

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF  
L. L. JININGS, 3841 FEDERAL BLVD.,  
DENVER, COLORADO, FOR A CLASS "B"  
PERMIT TO OPERATE AS A PRIVATE CAR-  
RIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5224-PP

November 29, 1939

S T A T E M E N T

By the Commission:

Applicant, L. L. Jinings, 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; sand, gravel, and other road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area, excluding, however, transportation of sand, gravel, and road surfacing materials in Boulder, Clear Creek, and Gilpin Counties.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice or hearing, upon the records and files herein.

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 L. L. Jinings, 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 sand, gravel, and other road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area, excluding, however, transportation of sand, gravel, and road surfacing materials between or from or to points in Boulder, Clear Creek, and Gilpin Counties.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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 this 29th day of November,  
1939, at Denver, Colorado.

Edward V. Turner  
W. C. Danks

Wm. E. Spier  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
JACK OATIS, 329 WEST D ST., PUEBLO, )  
COLORADO, FOR A CLASS "A" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 5221-PP

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December 2, 1939.  
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S T A T E M E N T

By the Commission:

Applicant, Jack Oatis, herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from the Florence-Canon City coal fields and Huerfano County coal fields to Pueblo, Colorado.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith without formal notice or hearing, upon the records and files herein.

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 Jack Oatis, Pueblo, 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 coal from the Florence-Canon City coal fields and Huerfano County coal fields to 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

*Edward T. Green*

*McDauks*

*Maam E. E. E.*

Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CLARENCE BOSHART, 1340 SOUTH 25th )	
ST., COLORADO SPRINGS, COLORADO, FOR )	<u>APPLICATION NO. 5222-PP</u>
A CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	

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December 2, 1939.  
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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 Fremont, Huerfano and Las Animas County coal fields to Pueblo and Colorado Springs; sand and gravel from pits and supply points within a radius of fifty miles of Colorado Springs, to Colorado Springs; mine props from lumber camp mills in the mountains west of Highway No. 85 to coal mines in Huerfano, Las Animas, Fremont and El Paso counties.

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

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 Clarence Boshart, Colorado 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 coal from mines in Fremont, Huerfano and Las Animas Counties to Pueblo and Colorado Springs; sand and gravel from pits and supply points within a radius of fifty

miles of Colorado Springs, to Colorado Springs; and mine props from lumber mills in the mountains west of Highway No. 85 to coal mines in Huerfano, Las Animas, Fremont and El Paso counties.

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 now or hereafter may 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 J. Dinkler

W. C. Danks

Walter E. Spivon  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1939.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )	
ASHLEY DRAKE AND LAWRENCE DRAKE, )	
HAYDEN, COLORADO, FOR A CLASS "A" )	<u>APPLICATION NO. 5225-PP</u>
PERMIT TO OPERATE AS A PRIVATE CARRIER )	
BY MOTOR VEHICLE FOR HIRE. )	

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December 2, 1939.  
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S T A T E M E N T

By the Commission:

The above-named applicants present their application for a permit to transport coal, only, from the Coryell Mine located some six miles south of Hayden, Colorado, to Hayden.

It appears from the file in this application that Ashley and Lawrence Drake possess three Ford dump trucks, and have equipped themselves to move coal from the Coryell Mine to Hayden, which movement will be over a county road, and that they contemplate conducting this operation as Drake Brothers.

Inasmuch as this is to be a dump truck operation, it does not appear that common carriers having authority to render a service in this section would be interested in a movement of coal only.

After a careful consideration of the application, the Commission is of the opinion, and finds, that the authority should be granted as sought, with the provision that should interested common carriers desire to protest the granting of this authority, the same will be set for hearing.

O R D E R

IT IS THEREFORE ORDERED, That Ashley Drake and Lawrence Drake, doing business as Drake Brothers, Hayden, Colorado, should be, and they hereby are, granted a Class "A" permit to operate as private carriers by motor vehicle for hire, for the transportation of coal, only, from the Coryell Mine south of Hayden, Colorado, to Hayden.

IT IS FURTHER ORDERED, That a copy of this order be sent to the Larson Transportation Company, Steamboat Springs; Valley Transfer, Steamboat Springs; Comet Motor Express Company, Craig, and Leonard Gray, Craig, and should these common carriers, or any others who may be interested, desire to protest the granting of this authority, an opportunity will be given, provided such protest is filed with the Commission within twenty days after the date of this order.

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.

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 J. Dwyer

W. L. Danks

Wm. E. Spivey

Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF  
CHARLES A. HUGHES, GREELEY, COLORADO,  
FOR AN EXTENSION OF PERMIT NO. B-1648.

APPLICATION NO. 3273-PP-B

December 2, 1939

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the Applicant;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association, Northeastern Motor  
Freight, Howard Lafferty, and  
Inter-City Truck Line;  
John P. Beck, Esq., Denver, Colorado, for  
The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

By the instant application, Charles A. Hughes seeks authority to transport commodities handled by Montgomery Ward & Company at its Greeley store, to and from points within a radius of fifty miles of Greeley, Colorado.

On August 31, 1936, Decision No. 8373, the Commission granted authority (B-1648) to this applicant, as follows:

"For the transportation of refrigerators, washing machines and radios from the Montgomery Ward store at Greeley, Colorado, to other Montgomery Ward branch stores within a fifty mile radius of Greeley, Colorado."

It appeared from the testimony of the applicant that, in addition to the movement of the commodities mentioned in the original order, he desired to transport such commodities as the Montgomery Ward store at Greeley desired to move from the Greeley store to Montgomery Ward customers residing within a fifty-mile radius of Greeley, and the return of

such trade-ins or repair or repossessed commodities as might be sent back to the store by the customers. The applicant stated that he desired authority to serve one customer only, namely, Montgomery Ward & Company, and that the reason he desired this extension was that the Greeley store now wished to render a retail service to its customers and to make deliveries of certain commodities within this radius; that in connection with deliveries of certain furniture, stoves, and other commodities requiring installation, the applicant stated that he rendered the service of setting up stoves and furniture, laying rugs, and such other service as might be required by farmers and those customers who were not in a position properly to install the purchases made of Montgomery Ward & Company; that these deliveries were mostly made to farmers and purchasers residing in rural districts, but occasionally a customer in some small town within a fifty-mile radius made purchases and required deliveries which could not be made by the line haul carriers on account of the special service to be rendered in connection therewith.

It further appeared that the applicant had an agreement with Montgomery Ward & Company whereby he was given a guarantee of \$25.00 per week, plus five cents per truck mile traveled, and after figuring the charge for transporting these commodities based on the Commission's prescribed rates, plus twenty per cent. where there was any competition with line haul carriers, if the resulting figures showed less than the minimum above mentioned, then, and in that event, the minimum guarantee was paid in lieu of the prescribed rate of the Commission. In short, the charges for transportation are figured on the provision in the contract for the minimum above mentioned, and then figured on the Commission's prescribed rates, and whichever appeared to be the higher for the week, such higher figure is paid by the Montgomery Ward Company to the applicant for such transportation service.

The applicant further stated that he possessed a one-half ton International truck, which he valued at \$700.00, and intended to conduct the operation with this one truck only; that this is the same class of

equipment which he had been using in the past, and he proposed to continue in the same manner, and that his operation would be limited to one truck and one customer.

W. E. Hamilton, manager of the Montgomery Ward store at Greeley, testified, in substance, as did the applicant, and particularly regarding the minimum weekly guarantee, which he stated would be paid only in the event it was higher in amount than the prescribed rates of the Commission; that his company intended to use the usual line haul service in the future as they had in the past, and that the granting of this authority to the applicant would take nothing away from present authorized carriers; that it was necessary for them to utilize the services of the applicant in order to get his special services in connection with the pick-up, setting up of stoves, laying down of rugs, and other special services given in connection with deliveries made to their customers. Mr. Hamilton further stated that the only branch stores within the fifty-mile radius of Greeley were at Longmont and Fort Collins, and that regular line haul carriers would be used in transporting all commodities to the stores which moved in large quantities; that in connection with the transportation of commodities from town to town, the applicant's services would be used only in cases where a purchaser living in a small town within the fifty-mile radius of Greeley required some service in connection with the installation or setting up of a stove or other furniture, and that the pick-ups for return to the store from customers throughout the territory would be extremely small, confined principally to repairs or the return of some trade-in and repossessed items.

Howard Lafferty, Greeley, Colorado, holder of Certificate No. 560, stated that he had solicited the business of the Montgomery Ward stores, had trucks available, but did not believe the granting of authority to the applicant would affect his business, and that it would not impair his service inasmuch as he would have to put on a small truck to render the service required by Montgomery Ward & Company.

J. R. Arnold, manager of the Northeastern Motor Freight, Cer-

tificate No. 374, testified that the authority sought by the applicant would overlap his territory, particularly Greeley, Orchard, Weldona, and Goodrich, in which two last-named places he held a roving certificate with authority to pick up within a ten-mile radius; that he served daily to this part of his territory and was able to handle Montgomery Ward shipments to these points.

It further appeared that the applicant herein had served points out of Greeley as far south as Platteville, and had not confined his transportation service to commodities from the Greeley store of Montgomery Ward to branch stores of the same firm as authorized, but the applicant stated that he was in doubt as to his right to serve other than to and from other branch stores, and therefore made this application. It also appeared that in all cases where there was any competition with scheduled carriers, the applicant has charged rates at least twenty per cent. in excess of the Commission's prescribed rates, and that he reported these movements to the Commission and paid the road taxes thereon. It further appeared that W. E. Hamilton had been the manager of the Greeley store only a short time, and was not advised as to the authority held by the applicant herein; that he was advised, however, that the applicant could not render the service without the weekly guarantee provided in their contract, and was quite certain that scheduled carriers, such as the Northeastern Motor Freight and others operating out of Greeley, could not afford to handle these small shipments and were not equipped to render any special service after making a delivery of purchases to the customer.

A. J. Fregeau, representing the Weicker Transportation Company, testified that his firm was ready, able, and willing to render service between Greeley and all points on US Highway No. 85; that the transportation business between Greeley, Eaton, and Ault had been conducted at a loss for a number of years, and that to grant authority to any one who would take tonnage from their present operations would tend to impair the same; that in his opinion they had already lost some business on

account of the services heretofore rendered by the applicant.

This record discloses that practically all of the service proposed to be rendered under this extension would be between the Greeley store and farmer customers, or those customers residing off of scheduled line operations. Protestants show that they are ready, able, and willing to take care of all line haul service out of Greeley, but offer no service other than within a ten-mile radius around Weldona and Goodrich to take care of the Montgomery Ward needs between Greeley store and the customers residing off of the line of scheduled common carriers. The applicant, through carelessness or misunderstanding, appears to have been rendering service to these customers residing off of the line of scheduled carriers, and no protest or complaint was made at the hearing by the protestants. However, they did protest where deliveries were made on their line. The applicant stated that he had made a few such deliveries and had charged twenty per cent. above the scheduled line haul carrier rates, and that he had reported these movements to the Commission and paid the tax. However, under his original authority, no such service was contemplated, regardless of the fact that the Commission received the reports and collected the tax.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that no impairment will result from the granting of the extension as sought, except in some isolated deliveries made to customers of Montgomery Ward & Company residing in small towns within the described area, and as to these isolated deliveries there is doubt as to whether or not scheduled line haul carriers are in a position to render this service in a manner satisfactory to this shipper, inasmuch as the manager of the Greeley store stated that the operation proposed could not be conducted on rates as low as our prescribed rates without giving a guarantee as mentioned in his testimony, and further, that the twenty per cent. above the scheduled carriers' rate when competing with a line haul carrier was not unreasonable, and that, in his opinion, the weekly payments guaranteed

to this applicant were in excess of the scheduled carriers' rate plus the excess, which they were willing to pay; and that the extension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit B-1648, heretofore issued to Charles A. Hughes, should be, and the same hereby is, extended to include the transportation of such commodities as are handled by Montgomery Ward & Company at Greeley, Colorado, from this store to their customers residing within a fifty-mile radius of Greeley, Colorado, with a back haul of such of said commodities as may be repossessed, traded in, or otherwise ordered back to the store for any purpose; provided, however, that the right to perform said extended service under this authority is limited to one customer, namely, Montgomery Ward & Company, and the use of one piece of equipment.

