFF, IN CUSTER COUNTY, COLORADO.

APPLICATION NO. 4390

December 16, 1937

Appearances: Devine, Preston and Peterson, Esqs., Pueblo, Colorado, attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain franchise rights granted by the Board of Trustees of the Town of Silver Cliff, Custer County, Colorado, by Ordinance No. 270. On October 14, 1937, there was passed by the Board of Trustees, and approved by the Mayor of the town of Silver Cliff, said Ordinance No. 270, granting to applicant, its successors and assigns, a franchise -

> "TO FURNISH TO THE TOWN OF SILVER CLIFF, AND ITS INHABITANTS, ELECTRICITY FOR ILLUMINATING, HEATING, POWER AND ALL OTHER PURPOSES, TO WHICH THE SAME MAY BE APPLICABLE, AND TO ERECT AND MAINTAIN A PLANT AND SYSTEM THEREFOR, AND GRANTING A RIGHT OF WAY OVER, UPON, ALONG, UNDER AND ACROSS THE STREETS, ALLEYS AND PUBLIC PLACES OF SAID TOWN FOR THE ERECTION OF POLES AND WIRES THEREFOR."

The term of said franchise is for a period of 25 years from and after its passage and approval.

The evidence disclosed that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado and doing business as a public utility; that the principal office and post office address of applicant is in the city of Pueblo, Colorado. Generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electric energy and in transporting such energy by means of distribution lines for heat, light, power and other purposes,

directly to consumers or wholesalers.

It was further disclosed that no other utility is now serving the town of Silver Cliff, which has a population of 237; that applicant at the present time has approximately 15 customers in said town, and has been for some time, not only serving the residents of said town of Silver Cliff, but also the rural and suburban territory surrounding the town, with electricity for illuminating, heating, power and other purposes by and through its generating plants and distribution systems.

No objections to the application filed herein have been made, but on the contrary, the Commission is in receipt of communications from both the Board of County Commissioners of Custer County and the Mayor of Silver Cliff, consenting to and requesting that the certificate prayed for by applicant in the instant case be granted.

The evidence further disclosed that the actual investment in the system serving the town of Silver Cliff is approximately $2,500.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Silver Cliff, together with the further right to furnish such electrical energy as practicable for light, heat, power and other purposes to the rural and suburban population and the enterprises along the route of its said transmission line and in the vicinity thereof, in the territory surrounding said Town of Silver Cliff contiguous to its facilities, plant, line and system.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Silver Cliff in

Ordinance No. 270, including the right to furnish electrical energy for light, power, heat and other purposes, to the rural and suburban population in the territory surrounding the said Town of Silver Cliff, and the enterprises along the route of applicant's transmission lines and contiguous to its facilities, lines, plant and system, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform C lassification of Accounts, and in all respects bring its practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

B

(Decision No. 11122)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
B. W. HITCHCOCK AND HARVEY)
HITCHCOCK, DOING BUSINESS AS) PERMIT NO. A-597
HITCHCOCK TRUCK LINE.)

December 16, 1937

S T A T E M E N T

By the Commission:

On June 2, 1937, Decision No. 10085, the Commission issued an order authorizing B. W. Hitchcock and Harvey Hitchcock, doing business as Hitchcock Truck Line, to suspend operations under Permit No. A-597 for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from B. W. Hitchcock requesting an additional six months' suspension of said company's permit.

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

O R D E R

IT IS THEREFORE ORDERED, That B. W. Hitchcock and Harvey Hitchcock, doing business as Hitchcock Truck Line, should be, and hereby are, allowed to suspend their operations under Permit No. A-597 for a period of not to exceed six months from December 2, 1937.

IT IS FURTHER ORDERED, That unless said company shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1937.

(Decision No. 11123)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF B. W. HITCHCOCK AND HARVEY HITCHCOCK, DOING BUSINESS AS HITCHCOCK TRUCK LINE.

APPLICATIONS NOS. 2632-PP-A and 3898-PP-A

* * * * * * * * *
December 16, 1937
* * * * * * * * *

S T A T E M E N T

By the Commission:

On October 6, 1937, the Commission granted authority to Frank W. Egley to transfer to B. W. Hitchcock and Harvey Hitchcock, doing business as Hitchcock Truck Line, his private permits Nos. A-1477 and B-829, under the above named applications numbers.

The Commission is now in receipt of a communication from B. W. Hitchcock requesting that said authority be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That B. W. Hitchcock and Harvey Hitchcock, doing business as Hitchcock Truck Line, be, and hereby are, allowed to suspend authority granted in Applications Nos. 2632-PP-A and 3898-PP-A (Decision No. 10684) for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless B. W. Hitchcock and Harvey Hitchcock, doing business as Hitchcock Truck Line, shall, prior to expiration of said suspension period, reinstate said authority by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said authority without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

(Decision No. 11124)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
WARREN H. WILSON.) PERMIT NO. C- 2181
)
)

December 16, 1937

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Warren H. Wilson of Route 1, Box 285, Broomfield, Colo., requesting that his Permit No. C-2181 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2181, heretofore issued to Warren H. Wilson, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

(Decision No. 11125)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
HAST FARM EQUIPMENT CO.) PERMIT NO. C- 6100
)
)

December 16, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Hast Farm Equipment Co. of Berthoud, Colo., requesting that his Permit No. C-6100 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6100, heretofore issued to the Hast Farm Equipment Co. be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

R

(Decision No. 11126)

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

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE A. WARREN, DOING)
BUSINESS AS SMITH STORAGE) PERMIT NO. C- 6575
AND TRANSFER CO.)
)

December 16, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence A. Warren dba Smith Storage & Transfer Co. of 220 N. Tejon St., Colorado Springs, Colo., requesting that his Permit No. C-6575 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6575, heretofore issued to Clarence A. Warren, dba Smith Storage & Transfer Co., be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1937.

R

(Decision No. 11127)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF JAKE WAGNER, OF 4339 LEAF)
COURT, DENVER, COLORADO.)

APPLICATION NO. 4243-PP

December 16, 1937

S T A T E M E N T

By the Commission:

On November 16, 1937, in the above numbered application, Decision No. 10932, Jake Wagner was given authority to operate as a Class B private carrier by motor vehicle for hire. However, he failed to complete the application by filing the proper insurance, etc.

Now the Commission is in receipt of a communication from applicant requesting that his authority be extended for six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Jake Wagner should be, and hereby is, allowed to suspend his authority granted in Application No. 4243-PP (Decision No. 10932) for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless Jake Wagner shall, prior to expiration of said suspension period, reinstate said authority by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said authority without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Howes

W. C. Dunks

Walter Fisher

Commissioners

Dated at Denver, Colorado,
this 16th day of December, 1937.

R

(Decision No. 11128)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM PINNACLE, COLORADO, AND ROUTT, COLORADO, ON TWO CARLOADS OF COAL, CONSIGNED TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.	MISCELLANEOUS DOCKET NO. 90

December 20, 1937.

S T A T E M E N T

By the Commission:

This matter is before the Commission upon letters from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated December 18, 1937, requesting authority to transport two carloads of coal free of charge from Pinnacle and Routt, Colorado, on account of charity.

These shipments in question have been donated by two of the shippers on the line of The Denver and Salt Lake Railway Company to the Young Men's Christian Association and the Convent of the Good Shepherd, agencies of the Denver Community Chest, a charitable institution, and are to be used for charity.

Section 17, Paragraph (c) of The Public Utilities Act provides that the Commission may by rule or order authorize carriers to depart from their published tariff rates.

After full consideration of the facts, as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Pinnacle, Colorado, to Denver, consigned to the Denver Community Chest, in care of the Barnett Fuel

FORM 180

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

December 18, 1937.

Public Utilities Commission
of the State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for the use of the Convent of the Good Shepherd. This car will be consigned to the Denver Community Chest in care of the Mile High Fuel Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mines at Routt, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
Traffic Manager.

C

and Oil Company, and one carload of coal from Routt, Colorado, to Denver, consigned to the Denver Community Chest, in care of the Mile High Fuel Company.

IT IS FURTHER ORDERED, That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner Erickson absent

XXXXXXXXXXXXXXXXXXXXX
Commissioners.

Dated at Denver, Colorado, this
20th day of December, 1937.

JH

FORM 1805

Decision No. 11128
Misc. Docket No. 90

THE DENVER AND SALT LAKE RAILWAY CO.

Dated Dec 20, 1937
Erickson absent

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

December 18, 1937.

Public Utilities Commission
of the State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for the use of the Young Men's Christian Association. This car will be consigned to the Denver Community Chest in care of the Barnett Fuel & Oil Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mines at Pinnacle, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
Traffic Manager.

C

(Decision No. 11129)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
THE MERCHANTS FRUIT CO.) PERMIT NO. C- 7070
)
)

December 20, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Merchants Fruit Co. of 325 South Pine St., Ponca City, Okla., requesting that his Permit No. C-7070 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7070, heretofore issued to the Merchants Fruit Company, be, and the same is hereby, declared cancelled.

Commissioner Erickson
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Knaebel

W. E. Danks

X X X X X X X X X X X X

Commissioners.

Dated at Denver, Colorado,
this 20th day of December, 1937.

R

(Decision No. 11130)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
LEANDRO GOMEZ.) PERMIT NO. C- 3715
)
)

December 20, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from LEANDRO GOMEZ of Weston, Colo., requesting that his Permit No. C-3715 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3715, heretofore issued to Leandro Gomez, be, and the same is hereby, declared cancelled.

COMMISSIONER ERICKSON
ABSENT

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edwin W. Chaves

W. E. Danks

X X X X X X X X X X X X X X X

Commissioners.

Dated at Denver, Colorado,
this 20th day of December, 1937.

R

(Decision No. 11131)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL E. PIERCE, OF ALBIN, WYO.) PERMIT NO. A-867

December 20, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl E. Pierce, of Albin, Wyoming, requesting that his Permit No. A-867 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-867, heretofore issued to Carl E. Pierce, be, and the same is hereby, declared cancelled.

COMMISSIONER ERICKSON
ABSENT

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest V. Chenoweth

W. E. Danks

X X X X X X X X X X X

Commissioners

Dated at Denver, Colorado,
this 20th day of December, 1937.

R

(Decision No. 11132)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DAN REYES, OF 1732 - 9th STREET,) APPLICATION NO. 4262-PP
BOULDER, COLORADO.)

December 20, 1937

S T A T E M E N T

By the Commission:

On November 16, 1937, by order of the Commission (Decision No. 10929), Dan Reyes, of 1732 - 9th St., Boulder, Colorado, was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire. However, the application was never completed.

Now the Commission is in receipt of a communication from permittee stating:

> "I find that I will be unable to use private carrier application which I applied for, and ask that it be cancelled, and that the $10.00 deposit be transferred to my C-3669 permit."

After careful consideration, the Commission is of the opinion, and so finds, that said authority should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That Class "B" permit, heretofore issued to Dan Reyes in Application No. 4262-PP (Decision No. 10929), be, and the same is hereby, declared cancelled.

Commissioner Erickson
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund V. Chaves

M. L. Davis

X X X X X X X X X X X

Commissioners

Dated at Denver, Colorado,
this 20th day of December

(Decision No. 11133)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
E J BUSH.) PERMIT NO. C- 3882
)
)

December 21, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. J. Bush of 119 W. 40th St., New York, N. Y., requesting that his Permit No. C-3882 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3882, heretofore issued to E. J. Bush be, and the same is hereby, declared cancelled.

Commissioner Banks
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward C. Dunklee

W. E. Banks

X X X X X X X X X X X

Commissioners.

Dated at Denver, Colorado,
this 21st day of Dec., 1937.

R

(Decision No. 11134)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN RE MOTOR VEHICLE OPERATIONS)
OF T. N. CORRELL, DOING BUSINESS) CASE NO. 4651
AS NATE'S FREIGHT SERVICE.)

December 13, 1937

Appearances: John M. Childress, Esq., Steamboat Springs, Colorado, for respondent;
J. J. Patterson, Esq., Denver, Colorado, for the Commission;
Marion F. Jones, Esq., Denver, Colorado, for the Colorado Trucking Association;
J. F. Toner and J. H. Shepherd, Esq., Denver, Colorado, for The Denver and Salt Lake Railway Company;
Richard E. Conour, Esq., Denver, Colorado, for Larson Transportation Company.

S T A T E M E N T

By the Commission:

On November 20, 1937, an order was entered in the above entitled matter requiring the respondent, T. N. Correll, doing business as Nate's Freight Service, to collect from shippers served during the month of May, 1937, all undercharges as shown by the exhibits offered in evidence in said case.

It was further provided in said order that Permit A-677 be and the same was suspended for a period of sixty days from and after the effective date of said order.

The Commission is now in receipt of a communication from J. M. Childress, attorney for respondent, T. N. Correll, to the effect that said undercharges have been collected so far as possible in accordance with the provisions of the order of the Commission dated November 20, 1937. Said respondent has also tendered and paid to the credit of the State of Colorado, the sum of $75.00 and requests that said tender and payment be accepted in lieu of the sixty-day suspension of said permit.

After careful consideration of said order and in view of the fact that the respondent has collected, so far as possible, the undercharges required, and said payment of $75.00 appears to be a reasonable penalty that might be imposed by the Commission under Section 61 of the Public Utilities Act, the Commission is of the opinion and so finds that said offer should be accepted.

O R D E R

IT IS THEREFORE ORDERED, That said payment of $75.00 to the credit of the State of Colorado, made by respondent T. N. Correll, to the Commission, on December 13, 1937, be and the same hereby is accepted in lieu of the suspension order of the Commission dated November 20, 1937, Decision No. 10968, wherein Permit A-677 was suspended for sixty days from and after the effective date of said order.

IT IS FURTHER ORDERED, That this order shall supplement and supersede said Decision No. 10968, dated November 20, 1937.

Commissioner Erickson
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of December, 1937.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ELIZABETH MORRISON, DOING BUSINESS)
AS "INTER CITY TRUCK LINE" FOR)
AUTHORITY TO TRANSFER HER CERTI-) APPLICATION NO. 1211-BB-A
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY NO. 692 TO RAYMOND AND)
FREN JACKSON OF WINDSOR, COLORADO.)
)

December 21, 1937

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for the applicants;
Richard E. Conour, Esq., Denver, Colorado, for the Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On August 2, 1933, by Decision No. 5169, authority was granted to Elizabeth Morrison, doing business as "Inter-City Truck Line":

> "for the transportation of freight between the City of Denver and the Towns of Windsor and Severance, Colorado, but not to or from intermediate points."

On July 6, 1935, by Decision No. 6542, the Commission granted an extension of the route to include:

> "the transportation of freight between Greeley, Colorado, Farmers' Spur, Windsor, Johnstown and Severance,"

And on July 28, 1936, by Decision No. 6170, the Commission granted a further extension to the authority of Elizabeth Morrison as follows:

> "to include transportation of all commodities, (no express) from Denver to Timnath and Wellington via Windsor, (with no intermediate service between Denver and Greeley) only intermediate service between Windsor, and Wellington; between Loveland, Greeley, Windsor, Timnath and Wellington; from Wellington, Timnath and Windsor to Greeley, Ft. Collins, Loveland and Denver (no intermediate service between Denver and Greeley on U. S. Highway No. 85); and from Ft. Collins to Windsor, Timnath, Wellington and Greeley, (without authority to transport freight from Ft. Collins to Loveland or Denver or any intermediate points on U. S. Highway No. 285, and no authority to transport freight from Greeley to Denver),"

The authority granted in the original application and the two extensions is known as Certificate No. 692.

Authority is now sought by the applicants to transfer all of Certificate No. 692 to Raymond and Fern Jackson, co-partners, who propose to conduct the same operation as heretofore conducted by the transferor under the name of "The Inter-City Truck Line". The consideration to be paid is $4,250.00 for the certificate, certain equipment and office furniture.

It appeared from the testimony of Mrs. Morrison that no unpaid obligations as a result of her operations were outstanding, except gas and dock rent of approximately $400.00, which is to be paid in cash immediately upon the authorization of this transfer.

It further appears from the record that Raymond Jackson, of Windsor, Colorado, one of the transferees, is an experienced truck operator, and that he and Fern Jackson possess a one and one half ton Diamond T truck valued at $1,250.00 which is clear of encumbrances, and that they now have in the First National Bank of Windsor, Colorado, the sum of $1,300.00, and are financially able to conduct the operation, provided the transfer is granted.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Elizabeth Morrison be, and she hereby is, granted authority, subject to satisfaction of outstanding indebtedness aforesaid, by said parties, to transfer all of her right and title in and to Certificate No. 692, with authority as hereinabove set forth, to Raymond Jackson and Fern Jackson, doing business as "The Inter-City Truck Line", of Windsor, Colorado, and this order shall be authority for such transfer.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferees shall have the necessary insurance on file with the Commission, and said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will

comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferees herein until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Signed) Edward E. Wheeler

(Signed) W. C. Danks

(Signed) Malcom Erickson

Commissioners

(SEAL)

ATTEST: A true copy.

Secretary

Dated at Denver, Colorado,
this 21st day of December, 1937.

mW

(Decision No. 11136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. ROBERT SIGAFOOS, DOING BUSINESS) CERTIFICATE NO. 1141
AS ARAPAHOE DELIVERY AND EXPRESS.)
- - - - - - - - - - - - - - - - - - -

* * * * * * * * *
December 22, 1937
* * * * * * * * *

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. Robert Sigafoos, doing business as Arapahoe Delivery and Express, of 3409 S. Broadway, Englewood, Colorado, requesting that he be given authority to suspend operations under his Certificate No. 1141 for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That J. Robert Sigafoos, doing business as Arapahoe Delivery and Express, should be and hereby is allowed to suspend his operations under Certificate No. 1141 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said J. Robert Sigafoos shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1937.
R

(Decision No. 11137)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF S. R. GIDDINGS, OF TIMNATH, COLORADO.) CERTIFICATE NO. 511

December 22, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the New Amsterdam Casualty Company, for S. R. Giddings of Timnath, Colorado, requesting that certificate holder be given authority to suspend his operations temporarily.

After careful consideration, the Commission is of the opinion, and so finds, that said certificate should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That S. R. Giddings, of Timnath, Colorado, should be and hereby is allowed to suspend his operations under Certificate No. 511 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said S. R. Giddings shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to certificates, said certificate without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of December, 1937.
R

(Decision No. 11138)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
LUTHER MC CLANAHAN.) PERMIT NO. C- 4936
)
)

December 22, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Luther McClanahan of 969 Federal Blvd., Denver, Colo., requesting that his Permit No. C-4936 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4936, heretofore issued to Luther McClanahan, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Clarke
W. L. Davis
Macon Erickson
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1937.

R

(Decision No. 11139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE INVESTIGATION BY THE COMMISSION)
OF THE RATES AND CHARGES OF THE)
MOUNTAIN STATES TELEPHONE AND) CASE NO. 4677
TELEGRAPH COMPANY RELATIVE TO THE)
SO-CALLED "HAND SET" TYPE OF SERVICE.)

December 23, 1937

S T A T E M E N T

By the Commission:

WHEREAS, It appears from the record and files of the Commission that since the 31st day of March, 1936, The Mountain States Telephone and Telegraph Company has been requiring from its customers the payment of a surcharge of fifteen cents per month for a period of eighteen months for the use of the so-called "hand set" type of service; and

WHEREAS, It further appears that in some of the states served by said Mountain States Telephone and Telegraph Company, said "hand set" surcharge is being discontinued or materially reduced; and, whereas, it further appears from reports and data furnished this Commission by the Federal Communications Commission and from our own records that the question of the reasonableness of said surcharge should be investigated;

NOW THEREFORE, The Commission is of the opinion, and so finds, that it should, on its own motion, institute and make a complaint as to the reasonableness of the rates and charges of respondent, The Mountain States Telephone and Telegraph Company, in connection with the surcharge for use of "hand set" phones to its customers.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint be, and the same is hereby, instituted and made by it as to the reasonableness of the rates and charges of respondent, The Mountain States

Telephone and Telegraph Company, in connection with its surcharge for the use of the so-called "hand set" type of service to its customers.

IT IS FURTHER ORDERED, That The Mountain States Telephone and Telegraph Company be, and the same is hereby, required to file, within thirty days from the date hereof, its answer, setting forth such grounds of defense as it may deem necessary to the complaint herein.

IT IS FURTHER ORDERED, That this case be set down for hearing at such times and places as the Commission may hereafter fix.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1937.

MF

(Decision No. 11140)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
RAYMOND PEZOLDT,FOUNTAIN, COLO.) PERMIT NO. C- 1666
)
)

December 23, 1937

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Raymond Pezoldt of Fountain, Colorado, requesting that his Permit No. C-1666 be cancelled for the reason that he has no further use for said permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1666, heretofore issued to Raymond Pezoldt, Fountain, Colorado be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of December, 1937.

MW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF MINES TRANSIT COMPANY, MONTE VISTA, COLORADO, FOR AN EXTENSION OF PERMIT NO. A-813.

APPLICATION NO. 3241-PP-A-BB

December 23, 1937

Appearances: Mr. B. F. Barber, Monte Vista, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
R. E. Conour, Esq., Denver, Colorado, for E. B. Faus and the Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, for the Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

B. F. Barber asked permission to change the name "Mines Transit Company" to "B. F. Barber Sales and Transit Company", stating that Edna Barber and B. F. Barber were the owners of a majority interest in the Mines Transit Company and also in the B. F. Barber Sales Company, and desired to have Permit A-813 carried in the name of "B. F. Barber Sales and Transit Company", there being no change in ownership involved, and a certificate of change of name was now being prepared for filing with the Secretary of State, a copy of which would be filed with the Commission.

The authority to so amend the application was granted.

It appeared from the testimony given at the hearing that what the applicant desired was authority to transport ore, lime and mining machinery between mines and mill in the Summitville-Creede district, and authority to make occasional trips between Summitville and Creede, Colorado and Denver, Pueblo, Salida and Leadville; that the B. F. Barber Sales and Transit Company had a contract with the Summitville Consolidated Mines, Inc. to take care of all emergency movements such as the repair of mining machinery which had to be

moved to Denver or Pueblo for repair and back, to serve in case of break-down of any kind requiring repair parts from Denver, Pueblo or Salida, and that the applicant herein had agreed to take care of these emergency calls as and when needed in order to prevent any lengthy shut-down of the mines or mills, and to keep labor busy at all times so far as possible; and that in accomplishing this service the applicant herein desires this authority to serve one customer only, the Summitville Consolidated Mines, Inc.

H. F. Detrick, President and General Manager of the Summitville Consolidated Mines, Inc., testified that in the conduct of their mining and milling business they were anxious to have available the services of the B. F. Barber Sales and Transit Company to take care of transportation requirements, including the transportation of lime and ore between mines and mills operated by his company in the Summitville-Creede district; that his company desired the services of the applicant to take care of emergency movements in case of break-down; that an emergency might not happen once a year, however, a break-down or other emergency might arise at any time; and that his company preferred to use the services of a for-hire carrier rather than to purchase their own truck or to lease equipment.

Mr. Detrick further stated that his company used the railroad on all of their heavy shipments and would utilize the services of the applicant if given authority to take care of emergency movements as above indicated.

After hearing the testimony of Mr. Barber and Mr. Detrick, those appearing at the hearing withdrew objections to the granting of the extension, limited to a service rendered for one customer, only, viz: The Summitville Consolidated Mines, Inc.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority should be granted to the applicant, B. F. Barber Sales and Transit Company, to extend the authority under Permit A-813 to include transportation of ore, lime and machinery between mines and mills, and the emergency services for the Summitville Consolidated Mines, Inc., only, as disclosed by the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That the B. F. Barber Sales and Transit Company, a corporation, heretofore known as the Mines Transit Company, a corporation, and the present holder of Permit A-813, which permit authorizes a transportation service as follows:

> "Between Alamosa, La Jara and Monte Vista and Summitville Mining District via various County Highways including intermediate points. And other routes hereafter to be described to the Commission in writing;" and as extended the right to

transport:

> "ore, concentrates, and mining and mill supplies, from point to point within a radius of 20 miles of Silverton, Colorado, as well as from and to Summitville and Platora Mining Districts, to and from Alamosa, La Jara, Monte Vista, Del Norte, Conejos and South Fork, Colorado,"

be and said company hereby is authorized to further extend its operations to include in addition to the above, the following:

> The transportation of ore, lime and mining machinery and repair parts between mines and mills in the Summitville and Creede districts operated by the Summitville Consolidated Mines, Inc.; and the transportation of mining machinery and repair parts from and to mines at Summitville and Creede, Colorado to and from Denver, Pueblo, Salida and Leadville, operating to Denver and Pueblo over Highways 160 and 85, to Creede over 160 and Colo. 149, to Salida and Leadville over U.S. 285 and Colo. 15 and U.S. 24,

which service shall be rendered for one customer only, viz: The Summitville Consolidated Mines, Inc., without the right to add to number of its customers except by special permission of the Commission.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1957.

R

(Decision No. 11142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. MARCOTT, OF ALMA,) CASE NO. 4456-R
COLORADO.) PERMIT NO. B-1167

December 23, 1937

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case, the Commission issued an order revoking Permit B-1167 on account of respondent's failure to render reports from April to August, 1937.

The Commission is now in receipt of a communication wherein it is stated that the respondent did not operate during the months April 1 to August 31, 1937 and was under the impression that no report was required unless he was operating. The record discloses that a report covering this period has now been filed and the respondent requests that the revocation order be set aside.

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

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated December 1, 1937, revoking said permit, be, and the same hereby is, set aside and held for naught and private permit B-1167 declared to be in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1937.

R

(Decision No. 11143)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
FRED REIN, JR., OF 925 DOWNING)
STREET, DENVER, COLORADO, FOR AN)
EXTENSION OF HIS CERTIFICATE NO.454)

APPLICATION NO. 1560-A-B

December 23, 1937

Appearances: A. G. Gertz, Esq., Denver, Colorado, for the applicant;
Richard E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company and the Colorado Rapid Transit;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association and Fuller Truck Line;
Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association, Kent Hoffman, Lewis C. Camp and William Stuart.

S T A T E M E N T

By the Commission:

On September 9, 1937, Decision No. 10585, the Commission entered an order authorizing the transfer to Fred Rein, Jr., of the right to transport milk and dairy products from the area described as follows:

> "Beginning at the SE corner of Sec. 12, Township 2 South, Range 67 W of 6th PM, Adams County, Colorado; thence east 1 mile to the SE corner of Sec. 7, Township 2 South, Range 66 W; thence north 2 miles to the NE corner of Sec. 6, Township 2 South, Range 66 W; thence east 1 mile to the NE corner of Sec. 5, Township 2 South, Range 66; thence north 2 miles to the SE corner of Sec. 20, Township 1 South, Range 66; thence west 1 mile and a half to the south quarter corner of Sec. 19, Township 1, Range 66; thence north 1 mile to the south quarter corner of Sec. 18, Township 1 South, Range 66; thence east 1½ miles to the NE corner Sec. 20, Township 1 South, Range 66; thence west 2 miles to the SE corner of Sec. 13, Township 1 South, Range 67 W; thence south 4 miles to the SE corner of Sec. 1, Township 2 South, R. 67; thence north to the Brighton-Denver Highway; thence on said highway to the City and County of Denver,"

which authority is known as Certificate No. 454.

The applicant now seeks authority to extend his right to include the transportation of milk and dairy products only, from a large adjoining area hereinafter described, which has heretofore been served by Kent Hoffman, Jr., the record holder of Certificate No. 552.

Fred Rein, Jr. testified that he was operating under his authority Certificate No. 454, and of late had been receiving a great many calls to transport milk for farmers residing in the Hoffman area, but not having authority to render this service, had been obliged to decline the offer; that these various farmers complained to him that the service being rendered was very poor; the handling of their milk cans was unsatisfactory, the cans being left in an unsanitary condition and the transportation equipment used was not only in bad shape, but always dirty; that the milk truck was also used to transport coal and was not cleaned after being used in the coal business; and that such complaints of the present service and demands for the applicant's service, had come from numerous farmers residing in the Hoffman area east of Brighton, Colorado.

The applicant stated that he had no desire to serve any territory which was now being served by a responsible operator, and that he desired to have eliminated from his application those eight sections numbered 17, 18, 19, 20, 29, 30, 31 and 32, Township 1, N, Range 66 W, extending north of Brighton, Colorado, which sections are now being served by Colorado Rapid Transit under authority from the Commission.

The applicant further stated that in addition to the equipment which he was now using in connection with his operation, he proposed to put on a 1936 International truck and two new trucks, provided the extended authority was granted by the Commission.

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

W. H. Greenfield, buyer for Carlson-Frink Company, stated that it was his duty to look after the welfare of customers, especially those who were sending their milk to the Carlson-Frink Creamery; that he solicited a number of customers residing in the Hoffman territory, gave their names

to Kent Hoffman and later found out that Hoffman took the milk from these farmers and switched the deliveries to other creameries without advising the producers or the Carlson-Frink Creamery; that three of his shippers, H. Hosmer, D. W. Hosmer, Sr., and C. D. Beeghler registered complaints as to the conduct of the Hoffman service and when the witnesses took the matter up with Kent Hoffman, the inference was given that it might be a good idea to use a little money to help the situation out, or something to that effect.

J. W. Lail, Phillip Williams and A. Roth each testified in substance as follows:

That they were farmers residing in what is known as the Kent Hoffman area north and east of Brighton, Colorado; that they were each shippers of milk from their farms to creameries at Brighton and Denver; that it was the practice of Kent Hoffman, Jr. to leave the empty cans on a vacant lot in Brighton until he was ready to move them back to the farms; that he used the same truck to transport coal, which he was using for the transportation of milk; that this truck on many occasions came to the farm with milk cans covered with coal dust and dirt and the bottom of the truck covered with coal dust and dirt; that as a result of this condition, the Creamery was continually threatening the producers that sanitary conditions must be improved in connection with their milk service; that the prescribed rate for the transportation of milk was 20¢ per cwt. but that Kent Hoffman arbitrarily raised the rate to 25¢ per cwt. and told them they could either pay it or haul the milk themselves; that this raise of 5¢ per cwt. was taken out of their milk checks and nothing said by Kent Hoffman for his reason for charging more than the prescribed rate. J. W. Lail, a resident of the area for the past twenty-seven years, stated that the dissatisfaction with the service of Kent Hoffman was voiced by everybody he was serving, particularly Henry Cedar, Charles Jones and Carl Hinkley. All of these witnesses testified that there was a public demand for the services of a capable and dependable operator to transport their milk and dairy products from the farms to creamery, and that, in their opinion, the applicant was dependable and able to render this service.

T. S. Wood, Rate Expert for the Commission, testified that Exhibit No. 1 was a map showing the area now served by the Colorado Rapid Transit, being the eight sections mentioned by the applicant which he desired to have eliminated. Mr. Wood further testified that the prescribed rate for the transportation of milk up to a distance of twenty-five miles was 20¢ per cwt. and when seven cans or more were shipped daily by one shipper, there was an additional ten per cent reduction on the 20¢.

It was stipulated that part of orders contained in Decisions Nos. 2383 and 4473, granting authority to the Colorado Rapid Transit, Certificate No. 26, insofar as Route 2 is concerned, and the order contained in Decision No. 3985, Certificate No. 23, granting authority to the Fuller Truck Line be made a part of this record, and that any territory served under these two authorities be eliminated from the applicant's area sought to be served.

After careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed extended motor vehicle transportation service of Fred Rein, Jr., the applicant herein, for the transportation of milk and dairy products for customers residing in the described area.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed, extended motor vehicle transportation service of the applicant herein, for the transportation of milk and dairy products for customers residing in the area described as follows:

> Beginning at the SW corner of Sec. 19, Twp. 1, South, Range 66 West of the 6th PM; Adams County, Colorado; thence East nine miles to the SE corner of Sec. 21, Twp. 1 South, Range 65 West; thence North seven miles to the NE corner of Sec. 21, Twp. 1, North, Range 65 West; thence West six miles to the SE corner of Sec. 16, Twp. 1 North, Range 66 West; thence North one mile to the SE corner of Sec. 9, Twp. One North, Range 66 West; thence West one mile to the NW corner of Sec. 16, Twp. one North, Range 66 West; thence South five and one-half miles to the West quarter corner of Section 9; Twp. 1, South, Range 66 West, thence 2 miles west to the West quarter corner of Sec. 7, Twp. one South, Range 66 West; thence south 2½ miles to the SW corner of Sec. 19, Twp. 1 South, Range 66 West, being the place of beginning,

from farms in said area to Brighton and Denver, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, provided, however, that the applicant shall not engage in any transportation service for customers residing in any part of this area which is served by the Colorado Rapid Transit, under its authority, Certificate No. 26, granted by Decisions Nos. 2383 and 4475, and shall not engage in any transportation service in competition with the Fuller Truck Line under its authority Certificate No. 23, granted by Decision No. 3985.

IT IS FURTHER ORDERED, That this order be made a part of Decision No. 10585 and is an extension of the area described in the order contained in said decision and hereby made a part of Certificate No. 454, heretofore granted to the applicant.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1937.

MW

(Decision No. 11144)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF B. B. ANDIS, ALAMOSA, COLORADO, TO TRANSFER CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 962 TO RICHARD POSTEL, MONTE VISTA, COLORADO.

APPLICATION NO. 3243-A

December 23, 1937

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
R. E. C onour, Esq., Denver, Colorado, for the Weicker Transportation Company, Weicker Transfer and Storage Company, E. B. Faus and Pueblo-San Luis Valley Transportation Company.

S T A T E M E N T

B y the Commission:

B. B. Andis testified that he was the holder of Certificate No. 962, with authority as follows:

> "For the transportation in irregular service of farm products, including livestock, farm supplies, farm equipment and used household goods and furniture, from, to and between farms and ranches situated within a radius of fifty miles of Alamosa, Colorado, provided, however, that the applicant shall not engage in the transportation of freight, except farm products, including livestock, between towns located on the line of any scheduled carrier now serving this area"

which authority is known as Certificate No. 962; that he had entered into an agreement to dispose of all of his rights in the above certificate for the agreed sum of $300.00, and knew of no outstanding unpaid debts resulting from his previous operation under said certificate.

This applicant further testified that he wanted to retain his interstate right 962-I.

It further appeared that Richard Postel, the transferee, is at the present time the owner of Certificate No. 801, with authority to transport:

> "Farm products including livestock to and from farms and towns within a thirty-five mile radius of M onte Vista and between said area and other points in the State of Colorado. Also coke from Pueblo and other points in the State to Monte Vista";

that should the transferee be granted authority to accept the rights under Certificate No. 962, he did not intend to make a consolidation of his present rights with that sought to be transferred to him, but intended to retain each as a separate enterprise and that in the conduct of his operations under Certificate No. 962, should he acquire the same, he intended to use a 1936 Dodge and semi-trailer with convertible grain bed and stock rack.

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

After a careful consideration of the record and the testimony the Commission is of the opinion and finds that authority should be granted to the transferor to transfer his right as sought by the application.

O R D E R

IT IS THEREFORE ORDERED, That B. B. Andis of Alamosa, Colorado, be and he hereby is granted authority to transfer all of his right, title and interest in and to Certificate No. 962, being an intrastate operation, to Richard Postel.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee shall have the necessary insurance on file with the Commission, and 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee herein until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of December, 1937.

B

(Decision No. 11145)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF A. L. BUCK, OF PALISADE,) CASE NO. 4593-R
COLORADO.) PERMIT NO. B-1903

December 23, 1937

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case the Commission issued an order revoking and cancelling Permit B-1903 on account of the respondent having failed to make the required deposit protecting his authority, as required by law. The Commission is now in receipt of a communication from Wayne N. Aspinall, Attorney at Law, Grand Junction, Colorado, who represents the respondent, wherein it appears that on November 9, 1937, the respondent paid the sum of $10.00 to a Patrol Officer and holds a receipt for the same as being a deposit on Permit B-1903.

After careful consideration of the record, the Commission is of the opinion and finds that the deposit has been made, but for some cause the receipt thereof by the Commission was delayed and that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission entered in Case No. 4593-R, under date of December 1, 1937, cancelling Permit B-1903 should be and the same hereby is set aside and held for naught and said permit restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1937.

R

(Decision No. 11146)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH AND FLORA GORMAN, CHEYENNE,) CASE NO. 4441-R
WYOMING.) PERMIT NO. A-1094

December 23, 1937

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit No. A-1094 on account of the respondent having failed to pay the sum of $34.00 fixed as his deposit. It appears from the records that this deposit of $34.00 was actually paid on October 15, 1937, but through error, was not reported at date of hearing.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the revocation order should be set aside and the respondent's permit restored to full force and effect.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued in Case No. 4441-R, under date of December 1, 1937, be, and the same hereby is, set aside and held for naught and Permit No. A-1094 purported to have been revoked and cancelled be, and the same hereby is, declared to be in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of December, 1937.

MW

(Decision No. 11147)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JOHN W. LOENS, WESTCLIFFE, COLORADO,)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 791)
TO JOHN HANSSEN, WESTCLIFFE, COLO-)
RADO.)

APPLICATION NO. 2317-A
PERMIT NO. A-353

December 24, 1937

Appearances: J. D. Blunt, Esq., Canon City, Colorado, for the applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
T. A. White, Esq., Denver, Colorado, for the Rio Grande Motor Way;
Francis M. Keith, Jr., Canon City, Colorado, for the Keith Trucking Company.

S T A T E M E N T

By the Commission:

On November 4, 1935, Decision No. 6784, John W. Loens was granted a certificate of public convenience and necessity for the transportation of freight, generally, to and from Westcliffe, from and to Pueblo, via Highway No. 96, including all intermediate points, with the further right to operate from Pueblo via Highway No. 50 to Florence and Canon City, returning to Florence, thence by Highway No. 61 back to Wetmore, Colorado, and via Highway No. 96 to Silver Cliff and Westcliffe, with a proviso that the operation between Pueblo and Florence and Canon City should be limited to the transportation of freight originating in Westcliffe, Silver Cliff and Wetmore, only, from said towns to Florence and Canon City, and the transportation of freight originating in Florence and Canon City to Wetmore, Westcliffe and Silver Cliff, only.

The application, as filed herein, sought authority to transfer a portion of said Certificate No. 791 issued pursuant to said decision, to John Hanssen, but at the hearing in Pueblo, on December 13, 1937, it developed, and an amendment of the application was permitted to so show, that said Loens proposes to sell the entire certificate to said Hanssen.

The evidence further disclosed that the consideration for the transfer of said certificate and one truck is the sum of $600.00; that there are no outstanding unpaid accounts against said operation, except current wheel tax which will be paid by said applicants; that said Hanssen is now operating as a private carrier under Permit No. A-353 which he agreed might be cancelled by the Commission if the transfer herein sought is allowed; that he has three trucks, in addition to the one which will be obtained from Mr. Loens, and is otherwise pecuniarily able to carry on a successful operation under said certificate.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application to transfer said certificate should be granted, conditioned upon the cancellation of said permit No. A-353.

O R D E R

IT IS THEREFORE ORDERED, That John Loens should be, and he hereby is, authorized to transfer Certificate No. 791, issued to him pursuant to Decision No. 6784, to John Hanssen.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee shall have the necessary insurance on file with the Commission, and 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That Private Permit No. A-353, heretofore issued to John Hanssen should be, and hereby is, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of December, 1937.

MW

(Decision No. 11148)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OREST CARROCCIA, HOWARD,COLORADO,) APPLICATION NO. 3588-PP-A
TO TRANSFER PERMIT NO. A-1695 TO)
TONY FERRACHOLI, HOWARD,COLORADO.)

December 27, 1937.

Appearances: J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

On October 28, Orest Carroccia, in Application No. 3588-PP, Decision No. 8597, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of lime rock only from quarry near Howard, Colorado, to railroad loading point about five miles distant.

On November 23, 1937, he filed his application with the Commission to transfer an undivided one-half interest in said permit to Tony Ferracholi, with the proviso that hereafter said Carroccia and Ferracholi will operate under said permit as co-partners under the name and style of Carroccia and Ferracholi, liabilities and assets thereof to be divided on a fifty-fifty basis.

It was agreed by those appearing at the hearing that said matter might be heard upon the verified application and files herein, which were admitted in evidence in behalf of applicants.

From said files, it appears that applicants own two one and one-half ton 1935 Ford trucks; that said trucks are free and clear of indebtedness, and that said partners severally have net assets in the amount of $2,000.00.

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

O R D E R

IT IS THEREFORE ORDERED, That Orest Carroccia, Howard, Colorado, should be, and he hereby is, authorized to transfer an undivided one-half

interest in Permit No. A-1695, issued pursuant to decision of the Commission No. 8597, to Tony Ferracholi, Howard, Colorado, said applicants hereafter to conduct said operation under said Permit No. A-1695 as co-partners, under the firm name and style of Carroccia and Ferracholi.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carroll

W. L. Danks

Macon Gibson

Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1937.

BH

(Decision No. 11149)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM OAK HILLS, COLORADO, ON ONE CARLOAD OF COAL, CONSIGNED TO THE DENVER COMMUNITY CHEST, DENVER, COLORADO.	)	MISCELLANEOUS DOCKET NO. 91.

December 27, 1937.

S T A T E M E N T.

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated December 23, 1937, requesting authority to transport one carload of coal free of charge from Oak Hills, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, Paragraph (c) of the Public Utilities Act provides that the Commission may by rule or order authorize carriers to depart from their published tariff rates.

After full consideration of the facts, as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Oak Hills, Colorado to Denver, Colorado, consigned to the Denver Community Chest, in care

of the Moffat Coal Company.

IT IS FURTHER ORDERED, That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of December, 1937.

JH

FORM 1501

Misc. Docket No. 91
Decision No. 11149
Dated Dec. 27, 1937.
All Present.

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

December 23, 1937.

Public Utilities Commission
of the State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for the use of the Chest Office Building and the Epworth Institution. This car will be consigned to the Denver Community Chest in care of the Moffat Coal Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mines at Oak Hills, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
Traffic Manager.

C

(Decision No. 11150)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF HAROLD K. JOHNSON AND JOHN MATHEWS FOR AN ORDER REQUIRING THE COLORADO CENTRAL POWER COMPANY TO EXTEND AND MAKE AVAILABLE ITS ELECTRICAL FACILITIES TO THE PETITIONERS.	)	CASE NO. 4665

December 27, 1937

Appearances: Charles F. Brannan, Esq., Equitable Building, for petitioners;
Worth Allen, Esq., E. & C. Building, Denver, Colorado, for the Colorado Central Power Company.

S T A T E M E N T

By the Commission:

On October 21, 1937, the petitioners herein filed a petition setting forth that the Colorado Central Power Company is a public utility supplying electrical current and energy in that part of Jefferson County where the petitioners reside and desire electrical service; that the petitioners reside at the mouth of Mt. Vernon Canon in Jefferson County approximately 3,850 feet from the distribution line of said Company; that the petitioners have sought a connection from said Company for what is known as "Permanent Service" as defined in Rule 42-A, promulgated by the Commission, and for an order requiring the Colorado Central Power Company to install the same.

At a hearing on the above petition, John Mathews, one of the petitioners, testified that he was the owner of a ranch situated at the mouth of Mt. Vernon Canon, being parts of Sections 15, 22 and 23, Township 4, Range 70 West in Jefferson County, Colorado; that he had resided on this ranch most of the time since 1859 and had been the owner of the place for the past sixteen years; that he intended to continue to occupy this ranch as his permanent residence; that the principal improvements consisted of a nine-room house which had been repaired of late and was wired for electrical

current and was now supplied with current by his own Kohler plant; that the site of his residence was not only scenic but highly desirable on account of its being located so near Denver, and that he had been approached many times of late by persons desiring to purchase the same. Mr. Mathews further stated that various efforts had been made by his son-in-law, Harold K. Johnson, representing both of them, to get the Colorado Central Power Company to furnish electric service to their residences, but that for some reason they had always been left without a flat denial to connect up and render service; that most of these negotiations were conducted by his son-in-law, and they were ready to meet all rules and regulations governing such service, including payment of $6.00 a month minimum charge for service by each.

Harold K. Johnson, one of the petitioners, testified that he was the owner of an eight-room modern house, all fully wired, and that he was at the present time getting his electrical energy from his father-in-law's Kohler plant situated some seventy-five feet distant from his own house; that while he had but a small acreage there, he contemplated continuing to make this his permanent residence; that he was engaged in the implement business in the city of Denver, was married, had three children, and regarded the site of his residence very desirable as a permanent home.

Harold Johnson further testified that the Mathews' Kohler plant was not of sufficient capacity to take care of the electrical requirements of both residences and that it overtaxed the plant to pump water and furnish the necessary domestic light; that he had talked with officials of the Colorado Central Power Company numerous times about when the connection might be expected with the Company's transmission line; that he understood the requirements of the Company and had always assured them that he and his father-in-law were both ready to comply with all reasonable demands and that they stood ready to guarantee at least $6.00 per month each for minimum use; that on each occasion when he conferred with officials of the Company, there was always some reason why the installation could not be taken care of, until it finally became necessary to bring the matter to the attention of the Commission in a formal way.

C. C. Baker, treasurer of the Colorado Central Power Company, testified that he had conferred with the petitioners about connecting their residences with the Company's transmission lines and that he had explained in full to Harold Johnson that the distance between the petitioners' residences and the nearest point on the Company's transmission line was 4,150 feet and that the total cost of installation would be approximately $795.84; that the Colorado Central Power Company was anxious to serve all users who could be served to advantage in accordance with their prescribed rules and regulations, but that applying the Extension Policy rules of the Company as filed with the Public Utilities Commission, the service sought by the petitioners would come under what is known as "Indeterminate Service" and not "Permanent Service" as sought in the petition.

Mr. Baker felt that considering all circumstances, a monthly minimum charge of $2.50 for John Mathews and $3.50 for Harold Johnson, would be all the Company would care to exact in order to retain them as satisfactory customers, which charges do not justify the expense estimated to be required to make the connection.

Exhibit No. 2 was introduced, disclosing rules and regulations covering the Extension Policy for rural facilities.

Exhibit No. 3 discloses a detailed estimate of the costs of connecting the residences of the petitioners with the Company's transmission line now located 4,150 feet east thereof.

Exhibit No. 4 is a statement of the records in the office of the County Assessor of Jefferson County, showing the assessed valuations of the holdings of each of the petitioners.

On behalf of Colorado Central Power Company, a contemplated change affecting this transmission line to be tapped in the event service was extended to include the petitioners, was presented, disclosing that the present distribution line extending from a point near Rock Rest to Morrison was not of sufficient voltage to take care of new installations which appeared to be certain, for the proper lighting of what is known as the City and County of Denver's Red Rocks Park; that the City had gone to

a large expense in acquiring this Park, constructing buildings and otherwise improving the same, and had installed its own electrical distributing system within the Park; that the City of Denver had submitted to the Colorado Central Power Company its plan, disclosing the requirements for electric service to be needed not later than 1938; that the Company had submitted its proposal and expected an acceptance of the same by the proper authorities of the City and County of Denver at most any time.

It appeared that in the event of accepting the contract to supply Red Rocks Park, the Colorado Central Power Company would be obliged to bring a higher voltage line from Littleton to Morrison in order to take care of this new installation, and in this event would abandon the transmission line now maintained between Rock Rest and Morrison. This would necessitate the transmission line passing some 4,150 feet east of the petitioners' residences being abandoned, or the retention of 1.6 mile of this line extending from the last customer south of Rock Rest connected with the line to a point 4,150 feet east of the petitioners' residences. This would then leave better than two miles of line to be maintained for the sole benefit of the two petitioners. The change as presented was looked upon as being in the future and not definitely approved, and this testimony was seriously objected to by the petitioners as not being material to the issues involved in the present petition.

Also, on behalf of petitioners, M. W. Weller, a real estate man, brought to the attention of the Commission, the fact that the triangular plot formed by the junction of U. S. Highway No. 40 with State Highway No. 93 and situated a short distance northeast of the residence properties of the petitioners, was directly on a line between the residences of the petitioners and the Company's transmission line; that he had buyers for this tract for use as a filling station and cottage camp; that as yet no contract had been closed, but in his opinion it was a desirable spot and that its use would bring additional users on the extension line now sought by petitioners.

Objections were raised by representatives of the Company that the use of this triangular plot was more speculative than the change proposed on account of the Park of the Red Rocks matter above-mentioned.

The proposed change in the transmission line as proposed by representatives of the Company, as well as the use of the triangular tract mentioned by Mr. Weller as being a source of prospective service, both seemed to be matters for future consideration.

The rules and regulations governing the extension policy of the Power Company are quite specific as to the character of service and involve not only the amount of revenue but the permanency which can be reasonably assured. Extensions of service to what is known as "Group 1" under the extension policy, provide that the monthly guaranteed revenue to be paid to the Company by the consumers served shall be not less than two per cent of the cost of said extension when the construction of the facility is justified by both the amount and the permanency of the revenue. The estimated cost of this extension, $800.00, seems to be generally accepted as a very close estimate and under the rule, two per cent of this amount would be more than the minimum monthly charge which the petitioners have indicated they would be willing to assume and several times more than is regarded practical under the Company's policy.

The only use mentioned by the petitioners to which they contemplate applying the electric service, was domestic use in the two residences and the pumping of water for domestic use, leaving the exact amount of energy required somewhat in doubt.

Another uncertain element in the matter is whether or not, if a connection was made and the minimum charge fixed as provided by the rules, which would be extremely high, these customers would be satisfied to such a degree as is necessary in order to classify them as users of permanent service.

It appears that the petitioners are permanent residents of Jefferson County, residing within the general area served by the Colorado Central Power Company, and stand ready to comply with all reasonable orders and demands which the Commission may prescribe in order to procure service.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that to order the extension of service

to the residences of the petitioners as applied to "Group 1" under the extension policy of the Company, and to arbitrarily fix a monthly minimum charge for service which petitioners indicated they were willing to meet, would impose an undue burden upon all other users; and to order the connection, prescribing a rate which would be two per cent of the cost of the construction of this extension, would be setting an unreasonable monthly minimum charge for these petitioners to pay; that the petitioners herein do not qualify as users of "permanent service" under the rules and regulations of the Company's extension policy, and that the petition should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant petition be, and the same hereby is denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1937.

BH

(Decision No. 11151)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.

CASE NO. 1585

SUPPLEMENTAL ORDER

December 27, 1937

Appearances: Robert Colman, Grand Junction, Colorado;
T. A. White, Esq., Equitable Bldg., Denver, Colorado;
R. L. Ellis, Chamber of Commerce, Pueblo, Colorado;
C. D. Smith, Jr., Grand Junction, Colorado;
R. E. Conour, Esq., Majestic Bldg., Denver, Colorado;
A. J. Fregeau, Denver, Colorado, for the Weicker Transportation Company;
J. D. Blunt, Esq., Canon City, Colorado, for the Southwestern Transportation Company;
P. A. Johnson, Esq., Mdse. Mart Bldg., 19th and Wazee Streets, Denver, Colorado, for the Colorado Transfer and Warehousemen's Association;
Zene D. Bohrer, Esq., Flat Iron Bldg., Denver, Colorado;
Marion F. Jones, Esq., Sugar Bldg., Denver, Colorado.

S T A T E M E N T

By the Commission:

This matter is before the Commission upon petitions by Robert Colman, doing business as Colman Freight Service, J. B. Moore, doing business as Moore Truck Line, The Southwestern Transportation Company and the Colorado Trucking Association, seeking various increases in the rates the Commission prescribed in its Decision No. 7118, and subsequent decisions. Hearings were held in Grand Junction on November 17, 1937, and in Denver on November 23, 1937.

Robert Colman, doing business as Colman Freight Service,

hereinafter referred to as Colman, is authorized to operate as a common carrier between Denver, Colorado, and Grand Junction, Colorado, and intermediate points west of Leadville, Colorado, via Loveland Pass and Leadville, and between Pueblo, Colorado, and Grand Junction, Colorado, and intermediate points west of Salida, Colorado, via Buena Vista and Leadville, Colorado. Due to the fact that the route via Loveland Pass is closed on account of highway construction work, the route being used by Colman from Denver is via Colorado Springs, Hartsel and Buena Vista. The highway in Glenwood Canon is also closed on account of highway construction work, necessitating a detour via Cottonwood Pass. Colman is seeking an increase of ten per cent (10%) in his rates for distances 100 miles and over, to expire June 30, 1938, providing the route via Loveland Pass is open to the public at that time. Colman testified that his operating expenses have materially increased since the present rates were established, due to the increase in the cost of labor, material and supplies, social security and unemployment insurance and the detour routes.

The distance from Denver to Leadville, via Loveland Pass, is approximately 100 miles, while the distance via the route through Hartsel and Buena Vista is approximately 215 miles or about 115 miles farther. In November 1936, construction work on the highway in Glenwood Canon began, thereby causing a detour via Cottonwood Pass at an altitude of about 10,000 feet, entailing an additional haul of six miles over an unimproved highway with most unfavorable operating conditions. This route was at one time blocked for a period of ten days causing detours via Cochetopa Pass or Craig. The distance from Denver to Grand Junction by the way of Hartsel, Salida and Cochetopa Pass is about 150 miles farther than via Loveland Pass, and via Craig about 85 miles farther. The highways via these various routes are about the same, but due to the greater distances via the detour routes it naturally follows that there is an added expense in conducting an operation over same.

The following statistics are taken from Colman's exhibits of record:

Revenues			Expenses		
* 1936	-	* 1937	* 1936	-	* 1937
$ 45,436.59	-	$ 53,550.77	$ 44,667.70	-	$ 56,039.06

* The first nine months of each year.

	1936		1937
Average cost truck repairs per ton mile	- .00749	-	.00903

Insurance rates for the years - 1936 and 1937

		1936			Total
Denver-Grand Junction	- P.L. -	$136.50	- P.D.	$122.50	- $ 259.00
Leadville-Gypsum	- "	50.00	- "	51.25	- 101.25

		1937			
Denver-Grand Junction	- P.L. -	$265.00	- P.D.	$ 85.00	- $ 350.00
Leadville-Gypsum	- " -	198.75	- "	63.75	- 262.50

The above insurance rates are subject to five per cent (5%) fleet discount.

Social Security and Colorado Unemployment Tax for the first nine months of 1937, $504.70. These taxes were not in operation in 1936.

The C. D. Smith Drug Co., The Biggs Kurtz Hardware Co., and The Salt Lake Hardware Co., all of Grand Junction, testified that they were opposed to any increase for distances under 100 miles, or over 100 miles if such increase was to be permanent. They do not oppose Colman's proposal for temporary relief on account of the detour routes. Their position is supported by the Grand Junction Chamber of Commerce and the Morey Mercantile Company.

Colman also submitted a list containing some 80 commodities which he proposed should be added to present column one or a percentage of said column one.

The Colorado Trucking Association adopted the allegations of Colman, as to its members.

J. B. Moore, doing business as Moore Truck Line, hereinafter referred to as Moore, operates a common carrier service between Denver, Colorado Springs, Pueblo, Salida and intermediate points on the one hand and Gunnison, Colorado, and intermediate points west of Salida, on the other

hand, also to and from points west of Gunnison in connection with the Rio Grande Motor Way, Inc. Moore is seeking an increase of ten per cent (10%) on Column one commodities between local points on his line, and an increase of ten per cent (10%) on column one and two commodities when destined to or originating at points on the line of the Rio Grande Motor Way, Inc., west of Gunnison.

Southwestern Transportation Company, hereinafter referred to as the Southwestern, operates a common carrier scheduled service between Denver and Colorado Springs, on the one hand and Salida and intermediate points west of Portland and Penrose on the other hand. The Southwestern is seeking a ten per cent (10%) increase on column one commodities, and the following change in the classification governing the application of the columns one and two rates, viz: "Any article not already specifically classified by said two-column classification, and classified as second, third or fourth class, or less than fourth class in Western Classification will be placed at second-column, or at the same percentage of second-column as now applies to the class rate as shown in Western Classification; and that any article classified as first class or higher in Western Classification, and not already specifically classified in the two-column classification, will be classified as first-column or the same percentage of first column as now applies to the class rate at which said article is now classified in Western Classification."

In Decision No. 8009, dated July 17, 1936, to become effective August 1, 1936, the Commission prescribed the columns one and two classification and rates from Denver, Colorado Springs, Pueblo, Walsenburg and Trinidad, Colorado, to points west of Salida and Buena Vista on and south of U. S. Highway No. 40-South (later changed to 24) and Ojo, Colorado, and between points located within the boundaries of said territory. On traffic destined to or originating at Salida or points east thereof, from and to points east thereof, the prescribed four class rates in connection with the Western Classification were the applicable basis in determining the freight

charges. At the time the two-column rates were prescribed the Rio Grande Transport, a subsidiary of The Denver and Rio Grande Western Railroad Company, published the same rates and classification as those prescribed for the motor carriers.

On January 28, 1937, The Denver and Rio Grande Western Railroad Company issued a new tariff cancelling the tariff of the Rio Grande Transport to become effective March 1, 1937, wherein the rates were made applicable "Between", "And", instead of "From", "To", and at all directly intermediate points where the class rates were higher. In Decision No. 9982,dated May 8, 1937, to become effective May 20, 1937, the Commission changed the application of the rates to apply in both directions and extended the application of the column rates to apply to and from Salida, with the exception that on traffic between Pueblo, Colorado, and Salida, Colorado, and intermediate points Parkdale and points west thereof the column rates alternated with the class rates, in order that the motor carrier would be on the same basis as the rail carrier. At that time the Southwestern opposed any such provision in connection with its operation. Therefore, the only point now served by the Southwestern under column one and two rates is Salida; at all other points it is applying the ratings provided in the Western Classification and the class rates in connection therewith.

Moore, apparently, based his request for an increase in column one rates upon the fact that there has been an increase in his cost of operation due to the advances in wages, repair parts, tires, etc. However, he submitted no figures whatever to substantiate his alleged increased cost of operation, nor did he submit any testimony showing that he was not making a fair return on his investment. He testified that he favored the changes in the classification as proposed by the Southwestern. Colman and the Rio Grande Motor Way did not approve of the proposed changes by the Southwestern. A representative of the Grand Junction shippers testified that the use of the Western Classification would cause considerable extra work and possibility of errors in making out bills as well as extra expense in the packing of goods for shipment which they would have to consider in marketing of their

goods in competition with their competitors who are making their own deliveries either with their own trucks or with leased trucks.

The Southwestern testified as to its financial condition under its present method of operating under the two column and four classes of rates; that it is finding it impossible to retain its business in face of the lower competitive rates of the Denver and Rio Grande Western Railroad Company; that it will be compelled to meet the said competitive rates thereby suffering a further decrease in revenue which will result in the impairment of service which would not be in the best interests to the public. The Denver and Rio Grande Western Railroad Company did not indicate at the hearing that it would of its own volition readjust its rates to the basis of those which the Commission might prescribe, which, if not done would tend only to aggravate the competitive situation as it now exists, and inasmuch as the rail rates are not in issue in this proceeding nothing can be done by the Commission to force it to do so.

In regard to the proposed increase in rates to points west of Gunnison the record does not justify the said increases. However, the Denver and Rio Grande Western Railroad Company will not increase its rates to Grand Junction without increasing its rates to Montrose,and other points in the Montrose district, due to the fact that the two cities are in direct competition with each other in jobbing out their merchandise. There is no question but what Colman is in need of temporary relief and should be granted the requested increases and unless the Denver and Rio Grande Western Railroad Company increases its rates any increase which the Commission prescribed or authorized for Colman, he would be unable to take advantage of due to the competitive situation with the railroad.

At the hearing the Commission said that it would give consideration to the carriers'proposal to increase the Montrose rates, reserving the privilege of suspending any increase authorized upon receipt of any reasonable protest from the Montrose interests.

On the record as made the Commission is of the opinion and so finds that the rates on the line of Colman for distances 100 miles and over from and to Denver, Colorado Springs, Pueblo, Walsenburg and Trinidad, should be increased ten per cent, until June 30, 1938; that the rates to Montrose, Ridgway, Ouray, and points on the North Fork Branch of the Denver and Rio Grande Western Railroad Company, should be increased ten per cent until June 30, 1938, and that in adding the ten per cent the present differentials should be maintained; that in all other respects the petition of Colman be denied; that the petitions of Moore and the Southwestern be denied without prejudice to further consideration after the hearing in the general fifteen per cent case.

The Commission further finds that it should reserve the privilege of suspending the increased rates herein authorized upon receipt of any reasonable protest from the Montrose interests or those shippers located in the Montrose area.

The Commission is in receipt of a petition by the Motor Truck Common Carriers Association and The Colorado Trucking Association requesting an order authorizing the extension of the expiration date to June 30, 1938, of the exceptions to the Western Classification now scheduled to expire with December 31, 1937. Also a petition by the Motor Truck Common Carriers Association for account of The Windecker Brothers Truck Line requesting an order authorizing the publication of the following rates on less than statutory notice, viz:

Commodity	From	To	Rate in cents per ton of 2000 pounds
Ice	Crystal Lake, Colorado	Pine, Colorado	.80
		Buffalo, "	1.00
		Foxton, "	1.50
		South Platte,"	2.00

20 % reduction on shipments of 50 tons or more

Commodity	From	To	Rates in cents per ton of 2000 pounds
Coal	Denver, Colo.	Points in Colorado in the area described in Note 1.	$ 3.00

Note 1. That portion of Jefferson, Douglas and Park Counties, included in the following described area: Beginning at Watertown; thence south via South Platte to Deckers; thence west via Buffalo and Estabrook to Bailey; thence along Highway No. 8 to Conifer Junction and five (5) miles on each side of the described route from Watertown to Conifer Junction.

The Commission is of the opinion, and so finds, that the requests should be granted, except that portion of the petition requesting a twenty per cent (20%) reduction on shipments of 50 tons or more, as it is an impossibility for any single piece of equipment to handle such a load.

O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; that on said dates the Commission issued its orders to give effect to said conclusions:

IT FURTHER APPEARING, That after further consideration of all the facts, the Commission has on the date hereof, made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates are hereby referred to and made parts hereof:

IT IS ORDERED, That the order heretofore entered in said proceedings in Case No. 1585 on February 5, 1936, as since amended be, and it is hereby, further amended, supplemented or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings

made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified the above stated order as amended shall continue in full force and effect.

IT IS FURTHER ORDERED, That all motor vehicle common carriers operating in intrastate commerce in the State of Colorado, be, and they are hereby, notified and required to cancel all schedules in conflict with the rates prescribed in the aforesaid statement on further consideration, on January 5, 1938, except the exceptions to the classification, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913.

IT IS FURTHER ORDERED, That this order shall become effective on January 5, 1938, except that portion pertaining to the exceptions to the Western Classification, which shall become effective on January 1, 1938, and that the rates or basis of rates prescribed and approved in the aforesaid statement on further consideration shall be published by all affected motor vehicle common carriers operating in intrastate commerce on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913; and that on and after said dates all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates or basis of rates herein prescribed.

IT IS FURTHER ORDERED, That all private carriers by motor vehicle subject to this order, shall, on and after January 1, 1938 and January 5, 1938, cease and desist from demanding, charging or collecting rates which shall be less than the rates or basis of rates prescribed and approved in the aforesaid statement.

IT IS FURTHER ORDERED, That this order is issued with the understanding that if any reasonable protest is made by any of the interests in the Montrose district that the rates will be suspended even though they may have become effective, and an early hearing held in connection with such suspension.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional orders as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 27th day of December, 1937.

R

(Decision No. 11152)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BEATRICE BURNHAM, ST. FRANCIS,) PERMIT NO. A-1825-I
KANSAS.)

December 31, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication under date of December 20, 1937 from Robert Cram, Attorney for Beatrice Burnham, stating that permittee was not at the present time operating under Permit No. A-1825-I but desired to keep said permit "in force."

After careful consideration, the Commission is of the opinion, and so finds, that said permit should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That Beatrice Burnham should be, and hereby is, allowed to suspend operations under Permit No. A-1825-I for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Beatrice Burnham shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to interstate permits, said permit without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11153)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. C. SEFTON, OF 128 E. 7th ST.,) APPLICATION NO. 3173-PP
WALSENBURG, COLORADO.)

December 31, 1937

S T A T E M E N T

By the Commission:

On May 11, 1936, in the above numbered application, Decision No. 7615, W. C. Sefton was granted authority to operate as a Class "B" private carrier by motor vehicle for hire. However, he was not issued a permit number as the application was never completed.

The Commission is now in receipt of a communication from James E. Tressler stating that permittee desires to have his authority cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Class "B" permit, heretofore issued in Application No. 3173-PP, Decision No. 7615, on May 11, 1936, to W. C. Sefton, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11154)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. C. FARRIS, OF ROUTE 1,) APPLICATION NO. 4054-PP
WELLINGTON, COLORADO.)

December 31, 1937

S T A T E M E N T

By the Commission:

On October 4, 1937, in the above numbered application, Decision No. 10667, E. C. Farris was granted authority to operate as a Class "B" private carrier by motor vehicle for hire. However, he was not issued a permit number as the application was never completed.

The Commission is now in receipt of a communication from Gordon Lockett, State Highway Patrolman, stating that permittee desired to have his authority cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Class "B" permit, heretofore issued to E. C. Farris in Application No. 4054-PP, Decision No. 10667, on October 4, 1937, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of January, 1937.

R

(Decision No. 11155)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK SEALE, OF 2750 SHERIDAN,) PERMIT NO. B-1808
DENVER, COLORADO.)

December 31, 1937

S T A T E M E N T

By the Commission:

On June 23, 1937, in Decision No. 10227, the Commission entered an order suspending the above numbered permit for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee requesting an additional six months' suspension of his permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Jack Seale should be and hereby is allowed to suspend his operation under Permit No. B-1808 for a period of not to exceed six months from December 23, 1937.

IT IS FURTHER ORDERED, That unless said Jack Seale shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11156)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
J.S. BROWN MERCANTILE CO.) PERMIT NO. C- 224
)
)

December 30, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the J. S. Brown Mercantile Company of Denver, Colorado, requesting that his Permit No. C-224 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-224, heretofore issued to the J. S. Brown Mercantile Company, be, and the same is hereby, declared cancelled.

COMMISSIONER ERICKSON
ABSENT

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edwin W. Carr

M. E. Danks

X X X X X X X X X X X X X

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

R

(Decision No. 11157)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
STRONG AND GRANT.) PERMIT NO. C- 7411
)
)

December 31, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from STRONG AND GRANT of SPRINGVILLE, UTAH, requesting that his Permit No. C-7411 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7411, heretofore issued to STRONG AND GRANT, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11158)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF RAY LAMBERT, OF BELLVUE, COLORADO.) PERMIT NO. B-1541

December 31, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Ben F. Brack Agency, for Ray Lambert, requesting that permittee's permit be suspended for a period of not to exceed six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Ray Lambert should be, and hereby is, allowed to suspend his operations under Permit No. B-1541 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless Ray Lambert shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY LARSON, OF 1330 - 8th AVE.,) APPLICATION NO. 4287-PP
GREELEY, COLORADO.)

December 31, 1937

S T A T E M E N T

By the Commission:

On November 20, 1937, by order of the Commission, Decision No. 10985, Ray Larson was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire. However, he was not issued a permit number as the application was not completed.

The Commission is now in receipt of a communication requesting that said permit be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Class "B" permit, heretofore issued to Ray Larson in Application No. 4287-PP (Decision No. 10985), be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11160)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
E. A. YOUNG.) PERMIT NO. C- 1071
)
)

December 30, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. A. Young of Salida, Colorado, requesting that his Permit No. C-1071 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1071, heretofore issued to E. A. Young, be, and the same is hereby, declared cancelled.

COMMISSIONER ERICKSON
ABSENT

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

R

(Decision No. 11161)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
W. M. COGGSWELL.) PERMIT NO. C- 7603
)
)

December 30, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. M. Coggswell of 4625 W. 52nd Ave., Denver, Colo., requesting that his Permit No. C-7603 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7603, heretofore issued to W. M. Coggswell, be, and the same is hereby, declared cancelled.

COMMISSIONER ERICKSON ABSENT

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest W. Otenel

W. McDanks

X X X X X X X X X X X X X X

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

(Decision No. 11162)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
BERT N. JOHNSON.) PERMIT NO. C- 4970
)
)

December 30, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Bert N. Johnson of 3237 W. Girard, Englewood, Colo., requesting that his Permit No. C-4970 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4970, heretofore issued to Bert N. Johnson, be, and the same is hereby, declared cancelled.

COMMISSIONER ERICKSON
ABSENT

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edwin W. Owen

W. L. Davis

X X X X X X X X X X X X X X X X

Commissioners.

Dated at Denver, Colorado, this 30th day of December, 1937.

R

(Decision No.11163)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
H. W. SMITH.) PERMIT NO. C- 6999
)
)

December 31, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. W. Smith of 8112 E. Colfax Ave., Aurora, Colorado, requesting that his Permit No. C-6999 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6999, heretofore issued to H. W. Smith, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11164)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN EASTON.) PERMIT NO. C- 7133
)
)

December 31, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Easton of 1228 Sherman St., Denver, Colo., requesting that his Permit No. C-7133 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7133, heretofore issued to John Easton, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward O. Davis

W. E. Danks

Walter Erickson

Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

(Decision No. 11165)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
WALTER E. CALHOUN.) PERMIT NO. C- 7421
)
)

December 31, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Walter E. Calhoun of 215 W. 12th St., Pueblo, Colorado, requesting that his Permit No. C-7421 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7421, heretofore issued to Walter E. Calhoun, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Carlson

[illegible]

Rueben Erickson

Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1937.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM MINES AT ROUTT, COLORADO, ON ONE CARLOAD OF COAL, CONSIGNED TO THE DENVER COMMUNITY CHEST.	)	MISCELLANEOUS DOCKET NO. 92

December 30, 1937

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its traffic manager, dated December 29, 1937, requesting authority to transport one carload of coal free of charge from Routt, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, Paragraph (c) of the Public Utilities Act provides that the Commission may by rule or order authorize carriers to depart from their published tariff rates.

After full consideration of the facts, as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Routt, Colorado, to Denver, Colorado, consigned to the Denver Community Chest, in care of the Mile High Fuel Company.

IT IS FURTHER ORDERED, That this order shall not be used as

a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner Erickson absent.

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

BH

FORM 1801

Misc. Docket No. 97.
Decision No. 11166
Dated - Dec. 30-1937
Erickson absent.

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

December 29, 1937.

Public Utilities Commission
of the State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Convent of the Good Shepherd. This car will be consigned to the Denver Community Chest in care of the Mile High Fuel Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mines at Routt, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
Traffic Manager.

C

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF RIO GRANDE COAL COMPANY, ALAMOSA, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-1862 TO INCLUDE TRANSFER AND CARTAGE BUSINESS WITHIN, INTO AND OUT OF THE CITY OF ALAMOSA, COLORADO.

APPLICATION NO. 3663-PP-B

December 30, 1937

Appearances: Wm. J. Christenson, Attorney-at-Law, Alamosa, Colorado, for the applicant;
Marion F. Jones, Attorney-at-Law, Denver, Colorado, for the Colorado Trucking Association, Curtis Truck Line, and B. B. Andis;
P. E. Conour, Attorney-at-Law, Denver, Colorado, for E. B. Faus and the Pueblo-San Luis Valley Transportation Company, Weicker Transportation Company and Weicker Transfer and Storage Company;
E. E. Jones, Alamosa, Colorado, for the W. A. Jones Transfer Company;
T. A. White, Attorney-at-Law, Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

By stipulation, the order in Application No. 3663-PP, Decision No. 9773 was made a part of the record. On April 8, 1937, in the application above mentioned, authority was granted to the applicant as follows:

> "For the transportation of farm supplies, including merchandise, hardware, furniture, lumber, repairs and automotive equipment between Alamosa and farms and ranches situated in what is known as the San Luis Valley, when said farms are not located on the line of scheduled common carriers now serving this territory, provided, however, that the applicant will not engage in any transportation service of a competitive character between towns along the line of scheduled common carriers,"

which authority was numbered B-1862.

It appeared from the testimony given at the hearing that the applicant has been conducting a cartage and drayage business in the City of Alamosa for the past six years, pursuant to authority granted to him by Alamosa City authority; that he also conducts a coal and storage business in Alamosa; that he serves eight listed customers, being business firms located in Alamosa, under the authority granted by Decision No. 3779, making deliveries throughout the San Luis Valley for them, and serves these same customers within the City of Alamosa, pursuant to authority granted by the City.

The instant application mentions an extension to include:

"to operate a transfer and cartage business within, into and out of the City of Alamosa."

Counsel for the applicant calls attention to the wording of the authority granted by the Commission, which he contends is limited to a service:

"Between Alamosa and farms and ranches situated in what is known as the San Luis Valley",

and calls attention to the fact that this might prevent a movement even from the listed customers' stores in Alamosa to the city limits when destined for some ranch in the San Luis Valley. The applicant's testimony showed that he wanted a:

"Cartage and transfer"

authority in the City of Alamosa.

E. E. Jones, appearing for the W. A. Jones Transfer Company, stated that, so far as his company was concerned, they had no objection to the granting of a cartage and transfer business to the applicant, so long as it was limited to his listed customers.

It appears rather unusual to grant a cartage and transfer business, limited to listed customers only, but the applicant being a private carrier, it would certainly not be proper to give him a common carrier authority to render a cartage and transfer business for the public within the City of Alamosa, as an extension to his Permit No. B-1862.

Protestants moved to dismiss the application for the reason that it was an improper combination to grant common carrier right within the City, to a private carrier.

After a careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that, inasmuch as the applicant feels he needs additional authority in order to serve his listed customers which he has under private contract, that authority should be granted for the applicant to conduct a cartage and transfer business within the City of Alamosa, for his listed customers, in connection with his transportation service as a private carrier.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of the order contained in Decision No. 3779 be, and the same hereby is, amended to include, in addition to the authority contained therein, the conduct of a cartage and transfer business in the City of Alamosa, for the eight customers now listed by the applicant and for such other customers as he may qualify to serve under his original authority.

IT IS FURTHER ORDERED, That this order be made a part of Decision No. 3779, and in all other respects the provisions contained in said original order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1937.

MW

(Decision No. 11168)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF LAIR VAN AND STORAGE COMPANY, LINCOLN, NEBRASKA.

CERTIFICATE NO. 956-I
CASE NO. 3526-INS.

December 30, 1937

S T A T E M E N T

By the Commission:

On August 23, 1937, in the above numbered case, the Commission issued an order revoking Certificate No. 956-I on account of the respondent having failed to keep on file the required certificate of insurance.

After examination of the records, it is disclosed by a communication written by R. G. Stewart, Assistant Secretary of the Commercial Standard Insurance Company of Fort Worth, Texas, that the respondent herein paid the premium on his insurance to the Lincoln General Insurance Agency, but that, without any fault on the part of the Commercial Standard Company, or the respondent herein, the premium did not reach the Commercial Standard until after a cancellation had been ordered.

The records now disclose that said insurance was in full force and effect, the change having been made after the premium had reached the general office and that the cancellation order entered by the Commission should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order of revocation entered under date of August 23, 1937, in Case No. 3526-Ins., revoking said certificate, should be, and the same hereby is, set aside and held for naught and Certificate

No. 956-I be, and the same hereby is, restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of December, 1937.

MW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLYDE G. MEDLEY, LEADVILLE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4323-PP

December 30, 1957.

Appearances: Clyde G. Medley, Leadville, Colorado, pro se;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, A. C. Calhoun and Gately Motor Company.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport ore and lumber between mines some seven miles up Iowa Gulch to the smelter at Leadville, and ore from the Tiger mines near Breckenridge to the smelter at Leadville.

As thus limited, there were no objections to the granting of the authority sought.

The applicant has a 1957 Ford truck with which he contemplates rendering this service if granted authority.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the authority sought, limited, however, as indicated by the testimony, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Clyde G. Medley of Leadville, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of ore from the mines in Iowa Gulch to smelter at Leadville and from the Tiger Mines near Breckenridge to the smelter at Leadville, and lumber from Leadville to

mines in Iowa Gulch.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. H. BEATTY, RED CLIFF, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 4328-PP

December 30, 1937.

Appearances: H. H. Beatty, Red Cliff, Colorado, pro se;
Robert Colman, Grand Junction, Colorado, for Colman Freight Service;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Gately Motor Company.

S T A T E M E N T

By the Commission:

It appears from the application filed herein that the applicant desires authority to transport general "freight within a radius of fifty miles of Red Cliff and occasional trips throughout the State of Colorado".

From his testimony, it appeared that he wanted to transport used household furniture from point to point within a radius of five miles of Red Cliff and in and out of this area to and from all points, and machinery and auto parts out of the area only.

The applicant further testified that he bought coal, having it shipped in by the railroad, and sold the same in the Red Cliff area, using a "C" permit; that what he really wanted was to be in a position to move anyone who wanted to move, so far as the household goods were concerned, and that on the machinery and auto parts he wanted to be in a position to make deliveries for anyone calling upon him for service, but thought this would be just occasional trips, as his principal business was that of running a grocery store and operating a garage at Red Cliff.

Applicant further testified that the Colman Freight Service, holder of Certificate No. 771, took care of his shipments, as well as the

general freight service of others living in Red Cliff; that Hill Brothers, holders of Permit A-1835, and Algon A. Paddock, holder of Permit B-1931, both of which permits were made part of the record, looked after most of the transportation needs around Red Cliff.

After careful consideration of the record and the testimony of the applicant, the Commission is of the opinion and finds that from the applicant's own statements, his business is that of operating a grocery store and a garage, and what trucking business he might do is merely incidental; that from his own statement, he wanted to be in a position to serve anyone who wanted his service, or in short would like to have a common carrier right; that his testimony did not disclose that there is a need for further transportation service, particularly of the character proposed by the applicant, and that the instant application should be denied.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

BH

(Decision No. 11171)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOE KOZMA, CLIMAX, COLORADO, FOR AN EXTENSION OF HIS PRIVATE PERMIT GRANTED IN APPLICATION NO. 3782-PP.

APPLICATION NO. 3782-PP-B

December 30, 1937.

Appearances: T. A. White, Esq., Denver, Colorado, for Colman Truck Service;
Marion F. Jones, Esq., Denver, Colorado, for Schaefer Truck Line.

S T A T E M E N T

By the Commission:

The above application was called for hearing at Leadville, Colorado, pursuant to due notice, at which time and place applicant failed to appear.

Protestants moved that application be dismissed for lack of prosecution.

After careful consideration of the record, the Commission is of the opinion and finds that the motion to dismiss should be granted and the application dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same hereby is dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

BH

(Decision No. 11172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CHARLES HOPPER, CANON CITY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4327-PP

December 30, 1937.

Appearances: T. A. White, Esq., Denver, Colorado, for Colman Freight Service;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant to due notice, at which time and place the applicant failed to appear.

Protestants moved that the application be dismissed for lack of prosecution.

On returning to Denver, a communication was received from the applicant wherein he states that the gravel haul for which he had sought authority had been completed, and that he did not now need a permit and asked that his deposit be returned.

After careful consideration of the record and the motion, the Commission is of the opinion and finds that the motion to dismiss for lack of prosecution should be granted and the application dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

BH

(Decision No. 11173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FOREST A. DUNCAN, PITKIN, COLORADO.)

PERMIT NO. B-1036

December 30, 1937.

S T A T E M E N T

By the Commission:

On November 4, 1937, in Case No. 4731-Ins., the Commission issued an order revoking Permit B-1036 on account of the respondent having failed to keep on file the required insurance. It appears from the record that a certificate of insurance was filed with the Commission but was limited to a radius of fifty miles only, and that the original authority granted to the applicant provided for occasional loads of ore from mines in the area of Pitkin, Colorado, to the smelter at Leadville and the Golden Cycle mill at Colorado Springs, which extended outside of a fifty-mile radius, and that on November 20, 1937, by Decision No. 10985, the Commission issued an order eliminating the Leadville and Colorado Springs points from the authority theretofore granted, which would leave the respondent's operations all within a radius of fifty miles.

It further appears that in the interim the certificate of insurance was returned to the Commission. However, for some reason, the revocation order was issued on November 4, 1937, but had the exact status been known on that day, a hold order would have been entered until the amendment ordered by Decision No. 10985 could be entered.

After careful consideration of the record, the Commission is of the opinion and finds that the cancellation order was issued through lack of knowledge of the exact status of the permit at that time, and that this order should be set aside and Permit B-1036 restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued under date of November 4, 1937, revoking said permit be, and the same hereby is

set aside and held for naught, and Private Permit No. B-1036 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

BH

(Decision No. 11174)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. S. OSBORN AND WILLIAM HEIL)
UNDER PERMIT NO. A-1463.)

APPLICATION NO. 2984-PP

December 30, 1937

S T A T E M E N T

By the Commission:

On March 14, 1936, by Decision No. 7536, the Commission granted the above numbered permit after hearing on the verified application signed by A. S. Osborn and William Heil, designated therein as co-partners, both of Grand Lake, Colorado. The Commission is now in receipt of the following communication:

"December 21, 1937

"PETITION

To: The Commission

"I,A. S. Osborn, hereby request this Honorable Commission to remove the name of William Heil from the permit No. A-1463, for the reasons set forth below.

"1. William Heil was only employed in the capacity of driver in the operation at the beginning of this permit. Since that time said William Heil, has left the employ of A. A. Osborn and has been gone for a period of eighteen months. Further that said William Heil is not in Colorado and present address is unknown and it is impossible to contact said William Heil, in order to properly consummate a regular transfer.

"Relying upon the above facts this petition is presented this Honorable Commission, in order to clarify any rights now held by said A. S. Osborn.

"Signed A. S. Osborn

"WITNESSED:

"James B. Griffin."

After careful consideration of the record and the above communication, the Commission is of the opinion and finds that the name of William

Heil should be eliminated as a party in interest to Permit A-1463.

O R D E R

IT IS THEREFORE ORDERED, That the name of William Heil should be, and the same is hereby eliminated as a party in interest to Permit No. A-1463; provided, however, that should William Heil interpose an objection to the elimination of his name as a part owner of Permit A-1463, then, and in that event, this matter will be set down for hearing.

IT IS FURTHER ORDERED, That this order be made a part of Decision No. 7336, and that in all other respects said order of March 14, 1936, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1937.

BH

(Decision No. 11175)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. W. KIRWIN, DOING BUSINESS AS)
KIRWIN TRUCK LINE, YUMA, COLORADO,) CASE NO. 4678
PERMITS NOS. A-339 AND A-543.)

January 3, 1938.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued permits numbered A-339 and A-543, authorizing him to engage in the business of a private carrier by motor vehicle, and that at all times since the issuance of said authorities he has exercised, and is now exercising the rights and privileges conferred thereby.

The records of the Commission further disclose that said respondent has violated the terms and provisions of said private permits, and the terms and provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of this Commission, in the following particulars, to-wit:

1. That said respondent did, during the period from May 26 to September 26, inclusive, 1936, and during the months of August and September, 1937, accept, transport, and deliver numerous shipments of freight at and for rates and charges different from and lower than the rates and charges fixed and prescribed by this Commission for such transportation.

2. That said respondent did, during the aforesaid periods, fail and neglect to prepare and keep properly executed load sheets covering his operations under said permits.

3. That said respondent, during the periods aforesaid, did issue bills of lading, which said bills, in numerous instances, were not properly itemized and did not properly and adequately describe the nature and kind of commodities so transported by him.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion,

that an investigation and hearing be entered into, to determine if the respondent herein has failed or refused to comply with any or all of the aforesaid statutes and the rules and regulations of this Commission; and if so, whether his above described permits should therefore be suspended or revoked, or whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten (10) days from this date, why it should not enter an order suspending or revoking Permits Nos. A-339 and A-543, heretofore issued to this respondent, because of the aforesaid violations of the law and of the rules and regulations of this Commission, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be and is hereby set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 25th day of January, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of January, 1938.

BH

(Decision No. 11176)

At a General Session of the Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, January 4, 1938.

INVESTIGATION AND SUSPENSION DOCKET NO. 223

IT APPEARING, That on December 13, 1937, The Atchison, Topeka and Santa Fe Railway Company, by its attorneys, Messrs. Grant, Shafroth, Toll and Maroney, filed its petition with the Commission for the reduction of the train service of trains Nos. 85 and 86 on the Arkansas Valley District branch line between Lamar and La Junta, from a daily-except-Sunday service to a three-times-per-week service in each direction between said points, alleging that the loss of the mail contract between these places, and other reasons, justify said reduction in service, to be effective January 12, 1938;

IT APPEARING FURTHER, That on December 16, 1937, the Commission received a petition from T. W. Cain and 29 other alleged patrons of said branch line of The Atchison, Topeka and Santa Fe Railway Company, protesting the aforesaid change in train service of said rail carrier;

IT APPEARING FURTHER, That the Commission finds that the aforesaid proposed change in train service might injuriously affect the rights and interests of said protestants and others that might be concerned;

IT IS THEREFORE ORDERED, That the effective date of the proposed change in train service of trains 85 and 86 on the Arkansas Valley branch of The Atchison, Topeka and Santa Fe Railway Company be suspended one hundred and twenty days from January 13, 1938, or until May 12, 1938, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed change in the aforesaid train service be made a subject of investigation and determination by the Commission within the said period of suspension, or such further time as the same may lawfully be suspended.

IT IS FURTHER ORDERED, That the matter of the protests of the aforesaid protestants or others that might be concerned, is hereby set down

for hearing before the Commission on the 18th day of January, 1938, at 11:00 o'clock A. M., in the Court House at Lamar, Colorado, at which time and place such evidence in the matter as is proper may be offered.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid copy of the petition of The Atchison, Topeka and Santa Fe Railway Company, and copies hereof be forthwith served on Messrs. Grant, Shafroth, Toll and Maroney, attorneys for the said railway company, and Mr. T. W. Cain, Hasty, Colorado, protestant, and as representative of other protestants.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of January, 1938.

BH

(Decision No. 11177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF OLA JENKINS, LAS ANIMAS, COLORADO, Respondent.

PERMIT NO. B-1703
CASE NO. 4537-R

January 4, 1938.

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit B-1703 on account of the failure of respondent to present and file road reports for the months of March, April and May, 1937.

The Commission is now in receipt of a communication wherein it appears that the respondent did make out reports for the three months mentioned and has sent the carbon copies of such reports for inspection, indicating that he did make out these reports which are now being replaced for the records of the Commission, and requests reinstatement of his permit.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order above referred to should be set aside and said permit restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order of the Commission dated December 1, 1937, be, and the same hereby is set aside and held for naught, and Permit B-1703 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of January, 1938.

BH

(Decision No. 11178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE GASNER, STERLING, COLORADO.)

CASE NO. 4446-R
PERMIT NO. B-1120

January 4, 1938.

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit B-1120 on account of the failure of respondent to file road reports for the months of July and September, 1936.

The Commission is now in receipt of a communication signed by Earl E. Reynolds, who is familiar with the operations of the respondent, wherein it is found that the respondent does not get his mail more than once or twice a month, which comes General Delivery, that he did not receive copies of the notice of hearing, and upon receipt of a copy of the revocation order, immediately had this matter adjusted.

After a careful consideration of the record, the Commission is of the opinion and finds that the revocation order entered herein should be set aside and said permit restored to its original status, road reports having been filed for the months of July and September, 1936.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission entered under date of December 1, 1937, be, and the same hereby is set aside and Permit B-1120 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of January, 1938.

BH

(Decision No. 11179)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KATHERINE AND LOUIS WEITZEL,)
FORT COLLINS, COLORADO.)

CASE NO. 4498-R
PERMIT NO. B-1446

January 4, 1938.

S T A T E M E N T

By the Commission:

In the above numbered case, the Commission issued an order revoking and cancelling Permit B-1446 on account of the failure of respondent to make the deposit required by law to be made by private carriers.

It now appears from the record that the Port of Entry collected a $10.00 deposit from respondent, giving him Receipt No. 74699, dated October 28, 1937, and that said revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered under date of December 1, 1937, in the above numbered case, revoking Permit B-1446, should be, and the same hereby is set aside and held for naught, and Permit B-1446 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of January, 1937.

BH

(Decision No. 11180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CHARLES PETERSON TO TRANSFER TO MARTIN MIKELSON AND CHARLES SHEAFFER, DOING BUSINESS AS LITTLETON TRUCK LINE, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 506.	)	APPLICATIONS NOS. 922-AAA-AAA 981-AAAA 1412-AAAA

January 4, 1938

Appearances: Marion F. Jones, Attorney at Law,
Sugar Building, Denver, Colo.,
for the transferees;
J. E. Fitzpatrick, Attorney at Law,
Majestic Building, Denver, Colo.,
for Charles Peterson.

S T A T E M E N T

By the Commission:

On October 19, 1937, the applicants herein filed a petition seeking authority to transfer a certain portion of certificate of public convenience and necessity No. 506 to Martin Mikelson and Charles Sheaffer, the consideration to be paid therefor being $2200.00.

It was further disclosed at the hearing that Martin Mikelson is at the present time a member of the partnership of Mikelson Brothers, operating under Certificate No. 202, and with authority in addition to the transportation of certain freight is especially authorized to transport milk; that Martin Mikelson and Charles Sheaffer have entered into a partnership and possess equipment as follows:

1 - 1937 Reo 3/4 ton truck and
1 - 1935 Chevrolet 1½ ton truck,

which equipment is clear but is to be mortgaged in order to obtain the funds required to purchase that portion of Certificate No. 506 sought to be transferred. The transferees also have other property and equipment and are

financially able to conduct the operation should the transfer be authorized. No outstanding unpaid obligations appear as a result of previous operations under certificate No. 506.

It was agreed between the parties hereto that Mikelson and Sheaffer should be authorized to use the number 267 and Peterson to retain the use of the number 506 in the operation serving such part of the area as is not covered by the transfer.

At the hearing it was revealed that the exact dividing line between the area to be transferred by Charles Peterson and the part to be retained by him could not be agreed upon. It was understood between Counsel that an agreement would be reached between the parties hereto and a stipulation filed with the Commission at a later date wherein the boundary line or agreement as to the area to be transferred would be set forth.

The records show that on December 14, 1937, a stipulation was filed, signed by the respective Counsel, for their clients, and made a part of this record, which is as follows:

"STIPULATION

"WHEREAS, at the hearing on the above-entitled matter some dispute arose as to the Eastern Boundary of the area being transferred to the transferees, IT IS NOW AGREED AND STIPULATED between the parties, as follows:

"That the Eastern Boundary shall extend East of University Blvd. as extended to the line of the Highland Ditch.

"IT IS FURTHER AGREED AND STIPULATED, that transferor, CHARLES PETERSON, retains the right to serve customers in the area lying between said Highland Ditch and University Blvd. as extended, without the right to render any service West of said University Blvd. extended, and it is further agreed and stipulated that such rights hereby given to said Charles Peterson shall be personally to him only, and shall not be transferable by him to any other person.

"IN WITNESS WHEREOF, the parties have hereunto set their hands this 14th day of December, A. D. 1937."

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

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority should be granted to Charles Peterson to transfer that part of certificate of public convenience and necessity No. 506 as agreed upon between the parties hereto and that authority for such transfer should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Charles Peterson, holder of certificate of public convenience and necessity No. 506, with authority to transport milk and cream, be and he hereby is granted authority to transfer to Martin Mikelson and Charles Sheaffer, doing business as the Littleton Truck Line, that part of certificate No. 506 authorizing service in the territory described as follows, to-wit:

> Commencing at the NE corner of Sec. 31, Twp. 4 S, R 67 W; thence south 13 miles to the SE corner of Sec. 31, T 6 S, R 67 W; thence west 11 miles to the SW corner of Sec. 33, T 6 S, R 69 W; thence north 9 miles to the NW corner of Sec. 21, T 5 S, R 69 W; thence east along Bowles Avenue approximately 5 miles to the right-of-way of the South Park Narrow Gauge Railroad; thence north and east along the right-of-way of said railroad to the North 1/4 corner of Sec. 32, T 4 S, R 68 W; thence east 4½ miles to the point of beginning; provided that Sec. 36, T 4 S, R 68 W and Secs. 1, 12 and that part of Sec. 13 lying north of the High Line Canal in T 5 S, R 68 W, and Sec. 31, T 4 S, R 67 W and Secs. 6, 7 and that part of 18 lying north of the High Line Canal in T 5 S, R 67 W, all of which particular sections lie immediately south of the City Limits of Denver and between South University Boulevard and South Colorado Boulevard, which described sections the transferor reserves to himself, personally, the right to serve milk producers residing in these sections, along with the transferees, in accordance with the stipulation.

IT IS FURTHER ORDERED, That the transferees be and hereby are authorized to conduct their milk operations under Certificate No. 267.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferees shall have the necessary insurance on file with the Commission, and said transferor and transferees in writing have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of

them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferees herein until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 4th day of January, 1938.

R

(Decision No. 11181)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF THE CARDINAL STAGE LINES COMPANY, A CORPORATION, TO TRANSFER CERTIFICATES OF CONVENIENCE AND NECESSITY TO OPERATE MOTOR BUSSES IN PASSENGER SERVICE BETWEEN THE COLORADO-KANSAS STATE LINE AND DENVER, COLORADO, TO THE SANTA FE TRAIL TRANSPORTATION COMPANY, A CORPORATION.

APPLICATIONS NOS. 2174-A and 2458-A

December 31, 1937.

Appearances: J. W. Blood, Attorney at Law, Wichita, Kansas, for applicants.

S T A T E M E N T

By the Commission:

The petition of the Cardinal Stage Lines Company, a corporation, of Salina, Kansas, and the testimony given at the hearing, disclose that the applicant is the owner and holder of authority, heretofore issued in Application No. 2174, to transport passengers and express in interstate and intrastate commerce between the Colorado-Kansas state line and Denver, Colorado, over U. S. Highway No. 36, State Highway No. 102 and U. S. Highway No. 40, restricted locally between Strasburg, Colorado, and Denver, Colorado, and that the applicant is also the holder of authority granted under Application No. 2458 to transport passengers, baggage and express in interstate commerce between the Colorado-Kansas state line and Denver, Colorado, via U. S. Highways 40-N and 40, restricted to interstate business only.

It further appeared that the Cardinal Stage Lines Company has sold its assets to the Santa Fe Trail Transportation Company, a corporation, of Wichita, Kansas, and desires to transfer all of the authority and certificates now held by it to the Santa Fe Trail Transportation Company, a corporation.

It further appeared that the Santa Fe Trail Transportation Company, a corporation organized under the laws of Kansas, has been granted authority as a foreign corporation to do business in the State of Colorado;

that the Santa Fe Trail Transportation Company, the transferee, is taking over all of the stock of the Cardinal Stage Lines Company, as well as the assets, and when this is consummated will assume all of the debts and obligations of the transferor; that the transferee adopts all of the tariffs and time schedules filed by the transferor company with the Public Utilities Commission of the state of Colorado; that the transferee, The Santa Fe Trail Transportation Company, already has on file with the Commission policies of insurance and surety bonds; and that all highway compensation tax due under the authority here involved, has been assumed by the transferee.

It further appeared that the equipment now possessed by the transferee is in good shape, and none has been in use more than four years; that the transferee is an experienced operator, having been conducting similar business throughout various parts of the United States during the past fourteen years; and that the transferee, having acquired various operating rights, had now merged the same under the one name, all of which consolidations have been approved by the Interstate Commerce Commission.

A consolidated balance sheet statement of the transferee is attached to the application and made a part thereof, showing the assets and liabilities of the transferee as of November 30, 1937.

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

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

O R D E R

IT IS THEREFORE ORDERED, That authority should be and hereby is granted to the Cardinal Stage Lines Company, a corporation, of Salina, Kansas, to transfer all of its right, title and interest in and to the rights and certificates granted in Application No. 2174 and in Application No. 2458, with authority to transport passengers, express and baggage, as hereinbefore set forth and disclosed by the orders entered in said applications, to The Santa Fe Trail Transportation Company, a corporation.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That this order take effect on December 31, 1937, or at such time as the order of the Interstate Commerce Commission approving the above described merger, becomes final.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 31st day of December, 1937.

BH

(Decision No. 11182)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. H. HUGHES, OF EDWARDS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4329-PP

January 7, 1938.

Appearances: J. H. Hughes, Edwards, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
Robert Colman, Grand Junction, Colorado, for Colman Freight Service.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport rough lumber and ties from the Erik Nelson Mill, now located ten miles southwest of Edwards, Colorado, to the Denver and Rio Grande Western Railroad siding near Wilmor, Colorado, and to Red Cliff, Colorado.

No objection was offered to the granting of this authority.

The applicant has two Ford trucks equipped with stake bodies with which he intends to conduct this operation, if given authority.

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

O R D E R

IT IS THEREFORE ORDERED, That J. H. Hughes, of Edwards, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of rough lumber and ties from the Erik Nelson Mill, now located some ten miles southwest of Edwards, Colorado, to the Denver and Rio Grande Western Railroad siding near Wilmor, Colorado, and to Red Cliff, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of January, 1938.

BH

(Decision No. 11183)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SARA JACK STOCKON, 4955 GROVE STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4377-PP

January 7, 1938.

Appearances: C. M. Stockon, Denver, Colorado, for applicant;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
R. E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company and Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport sand, rock, gravel and other like road surfacing materials from point to point within a radius of fifty miles of Boulder, Colorado, in connection with road projects; and coal from mines in the northern Colorado coal fields, particularly the Pine Cliff mine, to dealers only within a radius of fifty miles of Boulder, Colorado.

It appeared from the testimony that C. M. Stockon, busband of the applicant, was connected with the Pine Cliff Coal Mine and had charge of the distribution and the output to dealers; that this operation would take a great deal of their time, but that they would have trucks equipped to haul road surfacing materials and wanted this right.

The applicant has three trucks and is financially able to conduct the operation.

There was no objection to the granting of this authority, limited as indicated by the testimony.

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

O R D E R

IT IS THEREFORE ORDERED, That Sara Jack Stockon, of Denver, Colorado, be, and she hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, rock, gravel and other like road surfacing materials from point to point within a radius of fifty miles of Boulder, Colorado, in connection with road construction projects, and the transportation of coal from mines in the nothern Colorado coal fields to dealers only, within the above-described area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of her customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Carter
W. E. Danks
Nelson Erickson
Commissioners.

Dated at Denver, Colorado,
this 7th day of January, 1938.

BH

(Decision No. 11184)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RALPH JOHNSON, AGATE, COLORADO,) APPLICATION NO. 4586-PP-A
TO TRANSFER PERMIT NO. A-754 TO)
GLEN O. KELLOGG, AGATE, COLORADO.)

January 5, 1938.

Appearances: Ralph Johnson, Agate, Colorado, and
Glen O. Kellogg, Agate, Colorado,
pro se;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
Kenneth Scott and Deer Trail Truck Line;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, Denver-Limon-Burlington
Transportation Company and Byers
Truck Line.

S T A T E M E N T

By the Commission:

The transferor testified that he had made arrangements to sell his truck and permit for $700.00; that he owed a few small debts which would aggregate about $30.00 and would pay the same before the transfer was consummated; that in the past he had been hauling farm products and live stock and made it a business of hauling for anyone around Agate; that he had this permit since 1934, but had never filed a list of customers, but had received notice from the Commission to file a list and of late had received a notice to appear in connection with his list of customers, but "just had not got around to it".

Glen O. Kellogg, transferee, stated that he was the holder of Permit A-448, issued May 3, 1933, with authority to transport freight between Denver, Colorado, and Agate, Colorado; that he had entered into a contract to purchase one truck and Permit A-754 from Ralph Johnson, provided the same could be transferred; that he wanted Permit A-754 just as it was granted - freight from Limon to Denver and intermediate points; that at the present time he had listed about twenty customers, all from Agate, but did not have

customers listed from Limon or any other point along U. S. 40, and always charged the rates as prescribed by the Commission.

Road reports filed under A-754 by Ralph Johnson were made part of the record.

A motion was made to deny the transfer in all respects except for the transportation of farm products and livestock, inasmuch as the records disclosed that the transferor had not used his permit for any other purpose than for the transportation of farm products, and for the further reason that the present status of said permit does not meet the requirements of Rule 7, Paragraph C.

Reference to the record on Permit A-754 discloses that efforts have been made to get the transferor to comply with rules of the Commission and file a list of his customers, and on November 8, 1937, a notice was sent to the holder of this permit requiring him to show cause why the same should not be cancelled for failure to file the required list of customers, which notice was issued in Case No. 4640, heard November 22, 1937, at which time the respondent in said case, being Ralph Johnson, did not appear, and a revocation order was entered revoking and cancelling Permit A-754 on account of the respondent's failure to keep on file the required list of customers. Rule 8 of the Rules and Regulations Governing Private Carriers by Motor Vehicle issued by the Commission, effective June 15, 1937, reads as follows:

> "Rule 8. Any permit may at any time be suspended or revoked by the Commission upon at least ten days' notice to the permittee and opportunity to be heard for the following reasons:
> * * *
> "(g) For failure to comply with the laws of the State of Colorado relating to the public highways or the use thereof, the provisions of these rules and regulations, and the terms and conditions in his permit, or any of them, or any other order, rule or regulation made and promulgated under and by virtue of Chapter 120, Session Laws of 1931, as amended, whether herein contained or hereafter made effective."

Rule 10 of said Rules and Regulations require the filing of a customer list, together with the terms of contracts as follows:

"Rule 10. * * *

"(d) Every private carrier by motor vehicle who transports passengers or freight for hire for any person, firm or corporation, without first having entered into a special contract for transportation service, shall prima facie be deemed a common carrier."

The file under Permit A-754 discloses that the holder thereof, at no time met the requirements of this rule and has in fact been acting as a common carrier by reason of his violation of this rule. Ralph Johnson testified while on the witness stand that he had never filed a list of customers, that he had never gotten around to it since being served with a notice, and the record shows that just nine days after receiving the show cause order, he filed this application for a transfer instead of putting his permit in good standing by filing a list of customers. His own statement was that he served anybody in the Limon-Agate area, transporting farm products and live stock, which is an admission on his part that his conduct was that of a common carrier.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that Permit A-754 was cancelled and revoked after due notice had been served on the respondent in Case No. 4640 and at a hearing held November 22, 1937, as required by the rules and regulations of the Commission, and that the instant application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant application for authority to transfer Permit A-754 be and the same hereby is denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1938.

BH

(Decision No. 11185)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF CLARENCE SOUTHARD, GREELEY, COLORADO, TO EXTEND HIS PRIVATE PERMIT TO INCLUDE THE TRANSPORTATION OF LIVESTOCK AND FARM PRODUCE WITHIN A RADIUS OF FIFTY MILES OF GREELEY, COLORADO.

APPLICATION NO. 4234-PP-B

January 5, 1938

Appearances: Clarence Southard, Greeley, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, Denver-Loveland Transportation Company, Inter-City Truck Line, Milliken-Johnstown Truck Line, McKie Transfer Company, Overland Motor Express and Fuller Truck Line;
R. E. Conour, and Zene D. Bohrer, Esqs., Denver, Colorado, for Weicker Transportation Company;
Wayne Rees, Denver, Colorado, for The Colorado Trucking Association, J. J. Stroh and Jacob J. Schaefer.