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

Edward T. Owens

W. C. Danks

Wm. E. Quinn

Commissioners.

DATED at Denver, Colorado,  
this 2d day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
GUY L. HARRISON, FORT COLLINS, COLO- ) APPLICATION NO. 4414-PP-B  
RADO, FOR AN EXTENSION OF PERMIT NO. )  
B-2119. )  
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December 2, 1939.  
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Appearances: Guy L. Harrison, Fort Collins, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association and the Consolidated  
Motor Freight;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Dewey Bibbey, J. J. Schaefer and  
Ethel Sorenson.

S T A T E M E N T

By the Commission:

By the instant application, the applicant herein seeks authority to haul livestock from Denver back to the area now authorized to be served by him.

On April 2, 1938, Guy L. Harrison was granted a Class "B" permit with authority as follows:

"For the transportation of livestock from point to point, and grain, hay and cotton cake from farm to farm, town to farm and farm to town, within the following described area: Extending south of Fort Collins to a line drawn east and west one mile south of Fort Collins, west of Fort Collins a distance of fifteen miles, north to the Colorado-Wyoming state line and east to the east Larimer County line, and livestock between points in said area and sales barns at Greeley; lumber from mills west of Fort Collins to ranches in the above described Fort Collins area."

It appeared from the testimony of the applicant that he desired to abandon all parts of his application for extension except for the transportation of livestock from Denver to the Fort Collins area; that the Northern Packing Company had wanted to utilize his service on a back-haul from the Denver Stock Yards to Fort Collins; that they could get other

truck operators who have authority and have the trucks, and that there were lots of truckers available to move livestock from the Denver Stock Yards to the Fort Collins area, but that there were only a few truckers in the Fort Collins area who did have the right to move livestock from Denver back to the area.

Protestants appearing at the hearing did not present testimony of any kind.

After a careful consideration of the record and the testimony of the applicant, the Commission is of the opinion, and finds, that the applicant has made a prima facie case in support of his application for the one item of transporting livestock from the Denver Union Stock Yards to the Fort Collins area as described in his original order; that no showing was made as to the adequacy of present authorized carrier service nor was there any showing of impairment to the present authorized carrier service; and that the applicant's present authority should be extended to include the transportation of livestock from the Denver Union Stock Yards to the Fort Collins area described in his original authority dated April 2, 1938.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2119, heretofore issued to Guy L. Harrison, Fort Collins, Colorado, should be, and the same hereby is, extended to include the transportation of livestock from the Denver Union Stock Yards at Denver to the Fort Collins area described in applicant's original authority.

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

*Edward J. Anderson*  
*W. D. Davis*  
*Wm. E. Quinn*

Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1939.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF A GENERAL INVESTIGATION OF )  
THE FREIGHT RATES AND CLASSIFICATION OF ) CASE NO. 1585  
FREIGHT OF ALL COMMON AND PRIVATE MOTOR )  
VEHICLE CARRIERS. )  
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November 28, 1939.  
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S T A T E M E N T

By the Commission:

The Colorado Trucking Association having heretofore filed its duly verified petition in the above entitled cause, reciting inter alia that the matter of rates assessed and collected by motor carriers for the intrastate transportation of freight for the Government of the United States, and agencies thereof, the State of Colorado, and municipalities and political subdivisions of the State of Colorado, is unsettled and in dispute, that motor carriers cannot determine whether or not the prescribed rates of this Commission must be applied to such shipments; and praying that the matter be set for hearing before the Commission, whereat all parties interested may appear, present evidence, and argument, touching upon the matter;

AND THE COMMISSION, having examined said petition, its records and files in Case 1585, and being fully advised in the premises, doth find that said petition should be set down for hearing as prayed for therein.

O R D E R

NOW THEREFORE, it is ordered that said petition be, and is hereby, set for hearing before the Commission at its hearing room, 330 State Office Building, Denver, Colorado, the 21st day of

December, 1939, at the hour of 10 o'clock A.M., at which time and place all carriers interested in said matter may appear and present such evidence and argument as may be proper in the premises.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. L. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of November, 1939

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
NELS AND DON HOCKISON, GREELEY, )  
COLORADO, FOR A CLASS "A" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 5195-PP

December 2, 1939

Appearances: Don Hockison, Greeley, Colorado,  
for the Applicants;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company and Weicker  
Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association, The  
Union Delivery Company,  
Howard Lafferty, Milliken-  
Johnstown Truck Line, and  
William Stuart;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation, Dewey Bibbey, J. J.  
Schaefer, and Guy D. Ramsay.

S T A T E M E N T

By the Commission:

By the instant application, Nels Hockison and his son Don seek authority to render a transportation service as Hockison and Son, for the transportation of coal from the Northern Colorado coal fields to Greeley, and the transportation of live turkeys for the Jerpe Commission Company, Greeley, Colorado.

It appeared from the testimony that the applicants possess a Dodge truck, and propose to make their principal business that of transporting coal from the Northern Colorado coal fields to customers in Greeley, Colorado, and, in season, the transportation of live turkeys for the Jerpe Commission Company, picking up this poultry from farms within 150 miles of Greeley and transporting them to the headquarters of

this firm, no back haul being contemplated.

On November 6, 1939, the law enforcement officer of the Commission issued temporary authority to the applicants, with the understanding that the same was good until some valid complaint was made by an authorized carrier, and under this temporary authority the applicants have been rendering some service for this one customer.

Protestants now complain, and request the withdrawal of the temporary authority.

It further appears that while the applicants have no contract with the commission firm, they do have an understanding, and are to receive ten cents per mile per round trip, which they consider adequate compensation, but inasmuch as they have had no experience with the Commission's rate order, they do not know whether it meets the requirements thereof. One of the applicants stated that at the present time, C. C. Ankeney and C. R. Hall, of Greeley, have authority to transport live turkeys; that there were available in the Greeley area many trucks prepared to move turkeys to Greeley; and that, in his opinion, there were sufficient trucks available to move this commodity in the Greeley area.

M. S. Weber, manager of The Union Delivery Company, Greeley, Colorado, holder of Certificate No. 354, testified that his authority included the transportation of turkeys from points within a radius of 150 miles of Greeley; that they had, in the conduct of their business, five trucks, all of which were needed in order to meet the public demand, and that a number of these trucks were available for the transportation of live turkeys; that they had solicited the Jerpe Commission Company and stood ready to take care of any demands which this firm might have; that they needed this business in order to maintain the present standard of efficiency and ability to render service to the public, and that to grant authority as sought by this applicant would impair their ability to so maintain this equipment. Mr. Weber further stated that ten cents per car mile was not sufficient compensation for this service, but had never declined any demand for service to transport this commodity.

Howard Lafferty, of the Lafferty Transfer Company, holder of Certificate No. 560, testified that he had authority to transport all commodities except livestock within the 150-mile radius sought to be served by the applicants; that he had equipment on hand for the purpose of taking care of the demands of the public which was not busy at all times, but that he was not interested in the turkey transportation business.

Protestants offered no objection to the granting of authority to the applicants for the transportation of coal from the Northern Colorado coal fields to Greeley.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the applicants' testimony,- to the effect that there were sufficient trucks to take care of the transportation of live turkeys in the Greeley area,- left his application in this respect unsupported, and with the testimony of protestants, there is no question but that there is adequate authorized transportation service in the Greeley area to take care of the public demand for the transportation of this commodity; that to grant authority to the applicants as sought, for the transportation of live turkeys, would impair the efficiency of at least one common carrier, The Union Delivery Company, and make this company less able to maintain its present standard of equipment, all of which five trucks are needed in order to take care of the usual public demand made upon this carrier; that this part of the instant application should be denied, and there being no objection to the granting of authority to transport coal as sought, the same should be authorized.

#### O R D E R

IT IS THEREFORE ORDERED, That Nels and Don Hockison, of Greeley, Colorado, doing business as Hockison and Son, should be, and they hereby are, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from the Northern Colorado coal fields to users at Greeley, Colorado; and that that part of

the application pertaining to the transportation of live turkeys should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 deem 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 of 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 2d day of December, 1939.

Edward E. O'Brien

W. L. Danks

Wm. E. Quinn  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WALLACE EBERT, FORT COLLINS, COLO- )  
RADO, FOR A CLASS "A" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5194-PP

-----  
December 2, 1939.  
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Appearances: John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Wallace Ebert, Fort Collins, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

The applicant herein resides a short distance northwest of Fort Collins, Colorado, and seeks authority to transport milk and cream from the area surrounding his home to Fort Collins, Colorado.

It appeared from the testimony given at the hearing that the applicant and four of his neighbors, all conducting small dairies, had exchanged transportation service by one of them transporting milk and cream for the others one week and another the next week, but believe it would be more convenient for the applicant herein to be authorized to transport milk and cream for hire and discontinue the exchange of service; that the applicant seeks to serve these customers, all of whom reside within the area extending one mile north and one mile west of Fort Collins; that in picking up the milk, the distance traveled would be approximately four miles each trip; that so far as he knew, no one was available to render this service, and unless some arrangement for authority could be made, the several producers would be obliged to transport their own commodity; that he possessed a Chevrolet truck, equipped to render the service required; that at present he wished to serve Theodore Wetzler, J. W. Wagner, Fred Waag, and C. Rife, but should conditions change,

it was possible that he might want to serve a few more customers in this same area.

Protestants appearing at the hearing offered no objection to the granting of this authority.

After a careful consideration of the record and the testimony offered at the hearing, the Commission is of the opinion, and finds, that authority should be granted to this applicant to transport milk and cream from the described territory to Fort Collins, Colorado, and the return of empty cans back to the milk producers.

#### O R D E R

IT IS THEREFORE ORDERED, That Wallace Ebert, R.F.D. 3, Fort Collins, Colorado, 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 milk and cream from farmers located within the territory extending one mile north and one mile west of Fort Collins, Colorado, to 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

Edmund T. O'Connell

W. D. Danks

Maureen Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR D. POOR, BOULDER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. )  
B-1323 TO ARLES AND MARTHA BATES, )  
DOING BUSINESS AS "BATES TRUCK LINE", )  
HYGIENE, COLORADO. )

APPLICATION NO. 2917-PP-BA

November 29, 1939

Appearances: Winston S. Howard, Esq., Denver, Colorado,  
for Blakley Trucking Company and  
Stockton Truck Company;  
William E. Buck, Esq., Longmont, Colorado,  
for Arthur D. Poor and Bates Truck Line.

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 7279, the Commission granted a private carrier permit, No. B-1323, to Arthur D. Poor, which said permit was extended by Decision No. 11520.

On August 7, 1939, said Poor filed his application to transfer said permit to Arles Bates and Martha Bates, doing business as "Bates Truck Line."

Said application for transfer was set for hearing, and heard, in Boulder, Colorado, on September 19, 1939.

At the transfer hearing, Winston S. Howard, appearing for Blakley Trucking Company and Stockton Truck Company, and a representative of Yockey Truck Company, objected to the transfer upon the ground that said Blakley Trucking Company and Stockton Truck Company, although duly authorized common carriers of livestock for hire by motor vehicle at the time of said hearing and the granting of the authority sought to be transferred, had not been notified of said original hearing, and had not had an opportunity to appear and be heard therein; that the authority

granted not only was competitive in character with the service performed by said Blakley and said Stockton under their certificates but was in excess of that sought by applicant at the hearing, and was not limited in the manner agreed to by said applicant.

Subsequently, to-wit, on October 24, 1939, formal application to reopen said matter was filed by said Blakley Trucking Company and said Stockton Truck Company, service thereof being had upon said William E. Buck, Esq.

Thereafter, said William E. Buck, Esq., filed his request for bill of particulars.