S T A T E M E N T

By the Commission:

The applicant herein stated that he was the owner of Permit No. B-2002 with authority to:

> "transport beets, from fields within a radius of eight miles of Greeley, Colorado, to beet dumps in said area, wet beet pulp from Greeley to feed lots within a radius of twenty miles thereof,"

and that he now desired authority to transport farm products, principally hay and livestock to and from sales barns at Greeley and Eaton to and from points within the following described area around Greeley extending west to Windsor, north to the Wyoming State Line, east to Briggsdale and south a distance of six miles from Greeley; that he desired to conduct no line haul operation in competition with scheduled carriers.

After the above statement by the applicant, there was no objection to the granting of an extension to include the service, as indicated.

After a careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that the extension should be granted, limited, however, as disclosed by the applicant's testimony.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2002 be, and the same hereby is, extended to include the following:

> The transportation of farm products, including livestock, from point to point within the area extending west of Greeley, to a line drawn north and south through Windsor, north of Greeley to the Colorado-Wyoming State Line, east of Greeley to a line drawn north and south through Briggsdale and south of Greeley a distance of six miles.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11186)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)	PERMIT NO. A-1872
RUFUS W. MEACHUM, BEULAH,)	PERMIT NO. C-5673
COLORADO.)	CASE NO. 3781-Ins.

January 5, 1938

S T A T E M E N T

By the Commission:

On September 13, 1937, in Case No. 3781-Ins., the Commission issued an order revoking and cancelling Permit No. A-1872 and Permit No. C-5673, on account of the respondent having failed to keep on file the required certificate of insurance.

The record discloses that immediately after the revocation order had been entered, a series of correspondences took place between Harry Vories, Attorney at Law, Pueblo, Colorado, Tom M. Sullivan, Insurance Agent of Pueblo, Colorado, and A. A. von Egidy, for the Commission, in an effort to have the operations of the respondent under his permits properly covered with insurance, and that his certificate of insurance was sent to the Commission and returned.

A duplicate certificate was later filed with the Commission, and the record now discloses that both of these permits were covered with insurance from September 16, 1937, three days following the entering of said order, and that the records in the office of the Commission show that all rules and regulations have been complied with, and that, under the circumstances, the revocation order should be set aside.

There seems to have been an earnest effort on the part of Attorney Vories, the respondent and the insurance agent to comply with the rules of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order of revocation entered under date of September 13, 1937, in Case No. 3781-Inc., revoking said permits, should be, and the same hereby is, set aside and Private Permit No. A-1872 and Commercial Permit No. C-5675 be, and each of said permits hereby are, restored to their original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11187)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JOHN E. FRANZA, ROUTE 2, TRINIDAD,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 4362-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

January 5, 1938

S T A T E M E N T

By the Commission:

At the time and place set for hearing the above styled application, to-wit, at Trinidad, on December 20, 1937, applicant asked that said application be dismissed.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11188)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE TRIBBLE, BOONE, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4337-PP

January 5, 1938

S T A T E M E N T

By the Commission:

Applicant herein filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products and supplies from point to point within a radius of fifty miles of Boone, Colorado.

At the hearing, it appeared that he seeks authority for the transportation of farm products (no livestock), farm machinery and supplies, building material and coal from point to point within a radius of fifty miles of Boone, and from and to points in said area, to and from points in the State of Colorado.

The evidence disclosed that applicant is a plasterer by trade, but now he is engaged in the transportation of water to farms in the vicinity of Boone; that he seeks a pickup radius of fifty miles of Boone, "so as not to run out of territory"; that he does not have any customers at this time, but expects to be able to obtain a number of customers residing in the area north of Boone; that he has been trucking for about twenty years; that he does not propose to engage in town to town service.

The record disclosed that said fifty mile radius includes a great number of communities already served by call and demand motor vehicle common carriers.

While service, limited to the transportation of farm commodities between and from and to points within a limited distance of Boone, might be desirable, the evidence at the hearing did not so disclose, and it did not appear from the testimony that the proposed service would not impair the efficiency of motor vehicle common carriers now serving in said fifty mile radius.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11189)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
R. H. BURKDOLL, 111 WEST 13TH ST.,)
PUEBLO, COLORADO, FOR AN EXTENSION)
OF HIS PERMIT NO. A-658.)

APPLICATION NO. 2441-PP-BR

January 5, 1938

Appearances: R. H. Burkdoll, Pueblo, Colorado, pro se;
A. J. Pregeau, Denver, Colorado, for Weicker Transportation Company and Pueblo-San Luis Valley Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for Curtis Truck Service, B. B. Andis, Adolph Arguello, Lute Vance, John Stickler, Richard Postel and The Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
J. D. Blunt, Esq., Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of farm products from farms in the San Luis Valley to Pueblo.

Witness stated that he operates a produce truck as a commercial carrier from Pueblo to towns in the San Luis Valley twice weekly, and wants authority to back-haul for hire, so as to make his produce business more profitable, the overhead for said trip now being charged against the produce business. He added that a number of carriers were now authorized to serve the territory, and, so far as he knew, the aforesaid service was satisfactory; that, as yet, he has not procured contracts to haul for hire from said San Luis Valley points, but expected to procure such contracts

from farmers residing near Del Norte and Alamosa; such contracts being, "something a fellow has to get out and get — that's all."

Inasmuch as the statute provides that permits to operate as private carriers by motor vehicle for hire shall not issue where it does not appear that the proposed operation will not impair the efficiency of adequate motor vehicle common carrier service, if any, in the area sought to be served by applicant, and such facts did not appear from the testimony offered at the hearing, the Commission is of the opinion, and finds, that said application for extended service should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application of R. H. Burkdoll, Pueblo, Colorado, for an extension of his Class "A" Permit, No. A-658, should be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11190)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
H. C. SHANNON, 1703 11TH STREET,)
GREELEY, COLORADO, FOR A CLASS "B") APPLICATION NO. 4408-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 5, 1938

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to transport coal from mines in the northern Colorado coal fields to points within a radius of fifty miles of Greeley.

Inasmuch as The Motor Truck Common Carriers' Association and the Colorado Trucking Association heretofore have indicated that they have no objection to the issuance of permits, limited to the service herein sought to be rendered by applicant, the Commission has determined to, and set the above styled application for hearing forthwith, without formal notice, and has heard said application upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That H. C. Shannon, Greeley, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to points within a radius of fifty miles of Greeley.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11191)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF) W. HERBERT GOODEN, 205 SOUTH KALAMATH STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4410-PP

January 5, 1938

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from the northern Colorado coal fields to Denver, and fire wood to Denver from supply points within a radius of fifty miles of Denver, sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

Inasmuch as The Motor Truck Common Carriers' Association and the Colorado Trucking Association heretofore have indicated that they have no objection to the issuance of permits, limited to the service herein sought to be rendered by applicant, the Commission determined to, and set the above styled application for hearing forthwith, without formal notice, and has heard said application upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That W. Herbert Gooden, Denver, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from the northern Colorado coal fields to Denver, and fire wood to Denver

from supply points within a radius of fifty miles thereof, and sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11192)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
L. E. HENRY, FORT LUPTON, COLORADO,)
FOR AN EXTENSION OF HIS PERMIT NO.)
B-1533.)

APPLICATION NO. 3221-PP-B

January 5, 1938

S T A T E M E N T

By the Commission:

Heretofore, in Decision No. 7926, Application No. 3221-PP, L. E. Henry of Fort Lupton, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products only, from point to point within a radius of fifteen miles of Fort Lupton, Colorado, and the transportation of such commodities as are ordinarily classified as junk to loading track at Fort Lupton from wrecking yard within one-half mile thereof.

He now seeks to have said authority extended to include the right to transport coal from the Highway, Baum and Sterling Coal Mines, situated in the northern Colorado coal fields to Denver.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association have heretofore indicated that they have no objection to the issuance of permits, limited to the transportation of coal from the northern Colorado coal mines to Denver, the Commission has determined to hear, and has heard, said application upon the records and files herein, without formal notice.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1533, heretofore issued herein pursuant to Decision No. 7926, should be, and hereby is, extended to include the right to transport coal only (without limiting the authority heretofore granted) from the Highway, Baum and Sterling Coal Mines to Denver, only.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1938.

MW

(Decision No. 11193)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEO HOLTKE, 5070 FILLMORE STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 4409-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 5, 1938

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to transport rock, sand and gravel from the Bertrand supply pits near Welby, Colorado, to construction jobs within a radius of fifty miles thereof, as a Class "B" private carrier by motor vehicle for hire.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the issuance of permits limited to the service herein sought to be rendered by applicant, the Commission has determined to, and has, set the above styled application for hearing forthwith, without formal notice, and has heard said application upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Leo Holtke, Denver, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of rock, sand and gravel from the Bertrand supply pits near Welby, Colorado, to construction jobs within a radius of fifty miles thereof.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in

the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF C. B. PETTEGREW, DOING BUSINESS AS OLE KING COAL, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4411-PP

January 5, 1938.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Valmont, and sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

Inasmuch as The Motor Truck Common Carriers' Association and the Colorado Trucking Association heretofore have indicated that they have no objection to the issuance of permits, limited to the service herein sought to be rendered by applicant, the Commission has determined to, and has, set the above styled application for hearing forthwith, without formal notice, and has heard said application upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That C. B. Pettegrew, doing business as "Ole King Coal", Denver, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Valmont, and sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1958.

BH

(Decision No. 11195)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT COLMAN, DOING BUSINESS AS)
COLMAN FREIGHT SERVICE, FOR AUTHORITY) APPLICATION NO. 2335-I-A
TO TRANSFER PERMIT NO. 771-I TO)
CLINTON KELLEY, GRAND JUNCTION, COLORADO.)
* *

January 6, 1938.

S T A T E M E N T

By the Commission:

Applicant, Robert Colman, herein seeks authority to transfer to one Clinton Kelley the interstate permit No. 771-I, heretofore issued to said applicant in Application No. 2335.

Upon the verified application herein, it appears that the Interstate Commerce Commission has authorized substitution of said Clinton Kelley for Robert Colman upon its dockets as applicant for authority to continue the operation authorized under said Permit No. 771-I; that said Kelley has net assets of value of $1,322.76 and has arranged to lease a truck from said Colman to be used in conducting the aforesaid operation; that there are no outstanding liabilities against said operation incurred by Robert Colman.

The records of the Commission, however, disclose unpaid wheel tax in the sum of $189.45.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application for authority to transfer said permit should be granted, said transfer not to become effective until outstanding unpaid wheel tax in the sum of $189.45 has been paid and our rules and regulations otherwise complied with.

O R D E R

IT IS THEREFORE ORDERED, That Robert Colman, doing business as Colman Freight Service, should be, and he hereby is, authorized to transfer

Interstate Permit No. 771-I, issued in Application No. 2335, to Clinton Kelley, said transfer not to become effective until outstanding wheel tax in the sum of $189.45 shall have been paid.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee in writing have advised the Commission 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 right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of January, 1938.

BH

(Decision No. 11196)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GLEN E. MARTIN, DOING BUSINESS AS PUEBLO LIVESTOCK AUCTION COMPANY, ROUTE 2, BOX 711, PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4530-PP

January 6, 1938.

Appearances: Glen E. Martin, Pueblo, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams, Jackson Transfer and Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for Ernest J. Gottula, W. G. Cressey and The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant, Glen E. Martin, doing business as Pueblo Livestock Auction Company, Pueblo, Colorado, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock and stock feeds from point to point within a radius of twenty-five miles of Blende, and from and to points in said area to and from points in the State of Colorado.

The evidence disclosed that Blende is situated about three miles east of Pueblo and fifteen or sixteen miles west of Avondale; that applicant operates a sales yard and feed store at Blende; that the yard has been conducted for about two years, and that a great number of livestock is being handled through said yard; that while, chiefly, the applicant wants to serve his sales yard at Blende, there is no local common carrier at Blende, and there has been some demand from farmers for a carrier in the area; that the nearest authorized carrier outside of Pueblo is W. G. Cressey, with headquarters at Avondale, said Cressey being authorized to operate as a common carrier by motor vehicle for hire for the transportation of farm produce, including livestock, farm equipment, farm supplies and used household

furniture, into, out of and between points within a radius of fifteen miles of Avondale, Colorado, with no transportation service from town to town.

Wes V. McKaughan, with headquarters at Rye, has authority to serve said territory, and stated that he had no objection to the issuance of a permit for the transportation of livestock to and from sale barn of applicant at Blende. W. G. Cressey concurred.

It also appeared that the Gottula Truck Company hauled feed from and to points in the area.

The evidence apparently disclosed that transportation service in the community sought to be served by applicant is adequate; that three or more call and demand common carriers are authorized to serve all or the greater part of said area, and it did not appear that the transportation of farm products by applicant other than livestock will not impair the efficiency of said common carrier operations.

A statute provides that a permit to operate as a private carrier for hire by motor vehicle should not issue unless it appears that the proposed operation will not impair the efficiency of adequate common carrier service with which it will compete.

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock, including horses, only, from and to points within a radius of twenty-five miles of Blende to and from applicant's sales yard at Blende, without the right to extend his service, except upon authority of the Commission, after hearing had.

O R D E R

IT IS THEREFORE ORDERED, That Glen E. Martin, doing business as Pueblo Livestock Auction Company, Pueblo, Colorado, should be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of livestock only, including horses,

from and to points within a radius of twenty-five miles of Blende, Colorado, to and from applicant's sales yard at Blende, without the right to extend his service, except upon authority of the Commission after hearing had.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of January, 1938.

BH

(Decision No. 11197)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE SANTA FE TRAIL STAGES, INC. TO TRANSFER CERTIFICATES OF CONVENIENCE AND NECESSITY TO OPERATE MOTOR BUSSES IN PASSENGER SERVICE BETWEEN THE COLORADO-KANSAS STATE LINE AND DENVER, COLORADO, APPLICATION NO. 2112, BEING APPLICATION TO TRANSFER AUTHORITY NOW HELD BY THE SANTA FE TRAIL STAGES, INC., TO THE SANTA FE TRAIL TRANSPORTATION COMPANY, A CORPORATION.

APPLICATION NO. 2112-AA

January 7, 1938

Appearances: J. W. Blood, Attorney at Law, Wichita, Kansas, for applicants.

S T A T E M E N T

By the Commission:

The petition of the Santa Fe Trail Stages, Inc., and the testimony of J. W. Blood, Attorney for said company, of Wichita, Kansas, discloses that the applicant is the owner and holder of Certificate No. 688-I, granted in Application No. 2112, under date of December 16, 1933, with authority to transport passengers, baggage and express in Interstate Commerce only, between Denver, Colorado and Wootton, Colorado, and intermediate points via U. S. Highway 85.

It further appeared that the Santa Fe Trail Stages, Inc. has sold its assets to the Santa Fe Trail Transportation Company, a corporation; that the latter corporation is organized under the Laws of the State of Kansas and authorized as a foreign corporation to do business in the State of Colorado; that the Santa Fe Trail Transportation Company, the transferee, is taking over all of the stock of the Santa Fe Trail Stages, Inc., as well as other assets, and when this is consummated will assume all of the debts and obligations of the transferor; that the transferee adopts all of the tariffs and time schedules filed by transferor company,

with the Public Utilities Commission, State of Colorado; that the transferee, the Santa Fe Trail Transportation Company already has on file with the Commission, policies of insurance and surety bonds; and that all highway compensation taxes due under the authority herein involved has been assumed by the transferee.

It further appeared that the equipment now possessed by the transferee is in good shape and none has been in use more than four years; that the transferee is an experienced operator, having been conducting similar business throughout various parts of the United States during the past fourteen years; and that the transferee, having acquired various operating rights, had now merged the same under the one name, all of which consolidations have been approved by the Interstate Commerce Commission.

A consolidated balance sheet statement of the transferee is attached to the application and made a part thereof, showing the assets and the liabilities of the transferee as of November 30, 1937.

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

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

O R D E R

IT IS THEREFORE ORDERED, That authority should be and hereby is granted to the Santa Fe Trail Stages, Inc., a corporation, to transfer all of its right, title and interest in and to the rights and certificates granted by Application No. 2112, with authority to transport passengers, baggage and express as hereinbefore set forth and disclosed by the order entered in said application, to the Santa Fe Trail Transportation Company, a corporation.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before transferee shall have the necessary insurance on file with the Commission, and said transferor and

transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That this order shall take effect on December 31, 1937, or at such time as the order of the Interstate Commerce Commission, approving the above described merger, becomes final.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of January, 1938.

B

(Decision No. 11199)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RICHARD HOLT, WALSENBURG, COLO-)
RADO, FOR AN EXTENSION OF HIS)
CLASS "B" PERMIT NO. B-1089.)

APPLICATION NO. 2518-PP-B

January 8, 1938

Appearances: Richard Holt, Walsenburg, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend his operations under his Class "B" permit, No. B-1089, to include the right to transport beer from Pueblo to Walsenburg, with a back-haul of empties over U. S. Highway No. 85 for Robert Turner.

At the hearing, no attempt was made by applicant to show that service now being furnished or made available by motor vehicle common carriers authorized to serve said points is not adequate, or that the proposed service of applicant will not impair the efficiency of the service of said carriers.

For Weicker Transportation Company, Louis Rhodes, Pueblo Manager, testified that Weicker operates a line haul common carrier service between Pueblo and Walsenburg daily, maintains terminal facilities at both points twenty-four hours out of each day and is ready to and will furnish service at any hour out of Pueblo; that its daily business, too, has been reduced twenty percent during the recent recession, and that the application should not be granted.

After a careful consideration of the record, the Commission is of the opinion, and finds, that under the statute applicable thereto, said application cannot be granted, and should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Charles

W. E. Danks

Malcolm Ericson

Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1938.

B

(Decision No. 11200)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN HOLT, 108 WEST 6TH STREET, FLORENCE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4332-PP
IN THE MATTER OF THE APPLICATION OF G. P. DOUGLAS, 907 WEST 24TH STREET, PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4333-PP
IN THE MATTER OF THE APPLICATION OF SAM VINCI, JR., ROUTE 2, BOX 365, PUEBLO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4334-PP

January 8, 1938

Appearances: A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company, Jackson Transfer and Allumbaugh and Williams;
Marion F. Jones, Esq., Denver, Colorado, for the Colorado Trucking Association, Ernest J. Gottula, Jim's Truck Line, Wes V. McKaughan, B. B. Andis, Curtis Truck Service, W. G. Cressey, Fowler Truck Line, Ben Tillotson, Joseph H. Lee, Wimp and Covey, Clarence L. Middleton;
J. D. Blunt, Esq., Canon City, Colorado, for Southwestern Transportation Co.;
Francis M. Keith, Canon City, Colorado, for Keith Truck Line.

S T A T E M E N T

By the Commission:

Although the above styled applications of John Holt, G. P. Douglas and Sam Vinci, Jr. were regularly set for hearing at Pueblo, Colorado, on December 13, 1937, at 1:30 P.M., due notice thereof being given to said respective applicants, said applicants failed to appear at the time and place appointed for said hearing.

Thereupon, protestants entering appearances aforesaid, moved that said applications, and each of them, be dismissed for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That said applications numbered 4332-PP, 4333-PP, and 4334-PP, respectively, and each of them, should be, and hereby are, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1938.

B

(Decision No. 11201)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
HERB WILSON, 501 EAST OLIVE STREET,)
LAMAR, COLORADO, FOR A CLASS "B") APPLICATION NO. 4349-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 10, 1938.

Appearances: Herb Wilson, Lamar, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation
Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
Oberwortman and Roe, and Wimp & Covey.

S T A T E M E N T

By the Commission:

The above styled matter was set for hearing at Lamar, Colorado, on December 15, 1937, at 9:30 o'clock A. M.

At the time and place appointed for hearing, applicant appeared in person and asked that said application be dismissed.

After a careful consideration of the record, there being no objection by protestants, the Commission is of the opinion, and finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Carter
W. E. Danks
Malcom Ericson
Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

BH

(Decision No. 11202)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
IRA W. KELLY AND JAKE HOFFMAN.) PERMIT NO. C-7276
)
)

January 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ira W. Kelly and Jake Hoffman of Rt 2, Box 27, Eaton, Colorado, requesting that his Permit No. C-7276. be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7276, heretofore issued to Ira W. Kelly and Jake Hoffman, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

R

(Decision No. 11203)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
S. P. MILLER.) PERMIT NO. C- 7392
)
)

January 10, 1937

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from S. P. Miller of P O Box 66, Longmont, Colo., requesting that his Permit No. C-7392 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7392, heretofore issued to S. P. Miller, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Thomas

W. L. Parks

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

R

(Decision No. 11204)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
CLYDE GILLASPIE .) PERMIT NO. C- 7273
)
.....)

January 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clyde Gillaspie of Quinter, Kansas, requesting that his Permit No. C-7273 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7273, heretofore issued to Clyde Gillaspie, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund H. Dawes
T. H. Banks
Marion Erickson
Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

R

(Decision No. 11205)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF ROBERT R. PHILLIPS, OF) APPLICATION NO. 4321-PP
CREEDE, COLORADO.)

January 10, 1938.

S T A T E M E N T

By the Commission:

On Decision 16, 1937, in Application No. 4321-PP, Decision No. 11112, the Commission granted Robert R. Phillips authority to operate as a Class "B" private carrier by motor vehicle for hire. However, the application was not completed and applicant was not issued a permit number.

Now the Commission is in receipt of a communication from applicant requesting a suspension of his authority.

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

O R D E R

IT IS THEREFORE ORDERED, That Robert R. Phillips should be and hereby is allowed to suspend his authority granted in Application 4321-PP (Decision No. 11112) for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless Robert R. Phillips shall, prior to expiration of said suspension period, reinstate said authority by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said authority without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 10th day of January, 1938.

Commissioners

(Decision No. 11206)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
GUY TORMEY.) PERMIT NO. C-7349
)
)

January 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Guy Tormey of Eaton, Colorado, requesting that his Permit No. C-7349 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7349, heretofore issued to Guy Tormey, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

R

(Decision No. 11207)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MARVIN WRIGHT, CENTER, COLO.) APPLICATION NO. 2977-PP

January 10, 1938

S T A T E M E N T

By the Commission:

On March 15, 1937, by order of the Commission, Decision No. 9587, Marvin Wright, Center, Colorado, was given authority to operate as a Class "B" private carrier by motor vehicle for hire, as limited by said decision.

The Commission is now in receipt of a communication from Marvin Wright, requesting that the authority granted in Decision No. 9587 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Marvin Wright, Center, Colorado, should be, and he hereby is, allowed to suspend his operations under authority granted in Decision No. 9587 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Marvin Wright shall, prior to the expiration of said suspension period, reinstate said authority by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said authority, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 10th day of January, 1938.

Commissioners

MW

(Decision No. 11208)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
C. D. WARREN, FLEMING, COLO.) PERMIT NO. C- 7503
)
)

January 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. D. Warren of Fleming, Colorado, requesting that his Permit No. C-7503 be cancelled for the reason that he has no further use for said permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7503, heretofore issued to C. D. Warren, Fleming, Colorado be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest W. Clarke

W. A. Dawks

Mason Ericson

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

MW

(Decision No. 11209)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
E. P. PHILKOFF, TULSA, OKLA.) PERMIT NO. C- 7182
)
)

January 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. P. Philkoff of Tulsa, Oklahoma, requesting that his Permit No. C-7182 be cancelled for the reason he has no further use for said permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7182, heretofore issued to E. P. Philkoff, Tulsa, Oklahoma be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

MW

(Decision No. 11210)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
FLOYD CECIL, GALETON, COLO.) PERMIT NO. C- 7454
)
)

January 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Floyd Cecil of Galeton, Colorado, requesting that his Permit No. C-7454 be cancelled for the reason he has no further use for said permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7454, heretofore issued to Floyd Cecil, Galeton, Colorado be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest W. Clawson

Yule Davis

Milton Ericson

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

MW

(Decision No. 11211)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE ZUCCA, DENVER, COLORADO.)

PERMIT NO. A-381
PERMIT NO. B-1332

January 10, 1938

S T A T E M E N T

By the Commission:

On August 4, 1937, by order of the Commission, Decision No. 10464, Joe Zucca was given authority to suspend operations under his Permit No. A-381 for a period of six months with the privilege or reinstatement.

The Commission is now in receipt of a communication from said Joe Zucca, requesting that his Permit No. A-381 be suspended for an additional period of six months from February 8, 1938; also that Permit No. B-1332 be suspended for the same period of time.

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

O R D E R

IT IS THEREFORE ORDERED, That Joe Zucca should be, and hereby is, allowed to suspend his operations under Permits Nos. A-381 and B-1332 for a period of not to exceed six months from February 8, 1938.

IT IS FURTHER ORDERED, That unless said Joe Zucca shall, prior to expiration of said suspension period, reinstate the said permits by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permits, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ernest W. Hawkes

W. E. Dawkins

Marion Ericson

Commissioners

Dated at Denver, Colorado,
this 10th day of January, 1938.

MW

(Decision No. 11212)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALFRED BLUME, DOLORES, COLORADO.) PERMIT NO. B-2011

January 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alfred Blume, Dolores, Colorado, requesting that his Permit No. B-2011 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Alfred Blume, Dolores, Colorado, should be, and hereby is, allowed to suspend his operations under Permit No. B-2011 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Alfred Blume shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of January, 1938.

MW

(Decision No. 11213)

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

RE MOTOR VEHICLE OPERATIONS OF DIVER AND SHEDRON, GUERNSEY, WYOMING, Respondent.	CASE NO. 4543-R PERMIT NO. B-1769

January 10, 1938.

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit B-1769 on account of the respondent's failure to pay the $10.00 deposit required by law.

The Commission is now in receipt of a communication calling attention to some error made when the original check for deposit was forwarded under date of November 26, with a request that the revocation order be set aside.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order of December 1, 1937 should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That revocation order issued in Case No. 4543-R, under date of December 1, 1937 be and the same hereby is set aside and held for naught and permit B-1769 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

B

(Decision No. 11214)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF A.)
S. HARNES, FOUNTAIN, COLORADO,) CASE NO. 4590-R
Respondent.) PERMIT NO. B-1894

January 10, 1938.

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case the Commission issued an order revoking and cancelling Permit B-1894 because the respondent failed to present road reports for June and August, 1937.

The Commission is now in receipt of a communication wherein it appears that the respondent did not receive a notice issued October 11, 1937, but that as soon as he did receive the order, reports covering the months of June and August, 1937 were immediately filed.

After careful consideration of the record the Commission is of the opinion and finds that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That revocation order issued in Case 4590-R under date of December 1, 1937, be and the same hereby is set aside and held for naught and Permit B-1894 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

B

(Decision No. 11215)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LEONARD BAKER, DOING BUSINESS)
AS "BAKER TRUCK LINE" CRAIG, COLO-) APPLICATION NO. 4585-PP-A
RADO, TO TRANSFER PERMIT NO.A-822)
TO A.W.ANDERSON, CRAIG, COLORADO.)

January 10, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicants;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association;
R. E. Conour, Esq., Denver, Colorado, for Larson Transportation Company;
P. A. Johnson, Esq., Denver, Colorado, for the Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

Leonard Baker testified that he was the holder of Permit A-822, issued August 30, 1934, with authority as follows:

> "Freight between Fortification, Colorado and Denver, Colorado and intermediate points via Colo. 13 and U.S. 40 and between vicinity of Elk Head, Colorado and Craig and Hayden, Colorado and intermediate points, via various county roads";

that he had arranged to move to Loveland, Colorado and desired authority to transfer his permit to the transferee, for which he was to receive $1500.00 for the permit and a 1936 V-8 truck, against which there were no encumbrances; and that he knew of no outstanding unpaid obligations as a result of his operations under said permit.

Application No. 822 was made a part of the record, also a list of customers and road reports, and the record discloses that the applicant has paid road tax, made a deposit as required, carries insurance and has been operating over his route, principally between Craig and Denver.

A. W. Anderson of Craig, Colorado, the transferee named in the application testified that he desired to acquire this right in order to

conduct a similar operation to that heretofore conducted by Leonard Baker, that he had contracts to transport a part of the tonnage of most of the customers named on the customer list and had talked with all of them except one, since considering the purchase of the Baker permit.

In his arrangement with these customers, nothing was said about the rate to be paid, that he was not himself familiar with the prescribed rates of the Commission but had presumed that all of the customers with whom he talked and expected to do business with were experienced business men and knew what the rates were.

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

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority to transfer Permit A-822 should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Leonard Baker, doing business as Baker Truck Line, Craig, Colorado, be and he hereby is granted authority to transfer all right, title and interest in and to Permit A-822, to A.W. Anderson of Craig, Colorado.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee in writing have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in 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 right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Stevens

M. L. Danks

Malcom Ericson

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

B

(Decision No. 11216)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GUS GOLIN, LITTLETON, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 4097-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

January 10, 1938.

Appearances: Gus Golin, Littleton, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Fred Funk;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, et al;
R. E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company and Weicker Transfer and Storage Company;
P. A. Johnson, Esq., Denver, Colorado, for the Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

Gus Golin testified that he had a Chevrolet truck with which he had been transporting beets from fields to dump and desired authority to also haul grain and hay from point to point within a radius of ten miles of Littleton, Colorado; and posts from Deer Creek to the Littleton area. He further stated that so far as the posts were concerned, Windecker Brothers and others were authorized and could handle the post item, and that Funk hauled practically everything except beets and posts.

The applicant was questioned about rates, rules and regulations, and the customers that he intended to serve. He appeared to have but two customers, knew very little, if anything, about the rules and regulations of the Commission, unless it would be in connection with the hauling of beets, grain and loose hay. He asked that livestock be eliminated from his application.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the applicant Gus Golin should be limited in his transportation service to the movement of bulk grain, loose hay and beets.

O R D E R

IT IS THEREFORE ORDERED, That Gus Golin, Littleton, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of bulk grain and loose hay from point to point within a radius of ten miles of Littleton, and beets from field to dump within said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Alexander

W. W. Dawson

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. A. LANCASTER, WESTCLIFFE, COLORADO, FOR AN EXTENSION OF HIS PERMIT NO. A-1335.

APPLICATION NO. 2938-PP-B

January 10, 1938.

Appearances: W. A. Lancaster, Westcliffe, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for U. S. Read, Wes V. McKaughan, B. B. Andis, Curtis Truck Service, Richard Postel and The Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
J. D. Blunt, Esq., Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks an extension of his Class "A" permit No. A-1335 to include the right to transport ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe to Westfliffe, Texas Creek, Salida, Saguache, Center, Monte Vista and Alamosa, with back-haul of livestock only from said points to farms within said fifteen mile radius, and livestock from Denver to farms in said radius.

The evidence disclosed that applicant does not propose to haul farm products other than livestock from San Luis Valley points to farms within a radius of fifteen miles of Westcliffe; the transportation of livestock from Denver chiefly will be limited to the transportation of registered bulls.

There was no objection to the granting of the extension as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That the authority heretofore granted to W. A. Lancaster, Westcliffe, Colorado, to operate as a Class "A" private carrier by motor vehicle for hire should be extended to include the right to transport ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe, to Westcliffe, Texas Creek, Salida, Saguache, Center, Monte Vista and Alamosa, with back-haul of livestock, only, from said points to farms within said fifteen-mile radius; and livestock from Denver to farms in said radius.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1958.

BH

(Decision No. 11218)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
DAN KELLY, CENTRAL CITY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 4583-PP

January 10, 1928

Appearances: Dan Kelly, Central City, Colorado, pro se;
Richard E. Conour, Esq., Denver, Colorado, for the Weicker Transfer and Storage Company;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association and Curnow Livery and Transfer Company;
S.S. Jacobs, Esq., Denver, Colorado, for W. H. Drumright;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Norman Rhyne;
P. A. Johnson, Esq., Denver, Colorado, for the Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

The applicant testified that he possessed a 1927 Dodge dump truck and was the owner of other property and had a contract to serve the Columbia Summit Gold Mining Company, transporting ore from mine to mill and concentrates from mill to railroad loading point, all of which would take place within approximately ten miles of Central City, Colorado; the present mine to mill haul would be approximately nine and one-half miles; that he also wanted authority to transport water from the mill to the mine, which seemed to be a necessary movement at the present time; and repair parts in case of emergency, from Denver and Idaho Springs to the mines of this Company.

It appeared that the Columbia Summit Gold Mining Company is now conducting quite an extensive operation in Russell Gulch. The ore had to be transported from the mine to the mill which is some three and one-half miles from Black Hawk and that the applicant had equipped himself to take care of these transportation needs for the one customer only.

H. H. Drumright, holder of Certificate No. 1137, with authority to transport freight and passengers, testified that he conducted a daily round trip service between Denver and Central City and was able to take care of all transportation needs between Denver and the Central City area; that he needed this business in order to keep his line on a paying basis. It also appeared that the Curnow Livery and Transfer had authority to serve between Idaho Springs and Central City, as well as Denver.

After these objections were raised as to the authority sought by the applicant, Mr. Kelly authorized the elimination of Denver from his application, and upon this statement, objections were withdrawn.

After careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that authority should be granted to the applicant to render a transportation service between mine and mill, and mill and railroad loading point for the Columbia Summit Gold Mining Company, as indicated by his testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That Dan Kelly, of Central City, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of ore, concentrates and mining supplies within a radius of ten miles of Central City, for one customer, the Columbia Summit Gold Mining Company, without the right to increase his customers, except by order of the Commission.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of January, 1938.

MW

(Decision No. 11219)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. ROLAND CUNNINGHAM, OLNEY SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4338-PP
IN THE MATTER OF THE APPLICATION OF S. KURIYAMA, ORDWAY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4340-PP
IN THE MATTER OF THE APPLICATION OF HIRAM C. McCOY, ORDWAY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4342-PP
IN THE MATTER OF THE APPLICATION OF C. E. STANBERRY, SUGAR CITY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4343-PP
IN THE MATTER OF THE APPLICATION OF JOE INMAN, 710 SYCAMORE, ROCKY FORD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A CLASS B PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 4344-PP

January 10, 1958.

Appearances: A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams, Jackson Transfer and Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above-styled applications, and each of them, were regularly set for hearing at Rocky Ford, Colorado, on December 14, 1957, at 10:00 o'clock A. M., due notice of said settings being given to applicants, and each of them.

Notwithstanding such setting and notice, said applicants, and each of them, failed to appear.

Thereupon, protestants moved that said applications, and each of them, be dismissed for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled applications, Nos. 4338-PP, 4340-PP, 4342-PP, 4343-PP and 4344-PP, respectively, should be, and hereby are, dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones

N. E. Dawks

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

BH

(Decision No. 11220)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PUEBLO-SAN LUIS VALLEY TRANSPORTATION CO., INC., a corporation, Complainant, vs. LOYAL MORGAN, Defendant.	)	CASE NO. 4659

January 10, 1938

Appearances: Richard E. Conour, Esq., Denver, Colorado, for the Pueblo-San Luis Valley Transportation Co., Inc., a corporation, Complainant;
Marion F. Jones, Esq., Denver, Colorado, for the Respondent.

S T A T E M E N T

By the Commission:

The complaint herein charges that Loyal Morgan, who operates under Private Permit B-815 issued by the Public Utilities Commission of Colorado, did on January 1, 1937, enter into a contract of transportation with the Monte Vista Flour Mills, and did transport grain and grain products at a rate less than the rates prescribed by the Commission in Case No. 1585, for the transportation of grain and grain products by motor vehicle in competition with complainant; and that the defendant, Loyal Morgan is discriminating against the public by transporting freight for J. S. Brown Mercantile Company, from Pueblo to various points in the San Luis Valley at rates less than the rates prescribed by the Commission in Case No. 1585, in violation of the rules and orders of the Commission.

E. D. Faus, Assistant Manager of the Pueblo-San Luis Valley Transportation Company, holder of Certificate No. 380, testified that his Company participated in Tariff 25 and amendments thereto, identified Exhibit 1, Motor Truck Common Carrier's Tariff, filed with the Commission, which was the rates charged by his Company between Pueblo and

various points in the San Luis Valley, and the rates on grain and grain products between Monte Vista and points in the San Luis Valley, between which places the defendant had been transporting these commodities, and that all points in the San Luis Valley served by the defendant were at this time served by authorized common carriers, and their connecting carriers; that his Company did handle the business of J. S. Brown, but through some arrangement, this business was taken over by Morgan, and they observed the Morgan trucks transporting J. S. Brown commodities during the months of June, July and August, 1937; that the trucks transporting Brown commodities had printed on the side, Private Permit B-815, C-125 and C-224, presumably the first two were Morgan's permits and the latter was J. S. Brown's Commercial Permit, said Brown numbers being painted on a removable tin plate; that this truck transported the J. S. Brown commodities from Pueblo to Alamosa and to various points throughout the San Luis Valley, on a flat mileage basis, the driver of this truck at times being Morgan and at other times another driver, and that deliveries were made at Antonito, Monte Vista, Alamosa, Fort Garland and various points on the line served by the complainant.

E. D. Faus further testified that the defendant under contract had transported grain and grain products for the Monte Vista Flour Mills, to various points in the San Luis Valley; that the contract, a copy of which was on file with the Commission, specified a rate less than the rate prescribed by the Commission in Case No. 1585 for, and charged by, the competing line, the Pueblo-San Luis Valley Transportation Company.

Exhibits were introduced after being identified by Mr. Faus, including Rules and Regulations prescribed by the Commission, rates prescribed, records kept by the Defendant and Port of Entry reports covering the movement of Defendant's truck, used in connection with the J. S. Brown transportation service.

W. K. Brown, Vice President of the J. S. Brown and Company, testified that about May 15, 1937, his company made oral arrangement with Morgan for transportation of freight and agreed to pay him ten cents per

mile round trip for all loads weighing up to 10,000 pounds to start with, and when over 10,000 pounds, to pay him twelve cents per mile; that Morgan used the J. S. Brown "C" permit, J. S. Brown Company paying the road tax and Morgan paying the other operating expenses; that this was the same contract that was entered into with Goss, Brown's Pueblo manager, arrangement continuing until about September 1, 1937; that his firm regarded the Morgan service as a lease arrangement on a mileage basis and the most practical way of consolidating and delivering a large number of small shipments to various consignees in the San Luis Valley; that Morgan would leave Pueblo with a full load and make deliveries at numerous places until the load was finally all delivered and then return to Pueblo, and that the ten cents per mile or twelve cents per mile, as the case might be, was paid for each mile travelled from the time the truck left Pueblo until it returned.

Inspector Dillon identified Exhibit 10, being the yellow and pink forms, one of which was delivered to the customer and the other retained, which disclosed the record of freight transported and delivered to consignees, which disclose shipments by the J. S. Brown Company to its customers in the San Luis Valley. Dillon stated that on July 1, 1937 in Pueblo, at conference of Manager Goss, Dillon and Morgan, Goss stated that freight was handled by Brown Mercantile in truck leased by W. K. Brown for Company, from Morgan and operated under its number, payment being on a mileage basis for its use, and that the road reports were made out and filed with the Commission by J. S. Brown Mercantile under Permit C-224; that some trips covered quite a long distance, the most distant point being 224 miles from Pueblo, and usually Morgan or Morgan's truck made two trips per week, but the truck was at the disposal of J. S. Brown at all times, when they needed it, the rest of the time being used by Morgan, individually; that Morgan gave him a copy of the lease with the J. S. Brown Company and otherwise assisted in giving him such information as was available; that from appearances, the lease gave complete control of this truck to the J. S. Brown Company;

and at the time he made the investigation, Morgan was the driver of the Chevrolet truck used, which had printed on the side "C-224".

Exhibit No. 12 was introduced, which was the Port of Entry report, showing the movement of the Chevrolet bearing No. C-224, passing through the Port.

Dillon further testified that he understood Morgan was on the J. S. Brown pay roll two days per week. This information was gained by him in the course of his investigation.

Exhibits were introduced giving the road reports from January to July, 1937, as reported under B-815, also the monthly reports for May, June and July by J. S. Brown, under C-224 and abstract of the Port of Entry reports on all Morgan trucks passing Fort Garland during the months of July and August, and an insurance certificate covering operations under Permit C-224.

Loyal Morgan testified that representative of the J. S. Brown Company conferred with him and stated that he was authorized to lease or buy a truck to make deliveries from Pueblo to the San Luis Valley points; that after making the arrangement to undertake the distribution at the rate as testified to by Mr. Brown, Brown had insurance on the Chevrolet truck made out in its name and in the name of Morgan, Brown paying 10% additional for that privilege, Morgan paying original cost; that after Pueblo conference with Dillon he called at the offices of the Commission and inquired about propriety of arrangement and was told to go ahead, until further notice; that he proceeded to make the deliveries; that on two occasions the tonnage was too much for one truck and he had to use a Dodge truck in addition to Chevrolet leased to Brown, in which event J. S. Brown paid the driver; that at no time did he transport any of the J. S. Brown commodities under Permit B-815; that B-815 was used entirely for listed customers; that all of his transportation service under B-815 for Monte Vista Flour Mills was at rates filed with Commission as shown by Exhibit No. 3; that he filed said contract and listed the Monte Vista Flour Mills as one of his customers in February, 1937 and understood that this was all

approved by the Commission; that he did not haul to points on the line or to towns served by the Pueblo-San Luis Valley Transportation Company.

Exhibit No. 20 is a copy of the contract entered into between Morgan and the Monte Vista Flour Mills. That he thought rate was approved when Commission permitted filing without objection, and acting under that belief, charged rates therein provided, and at the conclusion of the testimony, Counsel for the Defendant urged that the rates prescribed by the Commission's order in Case No. 1585 in any event were not binding upon Morgan for the reason that it was not shown that he had notice of said proceeding; that he did not participate therein and had not been served with a copy of that Decision.

Morgan testified that salary at rate of $20.00 per week was deducted by Brown from mileage revenues earned by truck for the driver of the Chevrolet truck when it was used, (4 days a week), in making the deliveries for J. S. Brown. That one Roberts drove leased truck on all occasions except one trip, when he attended Stampede. As he understood it, he leased his truck and a driver to that Company, and that this lease had been presented to the Commission by J. S. Brown for approval and approved.

The lease agreement entered into between the J. S. Brown Mercantile Company and Morgan, covering the Chevrolet truck, does not seem to have reached the office of the Commission or received its formal approval. However the Commission was cognizant of the arrangement made and through its Inspector Dillon, investigated, and thereafter told parties to proceed until advised to the contrary. The arrangement with Brown was discontinued before the hearing.

As to whether or not the agreed mileage rates as shown to have been mutually agreed upon are higher or lower than the prescribed rates of the Commission for such transportation service cannot be determined from the record in this case, inasmuch as it appeared that truck loaded with 10,000 pounds of commodities left Pueblo and after travelling some two hundred miles, dropping off at various points, varied amounts, and returned to Pueblo, many times over a long distance, with no tonnage in the truck, yet still collecting the agreed mileage charge. The question

however, probably is unimportant, for under all the facts in the case we believe and find that parties believed and intended the transportation service to be one performed by shipper with a leased truck, and that their actions in that particular should not be penalized.

The contract entered into by and between the Monte Vista Flour Mills and the defendant, a copy of which was filed with the Commission March 1, 1937, does not seem to have been approved formally on its face by the Commission, but the records show that it was at all times on file after March 1, 1937 and that customer list to which it was attached was approved, and that respondent thought and under the circumstances was justified in believing that rates therein provided were approved by the Commission and were authority for charging the rates for the transportation of grain and grain products for Monte Vista Mills, charged by him. We believe his position is well taken. The rates were filed by him in form substantially the same as Tariffs theretofore had been published. A customer list including name of Monte Vista Flour Mills was attached and approved by Inspector Grant as of the same date of filing, March 1, 1937. While it does not then or thereafter seem to have had the attention or approval or disapproval of our then Attorney, at some subsequent date it was signed by our Inspector Grant, and not disapproved. Our Inspector Dillon did not complain to Morgan about it, or question its legality when he interviewed Morgan about his operation at Pueblo on July 1, 1937. Certainly under all the circumstances appearing in the record herein, we do not believe a penalty could properly be imposed for this alleged offense.

After a careful consideration of the record we are of the opinion and find that said case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the complaint herein be and the

same hereby is dismissed, said dismissal however not to be construed as approval of said rates or authority for continued operation by respondent thereunder, be hereby being required and ordered to cease and desist therefrom.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

B

(Decision No. 11221).

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
GEORGE C. WEBSTER, FLORENCE, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-) APPLICATION NO. 4336-PP.
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

- - - - - - - - - - - - - - - - - - -

- - - - - - - - -
January 12, 1938.
- - - - - - - - -

Appearances: George C. Webster, Florence, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company, Jackson Transfer and Allumbaugh and Williams;
Marion F. Jones, Esq., Denver, Colorado, for the Colorado Trucking Association, Ernest J. Gottula, Jim's Truck Line, Wes V. McKaughan, B. B.Andis, Curtis Truck Service, W. G. Cressey, Fowler Truck Line, Ben Tillotson, Joseph H. Lee, Wimp and Covey, Clarence L. Middleton;
J. D. Blunt, Esq., Canon City, Colo., for Southwestern Transportation Company;
Francis M. Keith, Canon City, Colorado for Keith Truck Line.

S T A T E M E N T

By the Commission:

When the above styled matter was called for hearing at Pueblo, pursuant to prior setting on December 13, 1937, applicant failed to appear.

Thereupon, protestants entering appearance asked that said application be dismissed for lack of prosecution.

The records and files herein disclose that on December 10, 1937, applicant, by telegram addressed to the Commission, asked that said hearing be vacated on account of inability to procure attendance of witnesses in Pueblo.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said motion to dismiss should be denied and that said application should be set for hearing upon the application at Pueblo, Colorado on January 31, 1938.

O R D E R

IT IS THEREFORE ORDERED, That the motion of protestants to dismiss the above styled application should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That said application should be, and hereby is, set for hearing at Pueblo, Colorado, on January 31, 1938, at 11:00 A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

F

(Decision No. 11222)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
P. M. RAGLAND, GROVER, COLO-)
RADO, RESPONDENT.)

CASE NO. 4617-LC
PERMIT NO. A-202

January 12, 1938

S T A T E M E N T

By the Commission:

On November 22, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit No. A-202 on account of the respondent having failed to keep on file the required list of his customers.

It has now been brought to the attention of the Commission that the respondent herein has another authority, and that his customers' list was filed with the Commission on November 15, 1937, but placed in the wrong file, and did not reach the file No. A-202 until after the revocation order was issued.

After careful consideration of the record, the Commission is of the opinion, and finds, that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued in Case No. 4617-LC be, and the same hereby is, set aside and held for naught and private permit No. A-202 be, and the same hereby is, restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1938.

MW

(Decision No. 11223)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN H. BROWN.) PERMIT NO. C- 3325
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John H. Brown of Edgewater, Colorado, requesting that his Permit No. C-3325 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3325, heretofore issued to John H. Brown, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Edwards
W. L. Banks
Macon Ewing
Commissioners.

Dated at Denver, Colorado,
this 12th day of Denver, 1938.

R

(Decision No. 11224)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
OSCAR ZAMANIAN.) PERMIT NO. C- 3628
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Oscar Zamanian of 1324 - 18th St., Denver, Colo., requesting that his Permit No. C-3628 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3628, heretofore issued to Oscar Zamanian, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11225)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
ARTHUR J. HAILEY.) PERMIT NO. C- 6697
)
)

January 12, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Arthur J. Hailey of 3rd & Spruce, Ogallala, Nebr., requesting that his Permit No. C-6697 be cancelled ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6697, heretofore issued to Arthur J. Hailey, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Chase
W. E. Danks
Lucien Eaton
Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

(Decision No. 11226)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
L. J. ATTAWAY.) PERMIT NO. C- 3531
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. J. Attaway of Route 1, Florence, Colo.; requesting that his Permit No. C-3531 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3531, heretofore issued to L. J. Attaway, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11227)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
PHILIP J. MALOUFF.) PERMIT NO. C-6637
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Philip J. Malouff of Del Norte, Colo., requesting that his Permit No. C-6637 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6637, heretofore issued to Philip J. Malouff, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carlson
W. E. Danks
Mrs. Emma Ellison
Commissioners.

Dated at Denver, Colorado,
this 12th day of Jan., 1938.

R

(Decision No. 11228)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
T. J. GROTHE.) PERMIT NO. C- 3064
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. J. Grothe of Ft. Lupton, Colo., requesting that his Permit No. C-3064 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3064, heretofore issued to T. J. Grothe, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11229)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
R. W. GARDNER.) PERMIT NO. C- 5717
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. W. Gardner of Wray, Colo., requesting that his Permit No. C-5717 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5717, heretofore issued to R. W. Gardner, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11230)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE W. TILDEN, OF GRAND LAKE,)
COLORADO.)

PERMIT NO. A-77
PERMIT NO. C-6205

January 12, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clyde W. Tilden requesting cancellation of his Permit No. C-6205 and suspension of his Permit No. A-77.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6205, heretofore issued to Clyde W. Tilden, be, and the same is hereby, declared cancelled.

IT IS FURTHER ORDERED, That Clyde W. Tilden should be, and hereby is, allowed to suspend his operations under Permit No. A-77 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Clyde W. Tilden shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11231)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
RALPH LANDEN.) PERMIT NO. C- 7048
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ralph Landen of Ilse Route, Canon City, Colo., requesting that his Permit No. C-7048 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7048, heretofore issued to Ralph Landen, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11232)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
G. G. McBride.) PERMIT NO. C- 5723
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. G. McBride of Las Animas, Colorado, requesting that his Permit No. C-5723 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5723, heretofore issued to G. G. McBride, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11233)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
J. W. MORTON.) PERMIT NO. C- 4474
)
)

January 12, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. W. Morton of P. O. Box 93, Atwood, Kansas, requesting that his Permit No. C-4474 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4474, heretofore issued to J. W. Morton, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11234)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
FRANK SWANSON.) PERMIT NO. C- 7451
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Swanson of 4479 Inca St., Denver, Colorado, requesting that his Permit No. C-7451 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7451, heretofore issued to Frank Swanson, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11235)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
DENVER BARBERS SUPPLY CO.) PERMIT NO. C- 4033
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Denver Barbers Supply Co. of ....., ..., requesting that his Permit No. C-4033 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4033, heretofore issued to Denver Barbers Supply Co., be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11236)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
H. W. Livings.) PERMIT NO. C-4923
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. W. Livings of Berthoud, Colorado, requesting that his Permit No. C-4923 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4923, heretofore issued to H. W. Livings, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11237)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
VICTOR NEUFER.) PERMIT NO. C- 5813
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Victor Neufer of 911 E. Third St., Pueblo, Colo., requesting that his Permit No. C-5813 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5813, heretofore issued to Victor Neufer, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11238)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
W. D. KISTLER.) PERMIT NO. C- 6102
)
)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. D. Kistler of Longmont, Colo., requesting that his Permit No. C-6102 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6102, heretofore issued to W. D. Kistler, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11239)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF F. N. GILLEN.)

PERMIT NO. C-4664
PERMIT NO. 1142-I

January 12, 1937.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from F. N. Gillen, of McCook, Nebraska, requesting this his permits Nos. C-4664 and 1142-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4664 and Permit No. 1142-I, heretofore issued to F. N. Gillen, be, and the same are hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. R. PEALER, OF 2125 WELTON ST.,) PERMIT NO. A-2000
DENVER, COLORADO.)

January 14, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. R. Pealer requesting that his private permit No. A-2000 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-2000, heretofore issued to C. R. Pealer, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

(Decision No. 11241)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
J. T. HAGERMAN.) PERMIT NO. C- 2805
)
.....)