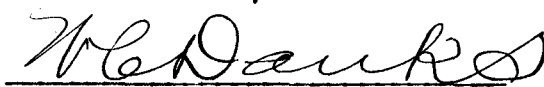
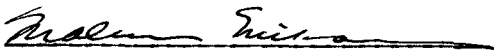
After a careful consideration of the record, the Commission is of the opinion, and finds, that said application to reopen said matter and to cancel the authority granted said Poor to haul livestock, as well as said request for bill of particulars, should be set for hearing and argument.

#### O R D E R

IT IS THEREFORE ORDERED, That said application filed by Blakley Trucking Company and Stockton Truck Company to reopen the matter of the granting of permit to said Arthur D. Poor, and to cancel the authority granted to him to handle livestock, and the application of said Respondent Poor for bill of particulars, be, and the same hereby are, set for hearing at Room 330 State Office Building, Denver, Colorado, on the 8th day of December, 1939, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DATED at Denver, Colorado,  
this 29th day of November, 1939.

  
  
  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
THE TOWN OF BETHUNE, COLORADO, FOR  
OPENING OF PUBLIC HIGHWAY OVER THE  
RIGHT OF WAY AND TRACKS OF THE  
CHICAGO, ROCK ISLAND AND PACIFIC  
RAILWAY COMPANY AT A POINT DIRECTLY  
SOUTH OF MAIN STREET, BETHUNE,  
COLORADO.

APPLICATION NO. 5054

November 29, 1939

Appearances: Hodges, Vidal and Goree, Esqs.,  
By James L. Goree, Esq., Denver,  
Colorado, for The Chicago, Rock  
Island and Pacific Railway Company;  
Thornton H. Thomas, Jr., Esq., Burling-  
ton, Colorado, for the Town of Bethune;  
Charles H. Rankin, Railway and Hydraulic  
Engineer, Denver, Colorado, for the  
Commission.

S T A T E M E N T

By the Commission:

Heretofore, in the above-styled matter, the Commission entered its order granting applicant's petition for an order requiring respondent Railway Company to establish a crossing in the Town of Bethune, said Town being required to pay the costs to be incurred by said Railway Company in establishing said new crossing.

Since the hearing, some differences of opinion have developed between said parties as to the work necessary in establishing said crossing, and as to the amount of costs to be incurred, and manner of satisfying same; and it further has been represented that the Colorado State Highway Department is opposed to opening said crossing.

It has been suggested that said matter should be reopened by the Commission for the purpose of taking testimony relative to said questions, only, and said Railway Company has filed an application for

rehearing herein.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said matter should be reopened, for the purpose, only, of taking testimony on the question of amount of expense to be incurred in establishing said crossing, the manner of payment and by whom same should be paid, and to take testimony of Colorado State Highway employees or representatives as to the propriety or desirability of establishing said crossing, as ordered.

O R D E R

IT IS THEREFORE ORDERED, That the above-styled matter should be, and the same hereby is, reopened for the purposes of taking testimony upon the questions set forth in the Findings herein, only, and should be, and the same hereby is, set for hearing on said propositions in Room 330 State Office Building, Denver, Colorado, on the 8th day of December, 1939, at two o'clock, P. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Jones

W. C. Danks

Max Emerson  
Commissioners.

DATED at Denver, Colorado,  
this 29th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\* \*

IN THE MATTER OF THE APPLICATION )  
OF GEORGE WRIGHT, 425 WEST NEW YORK )  
AVENUE, CANON CITY, COLORADO, FOR A )  
CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5228-PP

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December 5, 1939.  
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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 coal from the Florence coal fields to Pueblo, Colorado, over Highway No. 50.

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

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 Wright, Canon 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 coal from the Florence coal fields to Pueblo, Colorado, over Highway No. 50.

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 D. Clark

Wes Danks

Wm. E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ED HAINES AND S. N. BROWN, DOING )  
BUSINESS AS HAINES MOTOR FREIGHT, )  
DURANGO, COLORADO - PRIVATE PER- )  
MIT NO. A-1268. )

CASE NO. 4770

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December 1, 1939.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondents heretofore became the holder of Private Permit No. A-1268, pursuant to the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, authorizing them to engage in the business of a private carrier by motor vehicle.

The Commission is informed and believes, and upon such information and belief alleges, that said respondents have violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, the Rules and Regulations of this Commission, and the terms and provisions of said permit in the following particulars, to-wit:

1. That said respondents did during the months of June, July, August and September, 1939, accept, transport and deliver numerous and different shipments of freight at and for rates and charges different from, and lower than the rates and charges prescribed by this Commission for such service.

2. That during the said months aforesaid, respondents exceeded the authority granted and conferred by said Permit A-1268 by accepting numerous and different shipments of freight destined for points beyond the route and outside of the territory authorized to be served by said respondents, delivering said shipments by interlining and transferring the same to other carriers, both common and private, for final delivery of said shipments to the consignees thereof. That some of said shipments so accepted were transported and delivered by said respondents on through rates and some of said shipments were transported,

and delivered by said respondents on a combination of local rates.

3. That said respondents, during the months of June, July, August and September, 1939, and for a long period of time prior thereto, had served the public in the business of transportation of property for compensation as a common carrier, without first, or at all, securing from the Public Utilities Commission of the State of Colorado, a certificate of public convenience and necessity authorizing such service.

4. That during the months of June, July, August and September, 1939, and for a long period of time prior thereto, said respondents accepted, transported and delivered shipments of freight for numerous and different shippers without first, or at all, entering into an actual bona fide contract with such shippers governing the rendering of such service, and without first, or at all, listing the names of such shippers with this Commission, contrary to the provisions of Rule 10 of the Rules and Regulations governing private carriers.

#### 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 respondents have failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, and Permit, and if so, whether their said permit 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 respondents show cause, if any they have, by written answer 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 respondents, or 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 it is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 12th day of December, 1939, at

ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. O'Brien

W. L. Danks

Malcolm E. Gibson  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
RALPH H. WOODS, DOING BUSINESS AS  
WOODS TRUCK LINE, FOR AN EXTENSION  
OF THE COMMON CARRIER RIGHTS NOW  
HELD BY THE APPLICANT.

APPLICATION NO. 1436-AB

IN THE MATTER OF THE APPLICATION OF  
LEAMON RESLER, DOING BUSINESS AS  
RESLER TRUCK LINE, FOR AN EXTENSION  
OF CERTIFICATE NO. 460.

APPLICATION NO. 1487-AB

RE MOTOR VEHICLE OPERATIONS OF  
LEAMON RESLER, DOING BUSINESS AS  
RESLER TRUCK LINE.

PERMITS NOS. A-480 AND A-638.

December 2, 1939

Appearances: Worth Allen, Esq., Denver, Colorado,  
for applicant, Ralph H. Woods;  
Marion F. Jones, Esq., Denver, Colorado,  
for applicant, Leamon Resler;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Conour and Conour, Del Norte, Colorado,  
for North Eastern Motor Freight;  
Robert L. Wood, Esq., Denver, Colorado,  
for Colorado Transfer and Ware-  
housemen's Association, Consolidated  
Motor Freight, McKie Truck Line,  
Gallagher Transfer, The Motor Truck  
Common Carriers' Association,  
Denver-Laramie Transportation Co.;  
J. C. Street, Denver, Colorado, for  
Colorado and Southern Railway Co.,  
and the Colorado, Burlington and  
Quincy Railroad Co.

S T A T E M E N T

By the Commission:

Heretofore, Ralph H. Woods, doing business as Woods Truck Line,  
was authorized to operate as a common carrier by motor vehicle for hire,  
for the transportation of freight:

"Between Denver and Akron, Wray and Laird, and between Sterling and Wray and all intermediate points."

He now seeks an extension of his authority to authorize the transportation of commodities, generally, between the City of Denver and the towns of Otis, Yuma, and Eckley, and between Brush and all points east thereof on U.S. Highway No. 34.

Leamon Resler heretofore was authorized to operate as a common carrier by motor vehicle for hire, for the transportation of freight:

"Between Denver, Yuma, Otis, Eckley, Anton and points on U.S. 36 east of Strasburg in line haul service, and as a call and demand common carrier for the transportation of freight between points within a described radius around Yuma, Colorado, on the one hand, and points in the State of Colorado on the other."

He now seeks to extend said authority to include the right, as limited by the testimony offered at the hearing, to operate as a common carrier by motor vehicle for the transportation of freight, on schedule, in intrastate commerce, between Denver, Fort Morgan and Brush on the one hand and points on U.S. Highway No. 34 east of, but not including, Brush on the other, and between Anton, on U.S. Highway No. 36, and said points, specifically excluding local service between Denver, Fort Morgan, and Brush, and between Greeley and any of said points under this extension. He also asks that he be authorized to operate in interstate commerce for the transportation of freight between the points and over the alternate routes that he has been authorized to serve by the Interstate Commerce Commission in Docket No. MC-21502, said routes being described as:

- Route 1. From Denver over U.S. Highway No. 85 to Greeley, thence over U.S. Highway No. 34 to Brush, and thence over U.S. Highway No. 6 to the Colorado-Nebraska State Line;
- Route 2. From Denver to Brush, as specified above, and thence over U.S. Highway No. 34 to said State Line;
- Route 3. From Denver over U.S. Highway No. 6 to Brush, and thence over U.S. Highway No. 34 to said State Line; -

with the right to serve all points intermediate on said highways on east-bound and west-bound shipments, but not including Yuma on east-bound shipments.

The evidence disclosed that Mr. Woods, for a number of years, has operated a regular service out of Denver east to the Nebraska State Line, over U.S. Highway No. 6 to Brush, U.S. Highway No. 34, Brush to the Colorado-Kansas State Line, serving Akron, Wray, and Laird, without the right to serve Yuma, Otis, and Eckley out of Denver, he, however, being able to serve intermediate points between Akron and the State Line with freight originating or interchanged at Sterling.

Mr. Resler, too, operates out of Denver to the points heretofore stated, and seeks to serve the other points mentioned, which are located upon the highways he traverses under his present authority.

Resler also is authorized to serve some of the points he seeks to serve under common carrier authority under Private Permit No. A-480, and stated that, if the authority here sought were granted, he would dispose of his private permits by selling the so-called "Brady Permit", No. A-783,- which has been accomplished since the hearing herein, said permit having been transferred to Colorado Freightways, Inc., Application No. 2456-PP-AAA, Decision No. 12997,- and permitting the cancellation of Permit No. A-480 (A-480 and A-638) by the Commission.

When it appeared that Mr. Woods does not propose service between Denver and Sterling via any route, and does not propose to serve Greeley, and when Mr. Resler stipulated that his Private Carrier Permit No. A-480 should be cancelled by the Commission and agreed to waive local service between Denver, Fort Morgan, and Brush, under any authority, and to eliminate service in or out of Greeley under the proposed extension, North Eastern Motor Freight, through its counsel, withdrew objections to the granting of extensions sought.

Mr. Woods stated that he did not object to the extension sought by Resler, and Resler reciprocated by stating that he did not object to the granting of extended authority to Woods.

Mr. J. C. Street, appearing for the Chicago, Burlington and Quincy Railroad, consented to the granting of the extended authority to Woods, but opposed the Resler application so far as it contemplates service out of Denver to Wray and Akron, he contending that public convenience and necessity for such service was not established by the testimony offered. However, no testimony was offered by said protestant.

Mr. Woods stated that if he were granted the extended authority sought, he would be able to render better service from and to the towns and to the shippers and receivers of freight residing therein that he is now authorized to serve; that he has ample equipment to serve said extended authority and can do so without increasing his costs; that the extension will not impair his present operation financially, and should produce more revenue, which should make his line stronger, and therefore, at least indirectly, benefit the public served.

His freight solicitor, one Keith Alexander, amplified and corroborated the testimony of Mr. Woods.