January 12, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. T. Hagerman of Palisade, Colorado, requesting that his Permit No. C-2805 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2805, heretofore issued to J. T. Hagerman, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of January, 1938.

R

(Decision No. 11242)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY FOR AUTHORITY TO REDUCE TRAIN SERVICE, ARKANSAS VALLEY DISTRICT, COLORADO DIVISION, OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.	)	INVESTIGATION AND SUSPENSION DOCKET NO. 223

January 10, 1938.

Appearances: Grant, Shafroth, Toll and Maroney, Esqs., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On December 13, 1937, The Atchison, Topeka and Santa Fe Railway Company filed its petition with the Commission, seeking authority to reduce the train service of trains Nos. 85 and 86 of the Arkansas Valley District branch line between Lamar and La Junta from a daily-except-Sunday service to a three-times-per-week service in each direction between said points.

The authority was sought upon the grounds that the public convenience and necessity no longer required the maintaining of said daily service, and that petitioner had lost the contract to carry the mail between said points and the continuation of such service meant a substantial loss to applicant.

Thereafter, on, to-wit, the 16th day of December, 1937, a petition was filed with the Commission, signed by one T. W. Cain and twenty-nine other alleged patrons of said branch line of applicant company, protesting said change in train service. As a result of said petition, the Commission, on January 4, 1938, entered its order suspending said proposed change in train service, making the same the subject of investigation and determination by the Commission. Said matter was formally set for hearing at the Court House in the City of Lamar on January 18, 1938, at 11:00 o'clock A. M.

Thereafter, on January 7, 1938, a wire was received by the Commission from the said T. W. Cain as follows:

"Please cancel protest myself and others about change train service Ark Valley district Santa Fe new service will be satisfactory to us."

In view of the position now being taken by protestants, the Commission is of the opinion that no formal hearing on said matter need be held, and we are further of the opinion, and so find, that the public convenience and necessity require the proposed curtailment of train service as applied for by petitioners, and that our order of investigation and suspension entered January 4, 1938, should be set aside and petitioners authorized to reduce said service furnished by mixed trains Nos. 85 and 86 in accordance with their petition on file herein, effective January 13, 1938.

O R D E R

IT IS THEREFORE ORDERED, That the Atchison, Topeka and Santa Fe Railway Company be, and it is hereby, authorized, effective January 13, 1938, to reduce the service furnished by mixed trains Nos. 85 and 86 between La Junta and Holly, via Swink, and the Arkansas Valley District branch line, with side trips to the main line at Las Animas and Lamar, Colorado, which heretofore have been handled daily in each direction, to a service which will be three times per week in each direction between La Junta and Lamar, Colorado.

IT IS FURTHER ORDERED, That our investigation and suspension order in the instant case, dated January 4, 1938, be, and the same is hereby, set aside and vacated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1938.

BH

(Decision No. 11243)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE MELONAS, WALSENBURG, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4403-PP

January 13, 1938.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to transport coal, fire wood and gravel from point to point within a radius of thirteen miles of Walsenburg, and from points in said area to Pueblo.

Inasmuch as the Motor Truck Common Carriers' Association and the Colorado Trucking Association heretofore have indicated that they have no objection to the issuance of permits, limited to the service herein sought to be rendered by applicant, the Commission has determined to, and has, set the above styled application for hearing forthwith, without formal notice, and has heard said application upon the records and files herein.

After a careful consideration thereof, the Commission is of the opinion, and finds, that said application, as limited by letter of applicant of date, December 13, 1937, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That George Melonas, Walsenburg, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal, fire wood and gravel from point to point within a radius of thirteen miles of Walsenburg, and from points in said area to Pueblo.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing

jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1938.

B

(Decision No. 11244)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES F. RUMBAUGH, DOING BUSINESS)
UNDER THE FIRM NAME AND STYLE OF THE)
PAGOSA SPRINGS TELEPHONE COMPANY,)
FOR A CERTIFICATE OF PUBLIC CONVENI-)
ENCE AND NECESSITY TO EXERCISE FRAN-) APPLICATION NO. 4391
CHISE RIGHTS TO OPERATE A TELEPHONE)
UTILITY IN THE TOWN OF PAGOSA)
SPRINGS, COLORADO, WITHIN A RADIUS)
OF THIRTY-FIVE MILES OF SAID TOWN.)

January 13, 1938.

Appearances: R. E. Conour, Esq., Denver, Colorado, for applicant;
John R. Turnquist, Esq., Denver, Colorado, for The Mountain States Telephone and Telegraph Company.

S T A T E M E N T

By the Commission:

This is an application seeking a certificate of public convenience and necessity on behalf of applicant for telephone public utility service both within and without the limits of the Town of Pagosa Springs, Archuleta County, Colorado.

The evidence disclosed that applicant and his predecessors in interest now are and for many years last past have been rendering telephone service to the general public within the limits of the Town of Pagosa Springs, and within a radius of approximately thirty-five miles thereof; that said service within the limits of the Town of Pagosa Springs had been furnished since February 5, 1923, under and by virtue of Ordinance No. 123, passed on February 5, 1923, which said ordinance granted to one Cornelia Sullenberger, her heirs and assigns, for a period of fifteen (15) years from and after the passage of same, the right and privilege to construct and maintain in and upon the streets, alleys and public ways of the Town of Pagosa Springs, whatever poles, wires, cables, underground conduits, etc., that might be necessary for the proper maintenance and operation in said

town of a telephone exchange; that said franchise rights heretofore have been sold and transferred to applicant herein by the said Cornelia Sullenberger.

It was further disclosed that in addition to the service heretofore rendered within the corporate limits of the Town of Pagosa Springs, applicant and his predecessors in interest have been and are furnishing telephone service to 98 subscribers over telephone lines extending as far as 35 miles from said Town of Pagosa Springs; that some of said rural lines are owned, in whole or in part, by applicant and others are owned and maintained by various users of telephone service residing along said lines. The approximate number of subscribers now being served within the corporate limits of the Town of Pagosa Springs, is 95.

The original cost of the system was placed at the sum of $15,000.00 with a present value of $5,000.00, and applicant expects to practically rebuild the entire system at an estimated investment of $13,500.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

The population of Pagosa Springs was placed at approximately 900 and that of Archuleta County at 2500.

No other company is now serving in the area in question except the Mountain States Telephone and Telegraph Company, and a stipulation, signed by the attorney for applicant and attorney for said The Mountain States Telephone and Telegraph Company, covering the respective rights of the parties hereto in the area involved, was filed with the Commission and made a part of the instant record.

The financial statement of applicant discloses a net worth of $72,000.00.

No one appeared protesting the granting of the authority sought, but statements were received from the Mayor of the Town of Pagosa Springs,

as well as the Chairman of the Board of County Commissioners of Archuleta County, recommending that the certificate be granted.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted by the Town of Pagosa Springs to his predecessor in interest on February 5, 1923, together with the further right to furnish telephone service to the rural population without the limits of the Town of Pagosa Springs and within a radius of approximately thirty-five miles thereof, subject to the terms and conditions of the stipulation on file herein between applicant and The Mountain States Telephone and Telegraph Company.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to his predecessors in interest by the Board of Trustees of the Town of Pagosa Springs in Ordinance No. 123, passed on February 5, 1923, including the right to furnish public utility telephone service to the rural population within a radius of thirty-five miles of the Town of Pagosa Springs, subject to the reservations hereinafter expressed, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the certificate of public convenience and necessity herein granted applicant shall be subject to the following provision and restriction, to-wit:

Nothing contained in this certificate of public convenience and necessity shall be construed as permitting or authorizing applicant, his heirs, executors, administrators, successors or assigns, to extend his lines or service into the territory now served by The Mountain States Telephone and Telegraph Company, except within the limits of the Town of Pagosa Springs for local service and rural lines extending therefrom furnishing local service to subscribers within said 35-mile radius of Pagosa Springs and long distance

service by connection with The Mountain States Telephone and Telegraph Company at the switchboard of the applicant at Pagosa Springs, Colorado; nor shall it be construed to operate as excluding the present operations of The Mountain States Telephone and Telegraph Company in said territory, or any portion thereof, or any extensions of said present operations in non-competitive territory.

IT IS FURTHER ORDERED, That the applicant shall file its rate schedules, rules and regulations, and set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its practices into compliance with the Commission's requirements within thirty days from the date hereof.

IT IS FURTHER ORDERED, That failure of applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1938.

B

(Decision No. 11245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREE TRANSPORTATION BY THE DENVER AND SALT LAKE RAILWAY COMPANY FROM MINES AT OAK HILLS, COLORADO, ON ONE CARLOAD OF COAL, CONSIGNED TO THE DENVER COMMUNITY CHEST.	)	MISCELLANEOUS DOCKET NO. 93

January 13, 1938

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its traffic manager, dated January 12, 1938, requesting authority to transport one carload of coal free of charge from Oak Hills, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Denver Community Chest, a charitable institution, and it is to be used for charity.

Section 17, Paragraph (c) of the Public Utilities Act provides that the Commission may by rule or order authorize carriers to depart from their published rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Oak Hills, Colorado, to Denver, Colorado, consigned to the Denver Community Chest, in care of the Moffat Coal Company.

IT IS FURTHER ORDERED, That this order shall not be used as

a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1938.

BH

FORM 1801

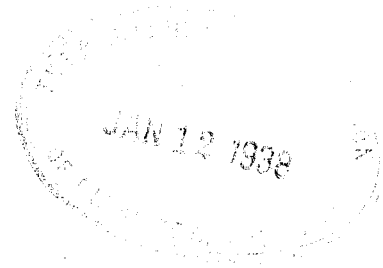
Misc. Docket No. 93
Decision No. 11,245
Dated Jan. 13, 1938
all Present

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER



January 12, 1938.

Public Utilities Commission
of the State of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

One of the operatiors on our line has donated one carload of coal to the Denver Community Chest for use of the Chest Office Building and the Epworth Institution. This car will be consigned to the Denver Community Chest in care of the Moffat Coal Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mines at Oak Hills, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
Traffic Manager.

C

(Decision No. 11246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LESS SCOGGINS, STEAMBOAT SPRINGS, COLORADO, FOR A CLASS B PERMIT TO TRANSPORT FARM PRODUCTS AND ROUGH LUMBER IN ROUTT COUNTY AND FRUIT FROM GRAND JUNCTION TO CUSTOMERS IN ROUTT COUNTY.

APPLICATION NO. 4430-PP

January 13, 1938.

S T A T E M E N T

By the Commission:

The instant application was filed with the Commission July 22, 1937, accompanied with a list of customers and list of equipment. Through oversight this application was placed in the files and overlooked. It should have been set for November 30, along with other applications which were set for that date, and later heard on January 11. This application was not discovered until the applicant made it known at Steamboat Springs on January 11, that such application was on file and that he had been waiting for a setting.

The applicant seeks authority to transport farm products from point to point in Routt County and fruit from the Grand Junction area to customers in Routt County. He proposes no scheduled operation and will not engage in transportation service between towns, but will confine his operations primarily to a farm service.

After conference with Marion Jones, representing E. M. Harris and others, and with Stanley Larson of the Larson Transportation Company, they consented that the Commission might grant the authority for a farm service, including fruit from Grand Junction, on the verified application of the applicant.

After careful consideration of the record and under the circumstances agreed to by carriers primarily interested in transportation service in Routt County, the Commission is of the opinion and finds that

authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Less Scoggins of Steamboat Springs, Colorado, be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products from point to point within Routt County; rough lumber from the Turner Saw Mill to points in Routt County and fruit from the Grand Junction area to his customers residing in Routt County, provided however that the applicant will not engage in any transportation service between towns on the line of scheduled common carriers now serving Routt County.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1938.

(Decision No. 11247)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF E. C. LEFLER, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE) APPLICATION NO. 4325-PP
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 14, 1938.

Appearances: E. C. Lefler, Salida, Colorado, pro se;
Robt. Colman, Grand Junction, Colorado, for the Colman Freight Service;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc. and the Denver and Rio Grande Western Railroad Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and U. S. Read Truck Line;
Stanley Blunt, Esq., Canon City, Colorado, for the Southwestern Transportation Company;
J. M. Boyle, Salida, Colorado, for U. S. Read.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport live fish from Frantzhurst Rainbow Trout Company, Inc. hatchery near Salida, to points in the State of Colorado; telephone poles from railroad to points along the Telephone Company's line in Chaffee County; and ore from Brown's Canon some eight miles from Salida, to railroad loading point at Salida, for the Fluorspar Syndicate.

The applicant has two Chevrolet trucks with which he proposes to perform this operation, if given authority.

It was also disclosed that the applicant has been hauling commodities without authority, he having admitted on the stand that he was apprehended and fined $25.00 on one occasion and that he sought temporary authority from the Commission, but was not granted the same.

The record also discloses that he had an arrangement with the Jackson Lumber Company to make deliveries for them, receiving no money but given a credit account with the Company, for which he took commodities as he might need them.

The applicant consented that cement might be eliminated from his application and upon being advised that rendering transportation services and taking in lieu of cash charges, various commodities, was not usually granted by the Commission, and the applicant agreed that service for this company might also be eliminated.

There was no objection to the Commission considering the granting of authority to transport telephone poles, live fish and ore, provided the applicant was considered a satisfactory operator.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the applicant has been a violator of the laws of the State as well as the rules and regulations of the Commission, was fined $25.00 at one time on account of his irregular operations, and that the application should be denied.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1938.

B

(Decision No. 11948)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JONES BROTHERS, PHIPPSBURG, COLORADO, Respondents.	)))	CASE NO. 4658-LC PERMIT NO. B-1018

January 14, 1938.

S T A T E M E N T

By the Commission:

On November 22, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit B-1018 on account of the Respondents having failed to keep on file the required list of customers as required by rules and regulations of the Commission.

The Commission is now in receipt of a petition for reinstatement filed on behalf of the respondents by their Attorney, Marion Jones, wherein attention is called to the fact that the petitioners were not aware of the fact that their list on file did not comply with rules and regulations of the Commission. The Commission is also in receipt of a communication from Walter E. Batchelder, Justice of the Peace, Phippsburg, Colorado, wherein the Judge sets forth in detail the reasons why the respondents failed to meet this requirement of the Commission, clearly disclosing that there was no intent on the part of the respondents to not meet the requirements of all rules and regulations of the Commission when the same was brought to their attention.

A list of customers, together with memoranda of contracts is now on file.

After a careful consideration of the record the Commission is of the opinion and finds that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission entered in Case No. 4617-LC, under date of November 22, 1937, be and the same

hereby is set aside and held for naught and Permit B-1018 be and the same hereby is restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carlson

M E Danks

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1938.

B

(Decision No. 11249)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
W. A. LANCASTER, WESTCLIFFE, COLO-) APPLICATION NO. 2939-PP-B.
RADO, FOR AN EXTENSION OF HIS PERMIT)
NO. A-1335.)

January 14, 1938.

Appearances: W. A. Lancaster, Westcliffe, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for U.S. Read, Wes V. McKaughan, B. B.Andis, Curtis Truck Service, Richard Postel and the Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
J. D. Blunt, Esq., Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks an extension of his Class "A" permit No. A-1335 to include the right to transport ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe to Westcliffe, Texas Creek and Salida; Livestock from and to Saguache, Center, Monte Vista and Alamosa, to and from farms within said fifteen-mile radius, and livestock from Denver to farms in said radius.

The evidence disclosed that applicant does not propose to haul farm products other than livestock from San Luis Valley points to farms within a radius of fifteen miles of Westcliffe; the transportation of livestock from Denver chiefly will be limited to the transportation of registered bulls.

There was no objection to the granting of the extension, as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That the authority heretofore granted to W. A. Lancaster, Westcliffe, Colorado, to operate as a Class "A" private carrier by motor vehicle for hire should be extended to include the right to transport ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe to Westcliffe, Texas Creek and Salida; livestock from and to Saguache, Center, Monte Vista and Alamosa, to and from said points to farms within said fifteen-mile radius, and livestock from Denver to farms in said radius.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th, day of January, 1938.

F

(Decision No. 11250)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SANTA FE DRIVE MOVING AND STORAGE)
COMPANY, OF 400 SANTA FE DRIVE,) P.U.C. NO. 539
DENVER, COLORADO.)

January 14, 1938.

S T A T E M E N T

By the Commission:

On July 29, 1937, Decision No. 10419, the Commission entered an order suspending Certificate No. 539 for a period of six months with the privilege of reinstatement.

Now, the Commission is in receipt of a communication from the Santa Fe Drive Moving and Storage Company requesting an additional six months' suspension of said certificate.

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

O R D E R

IT IS THEREFORE ORDERED, That the Santa Fe Drive Moving and Storage Company should be, and hereby is, allowed to suspend its operations under P.U.C. No. 539 for a period of not to exceed six months from January 29, 1938.

IT IS FURTHER ORDERED, That unless said Santa Fe Drive Moving and Storage Company shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

EDWARD E. WHEELER, CHAIRMAN
WILLIAM C. DANKS
MALCOM ERICKSON
COMMISSIONERS
E. E. POLLOCK, SECRETARY
W. F. CLARY, REPORTER
RICHARD E. CONOUR, ATTORNEY

W. C. LOSS, AUDITOR AND STATISTICIAN
H. B. DWIGHT, ELECTRICAL AND GAS ENGR.
T. S. WOOD, RATE EXPERT
C. H. RANKIN, RAILWAY AND HYDRAULIC ENGR.
W. C. REID, CHIEF MOTOR VEHICLE INSPECTOR

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
STATE OFFICE BUILDING
DENVER

FILE NO.

ADDRESS ALL COMMUNICATIONS TO THE COMMISSION

January 15, 1958

Mr. W. A. Lancaster
Westcliffe, Colorado

Dear Sir:

The enclosed Decision will supersede Decision No. 11217, Application No. 2359-PP-B which we mailed to you a few days ago under date of January 10, 1958.

Will you, therefore, please destroy the copy of Decision No. 11217, which we are cancelling from our records, and retain Decision No. 11249 for your files?

Very truly yours,

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

By E. E. Pollock
Secretary.

F

(Decision No. 11251)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
ORAN C. WILLIAMS.) PERMIT NO. C- 7079
)
)

January 14, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Oran C. Williams of Rt 2, Box 235, Ft. Collins, Colo., requesting that his Permit No. C-7079 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7079, heretofore issued to Oran C. Williams, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

(Decision No. 11252)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. H. CANFIELD, OF PALISADE,) PERMIT NO. B-861
COLORADO.)

* * * * * * * * *
January 14, 1938.
* * * * * * * * *

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. H. Canfield requesting that his Permit No. B-861 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That R. H. Canfield should be, and hereby is, allowed to suspend his operations under Permit No. B-861 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said R. H. Canfield shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

(Decision No. 11253)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
IVAN R. JOHNSTON.) PERMIT NO. C- 7165
)
)

January 14, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Ivan R. Johnston of 1081 S. Sheridan Blvd., Denver, Colo., requesting that his Permit No. C-7165 be cancelled ~~for the reason that~~.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7165, heretofore issued to Ivan R. Johnston, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID L. McMURRIN, OF 1129 - 4th) PERMIT NO. A-1374
ST., GREELEY, COLORADO.)

January 14, 1938.

S T A T E M E N T

By the Commission:

On July 29, 1937, Decision No. 10408, the Commission entered an order suspending Permit No. A-1374 for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from David L. McMurrin, holder of said permit, requesting an additional six months' suspension.

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

O R D E R

IT IS THEREFORE ORDERED, That David L. McMurrin should be, and hereby is, allowed to suspend his operations under Permit No. A-1374 for a period of not to exceed six months from January 29, 1938.

IT IS FURTHER ORDERED, That unless said David L. McMurrin shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

(Decision No. 11255)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
EARL PING.) PERMIT NO. C- 4814
)
)

January 14, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Earl Ping of LaCrosse, Kansas, requesting that his Permit No. C-4814 be cancelled for the reason that he is no longer operating in the State of Colorado.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4814, heretofore issued to Earl Ping, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

(Decision No. 11256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
B. C. LOAR TRANSFER AND STORAGE)
COMPANY, OF 1310 W. LEXINGTON,) PERMIT NO. 997-I
INDEPENDENCE, MISSOURI.)

January 14, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the B. C. Loar Transfer and Storage Company, holder of Interstate Permit No. 997-I, which states:

> "Under the ruling of the Interstate Commission at our hearing we will not be able to operate in the state of Colorado, on account of not having made more than one trip in the state.
>
> "We would like to know if we can hold our permit with the state and not operate in Colorado? We might want to go before the interstate commerce commission later for a hearing to operate in Colorado."

After careful consideration, the Commission is of the opinion, and so finds, that said permit should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That the B. C. Loar Transfer and Storage Company should be, and hereby is, allowed to suspend its operations under Permit No. 997-I for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said B. C. Loar Transfer and Storage Company shall, prior to expiration of said suspension period, re-instate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to interstate carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

(Decision No. 11257)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TREXLER OIL COMPANY, OF HILL CITY,) PERMIT NO. 1106-I
KANSAS.)

January 14, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Trexler Oil Company, of Hill City, Kansas, requesting cancellation of its Permit No. 1106-I.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. 1106-I, heretofore issued to the Trexler Oil Company, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1938.

R

(Decision No. 11258)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
EARL B. BRUBAKER.) PERMIT NO. C- 7671
)
)

January 14, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Earl B. Brubaker Route 1 Grand Junction, Colo. of , ,

requesting that his Permit No. C-7671 be cancelled for the reason that he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7671, heretofore issued to Earl B. Brubaker, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carlson

M. E. Danks

Marian E. Sievers

Commissioners.

Dated at Denver, Colorado,
this 14th day of January, 1938.

(Decision No. 11259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF NILS J. STOHL, FLORISSANT, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4384-PP

January 19, 1938.

Appearances: Nils J. Stohl, Florissant, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, et al;
R. E. Conour, and Z. D. Bohrer, Esqs., Denver, Colorado, for Beicker Transportation Company;
Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association, Jim's Truck Line and J. R. Marks.

S T A T E M E N T

By the Commission:

The applicant herein testified that he had two customers, his father and his neighbor rancher; that his business was ranching and such truck authority as he might be given would be utilized as a side line. The applicant stated that the principal business in that locality was stock raising and putting up hay, however there were some potatoes grown, and that he would like to move livestock from the Florissant area to Denver, farm machinery, grain and feed back to Florissant and at times transportation of potatoes.

The applicant stated that a number of the neighbors had called upon him to render transportation service and became very much peeved when he declined, that they had called operators at Colorado Springs, and being unable to get anyone, insisted upon his helping them out.

There was no objection to the granting of authority to transport hay and grain but there was objection to the applicant being authorized to transport livestock.

The applicant has a Reo truck equipped with a stock rack, which will haul about eight head of cattle and most of his stock movements would be small lots. It appeared that this equipment was for use in connection with his ranching business and that if given authority to haul for hire, the applicant would do so only when it suited his own convenience and would not interfere with his ranching business. In addition to the two customers listed, the applicant mentioned a number of other neighbors living some twelve miles distant from Florissant, whom he might be called upon to serve.

He admitted that he had never hauled any farm machinery and that little farm machinery was needed in this locality. It was called to the attention of the Commission that Jim's Truck Line, holder of Certificate No. 805, had authority to serve this entire area and made a business of transporting livestock; that there were adequate transportation facilities for the moving of machinery from Denver and Colorado Springs. Also Decision No. 7960 was made a part of the record, which decision denied the application there involved on the grounds that the applicant was engaged in the farming business and desired a permit in order to render a transportation service at odd times when it would not inconvenience his farming activities.

After careful consideration of the record and the testimony the Commission is of the opinion that in an isolated section such as we find around Florissant, with no local trucking authority available, it is in the interest of the public to authorize someone, even though he be a rancher, and the trucking business is a side line, to take care of this kind of public demand and that authority should be granted to the applicant, limited as disclosed by his testimony.

O R D E R

IT IS THEREFORE ORDERED, That Nils J. Stohl of Florissant, Colorado be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of livestock, hay

and potatoes from point to point within a radius of twelve miles of Florissant, Colorado, and from points in said area to markets at Colorado Springs and Denver, with a back haul to said area of grain and feed, all for farmers and ranchers residing in the Florissant area above described.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

B

(Decision No. 11260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. C. HANSEN, 528 EAST 7th ST.,)
LOVELAND, COLORADO, FOR A CLASS) APPLICATION NO. 4378-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 19, 1938.

Appearances: J. C. Hansen, Loveland, Colorado, pro se;
Richard E. Conour, Esq., Denver, Colorado, for the Weicker Transportation Company, protesting the right on brick and tile;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, Denver-Loveland Transport; Inter-City Truck Line, Milliken-Johnstown Truck Line, McKie Transfer Co., Grand County Transportation Company, Curnow Transfer, Swena Transfer, Overland Motor Express, McKenzie Truck Line, Schmitt-Arvada Transfer, Foster Truck Line and Fuller Truck Line;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, and Harry Mattison, protesting the right on brick and tile.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport sand, gravel, rock, oil mix and other like road surfacing materials, together with such brick and tile as may be needed in connection with highway projects; beets from field to dump and wet beet pulp from factory to feed lots, all within a radius of fifty miles of Loveland, Colorado.

There appeared to be no objection to the transportation of beets from fields and beet pulp to feed lots, nor for the transportation of any materials used in connection with road construction projects, the brick and tile mentioned to come from the brick factory at Loveland, or at times from Denver and to be used in connection with road projects, including the re-setting of buildings which had to be moved out of the right-of-way.

The applicant is the owner of a 1937 Ford dump truck and has had more or less experience in connection with road construction work.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority should be granted the applicant, limited however as indicated by the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That J. C. Hansen of Loveland, Colorado, should be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, rock, oil mix and like road surfacing materials, including such brick and tile as may be used in connection with highway projects; beets from fields to dump and factory and wet beet pulp from factory to feed lots, all of which services are to be rendered from point to point within a radius of fifty miles of Loveland, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

(Decision No. 11261)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
I. G. ARNOLD, STEAMBOAT SPRINGS,)
COLORADO, TO TRANSFER HIS PERMIT)
B-1387 TO I. G. ARNOLD AND WALTER) APPLICATION NO. 1979-PP-A
ARNOLD, DOING BUSINESS AS ARNOLD)
BROTHERS, STEAMBOAT SPRINGS, COLO.)

January 19, 1938.

Appearances: I. G. and Walter Arnold, Steamboat Springs, Colorado, pro se;
R. E. Conour, Esq., Denver, Colorado, for Larson Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Assn.

S T A T E M E N T

By the Commission:

On February 25, 1936, by Decision No. 7269, Permit B-1387 was granted to the transferor, with authority to transport farm products from ranch to ranch, from ranch to shipping points, mill and elevators within an area extending fifteen miles north, six miles east, fifteen miles south and fifteen miles west of Steamboat Springs; grain from the above-described area to points in Routt, Moffat and Jackson Counties; coal from mines situated in the above-described area to customers residing therein; and livestock from ranch to ranch in said area, from ranch to shipping point therein and to points outside the area in Routt and Moffat Counties and to Denver.

I. G. and Walter Arnold now join in an application to have the above-mentioned authority transferred to them as co-partners, doing business as Arnold Brothers. Under the proposed partnership they will have two International trucks and intend to conduct a similar operation to that heretofore conducted by the transferor.

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

After a careful consideration of the record and the testimony the

Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That I. G. Arnold be and he hereby is authorized to transfer all right, title and interest in and to Permit B-1387, granted to him by Decision No. 7869, to I. G. Arnold and Walter Arnold, doing business as Arnold Brothers, Steamboat Springs, Colorado, and this order shall be authority for such transfer.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferees in writing have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in 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 right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

(Decision No. 11262)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ANN AND RAY LOUDEN, 719 SIXTH ST.,)
GREELEY, COLORADO, FOR A CLASS "B") APPLICATION NO. 4380-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 19, 1938

Appearances: Ray Louden, Greeley, Colorado, for the applicants;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, Inter-City Truck Line, Milliken-Johnstown Truck Line and Tony Parachini;
R.E. Conour, Esq. and Zene D. Bohrer, Esq., Denver, Colorado, for the Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicants herein seek authority to transport farm products, (no livestock) from farms in the Greeley area, extending five miles south thereof, five miles west of Greeley, fifteen miles north and fifteen miles east thereof, to Greeley; and coal from the northern Colorado coal fields to customers residing in the Greeley area.

The applicants have a Ford truck and have been engaged in transporting beets during the past season.

After a careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that authority should be granted, limited, however, as indicated by the testimony above set forth.

O R D E R

IT IS THEREFORE ORDERED, That Ann and Ray Louden, co-partners, of Greeley, Colorado, be, and they hereby are, granted a Class "B" permit to operate as private carriers by motor vehicle for hire, for the transportation of farm products, (no livestock), from farms located in the area extending five miles south, five miles west, fifteen miles north and fifteen miles east of Greeley, to market at Greeley; and the transportation of coal from the northern Colorado coal fields to customers residing in the above described Greeley area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicants have filed a statement of their customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and have secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1938.

MW

(Decision No. 11263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
FRED REIN, JR., 925 DOWNING STREET,)
DENVER, COLORADO, FOR AN EXTENSION)
OF HIS CERTIFICATE NO. 454.)

APPLICATION NO. 1560-A-B

January 19, 1938

S T A T E M E N T

By the Commission:

On December 23, 1937, by Decision No. 11143, the Commission extended Certificate No. 454 by authorizing service under said certificate to cover additional territory.

On December 31, 1937, a petition for re-hearing was filed on behalf of Kent Hoffman, the holder of a certificate authorizing service in the territory covered by the extension to Certificate No. 454, which Hoffman authority was in full force and effect, prior to the granting of the above-mentioned extension.

The first assignment in the petition for re-hearing alleges that the hearing was held without notice being served upon petitioner. The record discloses that a notice of this hearing was mailed to Kent Hoffman, Brighton, Colorado (the address furnished the Commission by the said Kent Hoffman), on November 24, 1937, registered, with postage prepaid and that the same was returned with the notation, "Moved, Left no Address."

The petition further alleges that the petitioner, manager for Kent Hoffman, did not learn about the hearing until the day it was held and did not have time to prepare protest. The record shows that on the day of the hearing, Kent Hoffman was represented by Wayne D. Rees, and that P. K. Hoffman, Manager for Kent Hoffman, was present all through the hearing.

Said petition further alleges that P. K. Hoffman offered to testify at the hearing, but was refused, and that he requested a postponement of the hearing, which request was denied. However, the record disclosed that Wayne D. Rees, appearing for Kent Hoffman, cross-examined witnesses and immediately before the case was closed the record discloses the following:

"Mr. Rees: I have a statement to make here, this came absolutely as a surprise to me, I never got any notice of this, and Mr. Hoffman just informed me he had no notice of this.

"Comm'r Danks: What is that?

"Mr. Rees: Of this hearing here. Could I ask Mr. Rein if his territory runs west of a line that goes straight south of Hudson, that's the Lyons and Thompson territory?

"Mr. Rein: I would exempt Lyons and Thompson's territory."

No mention being made of a desire to introduce testimony or to postpone the hearing.

The petition further alleges that the testimony to the effect that the service of Kent Hoffman was unsatisfactory was, in fact, hearsay. To this, attention is called to the witnesses, Hoffman's customers, who testified that they were milk producers, residing in the Kent Hoffman area, and each spoke of his own knowledge as to the very unsatisfactory and unsanitary services rendered by Hoffman, and that the same kind of unsatisfactory services were to their knowledge, rendered to all customers served by Hoffman.

The Commission would be reluctant to grant authority covering the same territory already served by a carrier, except where the service under the prior right was wholly unsatisfactory to numerous shippers, as was here the case, and where the evidence did not disclose that operating defects would be corrected.

After a careful consideration of the record, and particularly the assignments called to the Commission's attention by the petition for rehearing filed herein, the Commission is of the opinion, and finds, that said petition should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant petition for re-hearing be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1938.

MW

(Decision No. 11264)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. J. CARLISLE, DOING BUSINESS)
AS "EMPIRE TRANSFER AND TRUCK)
LINE", PRIVATE PERMITS NOS.)
A-399 AND A-804.)

CASE NO. 4680

January 19, 1938

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent heretofore became the holder of Permits Nos. A-399 and A-804, authorizing him to engage in the business of a private carrier by motor vehicle, and that at all times since acquiring said permits he has exercised, and is now exercising, the rights and privileges conferred thereby.

The records of the Commission further disclose that said respondent has violated the terms and provisions of said permits, the terms and provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of this Commission, in the following particulars, to-wit:

1. That said respondent did, during the period from November 1, 1937, to December 15, 1937, both dates inclusive, accept, transport, and deliver numerous shipments of freight at and for rates and charges different from and lower than the rates and charges fixed and prescribed by this Commission for such transportation.

2. That said respondent, during the period aforesaid, enlarged and extended his operations by engaging in the business of transporting freight from and to various points not included within the authority granted under either Permit No. A-399 or Permit No. A-804, and without first, or at all, securing permission of this Commission for such transportation service.

3. That said respondent, during the period aforesaid, enlarged and extended his operations by engaging in the business of transporting commodities other than those to which he is restricted by the terms and provisions of his said Permit No. A-399.

4. That said respondent does not have on file with the Commission at the date hereof, a full and complete statement, with the addresses of all persons, firms and corporations with whom respondent has special contracts of transportation, and that said respondent did, during the aforesaid period, accept, transport, and deliver shipments of freight for numerous and different persons, firms and corporations, without first or at all having a statement on file with this Commission showing the names and addresses of such persons, firms and corporations, and without having any contract, or a memorandum of the terms thereof, with such persons, firms and corporations, on file with this Commission, as required by the rules and regulations of this Commission and the terms and provisions of his said Permit No. A-399.

5. That said respondent, during the period aforesaid, has, on numerous occasions, transported empty containers without proper billing covering such shipments and without assessing and collecting proper charges for the transportation of such shipments.

6. That bills of lading issued by respondent, during the period aforesaid, were in numerous instances, not properly itemized and did not properly or adequately describe the nature and kind of commodity so transported by him.

The records of the Commission further disclose that the above named respondent became the holder of Permit No. A-804 by approval of this Commission under date of July 21, 1937, and has at all times since said date been operating thereunder.

The records of the Commission further disclose that said respondent did, during the period November 1, 1937, to December 15, 1937, violate the terms and provisions of said permit, the terms and conditions authorizing the lease thereof to said respondent, and the rules and regulations of this Commission, in the following particulars, to-wit:

1. That said respondent did, during said period, on numerous and different occasions, interline shipments of freight with the Gallagher Transfer and Storage Company of Denver, Colorado, and that, on said shipments, said respondent assessed and collected rates and charges different from and lower than the rates and charges fixed and prescribed by this Commission for the transportation of said shipments.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be entered into to determine whether the respondent herein has failed or refused to comply with any or all of the aforesaid rules and regulations of this Commission and, if so, whether his above described permits should therefore be suspended or revoked, or whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten (10) days of this date, why it should not enter an order suspending or revoking Permits Nos. A-399 and A-804, by reason of the aforesaid violations of the law and of the rules and regulations of this Commission, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at two o'clock P. M., on February 7th, 1938, at which time and place such evidence as is proper will be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1938.

MW

(Decision No. 11265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JACK HARSIN, BOONE, COLORADO, FOR A)
CLASS "A" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4331-PP

January 19, 1938

Appearances: Jack Harsin, Boone, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams, Jackson Transfer, Weicker Transportation Company and McCune Transfer Company;
Marion F. Jones, Esq., Denver, Colorado, for Ernest J. Gottula;
Francis M. Keith, Canon City, Colorado, for Keith Trucking Company;
J. D. Blunt, Esq., Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Applicant, Jack Harsin, who resides one mile east of Boone, Colorado, herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of vegetables and truck garden products from farms of S. A. Gerard Company, near Boone, to Crowley, and hay and other farm products from farms within a radius of ten miles of Boone to markets and scales at Boone, with back haul of the same products (after weighing) from Boone to said farms, and beans and other farm commodities from farms generally within a radius of ten miles of Boone, to Boone.

The application was opposed by Allumbaugh and Williams, who operate a motor vehicle truck line for transportation of freight under authority of the Public Utilities Commission, Certificate No. P.U.C. 369:

"Between Pueblo and Sugar City and intermediate points situated east of Boone, and between points on said route and the farms situated within a radius of fifteen miles of Ordway and within a radius of five miles of the other towns east of Boone."

Applicant stated that his father was Manager of the S. A. Gerard farms; that, to the best of his belief, Allumbaugh and Williams had not done any work for the Gerard Company for five years last past, and that the proposed service would not impair the efficiency of the Allumbaugh and Williams operation.

It did not appear from the testimony of protestants that said operation would affect the efficiency of said Allumbaugh and Williams operation.

It also appeared from the testimony that Ordway is about thirty miles from Boone. The Highway Map disclosed that the first town east of Boone, and distant about seventeen miles therefrom, is Olney Springs, so apparently, Allumbaugh and Williams are without authority to serve farms within a radius of five or ten miles of Boone.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the operation of Allumbaugh and Williams, under P.U.C. No. 369, will not be impaired by the granting of the authority herein sought, and that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Jack Harsin, Boone, Colorado, should be, and hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of farm products, generally, except livestock, from farms within a radius of ten miles of Boone to Boone, and from Boone to Devine, and the transportation of vegetables and truck farm products from the S. A. Gerard farms, located near Boone, to Crowley.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1938.

MW

(Decision No. 11266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LANG TRANSPORT SERVICE, LONGMONT,) CASE NO. 4645-LC
COLORADO, Respondent.) PERMIT NO. B-862

January 19, 1938.

S T A T E M E N T

By the Commission:

On November 22, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit B-862 on account of the respondent having failed to keep on file the required list of customers.

It now appears from the records in the office of the Commission that the list of customers prepared by the respondent was inadvertently posted to his interstate card when it should have been shown in connection with his intrastate card, the result being that respondent's permit was revoked on November 22, while his customer list was in the office of the Commission, but not in the proper file.

After a careful consideration of the record, the Commission is of the opinion and finds that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued under date of November 22, 1937, in Case No. 4645-LC should be, and the same hereby is set aside and held for naught, and Permit B-862 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

(Decision No. 11267)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. C. ANKENY, GREELEY, COLORADO, FOR AN EXTENSION OF HIS CLASS "B" PERMIT NO. B-2018.

APPLICATION NO. 4288-PP-B

January 19, 1938.

S T A T E M E N T

By the Commission:

On November 20, 1937, by Decision No. 10971, the Commission granted authority to the applicant herein to transport live turkeys only from ranches and farms within one hundred miles of Greeley, Colorado, to Greeley, for the Poultry Products, Inc.

The Commission is now in receipt of a communication signed by C. C. Ankeny, wherein he calls attention to the fact that he has been asked by the County Commissioners of Weld County to render transportation service, transporting coal from mines in the northern Colorado coal fields to Greeley for relief users, and requests that his authority be extended so that he can render this emergency service.

After a careful consideration of the request and conference with Zene D. Bohrer, attorney for The Motor Truck Common Carriers Association, there being no objections to a coal movement for relief clients for Weld County Commissioners, the Commission is of the opinion and finds that the extension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph in the order contained in Decision No. 10971, dated November 20, 1937, be, and the same hereby is amended to include the transportation of coal from mines in the northern Colorado coal fields to relief customers, for the County Commissioners of Weld County, Colorado.

IT IS FURTHER ORDERED, That this order be made a part of Decision No. 10971, and in all other respects the provisions of the order in said decision shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

(Decision No. 11268)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF M. B. KELLEY, SLATER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER FOR HIRE FOR THE TRANSPORTATION OF FREIGHT AND EXPRESS SHIPMENTS OF WOOL, SALT, RANCH SUPPLIES, HAY, GRAIN, LUMBER AND COAL AND LIVESTOCK WITHIN A RADIUS OF 15 OR 20 MILES OF SLATER TO CRAIG AND STEAMBOAT SPRINGS, COLORADO.

APPLICATION NO. 4292

(Changed to a common carrier application at the hearing.)

January 19, 1938.

Appearances: M. B. Kelley, Slater, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Leonard Gray;
R. E. Conour, Esq., Denver, Colorado, for Larson Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein testified that he possessed a G. M. C. truck which he is now using in connection with two Star Mail Routes and that in connection with his Government mail contracts, he found many of the residents along the line of his mail route who were continually seeking his services in connection with the transportation of farm supplies and farm products.

Applicant stated that there was no one residing in the Slater area having authority to render this service between town and the various ranches, and that while he recognized that a private permit meant that he was to serve listed customers only, the situation was such that many sought his services and each and every resident of the Slater country would no doubt seek to become customers of his; that so far as he knew, there was no authorized carrier residing in the Slater area, and for residents of this area to rely upon the Comet Motor Express at Craig, would not be practical inasmuch as the shipments were usually small.

After hearing applicant's testimony, those appearing at the hearing offered no objections to the granting of authority.

Application was then made that, if there were no objections, the original application be amended to read "for a certificate of public convenience and necessity" instead of a Class "B" permit.

There being no objections to amending this application, the same was allowed, and it appearing from the testimony that there was a public demand for service which service would not justify calling an operator from Craig, the Commission is of the opinion and finds that the public convenience and necessity require the motor vehicle transportation service of the applicant herein as above indicated, and that a certificate of authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That authority be granted to amend the instant application to include an application for a common carrier certificate instead of a private permit.

IT IS FURTHER ORDERED, That the public convenience and necessity require the motor vehicle transportation service of M. B. Kelley, of Slater, Colorado, for the transportation of farm products, including livestock, from point to point within a twenty-mile radius of Slater, Colorado, and from points in said area to Craig and Steamboat Springs, with a back haul of farm supplies to residents of the described Slater area, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is

made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dunn

W. L. Danks

Marion Ericson

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOE AND SYLVIA KULA, 319 GRANT STREET, FORT MORGAN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4382-PP

January 19, 1938.

Appearances: Joe Kula, Fort Morgan, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association and Estel H. Roe;
R. E. Conour and Z. D. Bohrer, Esqs., Denver, Colorado, for North Eastern Motor Freight, Inc;
Mr. Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association, Atwood Brothers, Ralph Senseny, Chet F. Bowes and William F. Ackley.

S T A T E M E N T

By the Commission:

The applicant testified that he desired authority to move beets from fields in the area around Fort Morgan, extending ten miles north of Fort Morgan, ten miles south, six miles east and six miles west thereof, to dumps and factory within said area, and bulk grain and loose hay from point to point within said area and to Denver.

The applicant admitted that there were a good many trucks authorized to haul hay to Denver, but that the farmers liked to shop around on prices and had talked to him about movements from the Fort Morgan area to Denver; that he knew Senseney, Ackley, Atwood Brothers, Ben Walker, Arthur Piper, Marion Martin and probably others, had authority to render transportation service, and that any movement of hay and grain from the Fort Morgan area to Denver which he might take charge of would be taking business from others.

The applicant listed only one customer, Forest Deval, a stock feeder, and stated that he was not in a position to furnish the names of other customers for the reason that what he sought was a seasonal movement

of beets and hay and there probably would not be much until next season.

A motion was made to dismiss this application for the reason that it did not meet the requirements of the rules and regulations of the Commission. However, it is noted that this application was taken by Inspector Smith, October 7, 1937, at which time there was a shortage of trucks to move beets from fields, and no time was taken to go through the formality of having the application verified. Therefore, it does not seem quite right to take advantage of this applicant who did not have an opportunity at that time to seek a notary public.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the authority sought should be granted, limited, however, as indicated by this applicant's testimony.

O R D E R

IT IS THEREFORE ORDERED, That Joe and Sylvia Kula, of Fort Morgan, Colorado, be, and they hereby are granted a Class "B" permit to operate as private carriers by motor vehicle for hire, for the transportation of beets from farms in the area around Fort Morgan, extending ten miles north, ten miles south, six miles west and six miles east of Fort Morgan, to dumps and factory within said area, and loose hay and grain from point to point in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicants have filed a statement of their customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and have

secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

(Decision No. 11270)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. A. PORTER, 123½ NORTH MAIN ST.,)
LAMAR, COLORADO, FOR A CLASS "B" PER-) APPLICATION NO. 4353-PP
MIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

January 19, 1938.

Appearances: A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company
and Ralph T. Preston;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Wimp and Covey.

S T A T E M E N T

By the Commission:

The above styled matter was regularly set for hearing at Lamar, Colorado, on December 15, 1937, at 9:30 o'clock A. M., applicant being duly and regularly notified of said hearing.

At the time and place appointed for the hearing, applicant, although duly notified as aforesaid, failed to appear. Thereupon, protestants moved that said application be dismissed for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and hereby is, dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

(Decision No. 11271)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. H. FIMPLE, LAS ANIMAS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 4351-PP
AS A PRIVATE CARRIER BY MOTOR VEHI-)
CLE FOR HIRE.)

January 19, 1938.

Appearances: J. H. Fimple, Las Animas, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Las Animas Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products in bulk (particularly including beets, melons, loose hay and vegetables) from farms within a radius of fifteen miles of Las Animas to markets, storage and loading points in said area. He does not expect to handle livestock under the permit, if granted, and does not intend to engage in any town to town service.

There was no objection to issuance of permit as limited.

After a careful consideration of the record, the operating experience and financial responsibility of applicant having been established to the satisfaction of the Commission, the Commission is of the opinion, and finds, that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. H. Fimple, Las Animas, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, except livestock, from farms within a radius of fifteen miles of Las Animas to markets, storage and loading points in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

(Decision No.11272)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT SCHWARTZ, WILEY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 4352-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

January 19, 1938.

Appearances: Albert Schwartz, Wiley, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Wimp & Covey.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of beets to beet dumps at Wiley from points within a radius of five miles thereof, loose alfalfa from points within a radius of ten miles of Wiley to Alfalfa mill at Wiley, and grain to elevators at Wiley from fields within the area extending to the Prowers County-Kiowa County Line on the north and ten miles west, east and south of Wiley.

There was no objection to the issuance of permit as limited.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Albert Schwartz, of Wiley, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation to Wiley of (a) beets from farms within a radius of five miles thereof; (b) alfalfa hay from farms within a radius of ten miles of Wiley, and (c) grain from farms within the

area bounded by the Prowers County-Kiowa County line on the north and points ten miles west, east and south of Wiley.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

(Decision No. 11273)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILBUR E. TAULMAN, 12th AND POPLAR,)
LAMAR, COLORADO, FOR A CLASS "A") APPLICATION NO. 4348-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 19, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Wimp and Covey.

S T A T E M E N T

By the Commission:

Applicant herein filed application seeking authority to transport stone from a quarry at Bristol, Colorado, to Eads, Colorado.

The matter was set for hearing at Lamar on December 15, 1937.

Although due notice of said hearing was forwarded to applicant in the manner required by our rules and regulations, applicant failed to appear at the time and place set for hearing. Thereupon, protestant moved that said application be dismissed for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and hereby is dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

(Decision No. 11274)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BERT HALL, DOING BUSINESS AS HALL MOTOR FREIGHT, AND THE HALL MOTOR FREIGHT COMPANY, A CORPORATION, FOR AUTHORITY TO THE FORMER TO TRANSFER TO THE LATTER INTERSTATE PEMIT NO. 728-I, NOW HELD BY THE FORMER.

APPLICATION NO. 2253-I-A
PERMIT NO. 728-I

January 19, 1938.

Appearances: North Allen, Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

On January 7, 1935, Interstate Permit No. 728-I issued in Application No. 2253-I to Bert Hall, doing business as Hall Motor Freight, to operate as a common carrier in interstate commerce only, for the transportation of freight between Denver and the Colorado-Kansas state boundary line where U. S. Highway No. 50 crosses the same, and between points intermediate thereto, and said line.

Said Hall now seeks authority to transfer said interstate permit to the Hall Motor Freight Company, a Colorado corporation.

It appearing that the permit herein sought to be transferred is limited to interstate transportation service, and that transferee is pecuniarily able to, and otherwise qualified to carry on the proposed operation, the Commission is of the opinion, and finds, that said application should be granted, provided all ton-mile tax, if any, due the Commission on account of transferor's operations under said permit shall be paid by transferor or transferee before said transfer shall become effective.

O R D E R

IT IS THEREFORE ORDERED, That Bert Hall, doing business as Hall Motor Freight, should be, and he hereby is authorized to transfer

interstate permit No. 728-I, heretofore issued to him, to The Hall Motor Freight Company, a Colorado corporation, unpaid ton-mile tax, if any, to be paid by transferor or transferee before said transfer shall become effective.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee in writing have advised the Commission 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 right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF RAY GOSNELL, WESTON, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)))))	APPLICATION NO. 4369-PP

January 21, 1938.

Appearances: Ray Gosnell, Weston, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for Harry Warner and The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for Pople Brothers and Couey Storage and Transfer Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of lumber products from lumber mills located in the forests west of Trinidad to Trinidad, with back haul of coal from coal mines in Las Animas County to said lumber camps.

There was no objection to the issuance of permit as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That Ray Gosnell, Weston, Colorado, should be, and he hereby is authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of lumber products to Trinidad from lumber mills located in the forests west of Trinidad, and coal from coal mines in Las Animas County to said lumber camps.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations,

limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

BH

(Decision No. 11276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. S. GOSNELL, WESTON, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 4365-PP
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

January 21, 1938.

Appearances: J. S. Gosnell, Weston, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.
A. J. Fregeau, Denver, Colorado, for Pople Bros. and Couey Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) ties and lumber products from tie camps of the National Creosoting Company in the State of Colorado to loading points within a radius of fifty miles of said camps; (b) ties and lumber products from lumber camps located in the forests west of Trinidad to Trinidad; (c) stock feeds and other lumber camp supplies from supply points in the State of Colorado to said timber camps of the National Creosoting Company, including the transportation of such supplies from Trinidad to lumber camps in the forest west thereof.

There was no objection to the issuance of permit as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That J. S. Gosnell, Weston, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) ties and lumber products from tie camps of the National Creosoting Company in the State of

Colorado to loading points within a radius of fifty miles of said camps; (b) ties and lumber products from lumber camps located in the forests west of Trinidad to Trinidad; (c) stock feeds and other lumber camp supplies from supply points within a radius of 50 miles of said National Creosoting Company tie camps in the State of Colorado to said camps, including the transportation of such supplies from Trinidad to lumber camps in the forests west thereof.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

BH

(Decision No. 11277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT REED, WILEY, COLORADO FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 4347-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

- - - - - - - - - - - - - - - - - - -

- - - - - - - - - -
January 21, 1938.
- - - - - - - - - -

Appearances: Robert Reed, Wilwy, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado,
for Oberwortman and Roe, Wimp and Covey,
and The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above styled matter was heard at Lamar, Colorado, on December 15, 1937.

On January 6, 1938, applicant, in writing, requested the Commission to dismiss the application and refund his deposit.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and the same hereby is dismissed.

IT IS FURTHER ORDERED, That applicant's deposit should be refunded to him, upon receipt of statement showing that he is not indebted to the Commission on account of transportation service rendered under this application.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. E. SILVIS, CAMPO, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 4350

January 21, 1938.

Appearances: Charles Doughty, Esq., Springfield, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company and Ralph T. Preston;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant, L. E. Silvis, Campo, Colorado, herein seeks a certificate of public convenience and necessity to operate as a motor vehicle common carrier for hire for the transportation, in irregular service upon call and demand, of used household goods and farm machinery, livestock and farm produce, from point to point within a radius of twenty-five miles of Campo, and from and to points in said area, to and from points in the State of Colorado.

The evidence disclosed that applicant does not intend to operate a town to town service or to compete with scheduled motor vehicle line haul carriers.

The evidence further disclosed that public convenience and necessity requires the service, as limited, and that applicant has a 1937 Ford V-8 truck, of the value of $1,000.00, which he expects to use in conducting the operation.

After a careful consideration of the record, there being no objection to the issuance of said certificate as limited, the Commission is of the opinion, and finds, that the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed operation of applicant, L. E. Silvis, for the transportation, in irregular service, upon call and demand, of used household goods and farm machinery, livestock and farm produce, from point to point within a radius of twenty-five miles of Campo, and from and to points in said area to and from points in the State of Colorado, and this order shall be deemed and held to be the certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file tariff of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

BH

(Decision No. 11279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF FILIBERTO GONZALES, BOX 31,)
GULNARE, COLORADO, FOR A CLASS "B") APPLICATION NO. 4368-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 21, 1938.

Appearances: Filiberto Gonzales, Gulnare, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for Pople Brothers and Couey Storage and Transfer Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber, ties, mine props and lumber from timber camps and sawmills within a radius of ten miles of Gulnare, to coal mine camps in Las Animas County.

There was no objection to the issuance of permit as limited.

The operating experience and financial responsibility of the applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Filiberto Gonzales, Gulnare, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber, ties, mine props and lumber from timber camps and saw mills within a radius of ten miles of Gulnare, to coal mine camps in Las Animas County.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations,

limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

BH

(Decision No. 11280)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LOYAL MORGAN FOR A CERTIFICATE) APPLICATION NO. 4312
OF PUBLIC CONVENIENCE AND NECESSITY.)

January 15, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
Richard E. Conour, Esq., Denver, Colorado, for E. B. Faus, Pueblo-San Luis Valley Transportation Company and Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein testified that he was the holder of permit B-815 with a statewide, unrestricted authority; that he possessed a 1937 Dodge semi-trailer, a 1937 Dodge straight truck and a 1937 Chevrolet, the value of these trucks being approximately $4,000.00, with no encumbrance on the same; that he possessed approximately $3,000.00 worth of other property, which was all clear of encumbrance, and that his bank account averages about $1,500.00.

The applicant stated that he desired to serve the area around Saguache, as indicated on the map attached to his application, with a slight correction as to the south boundary indicated thereon, which would then be described as follows:

> "An area extending north from Saguache a distance of fifteen miles; west of Saguache thirty miles; south thereof to a line extending east and west three miles north of Center, Colorado, and east to the Sangre de Cristo mountain range"

with authority to transport farm products, including livestock, farm supplies and equipment, including farmers' household effects, into, out of and between points within said area; provided, however, that no authority was sought to transport any commodities between towns in competition with scheduled common carriers.

It was further disclosed that all that part of Permit B-815 in conflict with any authority which might be granted in the instant application was to be eliminated, but the applicant felt that there were some parts of the B permit which he would like to retain and in such event would use separate equipment in operating under the B permit from that equipment used in connection with a certificate, should the same be granted.

It also appeared that Oliver Curtis and B. B. Andis had each waived any objection as to the granting of the authority sought by the applicant. Applicant further stated that while he lived in Monte Vista, having interests there, he had intended to maintain his residence at Monte Vista and keep in touch with the area sought to be served herein by telephone; that the Rio Grande Motor Way conducted a scheduled operation running through the territory proposed to be served by him but did not make deliveries at Saguache, and applicant did not desire to compete with the Rio Grande Motor Way as now operated through this territory. Applicant stated that he had calls from numerous ranchers residing in the Saguache area who maintained that no transportation facilities were available, particularly in the movement of farm products from ranches to storage and shipping points, and the transportation of farm supplies, including farm equipment, from town to their ranches; that he did not know how much stock was moving from point to point within the area, did not know the population of the area described, but was aware of livestock moving from ranch to ranch, from ranch to range, and had also been asked to move used household goods from ranches in the described area to points outside thereof, and some calls had been received for the movement of used household goods from outside points to ranches within the described Saguache area.

A. C. Davey, who lives on a ranch some ten miles south of Saguache and raises more or less stock, testified that he had known the applicant for about fifteen years and considered him to be capable and dependable; that there was a demand for the service proposed by applicant, particularly in the movement of less than carload lots, or what he called

"odds and ends" of sheep shipments, potatoes, hay, ranch supplies, such as salt, from town to ranches, none of which could be carried by the Rio Grande Motor Way, inasmuch as he lived quite a distance from the scheduled route of Rio Grande Motor Way; that carload movements came into and out of the valley by rail, but it was quite a distance from railroad loading point to ranches in his vicinity and that the services of applicant would be needed in moving stock to the railroad loading point and feed and other supplies back to the ranch; that he handled an in and out shipment of approximately six carloads of stock each year, and at times found it rather inconvenient to locate an authorized motor carrier to take care of his demands.

O. R. Warner, rancher and stockman living eight miles southeast of Saguache, testified that he considered the applicant not only dependable but very well experienced in the trucking business, and that his services are badly needed in his locality in connection with the movement of less than carload lots of stock as well as hay, grain and farm supplies, much of which moved to loading points, but some in and out of the Saguache area described in the applicant's application; that it was not practical to move a great deal of this by rail, and inasmuch as many of the farmers and ranchers do not have their own trucks, it would be very convenient to have someone locally authorized to look after this transportation service; that to his knowledge ten farmers moved either in or out of the Saguache area in the past year.

Mr. Williams, a rancher living eight miles southeast of Saguache, testified that he had known the applicant for seven years; that he was a dependable operator and the people of the Saguache area needed the services of a dependable local operator for the transportation of farm produce and movement of farm supplies to the ranchers as well as the movement of some farm products out of the area to available markets and the movement of farm feeds back into the area; that so far as he knew, there was no one authorized to take care of this kind of a service except Elmer McFee, who operated a milk route in the area between Saguache and Center and did

take care of some small shipments, but was not equipped to take care of any livestock. Mr. Williams stated that he lived fifteen miles from the railroad and his principal demands were for someone to be in a position to render a service between his ranch and the nearest railroad loading point and between his ranch and points outside of the Saguache area.

Eugene D. Faus, manager of the E. B. Faus service, conducted under certificate No. 446, testified that this right gave them a twenty-mile radius around Monte Vista which took in Center, but since the applicant changed his southern boundary, there was but very little overlap; that this right did not give them authority to serve around Saguache; that he did not remember moving anything in the area sought to be served by the applicant. However, his company had a large number of trucks which were not busy more than fifty per cent of the time and that they needed all of the tonnage within the twenty-mile radius, which area they were prepared to take care of under all circumstances. He further stated that Pueblo-San Luis Valley Transportation Company conducted an operation in connection with the Rio Grande Motor Way and in this way would serve Moffat and line points in the area sought to be served by the applicant.

It further appeared that Weicker Transportation Company, holder of Certificate 341, had a large variety of equipment prepared to take care of the movements of heavy machinery throughout all parts of the State and into the area sought to be served by applicant, and was in a position to take care of the movement of household goods. Certificates 341, 446 and 380 were made parts of the record.

It appears from the record that this portion of the San Luis Valley sought to be served by the applicant is adequately taken care of so far as scheduled line operations are concerned, and inasmuch as the applicant does not seek line haul rights, also limits his territory so as not to overlap the area authorized to be served under Certificate 446 by E. B. Faus except for a very short distance, and it further appearing that the Faus operation has never taken care of any transportation service further north than Center, there would appear to be no impairment of authorized carriers' service.

It further appears that both B. B. Andis and Oliver Curtis have waived any objections to the granting of authority sought. The testimony of the applicant and witnesses appearing in his behalf established the public convenience and necessity of the operation in so far as the movement of farm products, including livestock, farm supplies and farm equipment, including farmers' household effects, into, out of and between points in the described area is concerned, provided, however, that he does not engage in any line haul transportation between towns. There is, however, one slight conflict which was disclosed at the hearing, being that of Elmer McFee, the holder of a certificate with the right to transport milk and dairy products, as well as some farm products, from point to point within an area immediately west and north of Center, Colorado. This being in connection with his milk route, would probably result in no serious conflict, provided the applicant did not enter into a, strictly speaking, "milk haul".

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

Should the applicant be granted a common carrier right to operate point to point within the Saguache area described, and into, out of and between all other points in the State of Colorado, and retain his private permit No. B-815 with a state-wide, unrestricted right to serve all points in the State of Colorado, it would be a duplication of authority such as is not contemplated by the motor carrier laws and interpretations thereof. In Re E. B. Faus (Cases 1135 and 1136, Decision 4955), Page 599, Vol. IX, Decisions Colo. P.U.C., we find the following:

> "In the instant case, it is apparent that the respondent might operate as a common carrier from point to point within the radius granted in his certificate, to-wit, within twenty miles of the City of Monte Vista, to any point within the State of Colorado. The result would be that he might be operating over the same highway, under the same name and with the same equipment as both a common and a private carrier if he is permitted to retain his private permit. We do not believe that such a situation should be permitted to continue.
>
> "After careful consideration of all the evidence, the Commission is of the opinion, and so finds, that in Case 1136, the private permit No. A-401 heretofore

issued to respondent E. B. Faus, should be cancelled for the reason that said respondent is now authorized as a common carrier to operate from point to point within a radius of twenty miles of the city of Monte Vista and from said territory to and from all points in the State of Colorado, and that such authority as a common carrier will not permit respondent to lawfully operate as a private carrier in the transportation of freight in intrastate commerce in Colorado."

We believe it is well settled in this state that an operator may not operate as a common and a private carrier at the same time, with the same facilities and within the same territory or over the same route.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the public convenience and necessity require the motor vehicle transportation service of the applicant, limited as indicated by the record.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle transportation service of the applicant with authority to transport farm products, including livestock, farm supplies and farm equipment, including farmers' household effects, into, out of and between points within an area around Saguache, Colorado, described as follows:

Extending north from Saguache a distance of fifteen miles, west of Saguache thirty miles, south thereof to a line extending east and west three miles north of Center, Colorado, and east to the Sangre de Cristo mountain range,

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject, however, to the following conditions:

1. That the applicant shall not engage in any transportation service of a competitive character between points on the line of scheduled common carriers.

2. That the applicant shall not engage in the transportation of milk and dairy products in competition with the service of Elmer McFee, now serving a part of the Saguache area.

3. That the applicant, as a condition precedent to grant of authority hereinbefore set forth, be and hereby is required to file with the Commission, within twenty days after the date hereof, a written request for the cancellation of Permit B-815, together with his acceptance of this certificate and the conditions hereof.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of January, 1938.

BH

(Decision No. 11281)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER CORNELIUS, WESTON, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 4366-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

January 21, 1938.

Appearances: Elmer Cornelius, Weston, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Oberwortman and Roe, and Harry T. Warner;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company, Pople Brothers and Couey Transfer and Storage.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ties for the National Creosoting Company from its tie camps in the State of Colorado to loading points within a radius of fifty miles thereof; lumber from sawmill camps located in the forests west of Trinidad to Trinidad; mine props from forests to coal mines in Las Animas County and lumber from said camps to Lamar.

The record discloses that said applicant failed to include the request for the transportation of lumber from timber camps to Lamar. The request for authority to render such service, therefore, cannot be granted upon the instant application.

There was no objection to the issuance of permit, except the haul to Lamar.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought, except service to Lamar, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Elmer Cornelius, whose address is Box 285, Lamar, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ties for the National Creosoting Company from its tie camps in the State of Colorado to loading points within a radius of fifty miles thereof; lumber from sawmill camps located in the forests west of Trinidad to Trinidad, and mine props from said forests to coal mines in Las Animas County.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

BH

(Decision No. 11282)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE M. HARROD, WESTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.) APPLICATION NO. 4364-PP

January 21, 1938.

Appearances: George M. Harrod, Weston, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for Pople Brothers and Couey Storage and Transfer Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) ties and lumber products from tie camps of the National Creosoting Company in the State of Colorado to loading points within a radius of fifty miles of said camps; (b) ties and other lumber products from lumber camps located in the forests west of Trinidad to Trinidad; (c) stock feeds and other lumber camp supplies from supply points within a radius of fifty miles of the National Creosoting Company tie camps in the State of Colorado to said timber camps, including the transportation of such supplies from Trinidad to lumber camps in the forests west thereof.

There was no objection to the issuance of the permit as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That George M. Harrod, Weston, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) ties and

lumber products from tie camps of the National Creosoting Company in the State of Colorado to loading points within a radius of fifty miles of said camps; (b) ties and lumber products from lumber camps located in the forests west of Trinidad to Trinidad; (c) stock feeds and other lumber camp supplies from supply points within a radius of 50 miles of National Creosoting Company camps in the State of Colorado to said timber camps of the National Creosoting Company, including the transportation of such supplies from Trinidad to lumber camps in the forests located west thereof.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

BH

(Decision No. 11283).

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF H. M. WOODS AND R. N. WOODS, PARTNERS, FOR ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 4252.

January 21, 1938.

Appearances: C. Cooper Young, Esq., Denver, Colorado, for the applicants;
T. A. White, Esq., Denver, Colorado, for the Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

R. N. Woods, one of the above-named applicants, testified that they desire a certificate of authority to conduct, maintain and operate a general taxicab business in and about Leadville, Colorado, transporting passengers and hand baggage; that at the present time there was no authorized taxicab service available in Leadvile; that there were passenger trains coming into Leadville daily, stopping at the depot, some ten blocks distant from the Court House and business section of the Town; that the applicants are engaged in the transportation business, maintain a garage and repair shop in Leadville, where they have telephone service; that of late they received numerous calls from the smelter, the Pines two miles north of Leadville, mines located five to six miles out of Leadville and from Climax; that there is a bus operating between Leadville and Malta twice daily, but that the taxicab service which they propose would charge $1.00 for this trip, being much higher than the bus rate and would not be in competition; that the applicants possess a 1937 Plymouth Sedan valued at $1,200.00, and in addition have a Chrysler car which they propose to use for stand-by equipment, and are financially able to conduct a taxicab service, if given authority to serve.

The Mayor of Leadville testified that authority had been given the applicants by the City, but that in order for them to operate porperly

between Leadville and points surrounding, it was necessary that they also have authority from the Public Utilities Commission; that in his opinion the people of the Town of Leadville and vicinity needed the proposed service of these applicants, and that the City was anxious to cooperate in the conduct and maintenance of this service if authority was granted.

Dr. R. H. Fitzgerald of Leadville testified that there was a pronounced need for taxicab service between homes in Leadville and vicinity and the hopsital; and that no service of this kind was now available, except such as they might get from the applicants in casses of emergency.

It was stipulated that H. C. Butler, publisher of the local newspaper and R. Fiknay, long time residents of Leadville would testify in substance as did the Mayor and Dr. Fitsgerald, as to the necessity for a taxicab service.

Upon the rates and charges as set forth and testified to by R. N. Woods, objections to the granting of the taxicab authority were withdrawn, provided these rates should not be changed without notice first being given to the protestants appearing.

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

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the public convenience and necessity require the proposed motor vehicle taxicab service, upon the basis as indicated by the testimony, and that authority should be granted to the applicants.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle service for the conduct, maintenance and operation of a general taxicab business for the transportation of passengers and hand baggage for hire, in Leadville, Colorado, and between Leadville and points outside thereof, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That rates and fares for such service shall be as follows:

1. City calls, 1/2 mile or less — 25¢ per passenger
   City calls, all other points within the city — 50¢ " "

2. For all points in the vicinity of Leadville, except between Leadville and Malta, the following basis to apply: 10¢ per mile each way for one passenger and 5¢ additional per mile for each additional passenger

3. Between Leadville and Malta the following basis of rates to apply:

Number of Passengers

1	2	3	4	5	6
$1.00	$1.25	$1.50	$1.75	$2.00	$2.25

and that no change shall be made in the above rates and fares, except upon application therefor and proper notice to protestant appearing at the hearing and the authority of the Commission first had and obtained.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 21st day of January, 1938.

(Decision No. 11284)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES AND CLASSIFICATION OF FREIGHT OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.

CASE NO. 1585

SUPPLEMENTAL ORDER

January 19, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a petition by The Motor Truck Common Carriers' Association by J. R. Arnold, its Agent, on behalf of the Southwestern Transportation Company for an order authorizing the publication of Column 1 and 2 rates between Denver and Colorado Springs, Colorado, on the one hand, and Penrose, Portland, Florence, Coal Creek, Rockvale, Chandler, Canon City, Parkdale, Spike Buck, Texas Creek, Cotopaxi, Coaldale and Howard, Colorado, on the other hand. Such rates to alternate with the contemporaneous class rates. Also a request from Frank Miller doing business as the Denver-Limon-Burlington Transpn. Company for an order authorizing the use of the highway mileage instead of the rail mileage in computing rates between Eads, Colorado and points on the line of the said carrier. Mr. Miller testified in support of his request at the last hearing in Case No. 1585 on January 13, 1938.

The request of the Southwestern Transportation Company is based on the fact that The Denver and Rio Grande Western Railroad Company has such an arrangement in effect and in order for it to compete with the said railroad it is necessary for it to be on the same rate level as the railroad.

In regard to the request of Miller the only points involved are between Eads, Colorado, and Denver, Colorado, as the rail mileage between Eads and all other points exceeds by fifty per cent or more the direct

operated highway mileage. The rail distance from Eads to Denver is 230 miles and the highway distance is 174 miles, or expressed in percentage, the rail distance is approximately 32 per cent greater than the highway distance. The request of Miller is supported by a petition signed by some 15 business firms located at Eads asking that the rates be computed on the basis of the actual highway distance traveled rather than over the rail route.

The prescribed class rates via the two routes are as follows, viz:

	1st	2nd	3rd	4th
174 Miles -	88 -	75 -	62 -	48
230 Miles -	98 -	83 -	69 -	54

The prescribed rule of the Commission provides, that in computing the distance between two given points located on the lines of the rail carriers the distance of the rail carriers shall be used, provided, however, that where such distance exceeds the direct operated highway route by fifty (50) per cent or more the distance via such highway route shall be used.

The rail distance between Eads, Colorado and Denver, Colorado, does not exceed the direct operated highway route by fifty (50) per cent, however, there are other factors in this particular case which we believe should be considered, viz: the request of the carrier operating over the direct highway route; the saving in time in the delivery of merchandise; the establishment of lower rates which should have a tendency to increase the tonnage of the carrier and at the same time make a saving for the shipper.

After full consideration of the instant petitions, and the record as a whole the Commission is of the opinion and so finds, that an order should be entered authorizing the publications as requested.

O R D E R

IT IS THEREFORE ORDERED, That the order heretofore entered in

these proceedings in Case No. 1585, on February 5, 1936, as since amended be, and it is hereby, further amended, insofar as shall be necessary to give effect to the amended findings herein on further consideration, and that, except as herein amended, the above stated order as amended shall continue in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective on January 31, 1938, and that the Southwestern Transportation Company and the Denver-Limon-Burlington Transportation Company shall cause to be published on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, the following, in connection with the Southwestern Transportation Company, column 1 and 2 rates of 79 and 62 cents per 100 pounds, respectively, between Denver and Colorado Springs, Colorado, on the one hand and Canon City, Chandler, Coal Creek, Coaldale, Cotopaxi, Florence, Howard, Parkdale, Penrose, Portland, Rockvale, Spike Buck, and Texas Creek, Colorado, on the other hand, and that in the publication of said column rates provision be made whereby the said column rates will alternate with the contemporaneous class rates and vice versa, and in connection with the Denver-Limon-Burlington Transportation Company, class rates between Denver, Colorado, and Eads, Colorado constructed on the basis of a distance of 174 miles.

IT IS FURTHER ORDERED, That all private carriers operating in competition and rendering substantially the same or similar service as the Southwestern Transportation Company and the Denver-Limon-Burlington Transportation Company, shall on and after January 31, 1938, cease and desist from demanding, charging or collecting rates which shall be less than the rates or basis of rates prescribed or approved in the next preceding paragraph herein.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional order as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of January, 1938.

B

(Decision No. 11285).

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF R. N. WOODS AND H. M. WOODS, DOING BUSINESS AS LEADVILLE-CLIMAX DISTRICT BUS, FOR AN EXTENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, PUC NO. 948.

APPLICATION NO. 3266-AA-B.

IN THE MATTER OF THE APPLICATION OF R. N. WOODS AND H. M. WOODS, DOING BUSINESS AS LEADVILLE-CLIMAX DISTRICT BUS, INC., FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 948.

APPLICATION NO. 3266-AA
SUPPLEMENTAL APPLICATION.

January 24, 1938.

Appearances: C. Cooper Young, Esq., Denver, Colorado, for the applicants;
T. A. White, Esq., Denver, Colorado, for Colman Truck Service;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Schaeffer.

S T A T E M E N T

By the Commission:

R. N. Woods testified that he and H. M. Woods were doing business as the Leadville-Climax District Bus, having acquired the authority in Application No. 3266-A by Decision No. 9742, whereby Certificate No. 948 was regularly transferred to them as co-partners, with authority to transport passengers and packages between Leadville and Climax, charging for such service twenty-five cents per person for the thirteen-mile haul, and the maximum amount of baggage fixed at twenty-five pounds per package; that they now seek an extension of the present authority to include the transportation of packages between Leadville and Climax, in parcels not to exceed twenty-five pounds per package; and that they be authorized to charge fifteen cents per fifty pounds for all baggage transported for passengers in excess of the first fifty pounds carried free of charge by the applicant.

It further appeared that merchants had been calling upon the applicants to deliver drugs, batteries, car accessories, trunks and other packages, limited

to a maximum of twenty-five pounds, and that these calls from merchants and other persons have become so numerous that the applicants feel it is an imposition to further make these deliveries free of charge as they have been in the past, and that this public demand should be taken care of by their being authorized to transport the same and charge fifteen cents per package.

It further appeared that many passengers demand the transportation of excess baggage.

This applicant further testified that in addition to the above service they would like authority to file separate tariff on all express transported between Leadville and Climax.

William Nash, Druggist, Leadville, Colorado, testified that there was a very serious need for someone to transport packages, particularly drugs, between Leadville and Climax, and that this service could best be rendered by the applicants in connection with their transportation of passengers rather than as a separate service.

It was stipulated by and between those appearing at the hearing that the testimony given in Application No. 4252, pertaining to the financial standing and ability of the applicants be made a part of this record.

After hearing the testimony, protestants appearing at the hearing withdrew objections to the granting of authority, provided it was limited as above set forth.

At the beginning of the hearing on this application, permission was sought to file a supplemental application. There being no objection, this supplemental application was filed with the Commission.

R. N. Woods further testified that since taking over the operation from Minnie Nelson, the applicants herein had incorporated a company known as the Leadville-Climax District Bus, Inc., a certified copy of the Articles of Incorporation being attached to the Supplemental Application; that the applicants in said supplemental application, being R. N. Woods and H. M. Woods, were the sole owners of all of the stock in the above-named corporation; and that they desired authority to transfer all of their right, title and interest in and to certificate of public convenience and necessity No. 948, with the authority as heretofore granted to Minnie Nelson, and the extension sought by Application No. 3266-AA-B, and that they intended to conduct the operation as now authorized or hereinafter granted in the name of the Leadville-Climax District Bus, Inc.,

with headquarters at Leadville, Colorado; that there were no outstanding unpaid obligations as a result of previous operations under said certificate and that inasmuch as they now desired their certificate of public convenience and necessity No. 948 to include all of their activities, they represented that the transfer of authority from the two applicants as partners, to the Leadville-Climax District Bus, Inc., would not change the financial arrangement back of the operation as individual holdings were being transferred to the Company.

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

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the public convenience and necessity require the extension sought by the applicants, limited as indicated by the testimony given at the hearing; and that H. M. Woods and R. N. Woods should be granted authority to transfer all of their partnership right, title and interest in and to the rights here involved to the Leadville-Climax District Bus, Inc., a corporation.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed extended motor vehicle services of the applicants, R. N. Woods and H. M. Woods, for the transportation of packages in connection with their bus service between Leadville and Climax, in parcels not to exceed twenty-five pounds per package, with authority to charge and collect a fee of fifteen cents for each package so transported, pick up and delivery not included, and authority to charge and collect fifteen cents per fifty pounds for all excessive baggage, over and above the first fifty pounds carried free of charge, as a part of the passenger fare, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That R. N. Woods and H. M. Woods, doing business as Leadville-Climax District Bus, be and hereby are authorized to transfer all of their right, title and interest in and to Certificate No. 948 to the Leadville-Climax District Bus, Inc., a Corporation.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee shall have the necessary insurance

on file with the Commission, and 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado, this
24th day of January, 1938.

F

(Decision No. 11286)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
A. M. THOMAS) PERMIT NO. C- 7190
)
)

January 24, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from A. M. Thomas of Holyoke, Colorado, requesting that his Permit No. C-7190 be cancelled for the reason that he has disposed of his truck and is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7190, heretofore issued to A. M. Thomas be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11287)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
ELMER F. MAGEE.) PERMIT NO. C- 7278
)
)

January 24, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Elmer F. Magee of 3020 Lafayette St., Denver, Colo., requesting that his Permit No. C-7278 be cancelled for the reason that he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7278, heretofore issued to Elmer F. Magee, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carlson

W. L. Parks

Thomas Tarpey

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11288)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
IRBY COOPER.) PERMIT NO. C- 7511
)
)

January 24, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Irby Cooper Box 131 Alamosa of , , requesting that his Permit No. C- 7511 be cancelled for the reason that he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7511, heretofore issued to Irby Cooper, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11289)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
ERVIN HAYNES.) PERMIT NO. C- 7514
)
)

January 24, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Ervin Haynes of Route 2, Monte Vista, Colorado, requesting that his Permit No. C-7514 be cancelled for the reason that he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7514, heretofore issued to Ervin Haynes, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11290)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
FRANK MONTHEY.) PERMIT NO. C- 7676
)
)

January 24, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Frank Monthey of 1005 Portland, Boulder, Colorado, requesting that his Permit No. C-7676 be cancelled for the reason that he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7676, heretofore issued to Frank Monthey, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No.11291)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
GENE BLAKELEY.) PERMIT NO. C-6837
)
)

January 24, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Gene Blakeley of Pine, Colorado, requesting that his Permit No. C-6837 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6837, heretofore issued to Gene Blakeley, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11292)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
R. W. SHAY.) PERMIT NO. C- 6043
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. W. Shay of Springdale, Arkansas, requesting that his Permit No. C-6043 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6043, heretofore issued to R. W. Shay, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11293)

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

RE MOTOR VEHICLE OPERATIONS OF)
COLORADO COLD STORAGE AND)
MARKET COMPANY.) PERMIT NO. C- 5343
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Colorado Cold Storage and Market Company of Durango, Colorado, requesting that his Permit No. C-5343 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5343, heretofore issued to The Colorado Cold Storage and Market Company, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11294)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
BEECH-NUT PACKING COMPANY.) PERMIT NO. C-4892
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Beech-Nut Packing Company of 307 S. Franklin St., Denver, Colorado, requesting that his Permit No. C-4892 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4892, heretofore issued to the Beech-Nut Packing Company, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11295)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
TONY AND NICOLINA PIAZZA.) PERMIT NO. C- 3765
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tony and Nicolina Piazza of 118 W 9th St., Walsenburg, Colo., requesting that his Permit No. C-3765 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3765, heretofore issued to Tony and Nicolina Piazza, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11296)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
C. J. WAGNER.) PERMIT NO. C- 3524
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. J. Wagner of Otis, Colorado, requesting that his Permit No. C-3524 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3524, heretofore issued to C. J. Wagner, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

(Decision No. 11297)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
CHRIS STUKEY.) PERMIT NO. C- 3385
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Chris Stukey of Steamboat Springs, Colorado, requesting that his Permit No. C-3385 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3385, heretofore issued to Chris Stukey, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11298)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
E. L. MOWRY.) PERMIT NO. C- 2278
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. L. Mowry of Elizabeth, Colorado, requesting that his Permit No. C-2278 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2278, heretofore issued to E. L. Mowry, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11299)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
C. A. WIDMAN.) PERMIT NO. C- 1359
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. A. Widman of Fort Collins, Colo., requesting that his Permit No. C-1359 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1359, heretofore issued to C. A. Widman, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11300)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
FLOYD ANDERSON.) PERMIT NO. C-1229
)
)

January 24, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Floyd Anderson of 1036 W. 14th Ave., Denver, Colorado, requesting that his Permit No. C-1229 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1229, heretofore issued to Floyd Anderson, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Starkes
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision 11301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
STEVE MALIN, OF 201 W 4th ST.,) PERMIT NO. B-1976
LEADVILLE, COLORADO.)

January 24, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Steve Malin, of 201 W. 4th St., Leadville, Colorado, requesting that his Permit No. B-1976 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Steve Malin should be, and hereby is, allowed to suspend his operations under Permit No. B-1976 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Steve Malin shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. J. WALKER, BEVERLY, NEBRASKA.) PERMIT NO. 1004-I

January 24, 1938.

S T A T E M E N T

By the Commission:

On December 6, 1937, Decision No. 11057, the Commission entered an order suspending Permit No. 1004-I for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from permittee, R. J. Walker, requesting that his permit be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. 1004-I, heretofore issued to R. J. Walker, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF MARKLEY TRUCK LINE.) PERMIT NO. A-1205-I

January 24, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. S. Markley, of 2933 Clermont St., Denver, Colorado, doing business as Markley Truck Line, which states:

> "Please cancel PUC Permit No. A 1205-I because I am discontinuing operations under that permit."

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-1205-I, heretofore issued to the Markley Truck Line, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11304)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LOWELL SAUER, OF VETERAN,) PERMIT NO. B-1805-I
WYOMING.)

January 24, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lowell Sauer, of Veteran, Wyoming, holder of Permit No. B-1805-I, stating:

"This is to notify you that I will not continue operations during 1938."

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1805-I, heretofore issued to Lowell Sauer, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

(Decision No. 11305)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF A. J. McCLOSKEY, OF WINDSOR, COLORADO.) PERMIT NO. B-1910

January 24, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. J. McCloskey, requesting that his Permit No. B-1910 be cancelled as he is no longer operating under same.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1910, heretofore issued to A. J. McCloskey, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 24th day of January, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF G. O. ANDERSON, DOING BUSINESS AS CASTLE ROCK TRANSFER, FOR AN EXTENSION OF HIS CERTIFICATE NO. 655.)	)))	APPLICATIONS NOS. 1981-BB AND 778-A-B

SUPPLEMENTAL ORDER

January 24, 1938.

Appearances: G. O. Anderson, Castle Rock, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Mikelson Brothers.

S T A T E M E N T

By the Commission:

On May 19, 1937, in the instant application, an order was entered by the Commission extending the authority heretofore granted to applicant under certificate No. 655 to include the right to transport freight from any points within a radius of four miles of Larkspur and from any point within a radius of six miles of Castle Rock to and from any points in the State of Colorado; provided, however, that no town to town movement was authorized and applicant was forbidden to deliver freight to customers residing in the towns of Larkspur or Castle Rock proper.

Thereafter, on September 10, 1937, a communication was received from The Motor Truck Common Carriers Association, by Zene D. Bohrer, calling attention to the fact that in the application filed by Mr. Anderson, under which said Decision No. 10011 was made, a request was contained for authority to transport any and all commodities from point to point in the areas surrounding Larkspur and Castle Rock. Said communication further pointed out that no reference to the request for such authority was considered by the Commission in its Decision No. 10011, and the point was made that same had

inadvertently been overlooked.

An examination of the record discloses that this situation is correct and that evidence was introduced at the hearing disclosing some public convenience and necessity to be served by the point to point service of applicant.

The request to issue a supplemental order granting such authority has been submitted by the Commission to the attorney for The Colorado Trucking Association and Mikelson Brothers, who states that he has no objections to the original order being amended to include such authority. We believe this is the only adverse interest that might be affected.

After careful consideration of the record, the Commission is of the opinion, and so finds, that our order of May 19, 1937, Decision No. 10011, should be amended to include the right to render said point to point service in the above described areas.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of our order of May 19, 1937, Decision No. 10011, be, and the same is hereby, amended to read as follows, to-wit:

That G. O. Anderson, be, and he is hereby, authorized to extend the authority heretofore granted to him under Certificate No. 655 to include the right to transport freight from any points within a radius of four miles of Larkspur and from any point within a radius of six miles of Castle Rock to and from any point in the State of Colorado, and from point to point within said areas; provided, however, that no town to town movement is authorized and applicant shall not deliver freight to customers residing within the towns of Larkspur and Castle Rock proper.

IT IS FURTHER ORDERED, That except as herein supplemented and extended, said order of May 19, 1937, shall remain in full force and effect.

IT IS FURTHER ORDERED, That this order shall be made a part

of Decision No. 10011 entered May 19, 1937.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1938.

BH

(Decision No. 11307)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
LOGAN COUNTY CREAMERY.) PERMIT NO. C- 5809
)
)

January 25, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Logan County Creamery of Sterling, Colorado, requesting that his Permit No. C-5809 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5809, heretofore issued to the Logan County Creamery, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 25th day of January, 1938.

R

(Decision No. 11308)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF GLACIER ROUTE, INC., TO TRANSFER THE RIGHT TO OPERATE TWO OF ITS CARS HERETOFORE OPERATED UNDER P.U.C. #66 TO INDEPENDENT TAXI COMPANY, A CO-PARTNERSHIP, THE RIGHT SO TO BE TRANSFERRED BEING THE RIGHT TO OPERATE A MOTOR VEHICLE PASSENGER SIGHTSEEING SERVICE FROM BOULDER, COLORADO, AND FROM SUCH OTHER POINTS AS SAID INDEPENDENT TAXI COMPANY MAY DESIRE.

APPLICATIONS NOS. 255-A and 576-A

January 25, 1938.

Appearances: A. W. Fitzgerald, Esq., Boulder, Colorado, for applicants;
Mrs. Nellie Hennig, Boulder, Colorado, pro se.

S T A T E M E N T

By the Commission:

The Independent Taxi Company is a co-partnership which heretofore, and at the time of the filing of the instant application, consisted of A. P. Ardourel and Mrs. Nellie Ardourel of Boulder, Colorado.

At the time of the hearing, it was testified that W. T. Story of Boulder, Colorado, had succeeded to the rights of A. P. Ardourel in said partnership.

It was further disclosed that transferor, The Glacier Route, Inc., is the owner of certificate of public convenience and necessity No. 66, heretofore issued by the Commission, granting the right to transport passengers from Boulder and other points.

Authority is sought in the instant application to authorize transferor to transfer to transferees the authority to operate two passenger cars from the authority now held by transferor under certificate of public convenience and necessity No. 66.

The evidence disclosed that one of the transferees is the owner of a Plymouth sedan car, 1936 model, and the other transferee is the owner of a Terraplane, 1937 model, car. Some indebtedness existed against both of said cars at the time of the hearing. However, transferees had a substantial equity in same. It was not shown that any indebtedness exists against the present operations of The Glacier Route, Inc.

The question of public convenience and necessity does not enter into a hearing upon an application for a transfer.

It was contended by one of the protestants that transferees did not have operating taxi rights within the city of Boulder. However, there was submitted in evidence a letter signed by the Director of Finance, Ex Officio, City Clerk, dated July 19, 1937, to the effect that one of the transferees had a taxi driver's license which gave him the right to drive his own car or any other licensed car in the City of Boulder belonging to the Independent Taxi Company or any other taxi company so operated.

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

O R D E R

IT IS THEREFORE ORDERED, That the Glacier Route, Inc., be, and it is hereby, authorized to transfer to Mrs. Nellie Ardourel and W. T. Story, of Boulder, Colorado, co-partners, doing business as Independent Taxi Company, that portion of certificate No. 66 authorizing the operation of two cars.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before transferees shall have the necessary insurance on file with the Commission, and said transferor and transferees, in writing, have advised the Commission that that portion of said certificate No. 66 authorizing the operation of two cars 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, and regulations of the transferor herein shall become and remain those of the transferees herein until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of January, 1938.

R

(Decision No. 11309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
GLENN H. HARPSTER, DOING BUSINESS)
AS "DENVER-TAOS MOTOR TRANSPORT")
FOR AUTHORITY TO EXTEND COMMON) APPLICATION NO. 1489-AAA-BB
CARRIER OPERATIONS UNDER COMMON)
CARRIER CERTIFICATE NO. 632.)

January 26, 1938

Appearances: Myron H. Burnett, Esq., Denver, Colorado, for the applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, San Luis Valley Southern Railway Company, Joe E. Aragon, Denver and Rio Grande Western Railway Company;
Richard E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company, Pueblo-San Luis Valley Transportation Company;
John C. Street and J. L. Rice, Esqs., Denver, Colorado, for the Colorado and Southern Railway Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association;
Paul A. Johnson, Esq., Denver, Colorado, for The Colorado Transfer and Warehousemen's Association;
Adolph Arguello, San Luis, Colorado, pro se.

S T A T E M E N T

By the Commission:

On November 23, 1937, Glenn H. Harpster, doing business as "Denver-Taos Motor Transport" filed his application for certificate of public convenience and necessity to extend his operations under intrastate certificate No. 632 to include the right to transport general commodities from Denver, Colorado Springs, Pueblo and Walsenburg to San Luis, Mesita, San Acacia, Jarosa, San Pablo, Garcia and Chama and from

San Luis, San Acacia, Mesita, Jerosa, Garcia, San Pablo and Chama to Pueblo, Colorado Springs and Denver.

Application further alleged that the facts and circumstances relied upon by applicant as justification for the granting of the extension requested are:

(a) That there is no certificated truck freight service now operating nor authorized to operate a direct through service between the points proposed to be served;

(b) That the common carrier service by way of railroad and truck now serving the proposed points is inadequate, inefficient, and uncertain; and the duly certificated common carriers now serving the proposed points have wholly failed to properly and adequately serve the demands of the shipping public in the territory proposed to be served;

(c) That the public convenience and necessity requires the granting of the authority herein requested;

(d) That applicant is at present authorized to and is now operating common carrier service by motor vehicle to and through all of the points proposed to be served under the requested authority, and can adequately and properly serve the general public in accordance with the convenience and necessity of said public under this proposed operation;

(e) That numerous shippers in the territory proposed to be served have repeatedly requested this applicant to render service to them as herein proposed.

A number of motions to dismiss were filed by one or more of the carriers heretofore mentioned. Said motions urged a number of grounds for dismissal but chiefly relied upon the proposition that the Commission, on September 27, 1937, Decision No. 10645, denied Application No. 1489-AAA-R of applicant for authority to establish the same service, his application for rehearing being denied on November 16, 1937, Decision No. 10941. The application for such service between Denver, Colorado Springs, Pueblo and Walsenburg and San Luis, San Pablo and Chama specifically being denied upon the ground that public convenience and necessity therefor was not shown by

applicant; service from and to the other points in the San Luis Valley mentioned, being denied primarily on account of prior illegal operation from and to said points by applicant, with the suggestion that possibly, after a suitable probation period, the Commission might entertain a new application for permission to render service to San Acacia, Mesita, Jarosa and Garcia.

Protestants, in arguing said matter, pointed out that only a few days, which could not be considered a suitable probationary period, elapsed between the date of the overruling of said applicant's application for rehearing and the filing of the new application, and that no grounds other than those urged and considered by the Commission in Application No. 1489-AAA-B were set forth in the instant application, as reasons why the service proposed should now be authorized.

It appears to the Commission that the position of protestants is well taken. While the matters determined by our Decisions Nos. 10645 and 10941 probably are not res adjudicata in the legal sense, still the Commission, if for no other reason than to expedite its business, necessarily must exercise its discretion as to what matters it will re-try and reconsider, and when. Should the applicant be permitted to prosecute the application just filed, in effect, (no new matter being set forth therein), the Commission would be granting the rehearing denied in its Decision No. 10941, which would not be desirable procedure or precedent. See Decision No. 10918, in re Dale Pratt, Application No. 4111-PP, decided November 12, 1937.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled application No. 1489-AAA-BB should be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1938.

MW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE TEN PER CENT INCREASE IN THE RATES ON THE LINE OF THE COLMAN FREIGHT SERVICE AND TO AND FROM MONTROSE, RIDGWAY, OURAY AND POINTS ON THE NORTH FORK BRANCH OF THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY FROM AND TO DENVER, COLORADO SPRINGS, PUEBLO, WALSENBURG AND TRINIDAD, COLORADO.	)	INVESTIGATION and SUSPENSION DOCKET NO. 224

January 26, 1938..

IT APPEARING, That on December 27, 1937, the Commission entered an order authorizing an increase of ten per cent in the rates on the line of the Colman Freight Service for distances 100 miles and over, also Montrose, Ridgway, Ouray, and points on the North Fork Branch of The Denver and Rio Grande Western Railroad Company, from and to Denver, Colorado Springs, Pueblo, Walsenburg and Trinidad, Colorado, to be effective during the period January 5, 1938, to June 30, 1938, inclusive, with the understanding that if any reasonable protest was made by any of the interests in the Montrose district the increased rates would be suspended even though they had become effective and an early hearing be held in connection with such suspension.

IT FURTHER APPEARING, That on January 20, 1938, a joint petition for rehearing was filed by Armour and Company, The Cudahy Packing Company and Swift and Company, based primarily on the fact that they were vitally interested in the rates on fresh meat and packing house products to points involved on the Western Slope, but they had not received any notice of the hearing or of the proposed increase in the rates. On January 24, 1938, a joint petition requesting suspension was filed by The Montrose County Chamber of Commerce and some twenty-five individuals located at Montrose, Colorado.

WHEREFORE, IT IS ORDERED, That the Commission upon complaint, without formal pleading, enter upon a hearing concerning the lawfulness of the increased rates, and that the operation of the schedules contained in tariffs wherein the said increased rates have been published be suspended as of February 1, 1938, and that the use of the rates, charges, regulations and practices therein stated be deferred until the 26th day of May, 1938, unless otherwise ordered by the Commission, and no change shall be made in the rates, charges, regulations and practices in force and effect prior to the increase, during the period of suspension, or until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

IT IS FURTHER ORDERED, That a copy of this order be filed with said schedules in the office of the Commission and that copies hereof be forthwith served upon The Colorado Trucking Association, the Motor Truck Common Carriers Association, Colman Freight Service, Rio Grande Motor Way, Inc., Armour and Company, The Cudahy Packing Company, Swift and Company, the Montrose County Chamber of Commerce and all other parties who entered appearances as shown in Decision No. 11151.

IT IS FURTHER ORDERED, That this proceeding be, and the same is hereby, assigned for hearing February 10, 1938, at 10:30 o'clock A. M., in the District Court Room, Montrose, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of January, 1938.

R

(Decision No. 11311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HALL TRUCK LINE,
Plaintiff,
vs.
FRANKTOWN TRUCK LINE,
Defendant.

CASE NO. 4679

January 26, 1938.

Appearances: Bert Hall, Parker, Colorado,
for Plaintiff;
Marion F. Jones, Esq., Denver, Colorado,
for Defendant.

S T A T E M E N T

By the Commission:

The instant case was instituted upon a complaint filed with the Commission by Bert Hall, doing business as Hall Truck Line, who operates under certificate of public convenience and necessity No. 491.

The gist of the complaint was to the effect that complainant had been serving what is known as "Springdale Ranch" for at least seven years last past and that the defendant, Franktown Truck Line, was now threatening to serve said Springdale Ranch.

It is conceded in said complaint that the authority granted said defendant in its certificate included the right to serve said Springdale Ranch. A demurrer to the complaint was filed by defendant upon the ground that said complaint did not state any facts sufficient to constitute a cause of action. However, said demurrer was overruled upon the theory that the allegation of non-service for more than seven years was intended to, and did, constitute an allegation of abandonment.

The evidence disclosed that Mr. Hall had been serving the territory in question for over seven years; that the territory authorized to be served

by the Hall Truck Line, as well as the Franktown Truck Line, overlapped, and that two other ranches that ship milk besides the so-called "Springdale Ranch", are located within said overlapped territory. Mr. Hall has also been serving these other two shippers.

It was further disclosed that the present tenant upon the Springdale Ranch has moved thereon from territory included in the area authorized to be served by the Franktown Truck Line, and that said Franktown Truck Line had been serving said tenant at his previous place of residence, and at the time of the hearing was serving him from the Springdale Ranch.

It was further shown by the evidence, and not disputed, that defendant had always been ready and willing to render service in said overlapping territory, and the only reason service had not been given was because Mr. Hall was transporting the milk and they were not called upon to render any service. The reason given by defendant for their failure to obtain any business in the overlapped territory was the fact that their tariff provided for a price of 20 cents per hundred pounds, while the tariff of Mr. Hall was 18 cents for the same service.

Mr. Hall, in justification of his position, called the attention of the Commission to an order entered August 12, 1930, in Applications Nos. 1384 and 307-AA, Decision No. 2997, wherein the Commission cancelled and revoked the authority of one Lester Augustus insofar as the same authorized service to the territory south of a point three miles south of Parker or south of the Springdale Ranch upon the grounds that there had been a failure to operate in said territory over a substantial period of time. However, we cannot follow said decision as a matter of precedent because the instant case does not disclose that the failure to render service in the overlapped territory was due to any fault of the Franktown Truck Line. We have heretofore held that mere failure to render service does not constitute abandonment, provided such service is not demanded by any shipper and that the operator at all times is ready and willing to furnish such service when called upon. Certainly no intention to abandon the right to serve the area in question appears in the instant record so far as defendant is concerned. There

was no evidence of any description that the service rendered by either plaintiff or defendant is not entirely satisfactory to the various customers which they serve.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the complaint filed in the instant case be, and the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1938.

BH

(Decision No. 11312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. R. KENWORTHY, SUGAR CITY, COLO-)
RADO, FOR A CLASS "A" PERMIT TO) APPLICATION NO. 3937-PP
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

January 26, 1938.

Appearances: E. R. Kenworthy, Sugar City, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Clarence L. Middleton;
A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of freight from and to Sugar City and Karval, to and from patrons of his Star Route.

The evidence disclosed that applicant, under contract with the United States Post Office Department, operates a Star Route which extends from Sugar City east two miles on U. S. Highway No. 96, thence north over various county roads and private roads a distance of approximately forty-three miles to Karval, thence by a diverse route over private roads a distance of fifty-three miles back to Sugar City.

It appeared at the time of hearing that the Star Route, which is numbered 65301, served fifty-four boxes. Most of the patrons reside on private roads some distance from highways. In many instances, it is necessary for the mail carrier to traverse pasture and fields over trails to get to some of the boxes. Most of the freight to be hauled originates at Sugar City, and the service chiefly is one of convenience, the commodities handled chiefly being chicken feed, groceries, small quantities of stock feed, coal, medicines and empty milk cans, a maximum load ordinarily being about 1,000 pounds. The back-haul ordinarily consists of cream, poultry, milk and eggs. He does not

expect to serve any stores along the route and will pick up only a few commodities at Karval for delivery to said patrons.

The only objection voiced at the hearing was that of Clarence L. Middleton, P.U.C. 877, who is authorized to transport:

> "farm products and livestock from point to point within a radius of 30 miles of Karval and from points in said area to markets at Fowler, Pueblo, Denver, Limon, Colorado Springs, La Junta and other points in eastern Colorado east of U. S. Highway No. 85, with back-haul of livestock and the transportation of building materials, farm equipment and used household goods from point to point in said radius, and from and to points in said radius, to and from points in eastern Colorado, and sand and gravel from point to point within a radius of 12 miles of Karval and farm supplies from towns and cities in eastern territory to store of applicant and to customers in said Karval area on call and demand and not on schedule."

From Middleton's testimony, it appeared that he operates a store at Karval, and also was Postmaster until the Post Office at Karval was discontinued and Star Route service substituted; that he believes additional trucking service in the community, as proposed by applicant, will affect his transportation business, and especially will adversely affect the business of his general store at Karval. However, he stated that he would not object to the issuance of a permit to applicant, limited to the transportation of commodities and shipments of not to exceed 100 pounds each, but thought that he was in a position to serve the demands of the 54 families residing along the 96-mile Star Route of applicant.

Applicant was not willing to limit the shipments to 100 pounds, because occasionally some patron wants more than 100 pounds of coal from Sugar City, and sometimes a farmer living at an outlying point wants a sack or two of poultry or livestock feed, and perhaps a number of bales of hay, and he would not be in a position to satisfy his demands if limited to shipments of 100 pounds.

Mr. Middleton, under the terms of his certificate, cannot operate on schedule, and the freight available, if he were so authorized, would not justify such service. Applicant primarily proposes to transport small quantities of groceries, drugs and other necessities to people residing

in a community who otherwise would be without service and be greatly inconvenienced.

We cannot find, under the record, that the service of Middleton is adequate, or could be made adequate, to care for the needs of said people, and we do not believe that the proposed service will impair the efficiency of his call and demand service. Primarily, his service is a farm service and probably chiefly involves the transportation of bulk farm products and farm supplies in truckload lots. This service, applicant is not prepared to, and does not intend to furnish.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said applicant should be authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of freight from Sugar City and Karval, to patrons of his Star Route, No. 65301, which extends from Sugar City east two miles, thence north to Karval and return to Sugar City by diverse route, a distance of approximately 96 miles in all, transportation service from Karval to customers residing on said Star Route to be limited to shipments of 100 pounds only, with back-haul of cream, milk, poultry, eggs, veal and similar farm commodities from said rural patrons to Sugar City, without the right to transport freight from or to Sugar City, to or from Karval.

O R D E R

IT IS THEREFORE ORDERED, That E. R. Kenworthy, Sugar City, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of freight from Sugar City and Karval to patrons of his Star Route No. 65301, which extends from Sugar City, east two miles, thence north to Karval and return to Sugar City by diverse route, a distance of approximately 96 miles in all; transportation from Karval to customers residing on said Star Route to be limited to shipments of 100 pounds only, with back-haul of cream, milk, poultry, eggs, veal and similar farm commodities from said rural patrons to Sugar City, without the right to transport freight from or to Sugar City, to or from Karval.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1938.

BH

(Decision No. 11313)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF W. C. FORD, MANZANOLA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4346-PP

January 26, 1938.

Appearances: W. C. Ford, Manzanola, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Jackson Transfer Company, Weicker Transportation Company, Allumbaugh and Williams Truck Line, E. B. Faus, and Dallas Transfer and Storage.
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Manzanola Transfer, Richard Postel and John Stickler.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products generally, excluding livestock, from farms within the area extending to Avondale on the west, La Junta on the east, Ordway on the north and the Arkansas River Valley on the south, to storage, markets and shipping points in said area.

Applicant stated that it would be impossible for him to list customers to be served, except those who might be included in the group producing hay which he intends to transport to hay mills of Denver Alfalfa Milling Company within the area mentioned; that said hay haul would be insufficient in volume to maintain his service or justify the operation; that he wants to, and expects to "haul for anyone, anywhere, anytime"; that

"any time a fellow comes along that wants something hauled, I can go along and haul it for him".

Inasmuch as the service applicant wants to be authorized to perform is that of a common carrier rather than that of a private carrier, the Commission is of the opinion, and finds, that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of January, 1938.

R

(Decision No. 11314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF ANDY CARDON, HOEHNE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4367-PP

January 26, 1938.

Appearances: J. P. Hawley, Esq., Trinidad, Colorado, for the applicant;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Ed Haines and Harry Warner;
A. J. Fregeau, Denver, Colorado, for Couey Transfer and Storage Company, Pople Brothers Transfer and Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) water in tank lots from Trinidad to points within a radius of ten miles of Hoehne, Colorado; (b) farm products, including livestock, from point to point in said area, and from points in said area to markets in Las Animas County; (c) farm supplies, stock feeds, used furniture, household goods and farm machinery, from point to point within a radius of ten miles of Hoehne and (d) used furniture, household goods and farm machinery and farm supplies from and to points in said area, to and from points in Las Animas County.