Mr. Resler stated that he had been engaged in trucking for seven years; that the territory which he serves under his certificate, and which he proposes to serve under the extension, has been served by him for a number of years under his common carrier and private carrier authority; that, under the Commission's rules, he cannot combine his common carrier and private carrier operations; that, therefore, his expense has been considerably greater than it will be under a certificated operation; that he will be able to conserve equipment, use one truck instead of two, cut operating costs, which may ultimately result in reduced rates for the shippers and eliminate some confusion in the minds of people using his service; that the residents of the towns along said U.S. Highway No. 34 want his common carrier service, and that the granting of the extensions sought by him and by Mr. Woods will be in the public interest.

The financial responsibility of the respective applicants and their operating experience and ability were established to the satisfaction of the Commission.

While, apparently, the respective territories which applicants seek to serve now have common carrier or private carrier freight service by motor vehicle, and in part by rail, it did not appear that the proposed extensions will impair the efficiency of said common carrier operations, and upon the record here made and the facts as developed, the Commission is of the opinion, and finds, that the public convenience and necessity requires the proposed extended motor vehicle common carrier service of said applicants, and that certificates of public convenience and necessity should issue therefor, and that Permit No. A-489 (formerly Permits A-480 and A-638), should be cancelled.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed extended motor vehicle common carrier service of Ralph H. Woods, doing business as Woods Truck Line, for the transportation of freight as a motor vehicle carrier, on schedule, in intrastate commerce, between the City of Denver and the Towns of Otis, Yuma, and Eckley, and between Brush and all points east thereof on U.S. Highway No. 34; and this order shall be taken, deemed, and held to be, a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the proposed extended motor vehicle common carrier service of Leamon Resler, doing business as Resler Truck Line, for the transportation of freight as a motor vehicle carrier, on schedule, in intrastate commerce, between Denver, Fort Morgan, and Brush on the one hand, and points on U.S. Highway No. 34 east of, but not including, Brush on the other; and between Anton on U. S. Highway No. 36 and said points, specifically excluding local service between Denver, Fort Morgan, and Brush, and between Greeley and any of said points under this extension, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the proposed extended motor vehicle common carrier service

of Leamon Resler, doing business as Resler Truck Line, for the transportation of freight as a motor vehicle carrier in interstate commerce, between the points and over the routes that he has been authorized to serve by the Interstate Commerce Commission in Docket No. MC-21502, said routes being described as:

Route 1. From Denver over U. S. Highway No. 85 to Greeley, thence over U. S. Highway No. 34 to Brush, and thence over U. S. Highway No. 6 to the Colorado-Nebraska State Line;

Route 2. From Denver to Brush, as specified above, and thence over U. S. Highway No. 34 to said State Line;

Route 3. From Denver over U. S. Highway No. 6 to Brush, and thence over U. S. Highway No. 34 to said State Line; -

with the right to serve all points intermediate on said highways <sup>Route 1 and 3 on</sup> ~~on east-bound and west-bound shipments, but not including Yuma on east-bound~~ <sup>and Yuma and all points intermediate between Yuma and State line on Inter</sup> ~~shipments~~ <sup>State shipments</sup>; and this order shall be taken, deemed, and held to be, a certificate of public convenience and necessity therefor, said authority to be subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That Permit No. A-480, formerly Permits Nos. A-480 and A-638, should be, and the same hereby is, cancelled.

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

IT IS FURTHER ORDERED, That the applicants 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 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 legis-

lative 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

Edward D. C. C. C.

W. H. C. C.

W. H. C. C.  
Commissioners.

DATED at Denver, Colorado,  
this 2d day of December, 1939

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. A. SMITH, 2805 HUMBOLDT STREET, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 5227-PP

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December 5, 1939.  
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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 sand, gravel and other road surfacing materials from pits and supply points in the State of Colorado to construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver.

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

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. A. Smith, 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 sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, and

coal from mines in the northern Colorado coal fields to Denver.

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 V. Dineen

W. C. Danks

Wm. E. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY M. SHUNK AND GEORGE E. MACKEY, )  
17 GALAPAGO STREET, DENVER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS )  
PRIVATE CARRIERS BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 5226-PP

-----  
December 5, 1939.  
-----

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado, to construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, and coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be rendered by applicants, the Commission determined to hear, and has heard, said matter forthwith, without formal notice or hearing, upon the records and files herein.

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 Harry M. Shunk and George E. Mackey, Denver, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire, for the transportation of sand, gravel and other road surfacing materials from pits and supply points in the State of Colorado, to construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek

and Gilpin counties, and coal from mines in the northern Colorado coal fields to Denver.

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 operations which now or hereafter may 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 D. O'Connell

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM B. ROBERTS, 2219 WEST 29th )  
AVENUE, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 5229-PP

-----  
December 5, 1939.  
-----

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 sand, gravel, and other road surfacing materials, from pits and supply points within a radius of fifty miles of Denver to construction jobs within said area, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver.

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

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 William B. Roberts, 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 sand, gravel and other road surfacing materials, from pits and supply points within a radius of fifty miles of Denver to construction jobs within said area, excluding service in Boulder, Clear Creek and Gilpin counties, and coal from mines

in the northern Colorado coal fields to Denver.

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 D. Thayer

W. C. Danks

Max E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF OWEN HARTLEY, 170 WEST VIRGINIA )  
AVENUE, DENVER, COLORADO, FOR A )  
CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 5230-PP

-----  
December 5, 1939.  
-----

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 coal from mines in the northern Colorado coal fields to Denver.

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

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 Owen Hartley, Denver, 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 coal from mines in the northern Colorado coal fields to Denver, 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

Edward D. Decker

W. D. Danks

Walter E. Evers  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. M. MELTON AND S. A. MARKLEY, )  
DOING BUSINESS AS "MELTON AND MARK- )  
LEY," DENVER, COLORADO, TO TRANSFER )  
INTERSTATE CERTIFICATE NO. 1246-I )  
TO S. A. MARKLEY, DOING BUSINESS AS )  
"M AND M TRUCK COMPANY," 3604 EAST )  
46TH AVENUE, DENVER, COLORADO. )  
-----

INTERSTATE CERTIFICATE NO. 1246-I

-----  
December 5, 1939  
-----

S T A T E M E N T

By the Commission:

On December 27, 1938, H. M. Melton and S. A. Markley, co-partners, doing business as "Melton & Markley," were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as common carriers by motor vehicle in interstate commerce, and Certificate No. 1246-I issued to them.

Subsequently, on February 4, 1939, H. M. Melton and S. A. Markley, co-partners, doing business as "Melton & Markley," were authorized to transfer said Certificate No. 1246-I to Melton & Markley, Inc., a corporation.

Said Melton & Markley, Inc., a corporation, now seeks authority to transfer said Certificate No. 1246-I to S. A. Markley, doing business as "M and M Truck Company," Denver, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

O R D E R

IT IS THEREFORE ORDERED, That Melton & Markley, Inc., a corporation, should be, and it hereby is, authorized to transfer Interstate Certificate No. 1246-I to S. A. Markley, doing business as "M and M Truck Company," Denver, Colorado, said transfer to be made subject to the provisions of the Federal Motor Carrier Act of 1935.

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 transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 D. T. Tinsley

W. C. Danks

Walter S. Sisson

Commissioners

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
BERT VAN EPS. )

PERMIT NO. C-3506

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Bert Van Eps ..... of 1701 S Clarkson St., Denver, Colo.,  
requesting that his Permit No. C-3506 ..... 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-3506  
to Bert Van Eps, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connor*  
*W. B. Danks*  
*Wm. E. Quinn*  
Commissioners.

Date at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
F. M. HUNSAKER. )

PERMIT NO. C-7757

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
F. M. Hunsaker of 230 South Main, Pueblo, Colo.,  
requesting that his Permit No. C-7757 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-7757  
F. M. Hunsaker,  
to \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. O'Brien*  
*W. C. Danks*  
*Walter E. Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 5th day of Dec., 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

W. L. CLARK.

PERMIT NO. C-9865

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
W. L. Clark of Fraser, Colorado,  
requesting that his Permit No. C-9865 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-9865  
to W. L. Clark, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Brien*  
*W. L. Danes*  
*Allen E. Nixon*  
Commissioners.

Date at Denver, Colorado,  
this 5th day of December, 1939.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
LOUIS J. CEJKA. )

PERMIT NO. C-10509

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Louis J. Cejka ..... of Grand Junction, Colorado .....  
requesting that his Permit No. C-10509 ..... 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-10509 ..... heretofore issued  
to Louis J. Cejka, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Frank J. Thomas*  
*W. C. Danks*  
*Allen E. Quinn*  
Commissioners.

Date at Denver, Colorado,  
this 5th ..... day of ..... December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
J. B. FOREMAN. )  
 )  
 )  
 )  
 )  
 )  
.....)

PERMIT NO. C-7494

.....  
Dec. 5, 1939  
.....

S T A T E M E N T


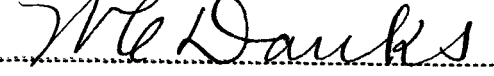
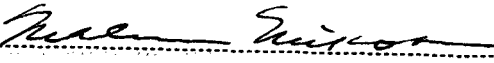
By the Commission:

The Commission is in receipt of a communication from .....  
J. B. Foreman ..... of Elizabeth ..... Colorado ,  
requesting that his Permit No. C-7494 ..... 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-7494  
J. B. Foreman ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

MRS. NANNIE DEERWESTER. )

PERMIT NO. C-9279

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Mrs. Nannie Deerwester of Rt 2, Box 106-A, Greeley, Colorado,  
requesting that his Permit No. C-9279 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-9279, heretofore issued  
to Mrs. Nannie Deerwester, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Turner  
W. L. Danks  
James E. Wilson  
Commissioners.

Date at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

ED WAECHTER. )

PERMIT NO. C-9837

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....

Ed Waechter of Pagosa Springs, Colorado,

requesting that his Permit No. C-9837 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-9837, heretofore issued

to Ed Waechter, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Jones*

*W. L. Danks*

*James E. Quinn*

Commissioners.

Date at Denver, Colorado,  
this 5th day of Dec. 1939

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM SCHELLY. )

PERMIT NO. C-9952

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
William Schelly \_\_\_\_\_ of Wray \_\_\_\_\_, Colorado \_\_\_\_\_,  
requesting that his Permit No. C-9952 \_\_\_\_\_ 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-9952 \_\_\_\_\_, heretofore issued  
to William Schelly, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners.

Date at Denver, Colorado,  
this 5th day of December 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
CASEY TRUCK LINE CO., INC. )

PERMIT NO. 670-I

Dec. 5, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Casey  
Truck Line, Company, Inc. of Cove Orchard Oregon,  
requesting that his Permit No. 670-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. 670-I, heretofore issued  
to the Casey Truck Line Company, Inc., be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. Turner*  
*W. C. Danks*  
*Wm. Quinn*  
Commissioners.

Date at Denver, Colorado,  
this 5th day of December, 1939, 9

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE RATES AND )  
CHARGES BY RUPERT BORDEN AND HIS )  
SUCCESSOR, THE VALLEY TRUCK AND )  
IMPLEMENT COMPANY, A CORPORATION. )  
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APPLICATION NO. 4746

-----  
December 5, 1939.  
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Appearances: Moynihan and Hughes, Esqs., Montrose, and  
Worth Allen, Esq., Denver, Colorado,  
for petitioners;  
Conour and Conour, Esqs., Del Norte, and  
William F. Haywood, Esq., Grand Junction,  
Colorado, for respondents.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Richard E. Conour,  
one of the attorneys for the above named respondents, requesting that time for  
answer by respondents be extended to December 15 or 20, 1939.

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

O R D E R

IT IS THEREFORE ORDERED, That the time for answer by respondent,  
The Valley Truck and Implement Company, in the instant case, be, and the same  
is hereby, extended to December 20, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Wheeler

W. L. Danks

Harold E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY DEVORE, COTOPAXI, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 5061-PP

-----  
December 5, 1939.  
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Appearances: Ray DeVore, Cotopaxi, 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  
and Joe Blanchard;  
Robert Wood, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing on the 27th day of July, 1939, and the applicant stated that he had an arrangement to move vermiculite from mine four miles southeast of Hillside, Colorado, to the loading point at Cotopaxi, and to the mill at Canon City, for one customer, namely, The Vermiculite Company of America; that he possessed one Ford truck and had bought another dump truck especially for this purpose, inasmuch as other operators did not have dump trucks; that since making this application, the Vermiculite Company of America had abandoned the work and he had no idea whether he would need the authority or not, and inasmuch as insurance would be expensive to keep up, and that in all probability a mine would be opened up in a different location, he preferred to have the present setting vacated, with the privilege of notifying the Commission to give him a further hearing when he was qualified to state specifically what authority he would require.

On the applicant's statement as above set out, the hearing was vacated.

On November 16, 1939, the Commission received a communication from the applicant, wherein he advises that the Vermiculite Company of America was now prepared to move ore from their property at Hillside to Cotopaxi and to Canon City, and requested that his application be completed so that he would be in a position to take care of their transportation needs.

It appeared that the applicant was financially able to conduct this operation if given authority.

At the hearing July 27, 1939, the applicant was quite uncertain as to what authority he might finally desire. However, his letter indicates that it is the same operation covered by his application. It was also understood that his application would be set for further hearing. However, it is very doubtful if there would be any objection to the granting of this authority, and that the best interests of all concerned would be served by granting authority at this time, giving those who appeared at the hearing an opportunity to request a further hearing in the event they do have some objection to the granting of this authority.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, subject, however, to the right of protestants to request a hearing herein within a period of twenty days from the date hereof.

#### O R D E R

IT IS THEREFORE ORDERED, That Ray DeVore, of Cotopaxi, 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 vermiculite from mine near Hillside to loading point near Cotopaxi, and to mill at Canon City, for one customer, only, The Vermiculite Company of America.

IT IS FURTHER ORDERED, That if the protestants appearing at the hearing on July 27, 1939, or any of them, desire to protest the granting of this authority, they<sup>may</sup>/do so by filing their protests with the Commission within twenty days after the date hereof, so that the matter may be set for further hearing, as heretofore stated.

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 D. Dineen*

*W. C. Danks*

*Wm. E. Einton*  
COMMISSIONERS.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GATELY MOTOR COMPANY, A CORPORATION, )  
FOR AN EXTENSION OF CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
NO. 1179. )  
-----

APPLICATION NO. 3977-BB

-----  
December 5, 1939.  
-----

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company;  
Robert Wood, Esq., Denver, Colorado,  
for Windecker Truck Line, Colorado  
Transfer and Warehousemen's Association,  
and The Motor Truck Common Carriers  
Association.

S T A T E M E N T

By the Commission:

Applicant, Gately Motor Company, herein seeks to extend the authority heretofore granted it to operate as a motor vehicle carrier for hire to include the right to transport livestock for hire between points within the area bounded by Wilkerson, Kenosha, Trout Creek, and Ute Passes, and from and to points in said area, to and from points in the State of Colorado.

The evidence disclosed that Gately Motor Company, under its present certificate, is furnishing call and demand service for the transportation of various commodities, including livestock, between and from and to points within a radius of twenty miles of Alma; that Alma is located in the so-called "South Park area", which area, substantially, is bounded by the mountain passes heretofore mentioned; that said area, as a whole, forms a distinct trade and farming section; that livestock moves from point to point in said area, and from and to points in said area, to and from points in the State of Colorado, said movement being to ranches and markets; that said South Park area produces large quantities of hay, and a great number of sheep, cattle and other livestock are raised and fed in said area.

There was no objection to the granting of the authority sought.

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 the public convenience and necessity require the proposed operation of applicant, and that a 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 extended operation of applicant for the transportation of livestock for hire between points within the area bounded by Wilkerson, Kenosha, Trout Creek, and Ute Passes, and from and to points in said area, to and from points in the State of Colorado, 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 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 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

*Edward D. O'Connell*  
*W. O. Parks*  
*Marion Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
CLIFF BRICE, PUEBLO, COLORADO, FOR  
A CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO OPERATE TAXICABS  
IN AND ADJACENT TO THE CITY OF WAL-  
SENBURG, COLORADO.

APPLICATION NO. 5108

IN THE MATTER OF THE APPLICATION OF  
PAUL P. MARTINEZ, WALSENBURG, COLO-  
RADO, FOR A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY TO OPER-  
ATE TAXI SERVICE IN AND ADJACENT TO  
THE CITY OF WALSENBURG, COLORADO.

APPLICATION NO. 5109

December 6, 1939

Appearances: Cliff Brice, Pueblo, Colorado,  
pro se;  
F. K. Parriott, Esq., Walsenburg,  
Colorado, for Paul P. Martinez;  
J. H. Larson, Denver, Colorado, for  
Southwestern Greyhound Lines;  
E. R. Williams, Alamosa, Colorado,  
for Valley Transit Company;  
T. A. White, Esq., Denver, Colorado,  
for Denver and Rio Grande Western  
Railroad Company, Colorado and  
Southern Railway Company, and  
Denver-Colorado Springs-Pueblo  
Motor Way.

S T A T E M E N T

By the Commission:

On September 18, 1939, Cliff Brice filed his application for a certificate of public convenience and necessity to operate taxicabs in and adjacent to the city of Walsenburg, Colorado, as a common carrier for hire.

A similar application was filed by Paul P. Martinez on said September 18, 1939, he seeking authority to operate taxi service as a motor vehicle carrier for hire for the transportation of passengers from

point to point within the city limits of Walsenburg, and from and to Walsenburg to and from points in Huerfano County, excluding service between points on U. S. Highways Nos. 160 and 85.

Said Martinez secured the required consent of the city of Walsenburg to operate a taxicab service in Walsenburg. Subsequent to the hearing, Mr. Brice informed the Commission that he had been unable to procure a license to operate in Walsenburg and asked that his application be dismissed.

The testimony showed that Walsenburg is the county seat of Huerfano County; that it has a population of approximately five thousand people; that it has neither street cars, busses, nor taxi service; that points along U. S. Highway No. 160 and U. S. Highway No. 85 are now served by motor vehicle scheduled passenger service; that applicant believes that said service is adequate, and does not seek to compete therewith; that coal mining, livestock raising, ranching and farming are the principal industries in said Huerfano County; that occasionally there is some demand for the transportation of passengers by taxi to and from said ranches, farming centers, and coal camps; that applicant is of the opinion that one cab could supply the demand for service at this time; that he has a five-passenger, four-door Chevrolet sedan of the value of \$545.00, which he proposes to use in said service if the certificate is granted; that his charge for the transportation of one or more passengers from point to point in the city limits of Walsenburg will be twenty-five cents for one or more passengers, and that he will charge twenty cents per mile the round-trip distance for service to and from Walsenburg from and to points in said county which he is authorized to serve. He stated that said rate might be fixed by the order to be entered herein.

As limited, protestants withdrew objections to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity

requires the proposed motor vehicle common carrier taxicab service of Paul P. Martinez, and that certificate of public convenience and necessity should issue therefor, subject to the conditions hereinafter expressed, and that the application of Cliff Brice for a certificate of public convenience and necessity should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle common carrier, not on schedule, taxicab service of applicant, Paul P. Martinez, for the transportation of passengers from point to point within the city limits of Walsenburg, and from and to points in said city to and from points in Huerfano County; provided, that no service shall be furnished or rendered by said applicant between points on U. S. Highways Nos. 160 or 85; 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 rates and tariffs heretofore set forth in this decision for the transportation of passengers by applicant shall be, and hereby are, approved and adopted and fixed as the rates and tariffs to be charged by said applicant for his transportation service under the certificate of public convenience and necessity herein granted.

IT IS FURTHER ORDERED, That said 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 said 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 the above-styled application of Cliff Brice for a certificate of public convenience and necessity 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

Edward E. O'Connell

W. D. Danks

William E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 6th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
R. C. TAYLOR, DOING BUSINESS AS )  
TAYLOR TRUCK LINE, OF 2232 LAWRENCE )  
STREET, DENVER, COLORADO. )  
-----

PERMIT NO. 768-I

-----  
December 5, 1939.  
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S T A T E M E N T

By the Commission:

The Commission has been advised that R. C. Taylor, doing business as the Taylor Truck Line, is now negotiating transfer of his interstate permit No. 768-I.

Insurance on this permit expired on October 23, 1939, and insurance case has been instituted against this carrier.

Since no insurance is now on file, the Commission is of the opinion, and so finds, that said permit should be suspended pending subsequent action on the transfer.

O R D E R

IT IS THEREFORE ORDERED, That R. C. Taylor, doing business as the Taylor Truck Line, should be, and hereby is, allowed to suspend his operations under interstate permit No. 768-I for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said R. C. Taylor 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 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

Edward E. O'Connell

W. C. Danks

Walter E. Quinn  
Commissioners

Dated at Denver, Colorado,  
this 5th day of December, 1939.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. R. MCCARTHY, CENTRAL CITY, )  
COLORADO - PRIVATE PERMIT B-2098. )  
-----

CASE NO. 4774  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
December 7, 1939.  
-----

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondent heretofore became the holder of Private Carrier Permit B-2098, pursuant to the 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.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, the Rules and Regulations of this Commission governing private carriers by motor vehicle, and the terms and provisions of said permit B-2098, in the following particulars, to-wit:

1. That said respondent did, during the months of June, July, August and September, accept, transport and deliver numerous shipments of freight without first, or at all, issuing properly itemized bills of lading for such shipments as required by the provisions of Rule 21.
2. That said respondent during the period aforesaid accepted, transported and delivered shipments of freight for numerous and different shippers without first, or at all, entering into an actual bona fide contract with such shippers, governing such service, and without first, or at all, listing the names of said shippers with this Commission as required by Rule 10.
3. That during the months aforesaid, said respondent accepted, transported and delivered numerous shipments of freight, assessing and

collecting for such service rates and charges different from and lower than the rates and charges prescribed by this Commission for such service.

4. That said respondent does not at the date hereof have on file with this Commission a schedule or tariff of rates and charges to be charged by him for the rendering of transportation service as required by the provisions of Section 10, Chapter 120, Session Laws of 1931, and the Rules and Regulations of this Commission.

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 has failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, and permit, and if so, whether his said permit 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 answer filed with the Commission within Ten days from the date hereof, why it should not enter an order suspending or revoking the permit heretofore issued said respondent or 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 is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 27th day of December, 1939, at Ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Cullen  
W. C. Danks  
William E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK O. McCONNELL, LA PORTE, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
INTERSTATE PERMIT NO. 907-I TO )  
HENRY HAUSER AND HARRY HARBISON, )  
DOING BUSINESS AS HAUSER AND HARBI- )  
SON, FORT COLLINS, COLORADO. )

INTERSTATE PERMIT NO. 907-I

-----  
December 7, 1939.  
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S T A T E M E N T

By the Commission:

Frank O. McConnell, La Porte, Colorado, holder of Interstate Permit No. 907-I, herein seeks authority to transfer said permit to Henry Hauser and Harry Harbison, doing business as Hauser and Harbison, Fort Collins, Colorado.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

O R D E R

IT IS THEREFORE ORDERED, That Frank O. McConnell, La Porte, Colorado, should be, and he hereby is, authorized to transfer Interstate Permit No. 907-I to Henry Hauser and Harry Harbison, doing business as Hauser and Harbison, Fort Collins, Colorado, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

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 permit has been formally assigned and that said parties have accepted, and in the future comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance

of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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. Coker

W. A. Danks

Malcolm S. Sinton  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. O. GILBERT, RFD, DEBEQUE, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5134-PP

APPLICATION FOR REHEARING.

-----  
December 5, 1939.  
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Appearances: J. P. Hillman, Esq., Grand Junction,  
Colorado, for applicant;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Charles D. Young, Denver, Colorado,  
for Robert G. Asher, Harp Brothers,  
Lischke and Heflin, and The Colorado  
Trucking Association.

S T A T E M E N T

By the Commission:

On November 8, 1939, Decision No. 14286, the Commission entered an order denying the application which sought authority to serve what is known as the "Roan Creek Area" in Mesa County, in the transportation of farm produce, farm supplies and livestock.