The evidence disclosed that so-called "Hoehne Section" is an irrigated farm section; that there is considerable demand for the transportation of drinking water from Trinidad to farms in said area and to Hoehne, which is a small village about twelve miles northeast of Trinidad;

that there is considerable demand on the part of applicant's customers for the farm service indicated, although applicant stated that Harry Warner, with headquarters at Branson, about fifty miles distant, by road, occasionally served the territory under his certificate of public convenience and necessity, No. 479, but, at times, it had been impossible to locate Warner on account of his being engaged. Couey Storage and Transfer and Pople Brothers Transfer, through their representative, A. J. Fregeau, objected to the granting of permit for the transportation of household goods, farm machinery, supplies and equipment from Trinidad to points in the area sought to be served by applicant. Harry Warner, by his counsel, Marion F. Jones, Esq., objected to service from and to points in the so-called Branson area served by him, to and from points in the State of Colorado. No evidence was offered in support of protest.

While the evidence did not disclose that authorized service, generally speaking, for the transportation of livestock from and to the area sought to be served by applicant, to and from points in the State of Colorado, is inadequate, or that additional service is required from Trinidad to points in said area, the evidence, in our opinion, did disclose that the farmers in Hoehne and the territory adjacent thereto need a local service, and, in our judgment, upon the record as made, it appeared that such service will not impair the efficiency of authorized common carriers in Las Animas County.

After a careful consideration of the record, the Commission is of the opinion, and finds,that said applicant should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) water from Trinidad to Hoehne and points within a radius of ten miles thereof; (b) farm products, including livestock, from point to point in said area, and from points in said area to markets in Las Animas County, only; (c) farm supplies, stock feeds, used household goods, furniture and farm machinery, from point to point in said area, and from and to farms in said area, to and from farms in Las Animas County; that said application, in all other respects, should be denied.

O R D E R

IT IS THEREFORE ORDERED, That Andy Cardon, Hoehne, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of: (a) water from Trinidad to Hoehne and points within a radius of ten miles thereof; (b) farm products, including livestock, from point to point in said area, and from points in said area to markets in Las Animas County, only; (c) farm supplies, stock feeds, used household goods, furniture and farm machinery, from point to point in said area, and from and to farms in said area to and from farms in Las Animas County.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That said application, in all other respects, should be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 26th day of January, 1938.

R

(Decision No. 11315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
D. L. GARLAND, CORTEZ, COLORADO.)

PERMIT NO. C-5255

January 28, 1938.

S T A T E M E N T

By the Commission:

On December 10, 1937, Decision No. 11061, the Commission issued an order declaring Permit C-5255 cancelled, upon what they supposed was a request by the holder.

The Commission is now in receipt of a communication from Claude L. Goff, Cortez, Colorado, representing Mr. Garland, wherein it is stated that while Mr. Garland was ill at his ranch during the month of December, 1937, the Cancellation order above referred to was entered and not brought to the attention of Mr. Goff or anyone until January 7, 1938, when he immediately advised the Commission that no request has ever been made by anyone authorized to make such request for a cancellation of this permit.

After careful consideration of the record and the communication above referred to, the Commission is of the opinion and finds that the cancellation order of December 10, 1937 was issued without authority.

O R D E R

IT IS THEREFORE ORDERED, That the cancellation order issued under date of December 10, 1937, cancelling Permit C-5255 be and the same hereby is set aside and held for naught and Permit C-5255 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 28th day of January, 1938.

Commissioners.

(Decision No. 11316)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF E. L. DURAN, GREELEY, COLORADO)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 4293-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

January 28, 1938.

Appearances: E. L. Duran, Greeley, Colorado,
pro se;
Richard E. Conour, Esq., Denver, Colorado,
for the Larson Transportation Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Frank B. Leslie.

S T A T E M E N T

By the Commission:

The applicant herein testified that he had been hauling beets and potatoes from farms to loading points in the Greeley area, also coal from the northern Colorado coal fields, and that he desired authority to transport lettuce from lettuce fields in the Yampa area to packing sheds and loading dock at Yampa. The applicant stated that he lived at the Spanish Colony, Route 2, Greeley, Colorado, and the record discloses that he is now the holder of authority granted by Decision No. 8464, giving him the right to transport beets and potatoes from farms to loading points and storage within a radius of fifteen miles of Greeley, Colorado, and also the authority to transport coal from mines in the northern Colorado coal fields to points in the Greeley area, being practically the same thing that he seeks by the instant application but in addition desires the right to transport lettuce in the Yampa territory.

Frank B. Leslie, holder of Certificate No. 881 testified that he was equipped to take care of the movement of lettuce in the Yampa area, sought to be served by the applicant, and that from his experience during

the past season felt that there were enough local trucks to take care of the movement of lettuce from fields in the Yampa area; that he maintained a telephone at his house and could be reached at any time; that he needed this tonnage in order to support his operation, and to grant authority to outsiders such as the applicant would tend to impair his service; and that in his opinion the only draw-back to the lettuce transportation business during the 1937 season was the presence of entirely too many outside truckers waiting around to move lettuce at rates too low to be remunerative.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the applicant already has the right he now seeks in the Greeley area and that to grant him the authority sought in the Yampa area would impair the efficient services now being rendered, and that the application should be denied.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of January, 1938.

(Decision No. 11317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS)
OF T. N. CORRELL, DOING BUSINESS) CASE NO. 4651
AS NATE'S FREIGHT SERVICE.)

January 28, 1938.

S T A T E M E N T

By the Commission:

On November 20, 1937, Decision 10968, the Commission issued its order suspending Permit A-677 on account of certain violations admitted to have been made by the holder thereof; and thereafter on December 13, 1937, Decision 11134, modified the former order by accepting the sum of $75.00 in lieu of said suspension order.

Interveners, the Larson Transportation Company, one of the parties in interest, now petitions the Commission for an order rescinding and setting aside said decision of December 13, 1937, and assigns various reasons why said order should be rescinded and set aside, particularly alleging that the respondent in Case 4651 did not collect any of the undercharges as ordered by the Commission, and that a communication to the Commission referring to the collection of undercharges did not state the facts; that no application was filed by the respondent seeking the amendment or alteration of the decision dated November 20, 1937, and no hearing was ever held or notice given to interveners, upon the Commission's own motion to modify the same; that the action of the Commission in modifying the decision of November 20, was a discrimination against the public using the services of the intervener, and that the Commission acted without lawful authority in accepting payment of money in lieu of the suspension provided in said Decision No. 10968.

The interveners seek an order of the Commission setting this matter to be heard.

After careful consideration of the petition and that portion of the record in Case 4651 to which the same is directed, the Commission is of the opinion and finds that there is sufficient justification for setting the petition to rescind down for hearing.

O R D E R

IT IS THEREFORE ORDERED, That the matters involved in the petition to rescind, filed in Case 4651 should be set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on the 17th day of February, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of January, 1938.

(Decision No. 11318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * *

IN THE MATTER OF THE APPLICATION OF REUEL ROSSWICK AND HOWARD L. NEWTON, JR., CO-PARTNERS, DOING BUSINESS AS SCOTTSBLUFF-STERLING MOTOR LINES, AND ROY J. ROBERTSON, INDIVIDUAL, DOING BUSINESS AS SCOTTSBLUFF-STERLING MOTOR LINES, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 313.	)	APPLICATION NO. 1217-AAA-AA

January 28, 1938.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for the applicant;
E. G. Knowles, Esq., Denver, Colorado, for the Interstate Transit Lines, Creditor.

S T A T E M E N T

By the Commission:

The applicants herein, Reuel Rosswick and Howard L. Newton, Jr., co-partners, doing business as the Scottsbluff-Sterling Motor Lines under certificate of public convenience and necessity No. 313, issued by the Public Utilities Commission, State of Colorado, in connection with certain interstate rights, being the owner of this right with authority to transport passengers and express between Sterling, Colorado and the Colorado-Nebraska state line, by the instant application seek authority to transfer the same to Roy J. Robertson, an individual, doing business as Scottsbluff-Sterling Motor Lines.

The evidence shows that there are at the present time, outstanding obligations incurred in connection with the operations under this certificate as set forth in Exhibit No. 4, a statement showing a balance of $583.14, due Interstate Transit Lines, and other obligations as set forth in Exhibit D attached to the instant application, all of which obligations the transferee assumes and agrees to pay.

It was disclosed that the consideration to be paid for the certificate and certain equipment was the assumption and payment of said outstanding obligations incurred in connection with the previous operations under Certificate No. 313, and upon such assurances being given by the transferee, objections were withdrawn to the granting of authority to transfer.

While the financial standing of the applicants, as disclosed by Exhibit No. 2 attached to the application, reflects an indebtedness which, when coupled with the outstanding obligations assumed should the transferee take over the Rosswick and Newton interests, appears to be a heavy load, transferors admit their inability to continue the operation, creditors are anxious to have the line continue to operate, public convenience and necessity demands a continued operation, and it further appears that the transferee is a young man, experienced and anxious to assume the obligation, and the Commission feels that under all the circumstances the arrangement made is for the best interests of all concerned.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that authority should be granted to the transferors to transfer all of their right, title and interest in and to the authority now conducted under Certificate No. 313, to the transferee.

O R D E R

IT IS THEREFORE ORDERED, That Reuel Rosswick and Howard L. Newton, Jr., be, and they hereby are, granted authority to transfer all of their right, title and interest in and to the authority heretofore granted and now held by them under Certificate No. 313, including intrastate and interstate authority which they may have, to Roy J. Robertson, individual, doing business as the Scottsbluff-Sterling Motor Lines, said transferee to assume and satisfy outstanding indebtedness against said operation, as disclosed by the record.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission, and said transferorsand 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.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferorsshall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1938.

JH

(Decision No. 11319)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
F. H. LANG, LONGMONT, COLORADO.)

CASE NO. 1838
PERMIT NO. A-453.

January 28, 1938.

S T A T E M E N T

By the Commission:

On November 16, 1937, by Decision No. 10938, the Commission issued its order revoking that portion of Permit A-453, authorizing the transportation of freight generally (not including milk and dairy products) between Longmont and Denver, on account of certain violations of law and our rules and regulations set forth in said decision.

On December 6 the respondent, through his attorney, tendered and paid to the Commission for a credit to the State of Colorado, the sum of $200.00, and requested that the same be accepted in lieu of said revocation.

After careful consideration of the tender the Commission decided to accept the same in lieu of the revocation above referred to, provided the respondent would file a new list of customers, together with signed contracts with each of his customers, which list should be limited so as to indicate that the respondent was operating wholly within the terms of his permit A-453.

The respondent has now filed with the Commission a new list of customers, also filed with the Commission contracts executed by himself and the several customers which list of customers and contracts indicate to the Commission that the proposed operations of respondent will be those of a common rather than those of a private carrier.

Therefore, the Commission is of the opinion and finds that the entire matter of modifying the original decision of the Commission should be set for hearing and the respondent required to give such information as may be required in order to show to the Commission that he intends to operate

within the terms of his permit.

O R D E R

IT IS THEREFORE ORDERED, That the matter of modifying the Commission's original order dated November 16, 1937, and the conditions upon which such modification is to be made, if at all, should be and the same hereby is set for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on the 17th day of February, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dunklee

W. L. Danks

Malcolm Ewing

Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1938.

R

(Decision No. 11320)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF IVAN J. KLINGENSMITH, ORDWAY, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 3938-PP

February 2, 1938.

Appearances: Ivan J. Klingensmith, Ordway, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Clarence L. Middleton;
A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of freight consisting generally of merchandise, feed, milk and cream, eggs and coal from Ordway over various county and private roads to a point within approximately five miles of Karval, with a return over diverse route to Ordway and the transportation of cream and eggs from farms so served to Ordway. He proposes twice a week service, the distance traversed on Tuesdays being 120 miles, and on Thursdays, 125 miles.

The evidence disclosed that said Klingensmith is operating a rural delivery service for the I.G.A. Stores and the Robinson Grain Company from Ordway. He has been hauling groceries and small shipments of alfalfa meal and other feed, and coal to said farmers, many of whom live at outlying ranches far from main highways and reached only over trails and private roads. His heaviest load has been about 1500 pounds, and maximum shipment to any one customer has been approximately 1000 pounds. He does not propose any transportation service between Ordway and Sugar City.

The application was opposed by Clarence L. Middleton who operates an irregular service in the area around Karval, which is located about thirty miles north and ten miles east of Ordway. The record in Application No. 3937-PP, application of E. R. Kenworthy, heard the same day at Rocky Ford, was made a part of the record by stipulation.

The service herein proposed, except that applicant is not operating on schedule over a rural Star Route, is similar to that furnished by Kenworthy which is described in the order entered in the Kenworthy application, Decision No. 11312, reference to which is here made.

We believe the service furnished by Mr. Klingensmith not only is desirable, but it is badly needed by the rural customers whom he proposes to serve. It is true that in a sense the grocery and feed business of protestant Middleton may be affected by sales of applicant's customers. This, we cannot consider herein. Mr. Middleton is not furnishing this transportation service out of Ordway. Being engaged in a general merchandise business, which in places is competitive with that of applicant's customers, he probably could not get the transportation business, if he wanted it, which desire did not appear at the hearing. He is not authorized to operate on schedule. We do not believe for the reasons here indicated and the matters discussed in the Kenworthy decision, that the proposed service will impair the efficiency of his call and demand common carrier service.

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

O R D E R

IT IS THEREFORE ORDERED, That Ivan J. Klingensmith, Ordway, Colorado, should be, and he hereby is, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of freight for I.G.A. Stores and Robinson Grain Company from Ordway over various county and private roads extending from Ordway to a point within approximately five miles of Karval, with return over diverse route to Ordway, customers of said stores residing along said route, and the

transportation of cream and eggs for Beatrice Creamery and Colonial Hatchery from farms so served to Ordway.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1938.

B

(Decision No. 11322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BERT BROM, DOING BUSINESS AS)
BROM TRANSFER AND STORAGE, FOR A) APPLICATION NO. 4318
CERTIFICATE OF PUBLIC CONVENIENCE) PERMIT NO. A-701
AND NECESSITY.)

February 2, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
Richard E. Conour, Esq., Denver, Colorado, for E. B. Faus, Pueblo-San Luis Valley Transportation Company, Weicker Transportation Company and Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Bert Brom, Monte Vista, Colorado, testified that for the past nineteen years he had been a resident of Monte Vista, and during the entire period been engaged in the transfer and storage business, that he had authority from the City of Monte Vista and also was the holder of Permit A-710, which gave him authority to operate between Creede and Alamosa, also between Antonito and Salida; that he possessed a Dodge truck with van body, valued at $1500.00, no encumbrance, a warehouse valued at about $8,000.00 and other property including his truck and warehouse which would aggregate approximately $20,000.00, no encumbrance on any of it; that the population of Monte Vista was about three thousand, Center about 1200 and Del Norte about 1500, and that he and E. B. Faus were the only operators prepared to do a moving business in these three places; that he had been called to Del Norte and to Center during the past two months and that he received from one to three calls per month from these places, also that he had been called upon to handle about twelve moving jobs in or out of Rio Grande County during the year 1937; that there was a public demand for the moving of not only household goods but office furniture and fixtures, principally within the City of Monte Vista and the Towns of Del Norte and Center, and at times moving out of the area to Alamosa; that the applicant made it a

business to give his personal attention to all movements of household goods and furniture and by so doing he had moved some residents of Monte Vista as many as five times; that when these movements involved an operation which he did not have authority to handle he had at times obtained consent from the Commission or declined to make the movement; that he made it a business of bidding on all moving jobs when called upon, trying to the best of his ability to make his bid in accordance with prescribed rates, and was given eight jobs out of every ten figured, and was quite sure that those that he lost did not go to E. B. Faus who likewise bid the prescribed rates, but invariably went to someone who was cutting prices. The applicant felt that there would be little or no conflict between his operation and that of E. B. Faus, as there was sufficient moving and transfer business to satisfy both his operation and that of E. B. Faus.

The applicant stated that in the event a certificate was granted to him on this application he desired to have his Permit A-701 cancelled.

W. H. Barley	Salesman	Monte Vista
J. J. Montgomery	Real Estate	Monte Vista
Carl Bromfield	Superintendent of Schools since 1925	Monte Vista
C. J. Christopher	Garage	Monte Vista
Jerry Deacon	Salvage Yard	Monte Vista
Dr. H. P. Gray		Monte Vista
T. V. Eckles	Automobile Supply	Monte Vista
G. P. Marsh	Manager Warner Store Company	Monte Vista
S. R. Spencer	Retired Farmer	Monte Vista

Each of the above-named testified to the excellent services rendered to each of them by the applicant, some having used his moving service several times during past years; most all of the above-named witnesses were long-time residents of Monte Vista or Rio Grande County and familiar with the moving requirements; that there was a public demand for a local operator and particularly this applicant, for the movement of household goods, office and store equipment and fixtures, trunks and baggage from point to point in Rio Grande County and into and out of Rio Grande County, as well as Center, Colorado; that to their knowledge the applicant had many calls and they had at times called upon him themselves for services which he was unable to render on account of the limitations of his authority;

that upward of three hundred families had moved into, or gone out of Rio Grande County during the past year, on account of the drouth in parts of the State; that during past years many had moved from farm to town and town to farm on account of schools; and a number of the above-named witnesses testified that in their opinion, after many years of observation it was to the best interests of the public to have more than one moving service in Rio Grande County, and particularly at Monte Vista. It was noticeable among the statements made by these witnesses who appeared on behalf of the applicant that after testifying to the public demand and excellent service of the applicant, they also mentioned the fact that the services of E. B. Faus were likewise of the highest character.

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

Eugene D. Faus, Manager of the E. B. Faus Transfer Company, also the Pueblo-San Luis Valley Transportation Company testified that these companies had a great many trucks, vans and all necessary equipment to handle moving jobs according to the latest methods used by transfer and storage operators; that all of their equipment was not fully engaged, some of it being idle all the time and that they needed tonnage in order to maintain the high class of service now rendered; that they not only handled household goods, office and store equipment and fixtures, but also trunks and baggage as contemplated by the application of Mr. Brom.

Mr. Faus further testified that in his opinion their principal loss of business came not from Mr. Brom's operations, but from others who continually cut prices below the prescribed rates; that he felt if "bootleg" operations were eliminated, and another operator such as Mr. Brom, who had always maintained prescribed rates was given a common carrier right, they would both be better off - in short that if the illegal, rate-cutting operators were driven out of the field the result would be business for both his firm and the applicant; that with the right kind of cooperation such as they had always had from Mr. Brom, his firms would have little objection, but felt there was always the chance that the Brom certificate, if granted, might be transferred, resulting in detriment to their business.

It was further disclosed that the Pueblo-San Luis Valley Transportation Company service reached Del Norte and Center daily and that in case a call for moving was received from either Del Norte or Center, it could be met in thirty minutes or at least without much delay by sending a van from Monte Vista.

On request, there being no objections offered, the following certificates were made part of the record: Numbers 380, 446, 341 and 8. Attention was then called to Application No. 3306 of Carpenter and Son, Decision No. 9034, which application and decision Attorney for the applicant requested be considered in connection with the instant application.

This record discloses that the applicant has been in the transfer and storage business in Monte Vista since 1919, commanding the greater part of the transfer and moving business in the City and some outside by the use of his limited rights. The record also discloses that the E. B. Faus Transfer conducts a similar service in Monte Vista and throughout most of Rio Grande and Alamosa Counties; and the net result of giving the applicant herein the right to serve all of Rio Grande County, with an in and out service would mean placing him on a more strict competitive basis with the E. B. Faus Transfer so far as Rio Grande County is concerned and the Town of Center; however there is no dispute between the applicant and the E. B. Faus Transfer as to the outcome of granting the added authority as the testimony shows that the applicant as well as the E. B. Faus Transfer have always charged prescribed rates and have had no difference of opinion between themselves as to the handling of the moving business particularly in Monte Vista, where the applicant had as much right within the City limits as did the E. B. Faus Company, and that two certificate holders could in all probability control the moving business in Rio Grande County to better advantage and promote the public interest by shutting out illegal and "bootleg" operators.

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that the public interest would best be promoted by the granting of another certificate with headquarters

at Monte Vista, that the public convenience and necessity requires the proposed motor vehicle transportation service of the applicant as sought by his application, and that a certificate of authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle transportation service, not on schedule, of the applicant Bert Brom of Monte Vista, Colorado, doing business as the Brom Transfer and Storage, with authority to transport used household goods, office and store equipment and fixtures, trunks and baggage, into, out of and between points in Rio Grande County and Center, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; provided, that this authority shall not be transferable.

IT IS FURTHER ORDERED, That Permit A-701 be and the same hereby is revoked and cancelled.

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

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF JOHN L. DENNIS, 110 8TH STREET, FOWLER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 4335-PP AMENDED APPLICATION NO. 4335

February 2, 1938.

Appearances: John L. Dennis, Fowler, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams and Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for Fowler Truck Line, Ben Tillotson, Joseph H. Lee and The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

When the above styled application was called for hearing, Marion F. Jones, Esq., appearing for protestants, stated that it was the desire of applicant to amend his application, which, as filed, requested issuance of a Class "B" permit, to request authority to operate as a common carrier by motor vehicle for the transportation, on call and demand, of farm products, excluding livestock, from farms within a radius of ten miles of Fowler to Fowler, and to storage and markets in said area, and the transportation of water from Fowler to farms in said area, and that protestants had no objection to the granting of said request or issuance of certificate of public convenience and necessity to applicant for the operation of said service.

There being no objection, the amendment was permitted.

The evidence disclosed that applicant, for many years, has been operating a farm water service out of Fowler to farms within a radius of ten miles thereof; that he owns a 1936 V-8 Ford of the value of $600.00, which he proposes to use in the proposed service; that at times additional transportation service is required in the community in question; that

applicant, in the opinion of his competitors, is a high-class and ethical operator and will furnish desirable competition.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed service of applicant and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle common carrier call and demand service of applicant for the transportation of farm products from farms within a radius of ten miles of Fowler to storage points, loading points and markets in said area, and the transportation of water from Fowler to farms in said area, specifically excluding the transportation of merchandise between towns, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1938.
BH

(Decision No. 11324)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BRICE TORTORICE, 313 EAST TOPEKA,)
TRINIDAD, COLORADO, FOR A CLASS "B") APPLICATION NO. 4363-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

February 7, 1938.

Appearances: Brice Tortorice, Trinidad, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Harry Warner;
A. J. Fregeau, Denver, Colorado, for Pople Brothers Transfer, Couey Transfer and Storage Company and Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) lumber and timber products from timber camps in the Stonewall Valley, South Park and North Park to Trinidad; (b) sand and gravel from supply points in Las Animas County to Trinidad; (c) coal from mines in Las Animas County and Huerfano County to Trinidad.

The application was opposed by Pople Brothers who operate under certificate of public convenience and necessity No. 348, insofar as said applicant seeks authority to haul sand and gravel from points in Las Animas County to Trinidad. Said objection was based, not upon the theory that the proposed service will impair the efficiency of Pople Brothers' transportation business, but upon the theory that the wholesale and retail sand, gravel and rock business of Pople Brothers, in which they have a large investment, will be adversely affected by the proposed operation of applicant, because Pople Brothers sell only a high grade sand which they buy in Pueblo, ship to Trinidad by rail, there store it and resell at a delivered price as required

by the consumer, while applicant proposes to haul domestic sand and gravel of low quality and grade from sand and gravel pits in Las Animas County to Trinidad, which will be marketed by his customers for less than Pople Brothers obtain for the sand handled by them.

While their objection, in a sense, may be well taken, it cannot be successfully urged as a reason why the authority here sought should be denied. It appears that there is a demand for the sand in question which Pople Brothers are authorized to haul for hire. They are not furnishing and do not propose to furnish the service required. The application might be denied if Pople Brothers were transporting sand from the points proposed to be served by applicant to Trinidad, and it further appeared that such transportation service of applicant would impair the efficiency of their transportation service. This claim was not here made.

In Decision No. 11353, entered February 7, 1958, Application No. 4361 of E. Christianson, we held that a certificate of public convenience and necessity to operate a transportation service could not be granted to applicant upon the showing, alone, that he needed additional revenue to continue his truck peddler service, which was much desired by the merchants in the community sought to be served by his for-hire service, who needed the perishable goods obtained at Colorado Springs and sold and delivered to them at outlying towns. Conversely, we are of the opinion that an application for a permit or certificate to conduct transportation service should not be denied because the proposed service will affect, not protestant's transportation service, but protestant's sand and gravel business.

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

O R D E R

IT IS THEREFORE ORDERED, That Brice Tottorice, Trinidad, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of: (a) lumber and timber products from timber camps in the Stonewall Valley, South Park and North Park to Trinidad; (b) sand and gravel from supply points in Las Animas

County to Trinidad; (c) coal from mines in Las Animas County and Huerfano County to Trinidad.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1938.

BH

(Decision No. 11325)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF E. L. KOLB, KIT CARSON, COLORADO,)
FOR A PERMIT TO OPERATE AS A CLASS) APPLICATION NO. 3075-PP.
"B" PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

February 3, 1938.

Appearances: E. L. Kolb, Kit Carson, Colorado,
pro se;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Clarence L. Middleton;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of (a) farm products, including livestock, from point to point within the area extending from Kit Carson north and south to the county line, east to the state line, and west to State Highway No. 63, and from and to farms in said area to and from points in the State of Colorado, without the right to conduct a point to point line haul service; (b) cement from Portland and Fort Collins to Kit Carson; (c) plaster, lime and brick from manufacturing points in the State of Colorado to Kit Carson; (d) used household goods, furniture and farm equipment from farm to farm in said area and from points in said area to farms in said area, and from farms in said area to points in the State of Colorado, without the right to back-haul said commodities from points in the State of Colorado to points or farms in said area.

There was no objection to the issuance of permit as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That E. L. Kolb, Kit Carson, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of; (a) farm products, including livestock, from point to point within the area extending from Kit Carson north and south to the county line, east to the state line, and west to State Highway No. 63, and from and to farms in said area to and from points in the State of Colorado, without the right to conduct a point to point line haul service; (b) cement from Portland and Fort Collins to Kit Carson; (c) plaster, lime and brick from manufacturing points in the State of Colorado to Kit Carson; (d) used household goods, furniture and farm equipment from farm to farm in said area, and from points in said area to farms in said area, andfrom farms in said area to points in the State of Colorado, without the right to back-haul said commodities from points in the State of Colorado to points or farms in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

(Decision No. 11326)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. R. VARNELL, WALDEN, COLORADO, FOR EXTENSION OF HIS PERMIT B-1950.

APPLICATION NO. 3580-PP-B

February 3, 1938.

S T A T E M E N T

By the Commission:

The above numbered application was set for hearing January 25, 1938, at which time the Commission was in receipt of a communication to the effect that the transportation service to be covered by the extension had been completed and the applicant had no further use for the extension and requested that the same be dismissed.

After careful consideration of the record and the request the Commission is of the opinion and finds that the same should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That Application 3580-PP-B be and the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11327)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL CALLAHAN, LAMAR, COLORADO.) PERMIT A-69

February 3, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Paul J. Callahan of Lamar, Colorado, requesting that his Permit A-69 be suspended for a period of one year. Before this request for suspension was received our records disclose that said permit was revoked for failure to keep on file proper insurance. However, after careful consideration of the entire record, the Commission has determined to set aside the revocation order and to grant the request for a suspension.

After careful consideration of the record the Commission is of the opinion and finds that Paul J. Callahan should be authorized to suspend operations under his Permit A-69 for a period of one year from and after June 14, 1937.

O R D E R

IT IS THEREFORE ORDERED, That Paul J. Callahan, holder of Permit A-69 be and he hereby is authorized to suspend operations under said permit for a period of one year commencing June 14, 1937, ending June 14, 1938, with the privilege of reinstatement, at any time before the expiration of the suspension period above named, upon his written request and full compliance with all rules and regulations of the Commission.

IT IS FURTHER ORDERED, That should the holder of said permit fail to request a reinstatement before the expiration of the suspension period above fixed, file the required insurance and otherwise comply with all rules

and regulations of the Commission, then and in that event Permit A-69 shall stand revoked without further action of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11328)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL J. CALLAHAN, LAMAR, COLORADO,) CASE NO. 2623
Respondent.) PERMIT A-69

February 3, 1938.

S T A T E M E N T

By the Commission:

On June 14, 1937, in the above numbered case, the Commission issued an order revoking and cancelling private permit A-69 on account of the respondent's failure to keep on file the required certificate of insurance.

It is now brought to the attention of the Commission that under date of either July 9 or August 9, 1937, the respondent addressed a letter to the Commission, wherein he requests that Permit A-69 be suspended for a period of one year, with the privilege of reinstatement.

After careful investigation of the entire record by the Secretary for the Commission, he reports that there was a misunderstanding on the part of respondent as to procedure and also a misunderstanding on the part of the office force as to just what the respondent desired, and that under date of August 19, 1937, Inspector A. A. VonEgidy was directed to communicate with the respondent and advise him that steps would be taken to reinstate his Permit A-96, which matter was first taken up with a member of the Commission and such assurance was given to the respondent. Records in File A-455 disclose that Callahan's equipment is under lease to J. H. Harriss who carries the insurance thereon.

After careful consideration of the entire record the Commission is of the opinion and finds that the revocation order above referred to should be set aside and Permit A-69 restored as of June 11, 1937.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered by the Commission in Case 2623, revoking said permit should be and the same hereby is set aside and Permit A-69 restored to its original status as of June 14, 1937.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11329)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. R. SNYDER, 2454 WEST 37th AVENUE, DENVER, COLORADO, FOR AN EXTENSION OF HIS PERMIT NO. B-1160.

APPLICATION NO. 2673-PP-BB

February 3, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association;
Arthur E. Aldrich, Esq., Idaho Springs, Colorado, for Curnow Livery and Transfer Company.

S T A T E M E N T

By the Commission:

The instant application was set for hearing at Denver, Colorado, on January 26, 1938, at 10:00 o'clock A. M., due notice thereof being served upon applicant. However, applicant failed to appear at said hearing, and motion was made that said application be dismissed for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

(Decision No. 11330)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. E. WELLMAN, STRATTON, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1267 TO A. B. WOLGAMOTT, OF STRATTON, COLORADO.

APPLICATION NO. 2801-PP-A

February 3, 1938.

Appearances: A. B. Wolgamott, Stratton, Colorado, for applicants;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

C. E. Wellman, of Stratton, Colorado, is now the owner of Permit No. B-1267, and authority is sought in the instant application to transfer said permit to A. B. Wolgamott.

The evidence disclosed that no indebtedness exists against the present operation and that if it should develop that any such indebtedness does exist, same would be paid by transferee.

The evidence further disclosed that transferee has a V-8, 1936 stock rack truck, valued at the sum of $1,000.00, in which his equity is approximately $850.00. He proposes to conduct the same operation as heretofore conducted by transferor.

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

No objections were interposed to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That C. E. Wellman, of Stratton, Colorado,

be, and he is hereby, authorized to transfer to A. B. Wolgamott, of Stratton, all of his right, title and interest in and to Permit No. B-1267.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF M. WEINGARTEN AND W. WEINGARTEN FOR AUTHORITY TO TRANSFER PRIVATE PERMIT NO. B-1666 FROM THE FORMER TO THE LATTER.

APPLICATION NO. 3513-PP-A

February 3, 1938.

Appearances: W. Weingarten, Stockyards Sta., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

The evidence disclosed that Permit No. B-1666 is now owned by M. Weingarten, who is the father of W. Weingarten. Authority is sought to transfer said permit from father to the son.

The evidence disclosed further that no consideration is involved and that no indebtedness exists against the present operation. The son is merely stepping into the father's shoe for the purpose of carrying on the operation himself, as the father desires to retire.

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

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

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to M. Weingarten to transfer to W. Weingarten all of his right, title and interest in and to private permit No. B-1666.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them,

kept and performed.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dunks

W. W. Dunks

Carleton Brown

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

(Decision No. 11332)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF C. I. HALLQUIST, STEAMBOAT)
SPRINGS, COLORADO, FOR A CLASS B) APPLICATION NO. 4393-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

February 3, 1938.

Appearances: J. K. Bozard, Attorney at Law, Steamboat Springs, for the applicant;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and E. M. Harriss;
Richard E. Conour, Esq., Denver, Colorado, for the Larson Transportation Company.

S T A T E M E N T

By the Commission:

Permission to amend the application to include the back haul of livestock from Denver was made on behalf of the applicant. There being no objection to a back haul of livestock, this amendment was granted.

C. I. Hallquist testified that he owned and operated a ranch thirteen miles north of Steamboat Springs; that he possessed an International truck, with stock rack, and was financially able to conduct a trucking operation if given authority; that he desired authority to transport farm products including livestock, coal and timber from point to point within a radius of twenty-five miles of his ranch or of Clark, Colorado, which is only a short distance north of his ranch and livestock from this area to the Denver market with a back haul of livestock and farm supplies; that there was no local resident authorized carrier available to serve the Clark area; that he had many calls from neighbors residing within about twelve miles of Clark, Colorado, seeking his service to transport principally farm products, including livestock; that neighbors had endeavored

to get an operator from Steamboat Springs, but being unable, have at times been obliged to drive their stock to loading point at Steamboat Springs; and that the area wherein his customers would reside was described approximately as follows:

> North of his ranch to Columbine, east to the mountains, south from his ranch approximately eight miles and three miles west thereof.

The applicant further testified that there was usually a shortage of trucks during the threshing of grain and the movement of stock in the fall; that the principal hauling would be livestock and seasonal movements of farm products, and at times the movement of small lots of livestock to Denver, and livestock, cotton cake and implements as a back haul.

It was further indicated that the local farm service which the applicant proposed would be from point to point within a ten-mile radius around his ranch home and between points in this ten-mile radius and points within a twenty-five mile radius of his home.

F. C. Patten, Fred May, Harry Lister, Warren Rider and Denney Cullen, all ranchers living on Elk River above or below the ranch home of the applicant and within ten miles of his ranch home testified in substance as follows: That there was no authorized trucker, a resident of this section of Elk River, nearer than Steamboat Springs and that the ranchers in the Clark area which is almost the center of the ten-mile area sought to be served by the applicant were very much in need of someone who would be available to move odd lots of livestock and to render service during the threshing season, as well as take small loads of livestock from the area to Denver, with a back haul of such livestock as might be needed for breeding purposes, that they had more or less trouble and lost more or less time when trying to get a truck operator from Steamboat Springs to come to this section of Elk River.

These ranchers further testified that they had not called for the Larson service but had called other operators and had to wait and at times were unable to get service.

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

After a careful consideration of the record and the testimony given at the hearing the Commission is of the opinion and finds that authority as sought should be granted to the applicant, except farm supplies (other than livestock) which backhaul is not justified by his record.

O R D E R

IT IS THEREFORE ORDERED, That C. I. Hallquist who resides at his ranch home on Elk River, thirteen miles north of Steamboat Springs, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, including livestock and timber from point to point within a ten-mile radius of his ranch home, located on Elk River, thirteen miles north of Steamboat Springs; the transportation of farm products including livestock, coal and farm supplies between points in the above-described area around his ranch home and points within a twenty-five mile radius of applicant's ranch home; and the transportation of livestock to Denver market with a back haul of livestock to ranches within ten miles of his Elk River ranch home, all of which service shall be for ranchers residing within the territory first above-described, provided however, that no transportation service is hereby authorized between towns on the line of scheduled common carriers.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and

has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF LEE WOLFORD, FORT MORGAN, COLORADO, Respondent.	CASE NO. 5102 PERMIT C-2642

February 3, 1938.

S T A T E M E N T

By the Commission:

On December 13, 1937, in the above numbered case the Commission issued an order revoking and cancelling Permit C-2642, on account of the respondent having failed to make the cash deposit as required by law. The Commission is now in receipt of a communication from the respondent wherein he gives a satisfactory explanation of his failure to make the deposit. He also encloses his check for the sum of $10.00, and on account of the unusual circumstances, the Secretary of the Commission has already notified the respondent that his permit will be reinstated.

After a careful consideration of the record and the request the Commission is of the opinion and finds that the order of December 13, 1937 should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated December 13, 1937 be and the same hereby is set aside and held for naught and Permit C-2642 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11334)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ALVIN ROBERTS, DOING BUSINESS)
AS "D AND R TRANSPORTATION" TO)
TRANSFER PERMIT 788-I TO PORTER)
E. WILLIAMS, DENVER, COLORADO.)

APPLICATION NO. 2645-I
PERMIT NO. 788-I

February 3, 1938.

S T A T E M E N T

By the Commission:

Heretofore, Alvin Roberts, doing business as "D and R Transportation" was granted Interstate Permit No. 788-I to transport freight by motor vehicle as a common carrier in interstate commerce only, between Denver and the Colorado-Nebraska and Colorado-Kansas State Boundary Line where U. S. Highways Nos. 50, 51, 40-North and Colorado 36, 6, 138, and 113 cross the same, and between intermediate points and said line.

Subsequently, said authority was extended to include the right to haul freight as a motor vehicle common carrier in interstate commerce only between Denver and the Colorado-Wyoming State Boundary Line, where U. S. Highways Nos. 85, 87 and 287 cross the same and between intermediate points and said line.

Said Roberts now seeks authority to transfer said interstate permit to Porter E. Williams.

The records and files of the Commission do not disclose any reason why said request should not be granted.

After a careful consideration of the record, the Commission is of the opinion, and finds, that authority to transfer said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Alvin Roberts, doing business as "D and R Transportation" should be, and he hereby is, authorized to transfer said interstate permit No. 788-I, as extended, to Porter E. Williams, Denver, Colorado.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11335)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF A. T. SHERMAN OF FAIRPLAY, COLORADO, FOR A PERMIT TO OPERATE AS A CLASS B PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4399-PP

February 3, 1938.

Appearances: Trout and Hilliard, Esqs., Denver, Colorado, attorneys for applicant;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Gately Motor Company;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association and Hitchcock Truck Line.

S T A T E M E N T

By the Commission:

The evidence disclosed that applicant resides upon a ranch approximately 14 miles southwest of Fairplay, where he operates a sawmill. Some of this lumber is sold to mines located within a radius of 16 miles of Fairplay f.o.b. his mill, and he is seeking authority in the instant application to transport such lumber as a Class B private carrier.

It was further disclosed that applicant owns two 5-ton International trucks, and his financial condition and operating reliability were established to the satisfaction of the Commission.

No objections were interposed to the granting of the authority sought.

Applicant is also operating under a Class "C" permit.

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

O R D E R

IT IS THEREFORE ORDERED, That A. T. Sherman, of Fairplay, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lumber from his own

sawmill or mills to mines within a 16-mile radius of Fairplay, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

(Decision No. 11336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED NIES AND SON, ERIE, COLORADO,)
FOR AN EXTENSION OF HIS PRIVATE) APPLICATION NO. 3253-PP-B
PERMIT NO. B-1632.)

February 3, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for applicants;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Over-Land Motor Express;
Richard E. Conour, Esq., Denver, Colorado,
for Colorado Rapid Transit Company.

S T A T E M E N T

By the Commission:

When the instant case was called for hearing, it was stipulated by the attorneys for applicant and protestants that the authority sought should be granted, limited as follows: Farm products during harvest season only, from farm to elevators and storage points within a radius of two miles west, ten miles east, four miles north and eight miles south of Erie, Colorado; coal from mines to customers residing within a six-mile radius of Erie, and mining equipment from one coal mine to another within a ten-mile radius of Erie, Colorado, with the right to make emergency trips with said mining equipment from the mines of the Boulder Valley Coal Company into Denver only when the occasion arises that said machinery must be repaired immediately, and provided also that before such emergency trips are made, said Boulder Valley Coal Company must give the Colorado Rapid Transit Company the first right to refuse such service, and from the Centennial mine of said Company, the Over-Land Motor Express Company must be given the first right to refuse such emergency trip, provided said Over-Land Motor Express Company has any authority to serve said mine, which is not passed upon in this application.

As so limited, all objections to the granting of the extension sought were withdrawn.

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

O R D E R

IT IS THEREFORE ORDERED, That Fred Nies and Son, of Erie, Colorado, be, and they are hereby authorized to extend their operations under Permit No. B-1632 to include the transportation of farm products, during harvest season only, from farms to elevators and storage points within a radius of two miles west, 10 miles east, 4 miles north and 8 miles south of Erie, Colorado; coal from mines to customers residing within a 6-mile radius of Erie; and mining equipment from one coal mine to another within a ten-mile radius of Erie, Colorado, with the right to make emergency trips with said mining equipment from the mines of the Boulder Valley Coal Company into Denver, only when the occasion arises that said machinery must be repaired immediately, and provided also that before such emergency trips are made, said Boulder Valley Coal Company must give the Colorado Rapid Transit Company the first right to refuse such service, and from the Centennial mine of said Company, the Over-Land Motor Express Company must be given the first right to refuse such emergency trip, provided said Over-Land Motor Express Company has any authority to serve said mine, which is not passed upon in this application.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

(Decision No. 11537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE A. FERGISON, 693 SOUTH IRVING STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	))))))	APPLICATION NO. 4431-PP

February 3, 1938.

S T A T E M E N T

By the Commission:

Applicant herein seeks to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal to Denver, and wood, gravel and other road building materials within a radius of fifty miles of Denver, Colorado.

Inasmuch as the Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to issuance of permits, limited to the service herein sought to be rendered by applicant, the Commission has heard said matter upon the application and files herein, without formal setting or notice to authorized carriers.

After a careful consideration of the record, the Commission is of the opinion, and finds, that permit, limited to the authority hereinafter set forth, should issue.

O R D E R

IT IS THEREFORE ORDERED, That George A. Fergison, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) coal from mines in the northern Colorado coal fields to Denver; (b) sand and gravel, dirt, cinders and rock from pits and supply points near Welby to road construction jobs within a radius of fifty miles thereof; (c) firewood from

supply points in the mountains west of Denver to points within said radius of fifty miles.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

(Decision No. 11338)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOWARD H. KINDELL, OLNEY SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 4339-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

February 3, 1938.

Appearances: Howard H. Kindell, Olney Springs, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams Truck Line, Weicker Transportation Company, Dallas Transfer and Storage and Jackson Transfer and Storage.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of: (a) farm products, generally, from farms within a radius of six miles of Crowley to mills, storage and loading points within a radius of twelve miles of Crowley; (b) loose or baled hay from farms within a radius of thirty-three miles of Crowley to Denver Alfalfa Milling Company mills in said area; (c) feed, specifically including beet tops and bean hulls from Crowley to farms within the area extending thirty miles north thereof.

Applicant does not propose to render any service between towns served by schedule line haul motor vehicle common carriers.

There was no objection to the issuance of permit, as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That Howard H. Kindell, Olney Springs, Colorado, should be, and he hereby is, authorized to operate as a Class

"B" private carrier by motor vehicle for hire for the transportation of: (a) farm products, generally, from farms within a radius of six miles of Crowley to mills, storage and loading points within a radius of twelve miles of Crowley; (b) loose or baled hay from farms within a radius of thirty-three miles of Crowley to Denver Alfalfa Milling Company mills in said area; (c) feed, specifically including beet tops and bean hulls from Crowley to farms within the area extending thirty miles north thereof.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund E. McDaniels

W. E. Davis

Malcom Eilson

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

(Decision No. 11339)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. T. McGRAW, 311 SHERMAN STREET, ORDWAY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4341-PP

February 3, 1938.

Appearances: W. T. McGraw, Ordway, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for Allumbaugh and Williams Truck Line, Weicker Transportation Company, Dallas Transfer and Storage and Jackson Transfer and Storage.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay for the Denver Alfalfa Milling Company from farms within a radius of twenty-five miles of Ordway to alfalfa mills in said area, and beets from farms within a radius of four miles of Ordway to beet dumps in said area.

There was no objection to issuance of permit, as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That W. T. McGraw, Ordway, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay for the Denver Alfalfa Milling Company from farms within a radius of twenty-five miles of Ordway to Alfalfa mills in said area, and beets from farms within a radius of four miles of Ordway to beet dumps in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11340)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THEODORE GROVES, MANITOU,)
COLORADO, FOR AN EXTENSION OF) APPLICATION NO. 2703-PP-BB
HIS PERMIT NO. B-1501.)

February 3, 1938.

Appearances: Theodore Groves, Manitou, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, Weicker Transportation Company, Lavelett Truck Line, Castle Rock Transfer Company, Cripple Creek-Victor-Colorado Springs Stage Line, Southwestern Transportation Company, Keith Trucking Company and John W. Loens;
Richard E. Conour, Esq., Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On December 21, 1935, by Decision No. 6941, Theodore Groves was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> "coal from Denver and Rio Grande freight yards at Manitou and Colorado Springs and the Pike View Mine to Colorado Springs, Manitou, and Lake George; sand, gravel and rock, brick reinforcing iron and building contractors' equipment from Manitou to Colorado Springs or from Manitou and Colorado Springs to mountain cabins, suburban towns, and summer resorts in the vicinity thereof; fertilizer from dairies and ranches within a radius of fifty miles of Colorado Springs to Colorado Springs and its suburban towns; white quartz from Divide to Colorado Springs for Manitou-Greenston Company; posts, piling and poles from points on Highway No. 50 within a radius of fifty miles of Colorado Springs to Colorado Springs."

On July 21, 1937, Decision No. 10385, said Groves' authority was extended to include the transportation of:

"sand, gravel, rock, clay products and dirt from point to point within a radius of fifty miles of Colorado Springs; native, rough lumber and slabs from mills to summer resorts located within a twenty-mile radius of Colorado Springs; lumber and building material from yards at Colorado Springs to points west thereof, not exceeding twenty miles distant and excluding Manitou; and cement from Colorado Springs and railroad points to highway jobs under construction within fifty miles of Colorado Springs, provided, however, that the applicant shall not engage in any transportation service transporting finished lumber between points on U.S. Highways Nos. 85 and 24."

He now seeks authority to extend his operations to include the right to transport reinforcing steel, piling, bridge timbers and other bridge construction material, road surfacing materials, road machinery and equipment from point to point within a seventy-five mile radius of Manitou, he, however, waiving his request for such authority over U. S. Highway No. 85.

It appeared at the hearing that the territory sought to be served by applicant is now served, in whole or in part, by fifty or more carriers.

The evidence did not disclose that said service is inadequate, or that the proposed service of applicant will not impair the efficiency of said motor vehicle carrier services.

A. J. Fregeau, for Weicker Transfer and Storage Company, which operates under Certificate No. 341, testified that said company maintains 125 units, 20 of which are designed for heavy moving service; that said vehicles are not in use more than 40% of the time; that Weicker maintains agents everywhere, and is prepared to, and does, furnish service from and to all points in the State of Colorado on short notice; that the efficiency of its service will be impaired by the granting of the permit sought in the instant application.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the service now being furnished by authorized motor vehicle common carriers in the territory sought to be served by applicant is adequate, and that the proposed service of applicant would impair the efficiency of said adequate service; that the application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application for extension should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No.11341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. H. RAY, NUCLA, COLORADO,)
RESPONDENT.)

CASE NO. 4458-R
PERMIT NO. A-1179

February 3, 1938.

S T A T E M E N T

By the Commission:

On December 1, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit A-1179 on account of the failure of respondent to make a report for the month of April, 1937.

The Commission is now in receipt of a communication signed by Stella E. Ray, setting forth in detail all of the circumstances surrounding their operation, and the record discloses that the report above referred to has been made and all rules and regulations of the Commission complied with.

After careful consideration of the matter as a whole, the Commission finds that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered in Case 4458-R under date of December 1, 1937, be, and the same hereby is set aside and held for naught, and Permit A-1179 be, and the same hereby is restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BH

(Decision No. 11342)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. O. WELLS, EATON, COLORADO,)
Respondent.)

CASE NO. 2434
PERMIT NO. A-1365

February 3, 1938.

S T A T E M E N T

By the Commission:

On July 19, 1937, the Commission issued an order in the above numbered case, cancelling and revoking Permit A-1365 on account of respondent having failed to make proper road reports covering the months of 1936 and 1937 through the date of the order.

On January 21, 1938, the respondent, by his attorney, filed a petition requesting reinstatement and setting forth that the petitioner became confused in the filing of monthly reports as well as tax reports, resulting in his being assessed a great deal more tax than was actually due, and that he did overlook filing some monthly reports, but as soon as the same was brought to his attention, he secured the proper information and has now complied with all rules and regulations of the Commission, making reports in full and paying taxes as required; and that no intervening rights have attached since the cancellation order was issued.

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

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued in Case No. 2434 under date of July 19, 1937, be, and the same hereby is set aside and held for naught and Permit No. A-1365 be and the same hereby is restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

BU

(Decision No. 11343)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
) CASE NO. 4662
ROY A. NEWTON, SEIBERT, COLORADO.)

February 3, 1938.

Appearances: James J. Patterson, Esq., Denver, Colorado, for the Commission;
Marion F. Jones, Esq., Denver, Colorado, for the respondent.

S T A T E M E N T

By the Commission:

On October 24, 1937, the Commission, on its own motion, by order, directed that investigation and hearing be entered into to determine if respondent above named had violated the rules and regulations of the Commission, and particularly Rules Nos. 18 and 45 of the Rules and Regulations of the Commission Governing Operations of Motor Vehicle Carriers for Hire and Rules Nos. 16 and 27 of the Rules and Regulations Governing Operations of Private Carriers by Motor Vehicle for Hire, further requiring said respondent to show cause, if any he had, by written statement, filed with the Commission within ten days from the date of said order, why his Certificate No. 899 and his Permit No. A-46 should not be cancelled and revoked for failure to comply with the rules and regulations of the Commission.

The matter was set for hearing at 10:00 o'clock A. M., on the 10th day of September, 1937, at the Hearing Room of the Commission, in Denver. The matter was continued from time to time, at the request of respondent's counsel, and was heard on the 18th day of October, 1937.

Respondent failed to file written answer and did not appear at the hearing, in person.

From admissions of his counsel, Marion F. Jones, Esq., and evidence offered by the Commission, it appeared that said respondent, on the 7th day of August, 1937, and continuously thereafter to date of hearing, did not have a certificate of insurance on file with the Commission, as required by Rule 18 of the Rules and Regulations Governing Motor Vehicle Carriers and failed to pay his cash deposit, as security for the payment of highway compensation taxes, as required by Rule 45 of said Rules and Regulations; failed, neglected and refused to file with the Commission monthly report of freight transported under said certificate of public convenience and necessity for the month of December, 1936 and the months of January, February, March, April, May, June and July, 1937, inclusive, and had failed and refused to remit to the Commission highway compensation taxes due and payable for said months; discontinued, suspended and failed to furnish service under said certificate for a period of more than six months immediately preceding the issuance of said order, without first having notified the Commission, in writing, of such discontinuance, and without having asked the permission of the Commission to so discontinue said service, and that said defaults, and each of them, continued to the day of the hearing, except that on October 18, 1937, by letter, applicant, through his attorney, Marion F. Jones, Esq., asked that he be authorized to suspend operations under his certificate for a period of six months from date with the privilege of reinstating same upon written application.

It also appeared at the hearing that said respondent had failed and refused to file with the Commission the cash deposit as security for payment of highway compensation taxes required by Rule 27 of the Rules and Regulations Governing Private Carriers; failed, refused and neglected to file monthly reports for freight transported for the months of December, 1936, and the months of January to June, 1937, inclusive; failed and refused to remit to the Commission highway compensation taxes due and payable for the aforesaid months; and failed to have a certificate of insurance on

file with the Commission on the 7th day of August, 1937, and from day to day thereafter, until date of issuance of said order, as required by Rule 16 of the Rules and Regulations Governing Private Carriers.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the matters and things set forth to show cause, dated August 24, 1937, are true, and that said certificate of public convenience and necessity No. 899, and said Private Carrier Permit No. A-46 should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That Certificate of Public Convenience and Necessity No. 899, heretofore issued to Roy A. Newton, by Decision No. 7466 should be, and the same hereby is, revoked and cancelled.