Thereafter, on, to-wit, the 24th day of November, 1939, application for rehearing was filed by applicant herein. Said application for rehearing alleges, inter alia, that applicant is in a position to introduce new and additional testimony if granted a rehearing; that said testimony and evidence was not available at the time of the original hearing and that same would be material upon the question of whether or not said Roan Creek area is now being adequately served by established common carrier service.

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

O R D E R

IT IS THEREFORE ORDERED, That applicant be, and he is hereby, granted a rehearing in the instant matter.

IT IS FURTHER ORDERED, That said rehearing shall be held at the Court House in Grand Junction, Colorado, on December 15, 1939, at the hour of two o'clock P. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Anderson

W. L. Danks

Malcolm E. Wilson  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of December, 1939.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALBERT SCHWILKE, ESTES PARK, COLORADO, )  
FOR AUTHORITY TO PERFORM TRUCK SERVICE )  
BETWEEN POINTS AND INTO AND OUT OF A )  
FIFTEEN MILE AREA OF ESTES PARK, )  
COLORADO. )

APPLICATION NO. 4834  
(AMENDMENT TO ORIGINAL ORDER)

December 7, 1939

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the Applicant;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association and the Rocky  
Mountain Parks Transportation  
Company.

S T A T E M E N T

By the Commission:

On January 10, 1939, Decision No. 12842), the Commission granted  
authority (Certificate No. 1321), to Albert Schwilke as follows:

"\* \* \* to be rendered only upon call and demand  
for the conduct of a general cartage business in  
Estes Park, Colorado, and the transportation of commodities  
generally between points within a fifteen-mile radius  
of Estes Park, Colorado; and the transportation of com-  
modities except household goods from and to points within  
the described Estes Park area to and from points outside  
thereof, excluding and excepting however transportation  
of any commodities between Denver and Estes Park and  
intermediate points via Loveland or via Lyons and between  
Fort Collins or La Porte (Boettcher) and Estes Park and  
intermediate points; \* \* \* "

It has been brought to the attention of the Commission that the  
above-quoted authority might be interpreted to permit the holder thereof  
to transport freight between Denver and Estes Park via some road other  
than through the two gateways, Lyons and Loveland, into Estes Park as  
mentioned, and that the language used has been rather confusing to in-

spectors and others seeking to know the exact authority of the holder of this certificate. Therefore, the Commission, on its own motion, after a careful consideration of the record made in support of this application,-- which discloses that the intention was to grant no authority whatever to render service between Denver and Estes Park, the same having been stipulated by one of the protestants and agreed to by Albert Schwilke at the time of the hearing,-- has decided, in order that there should be no misunderstanding about the meaning, that the order of January 10, 1939, should be amended in accordance with the stipulation and the record herein.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of the order contained in Decision No. 12842 should be, and the same hereby is, amended by deleting therefrom the following: "Via Loveland or via Lyons," the part so eliminated commencing with the word "via" on the first line of page 4 of Decision No. 12842 and continuing to the semi-colon following the word "Lyons" in the second line thereof.

IT IS FURTHER ORDERED, That in all other respects the order contained in said decision shall remain in full force and effect;

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dwyer

W. L. Danks

William E. Gilman  
Commissioners.

DATED at Denver, Colorado,  
this 7th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HAROLD MINICK, FORT COLLINS, COLO-  
RADO, FOR A CLASS "A" PERMIT TO  
OPERATE AS A PRIVATE CARRIER BY  
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5197-PP

December 7, 1939

Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Ass'n.

S T A T E M E N T

By the Commission:

The above-numbered application was called for hearing at Fort Collins, Colorado, pursuant to notice, the applicant not appearing and no communication being received from him.

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

After a 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 Application No. 5197-PP 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.

DATED at Denver, Colorado,  
this 7th day of December, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell  
W. C. Danks  
John P. Beck  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
V. O. BUCHANAN, FOR REINSTATEMENT  
OF PERMIT NO. B-2082 AND TRANSFER  
THEREOF TO SI LOCKHART, FORT COL-  
LINS, COLORADO.

APPLICATION NO. 3982-PP-A

IN THE MATTER OF THE APPLICATION OF  
SI LOCKHART FOR EXTENSION OF AUTHORI-  
TY ORIGINALLY GRANTED IN APPLICATION  
NO. 3982-PP (AND HEREINABOVE SOUGHT  
TO BE TRANSFERRED) TO INCLUDE TRANS-  
PORTATION OF TRUCKLOAD LOTS OF LIVE-  
STOCK INSTEAD OF EIGHT HEAD, AS NOW  
LIMITED.

APPLICATION NO. 3982-PP-A-B

December 9, 1939

Appearances: Si Lockhart, Fort Collins, Colorado,  
for the Applicants;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation, Yockey Brothers, J. J.  
Schaefer, Dewey Bibbey, and  
Guy D. Ramsay.

S T A T E M E N T

By the Commission:

On April 19, 1939, Decision No. 13368, the Commission issued  
an order authorizing V. O. Buchanan to suspend operations under his Permit  
No. B-2082 for a period not exceeding six months from said date.

On October 9, 1939, the holder of this permit requested its re-  
instatement, and on the same day the instant application to transfer  
Permit No. B-2082 to Si Lockhart was filed with the Commission, together  
with his application for an extension thereof.

The record discloses that this request for reinstatement hav-

ing been filed before the expiration of the suspension period, together with other requirements of the Commission having been met, this permit should be reinstated as of October 9, 1939.

Also, by the instant application, authority is sought to transfer Permit No. B-2082 to Si Lockhart. It appears from the testimony given at the hearing that the consideration to be paid is \$50.00; that Lockhart possesses equipment and is financially able to conduct an operation under this authority, provided the same is transferred to him; that Lockhart is at the present time the holder of Permit B-2327, which is not as extensive as Permit B-2082, and that he desires to have the two permits consolidated and to be given authority to operate same as Permit B-2082.

The authority originally granted in Application No. 4877-PP, being Permit B-2327, is as follows:

"For the transportation of coal from the Northern Colorado coal fields to users within a 12-mile radius of Fort Collins, Colorado; and the transportation of used farm machinery and equipment, and livestock from and to farms within a 12-mile radius of Fort Collins to and from sales rings in Fort Collins and from and to sales rings in Fort Collins to and from sales rings at Greeley."

The original authority granted in Application No. 3982-PP, being Permit B-2082, is as follows:

"For the transportation of farm products, including livestock, from and to farms within a radius of twenty miles of Fort Collins to and from markets in said area and occasional transportation of livestock in lots of not to exceed eight head from sales yards in said area to Denver."

In addition to the consolidation of the two authorities by the instant application, authority is sought to extend the latter by authorizing truckload lots of livestock instead of eight head, as now limited.

The applicant testified that while he sought an extension to move livestock in truckloads instead of eight head, he realized that Guy Harrison, Jake Jordan, Solomon Deines, Yockey Brothers, J. J. Schaefer, and Guy D. Ramsay moved livestock and trucks could make two trips daily to Denver; that, at most times, there were plenty of au-

thorized trucks to take care of the movement of truckload lots to Denver; and that, at other times, more may be needed.

The record shows that J. J. Schaefer, holder of Certificate No. 452, with authority to move truckloads of livestock from the Greeley area to Denver, filed a written protest against the extension as sought by the applicant.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that Permit B-2062 should be reinstated as of October 9, 1939.

The Commission further finds that V. O. Buchanan should be authorized to transfer all of his right, title, and interest in and to Permit B-2062 to Si Lockhart, and that the present permit of Si Lockhart, B-2327, should be consolidated with Permit B-2062 and the consolidated operation conducted as B-2062, and further finds that on the showing made by the applicant, the existing motor vehicle common carrier service in the area sought to be served by his extension is adequate; that to grant additional authority would impair the efficiency of the service now furnished by common carriers; and that this part of the instant application should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That Permit B-2062 should be, and the same hereby is, reinstated as of October 9, 1939.

IT IS FURTHER ORDERED, That V. O. Buchanan be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to Permit B-2062 to Si Lockhart, Fort Collins, Colorado; and that the authority heretofore granted as Permit B-2327, with authority as above set forth, be, and the same hereby is, consolidated with the authority heretofore granted as Permit B-2062, with authority as hereinabove set forth, and that this consolidated authority shall be operated as Permit B-2062.

IT IS FURTHER ORDERED, That the portion of the instant application pertaining to the increase of authority to move more than eight head of livestock, as limited in the original order, be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 of 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

DATED at Denver, Colorado,  
this 9th day of December, 1939.

Edward T. O'Connell

W. C. Davis

Wm. E. Emerson  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. M. LAWRENCE, FOWLER, COLORADO, )  
FOR AN EXTENSION OF HIS AUTHORITY )  
GRANTED BY DECISION NO. 14358. )

APPLICATION NO. 5157-PP-B

December 9, 1939

Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer & Storage Company;  
Ray B. Danks, Esq., Denver, Colorado, for  
The Motor Truck Common Carriers' Asso-  
ciation and The Colorado Transfer and  
Warehousemen's Association;  
John P. Beck, Esq., Denver, Colorado, for  
The Colorado Trucking Association,  
the Fowler Truck Line, Joseph H. Lee,  
John Greek, Manzanola Transfer, and  
Silvers Transfer.

S T A T E M E N T

By the Commission:

On November 18, 1939, Decision No. 14358, the Commission granted authority to the above-named applicant to transport loose hay. This authority was granted on his application which was called for hearing at La Junta, Colorado, on October 17, 1939, at which hearing the applicant failed to appear, but, on consent of representatives of the Fowler Truck Line, limited authority was granted.

The Commission is now in receipt of a communication from E. M. Lawrence, in which he states that the movement of hay to alfalfa mills, being seasonal, has all been moved for the year, and that he desires to have his authority extended to include beet tops, beet pulp, and manure.

The attorney of record for the Fowler Truck Line has again consented to the granting of authority for the movement of these three items.

After a careful consideration of the record and of the request, the Commission is of the opinion, and finds, that the authority granted

by Decision No. 14358 should be extended to include the transportation of beet tops, beet pulp, and manure, from point to point within a radius of twenty-five miles of Fowler, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the authority granted to E. M. Lawrence by Decision No. 14358 should be, and the same is hereby, extended to include the transportation of beet tops, beet pulp, and manure, from point to point within a radius of twenty-five miles of Fowler, 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

Eduard D. Wheeler

W. C. Danko

Malcolm Emerson  
Commissioners.

DATED at Denver, Colorado,  
this 9th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MRS. MABEL DYE, ROUTE 1, LOVELAND, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. A-582 TO ROY BOKELMAN, )  
ROUTE 1, LOVELAND, COLORADO. )

APPLICATION NO. 5192-PP-A

December 9, 1939

Appearances: Roy Bokelman and H. Dye, Route 1,  
Loveland, Colorado, for the  
applicants;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
Private Permit No. A-582 to Roy Bokelman, the consideration being \$100.00.

It appeared from the testimony given at the hearing that this  
authority covers a milk route, and the transferor has been taking care  
of approximately twenty customers. The transferee proposes to conduct a  
similar operation, taking care of the same customers, and that he is  
equipped with a Chevrolet truck and is financially able to conduct the  
operation if the right to transfer is given.

On December 20, 1933, Permit No. A-582 was issued to Charles  
A. Dye, and in describing the route, the permit as issued sets forth the  
same as follows: "North and west of Johnstown thirteen miles." Under  
this authority, Charles A. Dye established a milk route in the area  
north and west of Johnstown. Practically all of the customers, some  
thirty in number, live on R. F. D. No. 1.

Roy Bokelman testified that he proposed to move one commodity,- milk,- which is the same as has been the business of the transferor.

The record discloses that Charles A. Dye passed away on or about the first day of May, 1939, leaving no will and no estate of sufficient size to justify letters of administration. The records of the Commission show that the holder of this permit was changed from Charles A. Dye to Mrs. Mabel Dye, upon request, and without a formal order.

At the hearing, H. Dye agreed to prepare a sketch and mail it to the Commission, showing the approximate location of this milk route. (See sketch in file received November 27, 1939.)