IT IS FURTHER ORDERED, That Private Permit No. A-46, heretofore issued to Roy A. Newton to operate as a private carrier by motor vehicle for hire should be, and the same hereby is, revoked and cancelled.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1938.

B

(Decision No. 11344)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. J. BABB AND SON, CRAIG, COLO-)
RADO, Respondent.)

CASE NO. 5015-Ins.
PERMIT C-3284

February 4 , 1938

S T A T E M E N T

By the Commission:

On December 13, 1937, in the above numbered case, the Commission issued an order cancelling and revoking Permit C-3284, on account of the respondent having failed to keep on file the required certificate of insurance.

It has now been brought to the attention of the Commission that on November 18, the Commission returned an insurance policy because it covered only a fifty-mile radius and did not meet state-wide requirements as provided by the permit.

It now appears that on the same day that the revocation order was issued an amendment was requested, reducing the territory to be covered by the permit to a fifty-mile radius, but was not noticed until after the revocation order had been mailed.

It appears that the applicant has been advised that the revocation order would be set aside in view of the circumstances abovementioned.

After careful consideration of the record the Commission is of the opinion and finds that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered in Case 5015, under date of December 13, 1937, revoking said permit should be and the same hereby is set aside and held for naught and Permit C-3284 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Davis
W. E. Danks
Marion Ericson
Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1938.

B

(Decision No. 11345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARCHIE KNISELEY, DENVER, COLORADO,) CASE NO. 4697-LC
Respondent.) PERMIT NO. B-1556

February 4, 1938.

S T A T E M E N T

By the Commission:

On November 22, 1937, in the above numbered case the Commission issued an order revoking and cancelling permit B-1556 on account of the respondent having failed to keep on file the list of his customers as provided by the rules and regulations of the Commission.

It has now been brought to the attention of the Commission that the notice of hearing on the show cause order was not received by the applicant, having been returned by the Post Office Department to the Commission; further that C. A. Miller, an employe has been operating the business during the absence of the respondent who is in California and has been rendering a service for the Western Lumber Company only; that an approved list of customers was filed January 25, 1938, as soon as it was brought to the attention of Mr. Miller.

After careful consideration of the record, the Commission is of the opinion and finds that the cancellation order above referred to should be set aside and the permit reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the cancellation order issued in Case No. 4697-LC, under date of November 22, 1937, be and the same is hereby set aside and held for naught and Permit B-1556 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1938.

B

(Decision No. 11346)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOE HEPPBERGER, BLACKHAWK, COLORADO, FOR AN EXTENSION OF HIS PRIVATE PERMIT NO. A-1070.

APPLICATION NO. 2507-PP-B

February 4, 1938.

Appearances: Joe Heppberger, Blackhawk, Colorado, pro se;
Sidney S. Jacobs, Esq., 526 E. & C. Bldg., Denver, Colorado, for H. H. Drumright;
A. E. Aldrich, Esq., Idaho Springs, Colorado, for Curnow Livery and Transfer Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, et al;
Richard E. Conour, Esq., Denver, Colorado, for Weicker Transfer and Storage Company, et al;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association and Curnow Livery & Transfer Co.

S T A T E M E N T

By the Commission:

Applicant is the owner of Permit No. A-1070, which authorizes the "transportation of ore from mines within a radius of twenty miles of Blackhawk, Colorado, to mills and railroad loading points at Blackhawk and Idaho Springs, and mining machinery and mining supplies from Central City or Blackhawk to the mines of his said customers."

In the instant application, he seeks to extend such authority to include the right to transport ore, machinery and mine supplies, including lumber, to and from his present radius of twenty miles of Blackhawk from and to Colorado City, Denver and Leadville.

At the hearing, applicant testified that he was willing to eliminate from the instant application the right to haul any commodities from his present radius to Golden and Denver (Golden was not included in his application in any event), and the transportation of machinery and mine supplies from his present area to Colorado City and Leadville, and would also eliminate the transportation of any commodities to Colorado City and Leadville from points north of

Rollinsville, Colorado. This leaves the only extension sought by applicant to be the transportation of ore from his present radius to and from Colorado City and Leadville.

As so limited, all objections to the granting of the authority sought were withdrawn.

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

O R D E R

IT IS THEREFORE ORDERED, That Joe Heppberger, of Blackhawk, Colorado, operating under Permit No. A-1070, be, and he is hereby, authorized to extend his operations under said permit to include the right to transport ore from his radius of 20 miles of Blackhawk, Colorado, to Colorado City and Leadville, Colorado.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1938.

BH

(Decision No. 11347)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLOADO

* * * *

IN THE MATTER OF THE APPLICATION OF ALBERT HAMMER, 1151 S. FILLMORE STREET, DENVER, COLORADO, FOR A PERMIT TO OPERATE AS A CLASS "B" PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4400-PP

February 4, 1938.

Appearances: Albert Hammer, 1151 S. Fillmore St., Denver, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, et al;
Richard E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company, Larson Transportation Company, North Eastern Motor Freight, Inc., Colorado Rapid Transit Company, Southwestern Transportation Company, et al;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association, et al.

S T A T E M E N T

By the Commission:

At the hearing, applicant herein testified that it was his desire to limit his application to the transportation of sand, gravel and road building materials, to road construction jobs only, throughout the State of Colorado including the right to transport coal from the northern Colorado coal fields to Denver. He testified that he was the owner of one Ford 1937 dump truck, and was willing that his permit should be limited to the operation, at all times, of one dump truck.

In view of the restrictions placed upon his operation by applicant, all objections to the granting of the authority sought were withdrawn.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Albert Hammer, of Denver, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from the northern Colorado coal fields to Denver; and sand, gravel and road building materials, including bridge materials, for road construction jobs only, from point to point within the State of Colorado; provided, however, that the authority herein granted shall be limited to the operation by applicant of not to exceed one dump body truck.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORDO

Commissioners.

Dated at Denver, Colorado,
this 4th day of February, 1938.

BH

(Decision No. 11348)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. H. OBERWORTMAN AND FRANCIS ROE,) CASE NO. 4682
LAMAR, COLORADO, P. U. C. NO. 780.)

February 5, 1938.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above-named respondents heretofore became the holder of certificate of public convenience and necessity No. 780, issued under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, authorizing them to engage in the business of a common carrier by motor vehicle, and that said respondent W. H. Oberwortman has, at all times since the issuance of said certificate, exercised, and is now exercising the rights and privileges conferred thereby.

Information has come to the Commission, and its records disclose, that the above-named respondent W. H. Oberwortman has violated the terms and provisions of said certificate and the terms and provisions of Chapter 134, Session Laws of 1927, as amended, and the rules and regulations of this Commission in the following particulars, to-wit:

1. That said respondent has enlarged and extended his operations carried on under said certificate by accepting, transporting, and delivering shipments of freight from and to points outside of and beyond the area granted him under his said certificate.

2. That said respondent did, during the month of December, 1937, accept, transport, and deliver shipments of freight at and for rates and charges different from and lower than the rates and charges fixed for such transportation by this Commission.

3. That said respondent has failed, refused, and neglected to remit to this Commission the accrued highway compensation taxes for the

month of November, 1937, and has failed, refused, and neglected to file a monthly report of his operations for the month of December, 1937.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be entered into, to determine if said respondent, W. H. Oberwortman, has failed or refused to comply with any or all of the above mentioned rules and regulations, statutes, terms and provisions of his said certificate, and if so, whether or not his said certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent, on account of the above-mentioned violations and delinquencies, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 23rd day of February, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1938.

BH

(Decision No. 11349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF RALPH L. PEABODY, DOING BUSINESS AS PEABODY COAL COMPANY, COLORADO SPRINGS, COLORADO, PERMIT NO. B-1483.	)))))	CASE NO. 4683

February 5, 1938.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. B -1483, pursuant to the terms and provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, authorizing him to engage in the business of a private carrier by motor vehicle, and that said respondent has, at all times since the issuance of said permit, exercised and is now exercising the rights and privileges conferred thereby.

Information has come to, and the records of, the Commission disclose that the above-named permit holder has violated the terms and provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of this Commission, in the following particulars, to-wit:

1. That said respondent has enlarged and extended his operations by accepting, transporting, and delivering shipments of freight consisting of commodities other than the commodities to which he is restricted by the terms and provisions of his said permit.

2. That said respondent has failed, refused, and neglected to file a monthly report covering his operations for the month of December, 1937.

3. In numerous instances, bills of lading issued by said respondent are not itemized in a manner so as to fully and clearly show the

description and classification of the shipment and the rate charged for transportation thereof.

O R D E R

IT IS THEREFORE ORDERED BY THE COMMISSION, on its own motion, that an investigation and hearing be entered into, to determine if the above-named respondent has failed, refused, and neglected to comply with any or all of the above mentioned rules, regulations, and statutes governing private carriers, and, if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent, because of the aforesaid delinquencies and violations, and why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 17th day of February, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1938.

B

(Decision No. 11350)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF OWEN McCRACKEN, 1519 8th AVENUE, GREELEY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4381-PP

February 7, 1938.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, Fuller Truck Line, Schmitt-Arvada Transfer, Overland Motor Express, McKie Transfer, Milliken-Johnstown Truck Line, Inter-City Truck Line, Denver-Loveland Transportation Company;
Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing, Denver, Colorado, December 28, 1937, at which time and place the applicant failed to appear.

A motion was made on the behalf of protestants appearing at the hearing that the application be dismissed for lack of prosecution, this being the second time that this application had been set for hearing.

After careful consideration of the record and the motion, the Commission is of the opinion and finds that the motion be granted and the application dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss, interposed by protestants be and the same is hereby granted and the instant applica-

tion be and the same is hereby dismissed for lack of prosecution.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1938.

B

(Decision No. 11351)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WM. R. HERRIN, 4533 CLAYTON ST.,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4379-PP

February 7, 1938.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, McKenzie Truck Line and Curnow Livery and Transfer Co.;
Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant to notice at Denver, Colorado, December 28, 1937, at which time and place the applicant failed to appear.

A motion was interposed on behalf of the protestants that the application be dismissed for lack of prosecution.

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

O R D E R

IT IS THEREFORE ORDERED, That the motion made on behalf of protestants be and the same is hereby granted and Application No. 4379 be and the same hereby is dismissed for lack of prosecution.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1938.

B

(Decision No. 11352)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LARSON TRANSPORTATION COMPANY, A Corporation, Complainant, v. E. N. WINSCOM AND A. W. LYON, Defendants.	)	CASE NO. 4667

February 5, 1938.

S T A T E M E N T

By the Commission:

On November 18, 1937, the above named plaintiff filed the instant complaint herein, which was set down for hearing on November 20, 1937, at 10:00 o'clock A.M., Court House, Steamboat Springs, Colorado, but prior thereto the same was, upon request of the attorney for plaintiff, reset for January 11, 1938, at Steamboat Springs, Colorado, and on this later date when the same was called for hearing, attorney for the complainant again asked that the case be continued to January 19 at Denver, Colorado, at which time the attorney for complainant requested that the complaint be dismissed.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant case should be and the same hereby is dismissed.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1938.

BH

(Decision No. 11353)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. CHRISTIANSON FOR A CERTIFICATE) APPLICATION NO. 4361
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE MOTOR VEHICLE TRUCK SERVICE.)

February 7, 1958.

Appearances: Charles A. Petrie, Eads, Colorado,
for the applicant;
Harry S. Peterson, Esq., Pueblo, Colorado,
for The Missouri Pacific Railway Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Wimp and Covey;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a motor vehicle common carrier on schedule between Sugar City, Colorado, and the Kansas-Colorado state line on State Highway No. 96, and intermediate points.

The evidence disclosed that applicant owns a 1½-ton truck of the value of $1,400.00, which he proposes to use in his contemplated operation, if certificate is granted. He expects to operate twice weekly service between Sugar City and Towner on Highway No. 96, serving the intermediate points of Arlington, Haswell, Galatea, Eads, Chivington, Brandon and Sheridan Lake; that he expects to interchange freight with Allumbaugh and Williams at Sugar City, but has not arranged for a connection at Towner; that he has been operating a perishable commodity service, handling particularly fruits and vegetables for sale and delivery under a commercial permit out of Colorado Springs to the towns mentioned; that the business is barely sufficient to pay the expense of operation and perhaps will not justify a continuation thereof.

Two merchants, one from Eads, the other from Haswell, testified in

support of his application. Apparently, they do not contend that his proposed service as a common carrier is needed, the existing transportation service furnished by shipper-owned trucks (J. S. Brown) and the Missouri Pacific Railway Company being adequate. However, in their opinion, they "need the merchandise he handles", which was assigned as the reason why they appeared as witnesses in his behalf. No general demand for his service was shown.

The witnesses who appeared in behalf of the Missouri Pacific Railway Company stated that the Missouri Pacific operated through service out of Pueblo daily, except Sunday, and that all towns involved in the service proposed by applicant were adequately served by said railway.

The showing made by applicant was insufficient to justify granting of a certificate herein. The fact that applicant is conducting a peddler service by shipper-owned truck, which he may be required to discontinue unless he is permitted to augment his revenues by carrying freight for hire to his customers in the same truck, is not proof that public convenience and necessity requires the common carrier motor vehicle transportation service proposed by him.

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

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and the same hereby is denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1938.

BH

(Decision No. 11354)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. F. McINTYRE FOR AN EXTENSION OF PERMIT A-173.

APPLICATION NO. 3070-PP-B

February 7, 1938.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, Consolidated Motor Freight, Castle Rock Transfer, and Weicker Transportation Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein seeks to have his milk route authority extended to include the transportation of fruit, milk, cheese and dairy products from Fort Collins to Denver and from Fort Collins to Larkspur, Colorado. He testified that there was no movement at that particular time but expected there would be during the summer and that he desired to render this service for one customer only, the Frink Dairy. He also stated on cross-examination that there were others authorized to conduct this same haul as it was one of the principally travelled highways through Denver.

A. J. Fregeau, for the protestants, testified that the Weicker Transportation Company, holder of Certificate 8, had adequate equipment to take care of all the movements of fruit and dairy products between Fort Collins, Denver and Larkspur; also the Consolidated Motor Freight, Inc., rendered this service between Fort Collins and Denver, and the Castle Rock Transfer handles the same commodities between Denver and Larkspur. In addition to this there are a large number of permit holders who had the same authority and it was his opinion that there was too much authority

on Highway 285 at the present time; that the Weicker Company had a great deal of equipment that was not at all times busy and needed tonnage to put their operations on a paying basis; and that to grant additional authority to the applicant would tend to impair their efficient services now being rendered.

After careful consideration of the record the Commission is of the opinion and finds that the proposed operation, if authorized, would impair the efficiency of now adequate line haul common carrier motor vehicle service between Fort Collins and Denver and Fort Collins and Larkspur, and that the application for extension should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant application to extend Permit A-173 be and the same hereby is denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1938.

B

(Decision No. 11355)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRANK DOMENICO, OF LOUISVILLE,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 4395-PP
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

February 7, 1938.

Appearances: Frank Domenico, Louisville, Colorado, pro se;
Richard E. Conour, Esq., Denver, Colorado, Weicker Transportation Company, Colorado Rapid Transit Company, North Eastern Motor Freight, Inc., and Consolidated Motor Freight;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Norman Rhyno and Yockey Trucking Co.;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association, Windecker Brothers, Hall Truck Line, Foster Truck Line and McKie Truck Line;
Arthur E. Aldrich, Esq., Idaho Springs, Colorado, for Curnow Livery & Transfer Company.

S T A T E M E N T

By the Commission:

As limited by the testimony, applicant seeks authority to transport, during harvest season only, farm products from farms to market within a radius of five miles of Louisville, including the right at all times to haul grain from one coal mine to another within a radius of 18 miles of Louisville; coal for coal miners only from mines to the residences of said coal miners within a radius of 25 miles of Louisville, without the right to serve Loveland, but including the right to deliver coal to anyone within the corporate limits of Louisville; junk, timber and mine machinery from one coal mine to another within said 18-mile radius of Louisville, and the right to transport mine machinery from mines within said 18-mile radius of Louisville to Denver. This latter movement, according to applicant, would consist of emergency shipments where repairs were needed and the operators did not care to wait for regular line haul service.

The only objection interposed to any of the authority sought was to the transportation of said mine machinery to Denver. Colorado Rapid Transit Company introduced evidence to the effect that they served all the mines mentioned by applicant daily out of Denver; that they had spare trucks both in Denver and Boulder which could be used for any emergency shipments from any of said mines within forty-five minutes after the service was called for, and that they were prepared to make such emergency trips either day or night. Said company is operating ten trucks, and besides has two pickups. Their schedule leaves Denver at 12:00 noon each day, reaching the mines in question sometime the same afternoon. It would appear from the record that to grant the authority to serve Denver might impair established common carrier service.

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

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by the testimony, the authority sought should be granted, except the right to transport mining machinery from and to Denver.

O R D E R

IT IS THEREFORE ORDERED, That Frank Domenico, of Louisville, Colorado, be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products, during the harvest season only, from farms to market within a radius of five miles of Louisville, including the right to transport at all times grain from one coal mine to another within a radius of 18 miles of Louisville; coal for men who work in the coal mines from mines to homes of said miners within a radius of 25 miles of Louisville, including the right to deliver coal to anyone within the corporate limits of the town of Louisville and excluding any transportation of coal to the town of Loveland; and junk, timber and mine machinery from one coal mine to

another within said 18-mile radius of Louisville.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1938.

B

(Decision No. 11356)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
J. M. McINTYRE FOR TRANSFER OF HIS)
PRIVATE PERMIT NO. A-173 TO ARTHUR) APPLICATION NO. 3862-PP-A
BARTMANN, OF FORT COLLINS, COLORADO.)

February 10, 1938

Appearances: Arthur Bartmann, Fort Collins, Colorado, pro se and for J. M. McIntyre;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association, Consolidated Motor Freight and Solomon Deines;
V. G. Garnett, Denver, Colorado, for Colorado Rapid Transit Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The instant application was heard at Denver, Colorado, on March 22, 1937. At the hearing, it was stipulated that transferor should file a map showing the territory proposed to be served if permit was transferred to him. This procedure was necessary due to the indefiniteness of the territory authorized to be served by the permit originally granted transferor, which reads as follows:

> "Start Fort Collins, load milk through farming district back to Fort Collins and unload."

Said map was not submitted to the Commission until a short time ago, hence no order has heretofore been entered in the application.

The evidence disclosed that transferee was paying the sum of $1500.00 for Permit No. A-173, which amount included an International 1936 Model truck.

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

The map submitted by transferee will be marked "Exhibit A" and made a part of the instant record.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted and that the territory and area to be served by transferee under said Permit A-173 shall be limited and confined to the territory disclosed in Exhibit A and hereinafter described.

O R D E R

IT IS THEREFORE ORDERED, That J. M. McIntyre, of Fort Collins, should be, and he is hereby, authorized to transfer to Arthur Bartmann, of Fort Collins, Colorado, private permit No. A-173.

IT IS FURTHER ORDERED, That the route to be served by transferee for the transportation of milk under said Permit A-173 is described as follows, to-wit:

> Beginning at Fort Collins east on Colo. 14 to where it crosses center line of Sec. 8, R 68 W, T 7 N - north to north line of said Sec. 8, returning to Colo. 14 east to east section line Sec. 9 - R 68 W, T 7 N, north 2 miles, east 1 mile, south 1 mile, east 1 mile, north 1¼ miles, south ¼ mile, east 1 mile, south 1 mile, east 2 miles, south 1 mile to Colo. 14, east 1 mile, north 1 mile, east 2 miles, south 2 miles, west 2 miles, south 1½ miles, north ½; west 3 miles, north 1 mile, west 3 miles, south ½ mile, north ½ mile, east 3 miles, south 4 miles, north 1 mile, west 2 miles, north 3 miles, south 3½ miles to Timnath, north ½ mile, west 1 mile, south 2 miles, west 1 mile, north 1 mile west 1 mile to Harmony, west 2 miles, east 2 miles, north 2 miles, west 2 miles, east 1 mile, north 1 3/4 miles to Riverside Road, thence to Fort Collins.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and, in the future, will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with

all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

(Decision No. 11357)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. E. JOHNSON AND BLANCHE M. JOHNSON FOR AUTHORITY TO TRANSFER TO N. R. BROUGHTON PRIVATE PERMIT NO. A-777.

APPLICATION NO. 4398-PP-A

February 8, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicants;
Arthur E. Aldrich, Esq., Idaho Springs, Colorado, for Curnow Livery and Transfer Company;
Richard E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company and Weicker Transfer and Storage Company;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Authority is sought in the instant application to transfer Permit No. A-777 from J. E. Johnson and Blanche M. Johnson, his wife, to N. R. Broughton of Idaho Springs.

The evidence disclosed that transferee is financially able to conduct the operation authorized under said permit and that no debts exist against the present operations of transferors.

It was further developed that the consideration for the transfer of said permit is the sum of $350.00.

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

O R D E R

IT IS THEREFORE ORDERED, That J. E. Johnson and Blanche M. Johnson of Idaho Springs, Colorado, be, and they are hereby, authorized to transfer to N. R. Broughton, of Idaho Springs, all of their right, title and interest in and to Private Permit No. A-777.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferors and transferee, in writing, have

advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of February, 1938.

BH

(Decision No. 11358)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN T. TRACY.) PERMIT NO. C-7368
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John T. Tracy of 2040 Champa St., Denver, Colo., requesting that his Permit No. C-7368 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7368, heretofore issued to John T. Tracy, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11359)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
L. L. HENRY.) PERMIT NO. C- 7226
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. L. Henry of 5406 W Colfax, Edgewater, Colo., requesting that his Permit No. C-7226. be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7226, heretofore issued to L. L. Henry, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Carroll

W. L. Danks

Ralph Swan

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11360)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
PAUL SMITH.) PERMIT NO. C- 7135
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Paul Smith of Grand Junction, Colorado, requesting that his Permit No. C-7135 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7135, heretofore issued to Paul Smith, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11361)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
OTTIS SMITH.) PERMIT NO. C-6906
)
)

February 9, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ottis Smith of Parker, Colorado, requesting that his Permit No. C-6906 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6906, heretofore issued to Ottis Smith, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11362)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
A. E. AMELANG.) PERMIT NO. C- 6188
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. E. Amelang of Georgetown, Colorado, requesting that his Permit No. C-6188 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6188, heretofore issued to A. E. Amelang, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11363)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. L. SORICK, OF HILLSDALE, WYO.)

PERMIT NO. C-5732
PERMIT NO. 1002-I

February 9, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. L. Sorick, of Hillsdale, Wyoming, requesting that his Permits Nos. C-5732 and 1002-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5732 and Permit No. 1002-I, heretofore issued to H. L. Sorick, of Hillsdale, Wyoming, be, and the same are hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11364)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN W. LOENS.) PERMIT NO. C- 5392
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John W. Loens of Westcliffe, Colorado, requesting that his Permit No. C-5392 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5392, heretofore issued to John W. Loens, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Stevens

H. L. Dunks

Marion Erickson

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11365)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
J. E. LOMBARDI.) PERMIT NO. C-5004
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. E. Lombardi of Box 93, Arvada, Colo., requesting that his Permit No. C-5004 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5004, heretofore issued to J. E. Lombardi, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Clemens
M. E. Danks
Marian Evins
Commissioners.

Dated at Denver, Colorado,
this 9th day of Feburary, 1938.

R

(Decision No. 11366)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
LARIMER BOX & BARREL CO.) PERMIT NO. C- 4671
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Larimer Box & Barrel Co. of 1535 - 19th St., Denver, Colorado, requesting that his Permit No. C-4671 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4671, heretofore issued to the Larimer Box and Barrel Co., be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Howe

W. E. Danks

Milan Erickson

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11367)

BEFORE THE PUTLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. JACKSON, OF 1407 STOUT ST.,) PERMIT NO. A-404
DENVER, COLORADO.)

February 9, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. A. Jackson, holder of Permit No. A-404, requesting that his permit be suspended for a period of six months from January 29, 1938.

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

O R D E R

IT IS THEREFORE ORDERED, That C. A. Jackson should be, and hereby is, allowed to suspend his operations under Permit No. A-404 for a period of not to exceed six months from January 29, 1938.

IT IS FURTHER ORDERED, That unless said C. A. Jackson shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1938.

R

(Decision No. 11368)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARNOLD ANDERSON, DOING BUSINESS AS BYERS-DENVER TRUCK LINE, OF BYERS, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4309-PP

February 9, 1938.

Appearances: Vern Terwilliger, Byers, Colorado, for applicant;
R. E. Conour, Esq., Denver, Colorado, for Consolidated Motor Freight;
Wayne Rees, Denver, Colorado, for The Colorado Trucking Association, Harry C. Flanders and Haugen Truck Line.

S T A T E M E N T

By the Commission:

Applicant seeks a Class A permit authorizing the transportation of cement from the La Porte cement plant of the Portland Cement Company to the Central Lumber Company at Byers, Colorado.

The evidence disclosed that applicant is now operating a common carrier service under certificate of public convenience and necessity No. 272 between Denver and Byers, Colorado. He has only one truck and would expect to use this same piece of equipment, if granted a permit, that he is now using in his common carrier operation. He stated, however, that he would only make special trips for cement which he would haul in loads of from 10,000 to 12,000 pounds.

No evidence was introduced to show that the proposed operation would interfere with or impair the services of any authorized motor vehicle common carrier, at least, no definite evidence to this effect was produced.

On behalf of applicant, it was stated that the lumber company at Byers had endeavored unsuccessfully to obtain some authorized carrier to transport said cement. Oral objection was interposed to the granting of the permit upon the ground that applicant would be operating as both a private and common carrier with the same equipment and, to some extent, over the same

highways. It was stated that three common carriers with rover's certificates had authority to render the service desired by applicant. However, an examination of their certificates fails to disclose that they are so authorized.

We dislike very much to grant a private permit to one operating as a common carrier, and have under consideration at the present time a complete investigation of all such dual operations. In the instant case, however, we are confronted with a situation that so far as the record is concerned, discloses that a merchant in Byers apparently is unable to obtain transportation service necessary to meet his business requirements.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought in the instant application should be granted, provided applicant keeps his operations as a common carrier and private carrier separate and apart, and provided further that he uses separate equipment while operating under his private permit from the equipment used in his operations under his common carrier certificate.

We are also of the opinion that applicant should be required to conduct his operations under his private permit in his individual name rather than the trade name under which he is conducting his common carrier operations.

O R D E R

IT IS THEREFORE ORDERED, That Arnold Anderson, of Byers, Colorado, be, and he is hereby, authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of cement from the cement plant of the Portland Cement Company at La Porte, Colorado, to the Central Lumber Company at Byers, Colorado.

IT IS FURTHER ORDERED, That in conducting his operations under such private permit, said Arnold Anderson shall keep such operations separate and apart from those conducted under his common carrier certificate and shall use different equipment in conducting said private carrier operations, and that same shall be conducted under his individual name of Arnold Anderson only.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations,

limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed at statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

BH

(Decision No. 11369)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE MATTER OF A GENERAL INVESTIGATION)
OF THE FREIGHT RATES AND CLASSIFICATION) CASE NO. 1585.
OF FREIGHT OF ALL COMMON AND PRIVATE)
MOTOR VEHICLE CARRIERS.)

February 5, 1938.

S T A T E M E N T

By the Commission:

This matter is before the Commission upon petitions from The Haugen Truck Line, by Marion F. Jones, its Agent, and the Hoffman Milk Lines, by P. K. Hoffman, its Manager. The Haugen Truck Line is seeking authority to publish a rate of ten cents (10¢) per 100 pounds on flour, feed and grain in straight or mixed shipments, minimum weight 10,000 pounds, between Denver, Colorado, and Bennett, and Strasburg, Colorado. The Hoffman Milk Lines is seeking authority to publish a rate of 16½ cents per 100 pounds on milk from any point in its authorized territory to Brighton, Colorado.

In decision No. 10946 dated November 15, 1937, we prescribed a rate of 10 cents per 100 pounds on flour, feed and grain in straight or mixed shipments, minimum weight 10,000 pounds, between Denver, Colorado, and Byers, Colorado, upon an application from the Byers-Denver Truck Line, and the petitioner herein states that inasmuch as Bennett and Strasburg are intermediate to Byers there is no good reason for a higher rate to the said intermediate points. We agree with this statement.

There is another common carrier, viz., Harry C. Flanders, who is authorized to transport grain and feed in less than carload lots from Denver, Colorado, to elevators and farmers within a radius of 25 miles of Bennett, Colorado, and grain from said territory to Denver. This operator should be authorized to publish the same rate on the commodities he is permitted to transport as those sought by his competitor

if he so desires. Carriers serving the same territories under like circumstances and conditions should have the same rates.

The Hoffman Milk Lines is in direct competition, from some part or other of its territory, with the following common carriers, viz. The Colorado Rapid Transit Company, Fred Rein, Jr., Lyon and Thompson and Frank Pless. The rates of these carriers to Brighton are as follows: Colorado Rapid Transit Company and Fred Rein, Jr., 15 cents per 100 pounds, Lyon and Thompson, up to 15 miles, 16½ cents per 100 pounds, 15 miles and over, 20 cents per 100 pounds, Frank Pless and the Hoffman Milk Lines, 20 cents per 100 pounds. The Hoffman Milk Lines overlaps, in its territory, practically all of the territory served by Fred Rein, Jr., and the spread of five cents per 100 pounds between its rate and the rate of Rein if continued in effect is sufficient to divert the traffic from Hoffman to Rein.

The Commission feels that Hoffman should be permitted to publish the rate herein sought. It also feels that if the publication of the 16½ cent rate by Hoffman from all of his territory creates an advantage over Lyon and Thompson or Frank Pless they should be permitted to publish the same rate as Hoffman.

After full consideration of the facts set forth in the instant petitions and the record as a whole the Commission is of the opinion, and so finds, that a rate of ten cents (10¢) per 100 pounds on flour, feed and grain, in straight or mixed shipments, minimum weight 10,000 pounds, from one consignor to one consignee in one day in one vehicle or dombination of vehicles as limited by the uniform motor vehicle act (Chapter 164, Session Laws, 1935), between Denver, Colorado, and Bennett and Strasburg, Colorado, and directly intermediate points is a just, fair and reasonable maximum and minimum rate for motor vehicle common carriers, except such carriers as have a 20 per cent provision in their certificates of public convenience and necessity, and a minimum rate for private carriers by motor vehicle (except Class B carriers, whose minimum rate shall not be less than 12 cents per 100 pounds), when competing with duly authorized common carriers for substantially the same or similar service.

It further finds that a rate of 16⅔ cents per 100 pounds on milk from the territory served by the Hoffman Milk Lines to Brighton, Colorado, is a just, fair and reasonable maximum and minimum rate for the Hoffman Milk Lines. However, such findings are without prejudice to any conclusions and findings which may be made in connection with the rehearings in this case which are now pending.

It further finds that Lyon and Thompson and Frank Pless should be permitted to establish the same rate into Brighton as herein prescribed for account of the Hoffman Milk Lines, if they so desire, by regular tariff publication.

O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; that on said dates the Commission issued its orders to give effect to said conclusions;

IT FURTHER APPEARING, That, after further consideration of all the facts, the Commission has on the date hereof made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates are hereby referred to and made parts hereof;

IT IS ORDERED, That the order heretofore entered in said proceedings in Case No. 1585, dated February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified the above stated order as amended shall continue in full force and effect.

IT IS FURTHER ORDERED, That all common motor vehicle carriers operating between Denver, Colorado, and Strasburg, Colorado, and directly intermediate points, and the Hoffman Milk Lines, be, and they are hereby, notified and required to cancel all schedules in conflict with the rates prescribed in the aforesaid statement on further consideration, on February 10, 1938, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act.

IT IS FURTHER ORDERED, That this order shall become effective on the 10th day of February, 1938 (except in the case of the Hoffman Milk Lines the said rate may be made applicable on all settlements which will be made on the 15th day of February, 1938, even though the actual transportation occurred between the 1st day of February, 1938, and the effective date of this order), and that the rates prescribed and approved in the aforesaid statement on further consideration shall be published by all affected common motor vehicle carriers on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913; and that on and after said date said carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than those herein prescribed.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional orders as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than twenty days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 5th day of February, 1938.

JH

Commissioners.

(Decision No. 11370)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF THE SPRINGER TRANSFER CO., INC., OF BOX 572, ALBUQUERQUE, NEW MEXICO.

PERMIT NO. 1139-I

February 9, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Springer Transfer Co., Inc., of Box 572, Albuquerque, New Mexico, requesting that its Permit No. 1139-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. 1139-I, heretofore issued to the Springer Transfer Co., Inc., be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11371)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
JACOB AAB.) PERMIT NO. C-7694
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jacob Aab of Windsor, Colorado, requesting that his Permit No. C-7694 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7694, heretofore issued to Jacob Aab, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No.11372)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
M. R. CARVER.) PERMIT NO. C- 2035
)
)

February 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. R. Carver of 14th & Washington, Loveland, Colo., requesting that his Permit No. C-2035 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2035, heretofore issued to M. R. Carver, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1938.

R

(Decision No. 11373)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
HENRY DUPPER.) PERMIT NO. C-2885
)
)

February 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Henry Dupper of LaSalle, Colorado, requesting that his Permit No. C-2885 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2885, heretofore issued to Henry Dupper, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

(Decision No. 11374)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
L. L. NEFF.) PERMIT NO. C-4926
)
)

February 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. L. Neff of Route 1, Box 9-A Brighton, Colo., requesting that his Permit No. C-4926 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4926, heretofore issued to L. L. Neff, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

(Decision No. 11375)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
V. L. DENNY.) PERMIT NO. C- 7259
)
)

February 10, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from V. L. Denny of Windsor, Colorado, requesting that his Permit No. C-7259 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7259, heretofore issued to V. L. Denny, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

(Decision No. 11376)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
J. C. MATTHEWS.) PERMIT NO. C- 7486
)
)

February 10, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from J. C. Matthews of 1021 East 17th Ave., Denver, Colorado, requesting that his Permit No. C-7486 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7486, heretofore issued to J. C. Matthews, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

(Decision No. 11377)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
I. L. SCOTT, OF FORT LUPTON,) PERMIT NO. A-830
COLORADO.)

February 10, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from I. L. Scott, of Fort Lupton, Colorado, requesting that his Permit No. A-830 be suspended.

After careful consideration, the Commission is of the opinion, and so finds, that said permit should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That I. L. Scott should be, and hereby is, allowed to suspend his operations under Permit No. A-830 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said I. L. Scott shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

(Decision No. 11378)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
DELL VAUGHN.) PERMIT NO. C- 3648
)
)

February 12, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Dell Vaughn of Salida, Colorado, requesting that his Permit No. C-3648 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3648, heretofore issued to Dell Vaughn, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of Feburary, 1938.

R

(Decision No. 11379)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
GEORGE R. WHEATLEY.) PERMIT NO. C- 3865
)
)

February 12, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from George R. Wheatley of Kremmling, Colorado, requesting that his Permit No. C-3865 be cancelled.~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3865, heretofore issued to George R. Wheatley, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carroll

W. H. Danks

Eugene Eaton

Commissioners.

Dated at Denver, Colorado,
this 12th day of February, 1938.

R

(Decision No. 11380)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
R. W. ENGLISH LUMBER CO.) PERMIT NO. C- 3913
)
)

February 12, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from the R. W. English Lumber Co. of Sugar City, Colorado, requesting that his Permit No. C-3913 be cancelled.for~~the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3913, heretofore issued to the R. W. English Lumber Company, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 12th day of February, 1938.

R

(Decision No. 11381)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
B. & B. CHEESE FACTORY.) PERMIT NO. C- 4064
)
)

February 12, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from the B. & B. Cheese Factory of Haxtun, Colorado, requesting that his Permit No. C-4064 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4064, heretofore issued to B. & B. Cheese Factory, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Carroll

M. C. Dunks

Walter Sirom

Commissioners.

Dated at Denver, Colorado,
this 12th day of February, 1938.

R

(Decision No. 11382)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
JOSE G. GALLEGOS.) PERMIT NO. C- 7243
)
)

February 14, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Jose G. Gallegos of San Luis, Colorado, requesting that his Permit No. C- 7243 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 7243, heretofore issued to Jose G. Gallegos, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Stevens

W. E. Danks

Marian Ewing

Commissioners.

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

(Decision No. 11383)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES C. HARDMAN, OF LAWSON,) PERMIT NO. B-1679
COLORADO.)

February 14, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James C. Hardman, of Lawson, Colorado, requesting that his Permit No. B-1679 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That James C. Hardman, of Lawson, Colorado, should be, and hereby is, allowed to suspend his operations under Permit No. B-1679 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said James C. Hardman shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

(Decision No. 11384)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF TIM K. EVENSON, DOING BUSINESS)
AS E. & E. MESSENGER AND DELIVERY) APPLICATION NO. 3908-PP-B
SERVICE, DENVER, COLORADO, FOR AN)
EXTENSION OF HIS PERMIT B-1938.)

February 10, 1938

Appearances: Clarence W. Button, Esq., Majestic Bldg., Denver, Colorado, for applicant;
J. G. Hodges, Esq., Denver, Colorado, for Package Delivery Service, Rocky Mountain Parks Transportation Company and Denver Cab Company;
A. E. Morr, Denver, Colorado, for Our Own Delivery;
Cecil M. Draper, Esq., Denver, Colorado, for Denver Tramway Corporation and Denver and Intermountain Railroad Company;
R. E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company, Weicker Transfer and Storage Company and Colorado Rapid Transit Company;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association and 17 common carriers listed in protest filed.

S T A T E M E N T

By the Commission:

On June 17, 1937, applicant was granted a Class B permit by the Commission authorizing the transportation of packages between Denver and points not exceeding a 4-mile radius thereof, for six specified customers. Said order provided that applicant could not add to the number of his customers except by special permission of the Commission. Thereafter, he filed with the Commission a list of customers containing the name of an additional customer which he desired to serve, which said list of customers was approved by an employe in charge of such matters for the Commission on July 6, 1937.

In the instant application, applicant seeks the approval of the Commission for the addition of another customer, namely, Hilb & Company,

Inc., and also seeks authority to extend his service for his customers to points within a radius of 11 miles of Denver.

Applicant testified that he was seeking said additional territory for the reason that experience disclosed that his customers occasionally required this service to points exceeding 4 miles from the city limits of Denver. He further testified that he had been serving Hilb & Company, Inc., but only to destination points within the corporate limits of Denver.

On behalf of protestants, evidence was introduced disclosing the line haul common carrier service of Foster Truck Line between Denver and Littleton, and of the Weicker line between the same points. The Foster Truck Line is rendering daily service, while the Weicker Transportation Company serves Littleton with at least three deliveries daily and sometimes more. The Package Delivery Service, operating under a certificate from this Commission, makes three city deliveries a day and one suburban delivery daily and is in a position to serve additional customers if required.

In October, 1937, one of the inspectors for the Commission made an investigation of the operations of applicant and his report to the Commission was made a part of the instant record. Said report discloses that applicant had exceeded his authority by delivering packages to Littleton and had been serving Hilb & Company without securing any approval of the Commission. A so-called "Delivery Record" of applicant dated July 20, 1937, indicated that a delivery had been made for the Dunn Shoe and Leather Company in Littleton. However, applicant denied that actual delivery had been made outside of the territory which he is authorized to serve.

In the original order granting applicant his permit, the Commission stated that "it would seem that Mr. Evenson should be authorized to

render a complete service for his customers, most of whom he has served for a period in excess of ten years." So far as the instant record is concerned, it would appear that the situation is approximately the same as when applicant first obtained his permit.

Applicant further testified that he desired and expected to add to his customers, or at least to attempt to secure the approval of the Commission for the addition of new customers as his business expanded and developed. However, we would point out, as we did in our original order, that he was granted his permit in the first instance to permit him to continue service to customers that he had been serving for many years, and it was not expected that he would develop and expand said business to include other customers who had been using other means of transportation service to the points involved and whose services would be impaired to the extent that applicant would deprive them of said business. This position was made clear by the statement in the original order that no new customers could be served without the special permission of the Commission. It would appear that outside of Littleton seven miles will cover any radius required by applicant to properly serve his customers.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that applicant should be permitted to extend his authority to include the right to render package delivery service for the following customers only, to-wit:

Cassidy Hicks Wall Paper Company
Rollins Hosiery Mills
Burk Mercantile Company
David R. Stanley Company
S. C. Johnson and Son
George W. Prior Hat Company
Joseph P. Dunn Shoe & Leather Company

between Denver and points within a radius of seven miles thereof, including the right to serve Littleton, Colorado, for said customers, and without the right to add to the number of his customers except by order of the Commission after due notice and hearing.

O R D E R

IT IS THEREFORE ORDERED, That Tim K. Evenson, doing business as E. & E. Messenger and Delivery Service, should be, and he is hereby, authorized to extend his operations under Permit No. B-1938 to include the right to transport packages between Denver and points within a radius of seven miles thereof, including the right to serve Littleton, for the following customers only, to-wit:

Cassidy Hicks Wall Paper Company
Rollins Hosiery Mills
Burk Mercantile Company
David R. Stanley Company
S. C. Johnson and Son
George W. Prior Hat Company
Joseph P. Dunn Shoe & Leather Company.

IT IS FURTHER ORDERED, That the instant application seeking authority to serve Hilb & Company, Inc., be, and the same is hereby denied, and applicant is further denied any authority to add to the above named customers without an order of the Commission after due notice and hearing.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective within twenty days of the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF THEODORE COET, LOUISVILLE,)
COLORADO, FOR A PERMIT TO OPERATE) APPLICATION NO. 4397-PP
AS A CLASS "B" PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

- - - - - - - - -

February 10, 1938.

- - - - - - - - -

Appearances: Theodore Coet, Louisville, Colorado, pro se;
R. E. Conour, Esq., Denver, Colorado, for Weicker Transportation Company, Colorado Rapid Transit Company, North Eastern Motor Freight, Inc., and Consolidated Motor Freight;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association, Overland Motor Express, McKie Transfer Company and Foster Truck Line.
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Norman Rhyno and Yockey Trucking Company.

S T A T E M E N T

By the Commission:

The application filed herein seeks authority to transport farm products from farm to elevator, beet and beet pulp to factory and dump, coal from mines to customers, and junk from customers to junk yards within a fifty-mile radius of Louisville, Colorado.

At the hearing, applicant testified that he had no desire to transport any beet pulp, but did desire to transport beets from field to dump or factory within a radius of 50 miles of Louisville; farm products from point to point within a radius of 15 miles of Louisville; coal from point to point within a radius of 50 miles of Louisville, and junk from point to point within a radius of 25 miles of Louisville.

Applicant admitted that in the main plenty of trucks were now

available for the transportation of farm products in the Louisville area. However, he was of the opinion that he was entitled to make a living out of the trucking business, even though the freight which he would transport would be taken away from others who now are authorized to render such service.

No objections were interposed to the granting of authority to applicant for the transportation of beets from fields to dump or factory within a radius of six miles of Louisville, nor to the transportation of coal, provided no service was rendered to Golden, Longmont, points south of Denver, or from Boulder to Nederland. There were no objections to the transportation of junk confined to scrap iron from point to point within a radius of 25 miles of Louisville to junk-yards in Denver.

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

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted, limited as disclosed by the evidence of applicant and objections of protestants.

O R D E R

IT IS THEREFORE ORDERED, That Theodore Coet, of Louisville, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of beets from field to dumps or factory within a radius of six miles of Louisville; junk, consisting of scrap iron only, from point to point within a radius of 25 miles of Louisville and to junk-yards in Denver; coal from point to point within a radius of 25 miles of Louisville, including the right to transport same to Denver, but excluding any service to Golden, Longmont, points south of Denver or between Boulder and Nederland.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of February, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE BEACH, 1106 JOSEPHINE STREET,)
DENVER, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 2288-PP-BB-A
TRANSFER PERMIT NO. A-929 TO DAVID)
H. LARSEN, BOX 157, IDAHO SPRINGS,)
COLORADO.)

February 10, 1938

Appearances: Wayne Beach, 1106 Josephine Street, Denver, Colorado, pro se;
David H. Larsen, Box 157, Idaho Springs, Colorado, pro se;
Arthur E. Aldrich, Esq., Idaho Springs, Colorado, for Curnow Livery and Transfer Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association.

S T A T E M E N T

By the Commission:

The instant case was set for hearing at the Hearing Room of the Commission in Denver on January 26, 1938, at the hour of ten o'clock A. M. When said case was called, no appearances were entered for either of the applicants, and a motion was made by one of the attorneys for protestants that said application be dismissed for lack of prosecution.

It now develops that both transferor and transferee had made arrangements with the Secretary of the Commission to have the hearing in the instant matter continued until 2:00 o'clock P. M. of said January 26. Due to illness, the Secretary was not able to advise the Commission of said arrangement. Both transferor and transferee appeared at 2:00 o'clock P. M. upon said day.

The Commission has received a letter from the attorney who made the motion to dismiss the application, requesting us to consider the letter as a waiver of any objections on the part of his client, Curnow Livery and Transfer Company, to the granting of the authority to transfer sought. We have also communicated with the other attorneys representing protestants in said matter and both of them have advised the Commission that they have no objection to the granting of the authority sought on the verified application on file with the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Wayne Beach be, and he is hereby, authorized to transfer to David H. Larsen, of Idaho Springs, Colorado, all of his right, title and interest in and to Permit No. A-929.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and, in the future, will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of February, 1938.

MW

(Decision No. 11387)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JIM SCOGGINS, DILLON, COLORADO,) CASE NO. 6514-Ins.
RESPONDENT.) PERMIT NO. B-1900

February 10, 1938

S T A T E M E N T

By the Commission:

On December 27, 1937, in the above numbered case, the Commission issued an order revoking Permit No. B-1900 on account of the respondent having failed to keep on file the required certificate of insurance and render road reports for the months of May to November, 1937.

The Commission sent the revocation order by registered mail and is now advised that the respondent had been absent from the State of Colorado and was in Louisiana at the time the notice of this case was mailed to him and did not receive the same.

After a careful consideration of the record, and it appearing that all requirements have been met insofar as private permit No. B-1900 in concerned, the Commission is of the opinion, and finds, that that part of the revocation order pertaining to Permit B-1900 should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That that part of revocation order entered in Case No. 6514-Ins. under date of December 27, 1937, revoking and cancelling Permit No. B-1900 be, and the same hereby is, set aside and held for naught and Permit No. B-1900 be, and the same hereby is, restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carr

W. E. Danks

Marc Fisher

Commissioners

Dated at Denver, Colorado,
this 10th day of February, 1938.

MW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM STUART, BRIGHTON, COLO-)
RADO, RESPONDENT.)

CASE NO. 3902-Ins.
CERTIFICATE NO. 937

February 10, 1938

S T A T E M E N T

By the Commission:

On September 27, 1937, the Commission issued an order in the above numbered case, cancelling and revoking Certificate No. 937, on account of the respondent having failed to keep on file certificate of insurance covering cargo liability.

The Commission is now advised by Murray Owenby, Insurance Agent, that he was directed by the respondent to keep on file with the Commission, a certificate of insurance covering the operations under the applicant's "C" Permit and under his Certificate No. 937; and that he overlooked the item of cargo liability when he filed the certificate covering personal liability and property damage, and that the respondent remitted to him the necessary premium to take care of this insurance in full, but that, through oversight, his office force failed to include the cargo liability. Proper certificates are now on file with the Commission.

Respondent requests that the revocation order be set aside.

After careful consideration of the record, the Commission is of the opinion, and finds, that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued in the above numbered case, under date of September 27, 1937, be, and the same

hereby is set aside and held for naught and Certificate No. 937 be, and the same hereby is, restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of February, 1938.

MW

(Decision No. 11389)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF G. E. COWAN, SALIDA, COLORADO,)
FOR CERTIFICATE OF PUBLIC CON-) APPLICATION NO. 3688
VENIENCE AND NECESSITY.)

February 11, 1938

Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
T. A. White, Esq., Denver, Colorado, for the Denver and Rio Grande Western Railroad, Rio Grande Motor Way, Colman Truck Service and J. B. Moore;
Stanley Blunt, Esq., Canon City, Colorado, for the Southwestern Transportation Company;
F. M. Keith, Jr., Canon City, Colorado, for the Keith Trucking Company;
J. M. Boyle, Esq., Salida, Colorado, for the U. S. Read Truck Line.

S T A T E M E N T

By the Commission:

The applicant herein seeks a certificate with authority to serve into, out of and between points within a thirty-five mile radius of Salida, Colorado, transporting all commodities.

Protests were filed on behalf of Robert Colman, doing business as Colman Freight Service, J. B. Moore, U. S. Read, the Denver and Rio Grande Western Railroad Company, the Rio Grande Motor Way, and The Motor Truck Common Carriers Association.

G. E. Cowan of Salida, Colorado, the applicant herein, testified that he had a coal yard and a feed store in Salida, Colorado; that in connection with this business he possessed and used two Ford trucks and one Chevrolet truck; also was the owner of a warehouse, a house and lot and a home, worth approximately $10,000, with no encumbrances on his property, and the only obligations outstanding being approximately $500.00; that he was the holder of private permit A-659 which reads as follows:

> "Between Salida and Denver and intermediate points and between Salida and Pueblo and intermediate points,"

and in connection with the conduct of his business under his private permit, found that he was unable to render satisfactory service to farmers residing in the Salida area; that when calls came to him it was a great deal of bother to have them listed as customers before rendering the service; that many of these calls involved the transportation of livestock from ranches located within a thirty-five mile radius of Salida, and that so far as he knew there was no authorized carrier particularly interested in the transportation of livestock, within the Salida area; that the majority of all calls for his service involved the transportation of livestock, hay and vegetables, destined to either Pueblo or Denver; and his back haul would consist of coal and feed; that he had rendered a for-hire service for Earl Wilson, Joe Fuller, Barsch and Miller and a number of others residing outside of the authority covered by his A permit; that on October 20, 1937 he was given a letter of special authority to transport livestock for the White Horn Ranch and George Everett, also was given special authority to transport household goods for the Rev. Spencer Mitchell.

The applicant further testified that he did not have authority to serve farmers outside of Salida but had rendered service for quite a number because he thought there was no authorized carrier, also transported wool from Montrose, and other commodities from Montrose to Monte Vista; that he did not know the Southwestern Transportation Company had a right to serve within a thirty-five mile radius of Salida; that he was stopped from hauling lettuce on account of not having authority and this worked a hardship on him, but so far as he knew it did not affect the public; that inasmuch as he thought there was no service for farmers, he went outside of his authority and served them; that these customers whom he served without authority are the same ones he referred to as constituting the demand for public need.

It further appeared that the applicant had transported commodities for farmers in the Salida area and accepted hay and other commodities in place of cash compensation. However, on the larger deals where one farmer

had offered to sell his hay to the applicant and permit the purchase price to be taken care of by future transportation services to be rendered by the applicant was declined.

The applicant was called to the witness stand after the noon hour and then stated that he "worked up this ranch business, even before he got his 'A' permit", and had served the same ranchers at times since having his A permit; that he hauled back wire from Denver to Salida, and then later delivered the same to ranchers within the thirty-five mile area.

The applicant further requested that whatever authority he now held by virtue of A-659 be cancelled and revoked as to that portion only which may be covered by a certificate, should the same be granted herein; that of late he had transported nine bulls from the Earl Wilson ranch near the foot of Poncha Pass, to Pueblo, which service was without authority, that he tried to work within the law as much as he could but presumed that he stretched his authority at times; and that he knew he had no right to go outside of Salida and get livestock for ranchers except in those instances where he had first procured some authority from the Commission.

By stipulation the file No. A-695 was made a part of the record.

A careful reference to the G. E. Cowan file No. A-659 discloses that numerous violations have been reported as having been committed by the applicant during the year 1937, and as late as December 7, 1937. Nine violations are covered in a report which makes up a part of this file, made by Inspector A. E. Murchie, covering the following:

"Out of territory.

"Shingles from Sterling Lumber Company, Salida to Center Lumber Company, Center, Colorado.

"Pipe for Public Service Company from Salida, to Mayville, Colorado.

"Pipe for Western Iron and Metal Company, Colorado Springs, Colorado, Mayville to Colorado Springs, Colorado.

"Wool from Gunnison to Salida, Colorado, to The D. & R. G. W. R. R. Co.

"Horses from Lake City to Mayville, Colorado.

"Brunks Comedians from Montrose, Colorado, to Monte Vista.

"Furniture for Ed Boyd, Durango, Colorado, to Salida.

"Household Goods for L. K. McDowell, Salida, Colorado, to Denver, Colorado.

"Cattle from Salida, Colorado, to Guffey, Colorado,"

some of which trips were mentioned by the applicant when testifying, as being outside of his territory.

Also the record discloses that under date of July 16, 1937, a report was made by Inspector Neil Grant, disclosing the following violations:

"Mr. Cowan is hauling for John Herrett and Fred Trout of Hillside, Colorado, to the General Marketing Company, 1528 Market Street, Denver, and following is a record of loads hauled:

"July 9, 1937: 135 crates of head lettuce @ 76 pounds per crate by check #22, $54.00, which equals 40¢ per crate, or 52.5 cents per cwt.

"July 12, 1937: 88 crates of head lettuce @ 76 pounds per crate.

"July 13, 1937: 88 crates of head lettuce @ 76 pounds per crate.

"Four bundles of paper (400 lbs.); 1000 lettuce crate lids (750 lbs.). Invoice No. 3995.

"The evening of July 13, 1937, The General Marketing Company gave G. E. Cowan their check #52 in the amount of $128.00 for hauling done and charged this amount of Herrett & Trout's accounts. This amount was to pay for the hauling of July 12 and 13, to and from Salida on other hauling done which record will have to be gotten from Herrett & Trout at Hillside, Colorado.

"At this time the only customers list on file in this office is the one filed July 8, 1936, and entered on the card record, also Fred Trout Lettuce Company and Tony Pasqualle Lettuce Company are listed as Mr. Cowan's customers. Up to this time Cowan has not filed a customer list on the standard forms for the year 1937."

Albert Anderson, a farmer residing six miles west of Salida, testified that he engaged the services of the applicant to transport livestock for the past eight or ten years because he did not know of anyone else being authorized to do this; also had the applicant move salt, farm supplies and a stove out to his ranch and that he utilized the services of the applicant because it was more convenient than to use the railroad. Anderson further testified that he shipped three or four

car loads of stock each year and found the truck movement more convenient than the rail.

Colin Campbell, a farmer living west of Salida, thought the services of the applicant were needed.

George Everett, also a farmer living some distance from Salida, said that he had used the services of the applicant a number of times. At least once he thought special authority was given by the Commission and that he found him dependable.

The applicant herein admitted, and at least one of his witnesses testified, that his service outside of Salida had been utilized for seven or eight years, (A-659 having been issued April 18, 1934) discloses that before obtaining his A authority the applicant was transporting livestock without any authority and since the issuance of A-659 he has continued to render service to some farmers who live some distance off of his authorized route.

Protestants moved that the application be denied for the reason that the applicant's own testimony disclosed that he had built up a business in the area surrounding Salida, while operating unlawfully and now relied upon these customers as constituting the public demand to support an application and referred to the Denver-Taos Decision No. 10643 as involving the same question.

Unquestionably there is adequate common carrier service already available throughout the four valleys centering at Salida; and from the testimony it would appear that practically all of the tonnage moving within the thirty-five mile radius of Salida comes from these four valleys, and that the applicant's route traverses only one, yet at all times since April, 1934, when he was granted his A permit he has been serving not only along the one route covered by his permit but, the other three principal routes also in violation of his authority and in competition with authorized carriers adequately serving these routes. There seems to be no

contradiction of the applicant's statement that he had been handling shipments for farmers residing off of his authorized route and that these same men were now testifying in his behalf to show a public need for his service.

The building up of a public demand while conducting an unlawful operation does not seem to be a proper basis upon which to predicate a certificate of public convenience and necessity. There seems to be no dispute but that the applicant has been flagrantly violating the rules of the Commission by going to points far distant from his authorized route, as disclosed by the reports of both Inspectors Grant and Murchie, the only justification being that on at least two occasions special authority was obtained from the Commission, but these were not for continued operations and certainly could not answer for violations covering a period of eight or ten years last past, as testified to by witness Albert Anderson.

In Decision No. 3143, Re Bodley, Case No. 581, in Application No. 1715, the Commission denied Bodley's application because he knowingly served points outside of his previous authority and then based his reasons for additional authority on the grounds "that there was a demand for the service." The Commission said:

> "It has been held, not infrequently by this Commission that if the public convenience and necessity require the extension of a certificate, the holder of the certificate should first seek and obtain an extension and not take the law into his own hands as so many who do not have authority are inclined to do.***As we pointed out in the application of N. J. Fitzmorris, Application No. 989, Decision No. 1776, to grant a certificate to one who has flagrantly flaunted the law is to put a premium on the violation of the law which we are under oath to administer and enforce. Before the Commission could feel warranted in granting Bodley any future certificate rights, it should want the granting of such rights to be preceded by a strict observance of the law for a substantial period of time."

The Commission In Re N. J. Fitzmorris VII Colo. P.U.C. 930, 931, said:

"We believe the Commission would be remiss in the performance of its duty if it issued a certificate to an applicant who has flaunted the law as has the applicant herein. To issue a certificate under these circumstances would put a premium on law violation."

It further appeared that Thomas F. Mulvany of Salida, holder of Certificate No. 482, has authority to transport freight from point to point within a radius of twenty miles of Salida and to and from said area from and to points in the State of Colorado, a number of private carriers with varied authorities serve the Salida area, which is composed of, roughly, four valleys, one running north to Buena Vista, another east to Canon City, another south to Villagrove and the other west over Marshall Pass, each of which are traversed by the Denver and Rio Grande Western Railroad, and each are in addition served by scheduled motor truck common carriers; also each of these valleys are served by irregular common carriers with headquarters at Buena Vista, Canon City, Alamosa and Gunnison, which carriers have radiuses overlapping part of the Salida area; also the testimony disclosed that Blakeley, Harsch and other like livestock carriers with authority to serve the area, transported livestock, particularly.

The testimony further disclosed that most of the population of the Salida area was in the City of Salida proper, which was said to be approximately 5,000.

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that the applicant has failed to affirmitavely show that the public convenience and necessity require his services, with the possible exception of livestock in less than carload lots, and that this demand seems to have been brought about through the applicant's previous operations outside of the territory limits of his Permit A-659, performed without authority in each instance except possibly two, where a temporary authority was arranged with the Commission; that a public demand coming from customers previously served without proper authority should not be used as a basis for granting a permit to the

operator solely upon this sort of a demand; that the record discloses numerous violations, many of which were openly admitted by the applicant, that the public interest will not be promoted by granting further authority to the applicant, and that the instant application should be denied.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1938.

R.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JOE MILLER, DOING BUSINESS AS "NORTH-)
ERN TRANSFER COMPANY", TO TRANSFER)
INTERSTATE PERMIT NO. 659-I TO NORTH-)
ERN TRANSFER COMPANY, INC.)

APPLICATION NO. 2065-I-AAA

February 11, 1938

S T A T E M E N T

By the Commission:

On August 18, 1937, Interstate Permit No. 659-I was transferred by Loren B. Baringer to one Joe Miller, doing business as "Northern Transfer Company". In the instant application, authority is sought to transfer said permit from the said Joe Miller to Northern Transfer Company, Incorporated.

Said permit authorizes the transportation of freight "between Denver and the Colorado-Wyoming State Line where U. S. Highway No. 85 crosses the same, and between intermediate points and said line" in interstate commerce only.

A copy of the Articles of Incorporation of transferee, description of equipment and financial statement, are on file with the Commission.

After a careful consideration of said files and records, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Joe Miller, doing business as "Northern Transfer Company", should be, and he is hereby, authorized to transfer all of his right, title and interest in and to Interstate Permit No. 659-I to Northern Transfer Company, Incorporated.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission and said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1938.

MW

(Decision No. 11391)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
CLAYTON K. ORTON OF LEADVILLE, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-) APPLICATION NO. 4326-PP
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

February 11, 1938

Appearances: Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association; T. A. White, Esq., Denver, Colorado, for Colman Freight Service.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing December 9, 1937, at the Court House, Leadville, Colorado, at which time and place the applicant failed to appear.

A protest was filed on behalf of Colman Freight Service, Windecker Brothers Truck Line, Hitchcock Truck Line and The Motor Truck Common Carriers' Association. Protestants moved to have the application dismissed for lack of prosecution.

After a careful consideration of the record and the motion to dismiss, the Commission is of the opinion, and finds, that the motion to dismiss should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss, interposed on behalf of protestants be, and the same is hereby, granted, and Application No. 4326-PP dismissed for lack of prosecution.

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Daniels

W. L. Dawks

Graham Givens

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1938.

MW

(Decision No. 11392)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE WOLFE, ULYSSES, KANSAS,)
RESPONDENT.)

CASE NO. 6495-Ins.
PERMIT NO. B-1846-I

February 11, 1938

S T A T E M E N T

By the Commission:

On December 27, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit No. B-1846-I on account of the respondent having failed to make road reports for the months of August to November, inclusive. The Commission is now in receipt of a communication from the respondent, and upon checking the records, it is disclosed that the reports were received at the office of the Commission on November 9, but were not posted as covering an operation under B-1846-I.

After careful consideration of the record, it being clearly a clerical error, the Commission is of the opinion, and finds, that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated December 27, 1937, revoking Permit B-1846-I, be, and the same hereby is, set aside and held for naught and Permit No. B-1846-I restored to its original status.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Dana
W. L. Danks
Marion Erickson
Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1938.

MW

(Decision No. 11595)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
LLOYD E. KRICKBAUM, FORT COLLINS,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 4413-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

February 11, 1938

Appearances: Lloyd E. Krickbaum, Fort Collins, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Harry Mattison;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association and Orville Hendricks;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein testified that he desired authority to transport farm products (no livestock) from point to point within the following area:

> That area lying between U. S. Highway 87 on the west, U. S. Highway 85 on the east, State Highway 14 on the south and the Wyoming State Line on the north,

in intrastate commerce; and from points in said area to the Colorado-Wyoming State Line where U. S. Highways 85 and 87 cross the same, which latter service would be interstate.

The applicant said that he had been transporting such commodities to Wyoming and at times, hauling hay back from Wyoming; that he possessed a truck and other property and was financially able to conduct said operation, if given authority.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Lloyd E. Krickbaum, Fort Collins, Colorado, be, and he hereby is, granted a Class "B" permit for hire, for the transportation of farm products, (no livestock), from point to point within the following described area:

> That area bounded on the east by U. S. Highway 85, on the west by U. S. Highway 87, on the south by State Highway 14 and on the north by the Colorado-Wyoming State Line,

and the transportation of farm products in interstate commerce between points in the above described area and the Colorado-Wyoming State Line where U. S. Highways 85 and 87 cross the same, which interstate authority is granted, subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That the interstate authority herein granted shall bear the same number as the Intrastate authority, followed by the letter "I".

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Watrous

W. E. Danks

Marion Ewin

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1938.

MW

(Decision No. 11394)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEO LAKE, SCOTTSBLUFF, NEBRASKA ,) CASE NO. 4358-R
RESPONDENT.) PERMIT NO. 1080-I

February 11, 1938

S T A T E M E N T

By the Commission:

On November 10, 1937, in the above numbered case, the Commission issued an order revoking Interstate Permit No. 1080-I, on account of the respondent having failed to prepare and present his road reports and pay deposit as required by law.

It has now been brought to the attention of the Commission that Leo Lake has taken care of all reports and paid the deposits insofar as his permit is concerned, and after careful consideration, the Commission is of the opinion, and finds, that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued by the Commission on November 10, 1937, in Case No. 4358-R, revoking permit No. 1080-I, be set aside and said Permit No. 1080-I is hereby restored to its original status.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 11th day of February, 1938.

MW

(Decision No. 11395)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF BROCK'S TRUCK SERVICE, LONGMONT, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4412-PP

February 14, 1938

Appearances: A. J. Fregeau, Denver, Colorado, for the Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association, McKie Transfer Company, Denver-Loveland Transportation Company, especially for the Consolidated Motor Freight, Inc.;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, E. J. Rawson, Vane Golden and Harry Mattison.

S T A T E M E N T

By the Commission:

Earl E. Brock of Longmont, Colorado, heretofore the holder of Permit A-1185 which was revoked by the Commission for the reason that the applicant failed to keep on file the required certificate of insurance, now seeks authority similar to the authority held under Permit A-1185 and in addition thereto the transportation of tile and beet pulp from Brighton to Longmont.

The applicant testified that what he wanted to do was haul cement and lumber for the Longmont Lumber Company; however, knew that E. J. Rawson as well as William A. Boze now haul these commodities and in his opinion one truck could supply the transportation services of the lumber company; that there was no lack of service in the Longmont area, but stated "I need the hauling - only reason"; that he had no contracts with anyone at the present time.

Those appearing for the protestants objected to the granting of any authority as the applicant had shown by his own testimony that there was no need for his services and the same if granted would impair established common carrier service.

After careful consideration of the record and the testimony of the applicant, the Commission is of the opinion and finds that the instant application should be denied for the reason that the applicant states without qualification that there was no lack of service such as he sought a right to perform, and that the application should be denied.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
C. H. COLE, DURANGO, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE BUS SERVICE)
AND FREIGHT TRANSPORTATION SERVICE.)

APPLICATION NO. 4388-PP
AMENDED APPLICATION NO. 4388

February 14, 1938

Appearances: C. H. Cole, Durango, Colorado, pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association;
Wayne D. Rees, Denver, Colorado, for The Colorado Trucking Association, Ignacio Transfer, Wood and Morgan and La Plata Transfer Company.

S T A T E M E N T

By the Commission:

C. H. Cole, the applicant herein, a construction engineer by profession, testified that he was making a bid for a Government Contract to transport cement and other materials from Ignacio to the Vallecito Dam Site some twenty-two miles north of Ignacio, and to transport like materials from Durango to the Vallecito Dam Site, which would be about twenty-one miles northeast of Durango, and in connection with this transportation service, seeks by this application, the right to transport freight and passengers between Durango and the Vallecito Dam Site, via county roads and between Ignacio and the Vallecito Dam Site via county roads; U. S. 160 to be used only in case county roads are impassable.

The applicant further testified that the Martin Wunderlich Company was the successful bidder under the Government request for bids to construct the Vallecito Dam, and that contracts were to be let for the transportation of material from the nearest railroad points which would be

either Ignacio or Durango, to the dam site, which latter contract has not as yet been let by the Government, but that the applicant was anxious to be prepared to take care of this transportation service in case he was the successful bidder for the contract above mentioned; that in connection with this freight operation, the Construction Company had indicated that a number of the employees would, of necessity, be required to live at either Durango or Ignacio or intermediate points between these two towns and the Vallecito Dam, and that they would like very much for the applicant to be prepared to render a bus service to and from Vallecito Dam.

Protestants objected to the granting of authority to the applicant to transport freight at this time, primarily because they also were bidders for the Government Contract, and felt the right would be of no value to anyone other than the successful bidder; however, it appears that regardless of who gets the Government Contract to move heavy freight to the dam site, package freight could best be handled in connection with the passenger service.

It further appeared that the applicant was financially able to purchase the necessary equipment to conduct both the passenger and the freight operations, if granted authority.

Since the hearing, the applicant has requested to change his application from that of a private carrier to a common carrier application, inasmuch as he will be called upon to transport passengers, many of whom he will not have a chance to list as customers; also that he be given the privilege of transporting package freight not to exceed 50 pounds per package, in connection with his passenger service.

There was no objection offered to the granting of the passenger service authority, but those representing protestants still urge their protest to any freight being transported.

After careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that the public convenience and necessity require the motor vehicle transportation service of the applicant for the transportation of passengers and package freight not to exceed 50

pounds per package between Vallecito Dam in La Plata County and Durango and between said dam and Ignacio, and between intermediate points on the county roads between Durango and Vallecito and Ignacio and Vallecito, and a certificate of authority should be granted therefor, provided that part of the application concerning freight generally should be denied as not being supported by the record herein.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle transportation service of the applicant, C. H. Cole, doing business as "Vallecito Transportation Lines", for the transportation of passengers, baggage and package freight not to exceed 50 pounds per package, between Durango and Vallecito Dam Site and intermediate points and between Ignacio and Vallecito Dam Site and intermediate points via county roads, (U. S. Highway No. 160 to be used only in case county roads are impassable), and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall pay the additional fee of fifteen dollars required for common carrier certificates.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

MW

(Decision No. 11397)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
HARRY W. DECKER, TOPONAS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 4357-PP

February 11, 1938

Appearances: Harry W. Decker, Toponas, Colorado, pro se;
Richard E. Conour, Esq., Denver, Colorado, for the Larson Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association and Frank B. Leslie.

S T A T E M E N T

By the Commission:

Harry W. Decker, the applicant, testified that he resided at Toponas, Colorado, had been doing some trucking under a "C" permit; that he possessed a 1937 Mack Truck and was financially able to conduct an operation as a private carrier if granted authority; that he desired authority to transport farm products, including livestock, from point to point within a twenty-five mile radius of Toponas, Colorado and between points in said area to points outside thereof, provided, however, that he did not care to move any merchandise or conduct any transportation service along the line of scheduled common carriers except the movement of farm products to market. The applicant stated that the main purpose of his seeking a permit was to be in a position to transport lettuce from fields to packing sheds and market, and that he was equipped to move from four and one-half to five tons of crated lettuce at a load, much of which would move from the Toponas area to Denver, and that if given authority, he felt that working

with the common carrier now serving the Yampa area they would be in a position to take care of the seasonal lettuce movement without the use of so many outside trucks.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Harry W. Decker of Toponas, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, including livestock, from point to point within a radius of twenty-five miles of Toponas, Colorado, and between points in said area to points outside thereof, the in and out livestock movements to be less than carload lots, the service rendered to be for listed customers residing in the Toponas area above described, and no freight other than farm products moved over the line of scheduled carriers.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

MW

(Decision No. 11398)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
E. M. HARRIS, DOING BUSINESS AS)
VALLEY TRANSFER, FOR CERTIFICATE OF) APPLICATION NO. ~~3711-B~~
PUBLIC CONVENIENCE AND NECESSITY.)

February 14, 1938

Appearances: Marion F. Jones, Esq., and John M. Childress, Esq., for the applicant; Richard E. Conour, Esq., Denver, Colorado, for the Larson Transportation Company, Intervener.

S T A T E M E N T

By the Commission:

The above numbered application was set for hearing November 30, 1937 at Steamboat Springs, Colorado, and later continued to January 11, 1938 at the same place.

The application was called for hearing and some differences of opinion expressed as to whether or not this was a new application or an extension of Application No. 3711.

On behalf of the intervener, it was urged that the application be dismissed or denied for the reason that it was nothing more or less than a rehearing on Application No. 3771, which rehearing or any proceeding whatsoever had been stayed by a writ of prohibition, issued out of the District Court, City and County of Denver, under date of November 29, 1937.

Counsel presented arguments for and against the interpretation of the application filed with the Commission under date of November 17, 1937, the applicant contending that it was an entirely new application and that the writ of prohibition applied only to proceedings in the original application.

After careful consideration of the application numbered 3711-B, together with the petition in intervention, the Commission is of the opinion and finds that this so-called new application seeks authority which was passed upon by the Commission in Decisions 9625 and 9908, in connection with the original application No. 3771, and inasmuch as no new or additional facts or changed conditions are set forth in the so-called new application, a hearing thereon would in fact result in a rehearing of the original Application 3771; and that any further proceedings in this matter would be in violation of the writ of prohibition issued out of the District Court on November 29, 1937.

O R D E R

IT IS THEREFORE ORDERED, That the prayer of the petition in intervention be, and the same hereby is, granted and the instant application be and the same hereby is dismissed.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

(Decision No. 11399)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF OTTO'S AUTOS SCENIC CO., PROSPECT LAKE AUTO CAMP, COLORADO SPRINGS, COLO., RESPONDENT.)

CASE NO. 4152-R
P.U.C. No. 125

February 14, 1938

S T A T E M E N T

By the Commission:

On November 10, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Certificate 125 on account of the respondent having failed to render road reports for the months of June and August, 1936. The Commission is now in receipt of several communications from Clyde L. Starrett, Attorney at Law, Colorado Springs, Colorado, who has represented the respondent for some time, wherein it appears that the cancellation order was issued without proper notice having been served upon the respondent and that he did not have actual knowledge of the hearing until almost a month after the date of same; also that the above mentioned reports have been filed.

After careful consideration of the record, the Commission is of the opinion, and finds, that the revocation order heretofore entered herein should be set aside and Certificate 125 restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the order of revocation entered under date of November 10, 1937, in the above numbered case, be, and the same hereby is, set aside and held for naught and Certificate 125 restored to its original status.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

(Decision No. 11400)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
AMOS CHANEY.) PERMIT NO. C- 3682
)
)

February 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Amos Chaney of Birch Tree, Mo., requesting that his Permit No. C-3682 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3682, heretofore issued to Amos Chaney, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of Feb., 1938.

R

(Decision No. 11401)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
FOY THOMPSON) PERMIT NO. C- 3094
)
)

February 17, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Foy Thompson of Route 2, Box 25 Durango, Colorado, requesting that his Permit No. C- 3094 be cancelled ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 3094, heretofore issued to Foy Thompson, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11402)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
E. H. AUSTIN.) PERMIT NO. C- 7604
)
)

February 17, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from E. H. Austin of Gunnison, Colorado, requesting that his Permit No. C-7604 be cancelled for the reason that permittee is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7604, heretofore issued to E. H. Austin, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11403)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
AMERIGO PIERI.) PERMIT NO. C-7149
)
)

February 17, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from Amerigo Pieri of Oblong, Ill., requesting that his Permit No. C-7149 be cancelled for the reason that he is no longer operating in the State of Colorado.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7149, heretofore issued to Amerigo Pieri, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11404)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
W. A. SHORES, DOING BUSINESS) PERMIT NO. C-6168
)
AS SHORES BROS.)

February 17, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from W. A. Shores, doingbusiness as Shores Bros., of 222 W. B St., McCook, Nebr., requesting that his Permit No. C-6168 be cancelled. ~~for the reason that~~

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6168, heretofore issued to W. A. Shores, doing business as Shores Bros., be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11405)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
TOOMEY'S MILLS.) PERMIT NO. C- 5895
)
)

February 17, 1938

S T A T E M E N T.

By the Commission:

The Commission is in receipt of a communication from E. H. Toomey, of the Toomey's Mills of Newcastle, Wyoming, requesting that its ~~xxx~~ Permit No. C-5895 be cancelled for the reason that said company is no longer operating in Colorado.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5895, heretofore issued to Toomey's Mills, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11406)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF C. L. SILVER, 1114 WOODFORD)
STREET, FORT COLLINS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 4418-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

February 14, 1938

Appearances: C. L. Silver, Fort Collins, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for the Colorado Trucking Association, and Ted Carpenter;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado, for the Motor Truck Common Carriers Association, Denver-Laramie Stage, McKie Transfer and especially for Consolidated Motor Freight, Inc.

S T A T E M E N T

By the Commission:

The applicant testified that he owned a G.M.C. and a Dodge truck, both equipped with stake bodies,and that he wanted authority to transport junk, coal and road materials within a fifty-mile area of Fort Collins, Colorado and would like to amend his application to include the movement of junk from Fort Collins to Denver. This amendment was denied on account of protestants having no notice.

He further testified that he desired to haul coal from mines to Timnath, principally for the Timnath School District, and sand, gravel, rock, oil mix, cement and like road construction materials for contractors having under construction road projects within the fifty-mile radius of Ft. Collins.

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

After careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That C. L. Silver, of Fort Collins, Colorado, be, and he hereby is, granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from mines to users within a fifty-mile radius of Fort Collins, Colorado, and sand, gravel, rock, cement, oil mix and like road construction materials, from supply points within a radius of fifty miles of Fort Collins, Colorado, to road construction jobs in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

(Decision No. 11407)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF DONALD J. McCLURE, EATON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4417-PP

February 14, 1938

Appearances: Donald J. McClure, Eaton, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for Ted Carpenter;
Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association and Inter-City Truck Line;
A. J. Fregeau, Denver, Colorado, for Union Delivery Company and Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein testified that he possessed a Dodge truck and desired authority to conduct a general drayage business for his customers in the Town of Eaton, with an in and out service to points within a radius of ten miles of Eaton; and desired authority to transport coal and building materials from the Gould Lumber Company yard at Eaton, Colorado to its customers residing within a radius of ten miles of Eaton, Colorado; potatoes and grain from farms within a radius of ten miles of Eaton, to storage, loading points and mill, and stated specifically that he did not intend to conduct any transportation service between Greeley and Eaton, in competition with the common carriers already serving along this highway.

After eliminating the Greeley service, objections to the granting of this authority were withdrawn.

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

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that authority should be granted, limited, however, as indicated by the testimony above referred to.

O R D E R

IT IS THEREFORE ORDERED, That Donald J. McClure, of Eaton, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal and building materials from the yard of the Gould Lumber Company at Eaton, Colorado, to its customers residing within a radius of ten miles of Eaton, Colorado; potatoes and grain from farms within a radius of ten miles of Eaton to storage, loading points and mill therein; and the conduct of a drayage business for listed customers only in the Town of Eaton, Colorado, with authority to make in and out deliveries to points within the ten-mile radius around Eaton, provided, however, that the applicant shall not engage in any transportation service between Greeley and Eaton, in competition with scheduled motor vehicle common carriers now serving along the highway between these points.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

(Decision No. 11408)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF VICTOR WAAG, FORT COLLINS,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 4416-PP
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

February 14, 1938

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association and Fort Collins-Walden Stage Lines;
Marion F. Jones, Esq., Denver, Colorado, for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant to the notice thereof, the applicant failing to appear. It was stipulated by those appearing at the hearing that authority might be granted on the application, for the applicant to transport wet beet pulp from Fort Collins sugar factory to feed lots within a five-mile radius of Fort Collins.

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

O R D E R

IT IS THEREFORE ORDERED, That Victor Waag, Route 4, Fort Collins, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of wet beet pulp from the sugar factory at Fort Collins to feed lots within a radius of five miles of Fort Collins.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of February, 1938.

R

(Decision No. 11409)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE PROTEST AND OBJECTION OF G. C. LEBECK, DOING BUSINESS AS LOS ANGELES-ALBUQUERQUE EXPRESS, TO THE ADDITIONAL LEVY AND ASSESSMENT OF HIGHWAY COMPENSATION TAXES ALLEGED TO HAVE BEEN UNREPORTED FOR THE PERIOD, JANUARY 1, 1935, TO SEPTEMBER 30, 1937, AND THE ISSUANCE OF DISTRAINT WARRANT NO. 5023.	)	CASE NO. 4673

February 16, 1938

Appearances: J. J. Patterson, Esq., Denver, Colorado, for the Commission;
Conour and Conour, Esqs., Denver, Colorado, for G. C. Lebeck, doing business as Los Angeles-Albuquerque Express.

S T A T E M E N T

By the Commission:

The instant case arose in connection with a protest filed by G. C. Lebeck, doing business as Los Angeles-Albuquerque Express, hereinafter called Respondent, to a certain levy and assessment of highway compensation taxes made by the Commission in connection with his operations in interstate commerce under a certificate of public convenience and necessity issued by this Commission, No. 695-I.

The facts as disclosed by the record are as follows: On November 3, 1937, the Commission issued a distraint warrant against the Respondent after passage of a resolution by the Commission finding that said concern was indebted to the Commission for highway compensation taxes in the sum of $4,049.52 for the period from January 1, 1935, to September 30, 1937. Thereafter, said Respondent paid to the Commission the sum of $1,987.18, and at the same time filed its protest against the remaining amount due under said distraint warrant and asked that the matter be set down for hearing.

The evidence at the hearing disclosed that said Respondent had been operating in interstate commerce in the State of Colorado at all times covered by the period of the assessment; that on June 1, 1936, certain ports of entry were established in Colorado through which said Respondent was required to clear; that at said ports a record is made by port of entry officials, which said records disclose inter alia the name and address of the operator, the name of the driver, and the weight of the load, together with the number of miles traveled in Colorado. A check was made by our inspection department of said port of entry records with the monthly reports filed by said Respondent for the period from June 1, 1936 to September 30, 1937. This check disclosed that said Respondent, during said period, had failed to report and pay taxes upon freight transported within this State in the amount of $1,324.79. Said figures were ascertained by comparing the monthly reports made by the said Respondent direct to the Commission with said port of entry records. To this sum of $1,324.79, was added a fifty per cent penalty amounting to $662.29, making the total tax and penalty for the period June 1, 1936, to September 30, 1937, in addition to the amount paid by said Respondent, when filing his monthly reports, $1,987.18. A comparison of this amount with the actual amount paid by said Respondent disclosed that he had failed to report and pay 91.22 per cent of the actual tax for which he was liable. Using this same percentage of shortage upon the amount of tax actually paid by Respondent for the period, January 1, 1935, to May 31, 1936, disclosed that a further sum of $1,374.89 would be due from said Respondent, together with a penalty of $687.45, or 50 per cent of the amount, which made a total of $2,062.34 for said period. These two items added together produce the sum of $4,049.52, the amount for which the distraint warrant was issued on November 3, 1937.

Said Respondent thereupon paid to the Commission the said sum of $1,987.18, but protested the balance of $2,062.34.

The record further disclosed that our inspection department attempted to secure the records of the said Respondent as to the amount of

freight actually hauled by him in Colorado for the period from January 1, 1935, to May 31, 1936, but was advised by the Denver office of Respondent that said records were in California. At the hearing, an offer was made by the Commission to continue the case in order to give Respondent an opportunity to produce his records if he felt that the arbitrary assessment made by the Commission was not correct. This offer was not accepted. For some time the Commission had a subpoena duces tecum in the hands of its inspectors, attempting to secure service of same upon said Respondent, but inquiry at his office in Denver always disclosed the fact that he was in California.

The point was raised by the attorney for Respondent that the fifty per cent penalty provision of the law did not become effective until April 5, 1935, and therefore could not have been applied to the tax due covering the months of January, February, March and five days in April of 1935. This position is correct. However, we might point out that under the 1931 Act (House Bill 173) a penalty of five per cent per month is provided for where proper monthly reports are not filed and the tax due paid. Using this penalty would amount to more than the fifty per cent that was applied in the instant case, and certainly Respondent has no legitimate complaint upon this score.

To recapitulate the facts, we find that Respondent filed false and fraudulent monthly reports of the ton-mile highway compensation tax due the State of Colorado for the period from June 1, 1936 to September 30, 1937. This state of affairs was only disclosed by reason of a check made by comparing said monthly reports with the port of entry records. Respondent admitted his liability under said check by paying the amount so found to be due. He now seeks to evade that part of our assessment which is arbitrary upon the theory that because no ports of entry were in existence during the period in question and because we have been unable to obtain his actual records or his presence in person to disclose the true facts, our method of assessing said arbitrary sums is unlawful, illegal, erroneous and excessive. This position does not appeal to the Commission.

Respondent's records and books undoubtedly contain the full factual data necessary to determine the actual amount of tonnage and the miles traveled in Colorado between January 1, 1935 and May 31, 1936. He is unwilling and declines to submit or produce said records in order that said facts and figures may be checked with the monthly reports he filed with this Commission during said period.

We believe it to be an elementary principle of law that where facts are peculiarly within the knowledge of a party who is seeking to evade some liability that may be disclosed by said facts, it is incumbent upon him to produce the same.

> "When a particular fact necessary to be proven rests peculiarly within the knowledge of one of the parties, the burden of proof rests upon him." McArthur V. Payne, 258 S.W. 684, 201 Ky. 793.
>
> "When proof of fact is chiefly, it not entirely, within control of adverse party, or he knows, or has special opportunity of knowing, it, the burden is on him to produce evidence thereof, though fact is essential to affirmative relief sought."
>
> Pauley v. Bus. Men's Assurance Co., 261 S. W. 340, 217 Mo. App. 302.

The protest filed by Respondent alleges, inter alia, that our assessment is not based upon any investigation of the operations of Respondent for said period, nor any examination of his books and records. He further alleges that he has paid all of the taxes lawfully due and payable for the period January 1, 1935 to May 31, 1936. In this connection, we might point out that said protest is not "verified" and is signed only by the attorneys for said Respondent. We fail to understand just what further examination we could have made when respondent keeps his records in California and declines any invitation to submit the same for inspection in this State.

Where it is disclosed that an individual has flagrantly and unlawfully neglected and failed to report his proper tonnage to the Commission for the period of sixteen months, we believe it a fair and a legal assumption to say that the same dereliction in duty continued back through the seventeen preceding months, and this assumption is strengthened by the

fact that Respondent does not produce the evidence within his control to dispute said assumption.

Respondent, through his attorney, alleges that he has paid the proper amount due for said seventeen months period. This is his pleading, and we believe the burden is upon him to establish that fact under all the circumstances in connection with the instant case.

> "One of the tests often resorted to in order to determine upon whom the burden rests to produce particular evidence is that it is always incumbent upon a party who sets up in his pleadings facts which are within his own peculiar knowledge, or who has the custody of the documents upon which he relies to establish a certain averment, to prove such facts or averments where it is material to his cause to do so. In no court can the burden of proving a negative be imposed on a plaintiff, where the facts are within the peculiar knowledge of the defendant, and this principle may also be invoked in support of the proposition that it was incumbent on the defendant to show the truth of averments that, from the face of the pleadings, seem to involve the production of papers in possession of defendants."
>
> Cook v. Gurkin, 119 N.C. 13, 25 S.E. 13.
>
> "Where a party to judicial proceedings suppresses documents which are relevant to the matter in question and within his control, such as books of account, records, letters, written agreements, leases, drafts, bills of lading, memoranda, notices, maps, there is a presumption that the suppressed evidence would injure his case."
>
> Sec. 54, 22 Corpus Juris.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that on November 3, 1937, Respondent was indebted to the Public Utilities Commission of the State of Colorado for highway compensation taxes for the period from January 1, 1935, to September 30, 1937, in the sum of $4,049.52. We further find that no part of said sum has been paid, except that on November 15, 1937, respondent paid the sum of $1,987.18; that there is now due and owing from said Respondent the sum of $2,062.34 on account of said highway compensation taxes and penalties, together with all interest and penalties on said amount from November 3, 1937.

O R D E R

IT IS THEREFORE ORDERED, That the assessment and levy made by the Commission under which distraint warrant No. 5023 was issued on November 3, 1937, against the Los Angeles-Albuquerque Express in the sum of $4,049.52, is lawful and valid.

IT IS FURTHER ORDERED, That said sum of $4,049. 52, less the payment of $1,987.18 made on or about November 15, 1937, is the balance due from said Respondent to the Public Utilities Commission of the State of Colorado for highway compensation taxes for the period January 1, 1935 to May 31, 1936, together with interest and penalties on said amount of $2,062.34 from November 3, 1937, and the Commission's inspectors shall proceed in the manner provided by law to enforce the collection of said balance due.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of February, 1938.

R

(Decision No. 11410)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT JEFFRIES, OF OLATHE, COLORADO,)
FOR A PERMIT TO OPERATE AS A CLASS) APPLICATION NO. 4443-PP
"B" PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

February 17, 1938.

Appearances: Robert Jeffries, Olathe, Colorado,
pro se;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant seeks authority to transport farm products and farm machinery from farm to farm, farms to the town of Olathe, from the town of Olathe to farms, all within a radius of 25 miles of said town of Olathe.

The evidence disclosed that applicant owns a 1931 flat bed 1½-ton Chevrolet truck, which is not subject to any mortgage. His financial standing and operating reliability were established to the satisfaction of the Commission.

No protests were interposed to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That Robert Jeffries, of Olathe, Colorado, should be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products and farm machinery from farm to farm, from farms to the town of Olathe, and from the town of Olathe to farms, all within a radius of 25 miles of said town of Olathe, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RAY MILLER COAL AND ICE COMPANY,)
OF GUNNISON, COLORADO, FOR A PERMIT) APPLICATION NO. 4444-PP
TO OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

February 17, 1938.

Appearances: Ray Miller, Gunnison, Colorado,
pro se;
John Betz, Gunnison, Colorado,
pro se;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant seeks a Class B permit authorizing the transportation of ore, coal and mining machinery from point to point within a radius of 75 miles of Lake City. The principal transportation of ore would be to Lake City or Iola, coal from Iola or Gunnison to Lake City, and mining machinery from Gunnison to Lake City or mines in the vicinity thereof.

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

In view of the commodities to which applicant confines his service, no protests were interposed to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That Ray Miller, doing business as Ray Miller Coal and Ice Company, of Gunnison, Colorado, be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of ore, coal and mining machinery from point to point within a radius of 75 miles of Lake City, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF T. J. MAHONEY, OF TELLURIDE,) APPLICATION NO. 4438
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

- - - - - - - - - -
February 17, 1938.
- - - - - - - - - -

Appearances: Fairlamb and Fairlamb, Esqs., Telluride, Colorado, for applicant;
Wayne Rees, Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The instant application seeks a certificate of public convenience and necessity authorizing applicant to operate a passenger motor vehicle service between Telluride and Smuggler Mill.

As originally filed with the Commission, the application read "between Telluride, Colorado, and Smuggler Mine". However, prior to the hearing, by letter, and at the hearing, attorneys for applicant advised the Commission that the word "Mine" was an error and what was intended was the Smuggler Mill. It appears that authority already exists for such service between Telluride and the Smuggler Mine.

The evidence disclosed that at the present time a number of men are employed at said Smuggler Mill, maintaining their homes in Telluride. The distance between said points is approximately two miles, and the only method by which said men are able to obtain transportation from Telluride to the mill and from mill to Telluride, has been to walk, drive their own cars, or ride with friends.

Applicant proposes two trips each way daily, so timed as to properly take care of the different shifts going to and returning from work. He proposes to transport said men in a Diamond-T truck which he has had fixed up with seats for the carrying of passengers and which will accommodate approximately thirty passengers. In addition to said Diamond-T

truck, he also has a smaller pickup truck which will carry approximately ten passengers.

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

No objections were interposed to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the proposed motor vehicle operations of applicant for the transportation of passengers from, to and between Telluride Colorado, and the "Smuggler Mill situated in the vicinity of Pandora", and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1958.

BH

(Decision No. 11413)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
HILLMAN THAYER.) PERMIT NO. C- 1860
)
)

February 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Hillman Thayer of Route 4, Ft. Collins, Colo., requesting that his Permit No. C-1860 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1860, heretofore issued to Hillman Thayer, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of Feb., 1938.

R

(Decision No. 11414)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
JAMES MASSARO.) PERMIT NO. C-2469
)
)

February 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James Massaro of 116 W. Rio Grande, Colorado Springs, requesting that his Permit No. C-2469 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2469, heretofore issued to James Massaro, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of Feb., 1938.

R

(Decision No. 11415)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
SAM BRADDY.) PERMIT NO. C-4509
)
)

February 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sam Braddy of Sterling, Oklahoma, requesting that his Permit No. C-4509 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4509, heretofore issued to Sam Braddy, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of Feb. 1938.

R

(Decision No. 11416)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
S. R. BARR AND O. E. HOLMAN,) PERMIT NO. A-387
OF MANASSA, COLORADO.)

February 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from O. E. Holman requesting that Permit No. A-387 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That S. R. Barr and O. E. Holman should be, and hereby are, allowed to suspend their operations under Permit No. A-387 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said S. R. Barr and O. E. Holman shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11417)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ANDREW EARTHMAN, OF 3212 OSAGE) PERMIT NO. A-2036
ST., DENVER, COLORADO.)
- - - - - - - - - - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Andrew Earthman requesting that his Permit No. A-2036 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-2036, heretofore issued to Andrew Earthman, be, and the same hereby is, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11418)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES V. LeDONNE, OF SILT,) P. U. C. NO. 1056
COLORADO.)

February 17, 1938

S T A T E M E N T

By the Commission:

On December 6, 1937, Decision No. 11045, the Commission granted authority to James V. LeDonne to suspend operations for a period of sixty days with the privilege of reinstatement.

The Commission is now in receipt of a communication from said James V. LeDonne requesting an additional six months' suspension of his Certificate No. 1056.

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

O R D E R

IT IS THEREFORE ORDERED, That James V. LeDonne should be, and hereby is, allowed to suspend his operations under Certificate No. 1056 for a period of not to exceed six months from February 6, 1938.

IT IS FURTHER ORDERED, That unless said James V. LeDonne shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11419)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF DON SEATON AND JOHN FULTON, CO-PARTNERS DOING BUSINESS AS SEATON AND FULTON.

APPLICATION NO. 4230-PP

S T A T E M E N T

By the Commission:

On November 27, 1937, Decision No. 11030, the Commission granted authority to Don Seaton and John Fulton, copartners doing business as Seaton and Fulton, to operate as Class "B" private carriers by motor vehicle for hire. However, the application was not completed and permittees were not given a permit number.

The Commission is now in receipt of a communication from John Fulton requesting that said authority be suspended until September 1, 1938.

After careful consideration, the Commission is of the opinion, and so finds, that said authority should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That Don Seaton and John Fulton, copartners doing business as Seaton and Fulton, should be and hereby are allowed to suspend their authority granted in Application No. 4230-PP, Decision No. 11030, for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Don Seaton and John Fulton shall, prior to expiration of said suspension period, reinstate said authority by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said authority without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11420)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
H. R. HEDGER.) PERMIT NO. C- 6371
)
)

Feb. 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. R. Hedger of Idabel, Oklahoma, requesting that his Permit No. C-6371 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6371, heretofore issued to H. R. Hedger, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of Feb., 1938.

R

(Decision No. 11421)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
LESTER L. LUNSFORD.) PERMIT NO. C- 7408
)
)

February 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lester L. Lunsford of Ignacio, Colorado, requesting that his Permit No. C-7408 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7408, heretofore issued to Lester L. Lunsford, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11422)

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

RE MOTOR VEHICLE OPERATIONS OF)
)
WALLIS BATTERY & IGNITION CO.) PERMIT NO. C- 4122
)
)

February 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Wallis Battery & Ignition Co. of Sterling, Colorado, requesting that his Permit No. C-4122 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4122, heretofore issued to the Wallis Battery & Ignition Co., be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

(Decision No. 11423)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF RICHARD LUEBBERT AND KIRK GOLDSWORTHY, GRAND JUNCTION, COLORADO.	PERMIT NO. A-452
RE MOTOR VEHICLE OPERATIONS OF RICHARD LUEBBERT AND KIRK GOLDSWORTHY, GRAND JUNCTION, COLORADO.	PERMIT NO. B-1688
RE MOTOR VEHICLE OPERATIONS OF KIRK GOLDSWORTHY, GRAND JUNCTION, COLORADO.	PERMIT NO. A-687

S T A T E M E N T

By the Commission:

On July 29, 1937, the above mentioned permittees, respectively, were granted authority, by the Commission, to suspend operations under Permits A-452, B-1688 and A-687, respectively, for a period of six months from the date thereof.

The Commission is now in receipt of a communication from Kirk Goldsworthy, which states:

> "Please suspend Colo. P.U.C. Nos. A-452, A-687, and B-1688 for a period of six months, to take effect immediately."

After careful consideration, the Commission is of the opinion, and so finds, that said permits should be suspended for an additional six months' period from January 29, 1938.

O R D E R

IT IS THEREFORE ORDERED, That Richard Luebbert and Kirk Goldsworthy should be, and hereby are, allowed to suspend their operations

under Permits Nos. A-452 and B-1688 for a period of not to exceed six months from January 29, 1938.

IT IS FURTHER ORDERED, That Kirk Goldsworthy should be, and hereby is, allowed to suspend his operations under Permit No. A-687 for a period of not to exceed six months from January 29, 1938.

IT IS FURTHER ORDERED, That unless said Richard Luebbert and Kirk Goldsworthy shall, prior to expiration of said suspension period, reinstate said permits by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permits without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 17th day of February, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. F. HANKA, WESTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)))))	APPLICATION NO. 4407-PP

Appearances: H. F. Hanka, Weston, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Couey Transfer and Storage Company and Leicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of ties and timber mill products from lumber mill located on the North Fork, northwest of Weston, Colorado, to Trinidad and Pueblo, and to coal mines in Las Animas County, and the transportation of the same commodities from lumber mill located about thirteen miles west of Gardner to Tioga, Walsenburg and Pueblo, with no back-haul.

There was no objection to the issuance of permit, as limited.

The operating experience of applicant was established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That H. F. Hanka should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ties, mine props and other timber mill products from mill located on the North Fork, about thirteen miles west of Weston, Colorado, to Trinidad, Weston, Pueblo and mines in Las Animas County, and the transportation of similar commodities from

mill located about thirteen miles west of Gardner to Tioga, Walsenburg and Pueblo, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing Jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of February, 1938.

B

(Decision No. 11425)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLAYTON HERN, LA VETA, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 4405-PP
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

Appearances: Clayton Hern, La Veta, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Pueblo-San Luis Valley Transportation Company, Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Wes V. McKaughan, Levy Transfer and Storage, D. B. Roesner.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) livestock from points within a radius of ten miles of La Veta to Pueblo and Denver; (b) hay from points in said radius to Walsenburg, Trinidad and Pueblo; (c) coal from mines in Huerfano and Las Animas Counties to La Veta and farms within said ten mile radius; (d) sand and gravel from supply pits in said area to La Veta and other points in said radius.

The application was opposed by a number of common carriers who are authorized to serve the area proposed to be served by applicant. He conceded that the existing common carrier service was adequate, or at least that he knew of no complaints against said service. He stated that he was employed on W.P.A. Projects; had been buying coal and selling it, and wanted to supplement his income by engaging in transportation for hire by trucking when not working on W.P.A. or engaged in buying and selling coal.

From the testimony of Wes V. McKaughan and representatives of other common carriers opposing said application, it appeared that the proposed service, if authorized, would impair the transportation service of protestants.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the service proposed by applicant would

impair the efficiency of the adequate service now furnished by authorized common carriers by motor vehicle serving said territory.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of February, 1938.

B

(Decision No. 11426)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. D. JUMPER, VALDEZ, COLORADO, FOR)
A CLASS "A" PERMIT TO OPERATE AS A) APPLICATION NO. 4406-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

Appearances: E. D. Jumper, Valdez, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant, E. D. Jumper, herein seeks a permit to operate as a Class "A" private carrier by motor vehicle for hire which, as limited by the testimony offered at the hearing, would authorize him to transport: (a) sand from supply pits in Wet Canon to Valdez; (b) coal from Frederick Mine to Valdez and Segundo; (c) used household goods and furniture from house to house in Valdez and Segundo; (d) mining machinery and repair parts therefor, in case of emergency only, from mine to mine of the Colorado Fuel and Iron Company in Huerfano and Las Animas Counties for said company, only.

The evidence disclosed that applicant had resided in Valdez, Colorado for many years, and had been in the service of the Colorado Fuel and Iron Company for thirty-three years; that the proposed transportation service of applicant for movement of machinery will be limited to occasional service for said Colorado Fuel and Iron Company, in instances where emergency service is required -- breakdown, etc.

There was no objection to the issuance of permit, as limited.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That E. D. Jumper, Valdez, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of: (a) sand from supply pits in Wet Canon to Valdez; (b) coal from Frederick Mine to Valdez and Segundo; (c) used household goods and furniture from house to house in Valdez and Segundo; (d) mining machinery and repair parts therefor, in case of emergency only, from mine to mine of the Colorado Fuel and Iron Company in Huerfano and Las Animas Counties, for said company, only.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall be come effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Carlson

W. C. Banks

Warren Grissom

Commissioners.

Dated at Denver, Colorado,
this 18th day of February, 1938.

(Decision No. 11427)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SCOTT RENSHAW, WESTON, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4401-PP

Appearances: Scott Renshaw, Weston, Colorado,
pro se;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of lumber props, ties and timber from saw mill located on the North Fork, about thirteen miles west of Weston, Colorado, to Trinidad and Weston, over State Highway No. 12.

There were no objections to the issuance of permit, as limited.

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

O R D E R

IT IS THEREFORE ORDERED, That Scott Renshaw, Weston, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of lumber, props, ties and timber from saw mill located on the North Fork, about thirteen miles west of Weston, Colorado, to Trinidad and Weston, over State Highway No. 12.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted

to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of February, 1938.

B

(Decision No. 11428)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MAX MANZANARES, GARDNER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 4404-PP

Appearances: Max Manzanares, Gardner, Colorado, pro se;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association, Levy Transfer and Storage Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company;
Romilly E. Foote, Esq., Walsenburg, Colorado, for Walsenburg Freight Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of mine props and lumber from mills in the vicinity of Red Wing, Colorado, to coal mines within a radius of fifteen miles of Tioga, Colorado.

There was no objection to the issuance of permit, as limited.

The evidence disclosed that Manzanares, heretofore, in Application No. 3172-PP, was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire; that said permit was cancelled on account of failure to file reports from date of issuance, December 2, 1936, to time of cancellation, July 19, 1937. Applicant is still in default, although he filed reports for period of time subsequent to July 19, 1937.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application, as limited, should be granted, said permit to bear the number "B-1724", and to issue only after said applicant has filed reports showing his hauling operations, if any, for the period from April, 1935 to July, 1937.

O R D E R

IT IS THEREFORE ORDERED, That Max Manzanares, Gardner, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of mine props and lumber from mills in the vicinity of Red Wing, Colorado, to coal mines within a radius of fifteen miles of Tioga, Colorado.

IT IS FURTHER ORDERED, That said permit shall bear the number "B-1724".

IT IS FURTHER ORDERED, That said permit shall issue only after said applicant has filed reports showing his hauling operations, if any, for the period from April, 1935 to July, 1937.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 18th day of Frebruary, 1938

Edward V. Dunn
W. E. Danks
Nelson Priess
Commissioners.

(Decision No. 11429)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARLEY HUPP, CANON CITY, COLORADO, FOR AN EXTENSION OF HIS PERMIT NO. A-1803.

APPLICATION NO. 3672-PP-B

Appearances: Harley Hupp, Canon City, Colorado, pro se;
J. D. Blunt, Esq., Canon City, Colorado, for the Southwestern Transportation Company;
Francis M. Keith, Canon City, Colorado, for the Keith Truck Line;
Marion F. Jones, Esq., Denver, Colorado, for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Heretofore, applicant was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

> "silica rock from rock quarry located about four miles northeast of Parkdale, and clay from clay pits in the vicinity of Parkdale, to Pueblo, Colorado, for The Standard Fire Brick Company, without back-haul."

He now seeks authority from the Commission to add the Summit Pressed Brick Company to his list of customers, and in order to acquire said authority, filed formal application for extension.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Harley Hupp should be authorized to add the Summit Pressed Brick Company to said customer list.

O R D E R

IT IS THEREFORE ORDERED, That Applicant, Harley Hupp, should be authorized to add the Summit Pressed Brick Company to his list of

customers.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of February, 1938.

B