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

#### O R D E R

IT IS THEREFORE ORDERED, That Mrs. Mabel Dye should be, and she hereby is, granted authority to transfer all of her right, title, and interest in and to Private Permit No. A-582 to Roy Bokelman, with authority to transport milk from the area north and west of Johnstown, Colorado, to Loveland, as shown on sketch mentioned in the statement herein, which by reference is made a part hereof.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 of 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 D. Owens

W. D. Danks

Malcolm E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 9th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
T. D. LEECH, OTIS, COLORADO )  
PRIVATE PERMIT NO. B-1841. )  
-----

CASE NO. 4772  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
December 7, 1939.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondent heretofore became the holder of Private Carrier Permit B-1841, pursuant to the 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.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, the rules and regulations of this Commission governing private carriers by motor vehicle, and the terms and provisions of said permit B-1841 in the following particulars, to-wit:

1. That during the months of June, July, August and September, said respondent accepted, transported and delivered numerous and different shipments of freight, issuing bills of lading for a portion of said shipments only, and that for those shipments for which bills of lading were issued, said bills were not properly and completely itemized, all in violation of the provisions of Rule 21.

2. That during the months aforesaid, said respondent accepted, transported and delivered shipments of freight for numerous and different shippers without first, or at all, entering into a bona fide contract with such shippers governing the rendering of such service and without first, or at all, listing the names of such shippers with this Commission as required

by the provisions of Rule 10.

3. That during the months aforesaid, said respondent accepted, transported and delivered numerous shipments of freight, assessing and collecting rates and charges for the rendering of such service, different from, and lower than, the rates and charges prescribed by this Commission for such service.

4. That said respondent does not have filed with this Commission at the date hereof a schedule or tariff of rates to be charged by him for rendering transportation service as required by Section 10, Chapter 120, Session Laws of 1931, and the Rules and Regulations of this Commission.

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 has failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations and permit, and if so, whether his said permit 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 answer filed with the Commission within ten days from the date hereof, why it should not enter an order suspending or revoking the permit heretofore issued said respondent, or 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 is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 27th day of December, 1939, at ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Buehler*

*W. C. Danks*

*Harold E. Quinn*

Commissioners.

Dated at Denver, Colorado,  
this 7th day of December, 1939.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DALE SIMMONS, MERINO, COLORADO, )  
PRIVATE PERMIT NO. B-1346. )  
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CASE NO. 4773  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
December 7, 1939.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondent heretofore became the holder of Private Permit No. B-1346, pursuant to the 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.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, the Rules and Regulations of this Commission governing private carriers, and the terms and provisions of said permit, in the following particulars, to-wit:

1. That said respondent, during the months of June, July, August and September, 1939, accepted, transported and delivered numerous shipments of freight without first or at all issuing properly itemized bills of lading therefor, contrary to the provisions of Rule 21.
2. That during the period aforesaid, said respondent accepted, and delivered shipments of freight for numerous and different shippers without first or at all entering into an actual bona fide contract with said shippers governing such service, and without first, or at all, listing the names of said shippers with this Commission, contrary to the provisions of Rule 10.
3. That said respondent during the period aforesaid accepted, transported and delivered numerous shipments of freight, assessing and

collecting rates and charges therefor different from, and lower than, the rates and charges prescribed by this Commission for such services.

4. That said respondent does not now have a tariff or schedule of rates and charges filed with this Commission as required by Section 10 of said Chapter 120, Session Laws of 1931, and the Rules and Regulations of this Commission.

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 has failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations and permit, and if so, whether his said permit 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 answer filed with the Commission within ten days from the date hereof, why it should not enter an order suspending or revoking the permit heretofore issued said respondent or 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 is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 27th day of December, 1939, at Ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. McQuinn*  
*W. D. Danks*  
*Wm. E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
D. E. WALTERS, CORTEZ, COLORADO, )  
PRIVATE PERMIT NO. "A-1708". )  
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CASE NO. 4771  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
December 7, 1939.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondent heretofore became the holder of Private Permit No. A-1708, pursuant to the 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.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, the Rules and Regulations of this Commission governing private carriers, and the terms and provisions of said permit in the following particulars, to-wit:

1. That during the months of June, July, August and September, of 1939, said respondent accepted, transported, and delivered numerous and different shipments of freight without first, or at all, issuing properly itemized bills of lading for each of said shipments, contrary to the provisions of Rule 21.

2. That during the period aforesaid, said respondent accepted, transported and delivered shipments of freight for numerous shippers without first, or at all, entering into an actual bona fide contract with such shippers governing such service, and without first, or at all, listing the names of such shippers with this Commission, as required by the provisions of Rule 10, and otherwise operated in excess of the authority granted to him by the Commission.

3. That said respondent does not at the date hereof have a schedule or tariff of rates and charges governing service rendered by him filed with this Commission as required by the provisions of Section 10, Chapter 120, Session Laws of 1931, and the Rules and Regulations of the Commission.

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 has failed, neglected or refused to comply with any or all of the provisions of the aforesaid statutes, rules and regulations and permit, and if so, whether his said permit 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 answer filed with the Commission within ten days from the date hereof, why it should not enter an order suspending or revoking the permit heretofore issued said respondent, or 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 is hereby set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 27th day of December, 1939, at Ten o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Decker

W. L. Danks

Malcolm Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. W. ATHERTON, EATON, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 5198-PP  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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-----  
December 7, 1939.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association;  
John P. Beck, 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, the applicant not appearing. Protestants moved that the application be dismissed for lack of prosecution.

Upon returning to Denver, the Commission received a communication from the applicant herein, stating that he had decided to leave Colorado and return to Speed, Kansas, and would have no further use for a permit, and requested that his deposit be returned after deducting the road tax due.

After a careful consideration of the record, including the motion made by protestants and the request of the applicant that his application be dismissed, the Commission is of the opinion, and finds, that this application should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That Application No. 5198-PP 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

Edward E. T. T. T.  
W. B. Danks  
William Smith  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of December, 1939.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL DUCOMMUN, 326 EAST DAKOTA )  
STREET, DENVER, COLORADO, FOR AN )  
EXTENSION OF PERMIT NO. B-2154. )  
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APPLICATION NO. 4563-PP-B

-----  
December 9, 1939  
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S T A T E M E N T

By the Commission:

Heretofore, in Decision No. 11847, on May 13, 1938, Carl Ducommun was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

sand, gravel, road surfacing materials, dirt and rock from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area,

and Permit No. B-2154 was issued to him.

Said Carl Ducommun herein seeks an extension of Permit B-2154 to include the right to transport coal from the northern Colorado coal fields to Denver.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association, heretofore, have indicated that they have no objection to the granting of authority, limited to the service herein sought to be rendered by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice or hearing, upon the records and files herein.

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 Permit B-2154, heretofore issued to Carl Ducommun, Denver, Colorado, should be, and the same hereby is,

extended to include the right to transport coal from the northern Colorado coal fields to Denver.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. D. Danks

Malcolm S. Sisk

Commissioners

Dated at Denver, Colorado,  
this 9th day of December, 1939.

MM

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PAUL N. JONES, GENERAL DELIVERY, )  
MONTROSE, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5233-PP

-----  
December 9, 1939  
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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 sand and gravel from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties.

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

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 Paul N. Jones, Montrose, 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 sand and gravel from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Danks

W. E. Danks

Commissioners

Dated at Denver, Colorado,  
this 9th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. A. SCHAEFFER, DOING BUSINESS AS )  
SCHAEFFER TRUCK LINE, 1420 MARKET )  
STREET, DENVER, COLORADO, FOR A )  
CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 5237-PP

-----  
December 12, 1939.  
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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 coal from Morrison Mine, Columbine Mine and Industrial Mine in the northern Colorado coal fields to Denver.

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

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. A. Schaeffer, doing business as Schaeffer Truck Line, Denver, 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 coal from Morrison Mine, Columbine Mine and Industrial Mine in the northern Colorado coal fields to Denver.

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 J. T. Tuley

W. C. Danks

Maureen E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MYRON E. KNAPP, ROUTE 3, FORT COLLINS, )  
COLORADO, FOR A PERMIT TO OPERATE AS ) APPLICATION NO. 5199-PP  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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-----  
December 12, 1939.  
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Appearances: Dewey Snow, Fort Collins, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Welcker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, McMillan Transfer and  
Storage Company, Fort Collins-Laramie-  
Walden Stage Line, and William Stuart;  
John P. Beck, Esq., Denver, Colorado,  
for the Colorado Trucking Association,  
R. W. and Hazel Greely, Yockey Brothers,  
J. J. Schaefer, Guy D. Ramsay and  
E. N. Winscom.

S T A T E M E N T

By the Commission:

At the time and place set for hearing of the above styled matter, Dewey Snow, an employe of the applicant, stated that Mr. Knapp had been called to Denver on an emergency matter involving his son, and was unable to be at the hearing; that Mr. Knapp desired to eliminate from the application grain, rock, wood, vegetables, and fruit, and to change the territory to a 12-mile radius around Fort Collins, Colorado; that he knew nothing about the financial standing of the applicant and did not know if he had contracts with the State College or anyone else.

It was stipulated that this setting be vacated and set at a later date at Denver, Colorado, with notices to those appearing at this hearing only.

After a careful consideration of the stipulation, the Commission is of the opinion, and finds, that the instant hearing on the application should be vacated and that said application be set at Denver at a later date.

O R D E R

IT IS THEREFORE ORDERED, That the instant application of Myron E. Knapp be amended to include the transportation of hay and straw within a radius of 12 miles of Fort Collins, Colorado, and the transportation of coal from the northern Colorado coal fields to this area, should be, and the same hereby is, set for hearing before the Commission on the 28th day of December, 1939, at ten o'clock A. M., at the Commission's hearing room, 330 State Office Building, Denver, Colorado, and notices thereof sent to those appearing at the original hearing.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

Malcolm Spickard  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK TORTORICE AND LLOYD TORTORICE, )  
DOING BUSINESS AS "TORTORICE BROTHERS," )  
RURAL ROUTE NO. 1, TRINIDAD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS )  
PRIVATE CARRIERS BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 5191-PP

-----  
December 13, 1939  
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Appearances: Frank Tortorice and Lloyd Tortorice, Trinidad, Colorado, pro se;  
C. D. Young, Denver, Colorado, for R. S. Thompson, Harry Warner, Sandoval Truck Line, The Colorado Trucking Association;  
J. I. Vialpando, Weston, Colorado, pro se;  
W. L. Couey, Trinidad, Colorado, for Couey Transfer and Storage Company;  
Raymond Danks, Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association;  
A. J. Fregeau, Denver, Colorado, for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of hay from farms within a radius of fifteen miles of Hoehne, Colorado, to Trinidad and points within said fifteen-mile radius; props and rough lumber from mills in the Stonewall area (south, middle and north forks of Purgatoire River) except saw mill of C. F. and I. Corporation at Weston, Colorado, to coal mines in Huerfano and Las Animas Counties; coal from said mines to points within a radius of one hundred miles of Trinidad.

There was no objection to the granting of the authority sought.

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 Frank Tortorice and Lloyd Tortorice, doing business as "Tortorice Brothers," Trinidad, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of hay from farms within a radius of fifteen miles of Hoehne, Colorado, to Trinidad and points within said fifteen-mile radius; props and rough lumber from saw mills in the Stonewall area (south, middle and north forks of Purgatoire River) except C. F. and I. Mill at Weston, to coal mines in Huerfano and Las Animas Counties; coal from said mines to points within a radius of one hundred miles of 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 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.

IT IS FURTHER ORDERED, That this order shall become effective

twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. L. Danks

Walter E. Quinn  
Commissioners

Dated at Denver, Colorado,  
this 13th day of December, 1939.

MM

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BUEL LOWDER, 614 EAST 10TH, PUEBLO, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5181-PP

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December 13, 1939  
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Appearances: Buel Lowder, Pueblo, Colorado,

pro se;

A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company, Weicker Transfer and  
Storage Company, Faus Trans-  
portation Company;

Raymond Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association,  
Colorado Transfer and Warehouse-  
men's Association;

John P. Beck, Esq., Denver, Colo-  
rado, for The Colorado Truck-  
ing Association, W. G. Cressey,  
Las Animas Transfer, Gottula  
Trucking Company, Sullivan  
Transfer, Otto Baird;

F. R. Keith, Canon City, Colorado,  
for Keith Trucking Company;

Stanley Blunt, Canon City, Colo-  
rado, for Southwestern Trans-  
portation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing in Pueblo,  
on October 30, 1939, applicant herein seeks authority to operate as a  
Class "B" private carrier by motor vehicle for hire for the transporta-  
tion of building materials from all points in the State of Colorado to  
Pueblo, for the Pueblo Builders' Lumber and Supply Company, and for the  
same company from Pueblo to its customers in said area, excluding all  
service to and from Caddoa Dam site.

It appeared that, primarily, service in the past had been transportation of native lumber from mills located in the San Luis Valley, and southwest of Aguilar, southwest of La Veta, near Gardner, west of Colorado Springs, Ojo and possibly other points in the State of Colorado, to Pueblo; lime dust from Salida to Pueblo; roofing from San Luis Valley to Pueblo; nails from Trinidad, celotex from Eads; tile roofing from Denver, etc., to Pueblo, said commodities having been hauled by him under his Commercial Permit.

He was informed that, under a Class "B" private carrier permit, it would be necessary for him to charge twenty percent in excess of the rate prescribed for line haul carriers by motor vehicle when performing service in competition with such carriers. He stated that his customer would not pay more than the prescribed rate. In fact, it developed that, for service performed under his Commercial Carrier Permit, in arriving at a fair differential between the purchase price and sale price of the commodities handled, he had used the rail rates as a basis, said rail rate being considerably less for movement of lumber than the truck rate.

It did not appear that the service of motor vehicle common carriers between points over fixed routes in the State of Colorado is inadequate. On the contrary, Mr. L. M. Rhoads, of Weicker Transportation Company, testified to the generally satisfactory service furnished by such line haul carriers. It also appeared from his testimony that the granting of the permit here sought will impair the efficiency of said motor vehicle common carrier services.

In view of the fact that applicant stated that he cannot procure the business he proposed to handle under the permit, if granted, at the rates he would be compelled to charge, and the fact that the testimony showed that the granting of said permit will impair the efficiency of adequate motor vehicle common carrier service now furnished by line haul carriers between Pueblo and all points in the State of Colorado, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. C. Danks

Walter E. Egan

Commissioners

Dated at Denver, Colorado,  
this 13th day of December, 1939.

**M**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
VERNON DOTSON, EATON, COLORADO, )  
PRIVATE PERMIT NO. A-838. )

CASE NO. 4776  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE

December 9, 1939

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. A-838, pursuant to the 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.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, the rules and regulations of this Commission governing private carriers by motor vehicle, and the terms and provisions of said Permit A-838, in the following particulars, to-wit:

1. That during the months of June, July, August, and September, 1939, said respondent accepted, transported, and delivered numerous shipments of freight for approximately thirty persons, without first or at all listing the names of such persons with this Commission as customers of the said respondent, and without first or at all filing with this Commission a contract, or a memorandum of the terms of any contract, entered into with such persons, covering the service to be rendered to them by this said respondent, contrary to the provisions of Rule 10 of the Rules and Regulations governing Private Carriers.

2. That during the said months of June, July, August, and September, 1939, said respondent failed and neglected to issue bills of lading for any shipments transported by him during said period, as required by the provisions of Rule 21 of the Rules and Regulations governing Private Carriers.

3. That said respondent, during the month of July, 1939, exceeded the authority granted and conferred by said Permit A-838 by accepting, transporting, and delivering a shipment of livestock from and to points outside of the territory authorized to be served by said respondent under said permit, as follows, to-wit, by transporting said shipment of livestock from Hereford, Colorado, to Denver, Colorado.

#### O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion, that an investigation and hearing be had to determine if the respondent permit holder has failed or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, or the provisions of his said permit, and, if so, whether said permit 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 answer filed with the Commission within ten days of this date, why it should not enter an order, because of the aforesaid delinquencies, suspending or revoking the permit heretofore issued to said respondent, or 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 it is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 20th day of December,

1939, at ten o'clock, A. M., at which time and place such evidence  
as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Leary

Walter J. Jankes

Walter J. Jankes  
Commissioners

DATED at Denver, Colorado,  
this 9th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF FRANK BLASI, JANSEN, COLORADO,	)	
FOR A CLASS "A" PERMIT TO OPERATE	)	<u>APPLICATION NO. 5190-PP</u>
AS A PRIVATE CARRIER BY MOTOR	)	
VEHICLE FOR HIRE.	)	

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December 12, 1939.  
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Appearances: Frank Blasi, Jansen, Colorado,  
                  pro se;  
                  C. D. Young, Denver, Colorado,  
                  for The Colorado Trucking  
                  Association and Sandoval Truck  
                  Line;  
                  W. L. Couey, Trinidad, Colorado,  
                  for Couey Transfer and Storage  
                  Company;  
                  Ray B. Danks, Esq., Denver, Colorado,  
                  for The Motor Truck Common Carriers  
                  Association;  
                  A. J. Fregeau, Denver, Colorado,  
                  for Weicker 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 drinking water from Trinidad to points along the road construction job of George W. Condon, on U. S. Highway No. 85 between Ludlow and Trinidad.

There was no objection to the granting of the authority sought.

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 Frank Blasi, Jansen, 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 drinking water from Trinidad to points along the road construction job of George W. Condon,

on U. S. Highway No. 85 between Ludlow and 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

Edward D. Butler

W. D. Danks

Wm. E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. H. PROVOST, FOWLER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5179-PP

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December 12, 1939.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Ass'n,  
Joseph Lee, J. D. Green, Fowler  
Truck Line, Silvers Brothers,  
W. G. Cressey and Las Animas Transfer.

S T A T E M E N T

By the Commission:

The above styled matter was regularly set for hearing at Pueblo, Colorado, on October 30, 1939, at 1:00 o'clock P. M., due notice thereof having been forwarded to applicant.

Notwithstanding service of said notice, applicant failed to appear at the time and place appointed for hearing.

Thereupon, protestants appearing 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 motion should be granted.

O R D E R

IT IS THEREFORE ORDERED, That protestants' motion to dismiss the instant application should be, and the same hereby is, granted, and said application 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

Edward D. T. Gentry

W. C. Danks

Mauro Episcopo  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

Original

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 ) CASE NO. 1585  
VEHICLE CARRIERS. )  
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December 28, 1939.  
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S T A T E M E N T

By the Commission:

On February 4, 1939, the Commission prescribed the following rule,  
designated as Rule 19-D, to become effective February 28, 1939:

"Basis for Rates on Quantity Shipments. The rates herein prescribed subject to specified minimum weights will apply only on shipments of the designated minimum weights, except as otherwise specifically provided for, from one consignor to one consignee on one bill of lading in one day in one vehicle or combination of vehicles operated under a single power unit as limited by the uniform motor vehicle act. (Chapter 164, S. L. 1935).

"On single shipments from one consignor to one consignee on one bill of lading in one day in one vehicle or combination of vehicles (as hereinbefore designated) of the required minimum weight, composed of two or more articles, subject to different less than truckload ratings, apply to the entire lot the rate applicable to the same quantity of the highest rated article in the shipment; except that this basis shall not apply where lower charges would result from applying to the weight of each article its respective less than truckload rate.

"The class and column rates and minimum weights provided herein shall be applied to the applicable less than truckload rate of the article (whether arrived at under the classification ratings or exceptions thereto)."

It also prescribed the following rates in cents per 100 pounds on fresh meats and packing house products as described in Items Nos. 9 and 12-A of Appendix A:

FROM	:	TO	Rate and Minimum Weight			
			: 5,000 lbs.:	10,000 lbs:	15,000 lbs:	20,000 lbs.
Denver, Colo.	:	Colorado Springs, Colo.:	23	: 20	: 18	: --
	:	Pueblo, "	27	: 23	: 20	: --
	:	Trinidad, "	43	: 40	: 35	: 31
	:	Denver, "	27	: 23	: 20	: --
Pueblo, Colo.	:	Colorado Springs, Colo.:	20	: 16	: 14	: --
	:	Trinidad, "	26	: 22	: 20	: 18

On February 24, 1939, Armour and Company, The Cudahy Packing Company, and Swift and Company, filed a joint complaint against Rule 19-D, alleging

that same is unjust, unreasonable, unduly prejudicial, preferential and discriminatory, in violation of Section 18 of the Public Utilities Act.

On June 29, 1939, Armour and Company and Hollywood Creamery Company filed a joint complaint, alleging that the contemporaneous rates applicable on butter, eggs and cheese in lots of 2,500 pounds, 5,000 pounds, and 10,000 pounds, from Colorado Springs, Colorado, to Denver, Colorado, are unreasonable, exorbitant and excessive. The said rates are 36, 27, and 19 cents per 100 pounds, respectively.

Both of these complaints were assigned for hearing on the same date, viz.: August 15, 1939; however, the hearing of the Hollywood complaint was not completed on August 15th and was continued until August 24, 1939.

At the hearing on August 15th, witnesses appearing in support of the complaint relative to Rule 19-D were as follows: A. J. Baumann for complainants, A. J. Tait, for Nuckolls Packing Company, Pueblo, Colorado, R. L. Ellis, for Pueblo Chamber of Commerce and Pueblo Manufacturers and Distributors Association, Pueblo, Colorado, Alice Blakley for Blakley Livestock Hauling Company, Denver, Colorado, Orville Gately, Vice President, Gately Transportation Company, Fairplay, Colorado, Earl Smith, Livestock business, Hartsel, Colo., George W. Tetter, Livestock business, Fairplay, Colo., and Jack Perry, Service Truck Line and the Perry Truck Line, Denver, Colo., and for the Hollywood complaint, A. J. Baumann, Benny Goldstein, and G. A. Allebrand.

No one offered any testimony in opposition to either of the complaints, although T. A. White, Esq., representing the Rio Grande Motor Way, Inc., at the hearing on August 24th, objected to the entire proceeding due to the fact, inter alia, that he had not received a copy of the complaints and was not prepared to meet or answer the allegations set forth therein. The objection was overruled by the Commission.

Complainant contends that Rule 19-D as prescribed imposes upon the shipper the burden of supervising the transportation of his shipments when moving by for hire carriers; the burden of assuring itself that shipments in volume lots of the designated minimum weights, as

tendered, actually move from point of origin to ultimate destination in one day on one piece of equipment operated by one power unit; that it subjects the shipper to possible imposition of supposed undercharges due to probable unfair methods or practices of carriers; that in order to safeguard itself against the payment of overcharges or a violation of the Public Utilities Act, shipper must demand an affidavit from the carrier that shipment was transported in accordance with the provisions of said rule.

A. J. Tait, representing Nuckolls Packing Company of Pueblo, testified that trucking charges on livestock were, as a general rule, deducted from the check for the livestock when remitting to the owner of the livestock and under the present rule balance due bills may be issued by the carriers against his company, and that it would be very difficult and in some instances impossible to collect the additional charges from the owner of the stock.

R. L. Ellis, representing the Chamber of Commerce, and the Manufacturers and Distributors Association of Pueblo, testified the rule makes shippers responsible for truck carriers' errors, negligence and mishandling; that it makes shippers violators of the law without their knowledge or consent; that one of the primary purposes of state and federal transportation regulatory laws is that the shipper may know exactly what his freight charges are at the time of shipment. Under the present rule the shipper does not know what his freight charges are because a truck line for convenience or economy may handle part of quantity lot shipment delivered to it at one time and place on one truck and part on another, thus definitely defeating the tariff rate without the shippers' knowledge or consent.

Miss Alice Blakley of the Blakley Livestock Hauling Company, Denver, Colorado, testified that her truck line is offered shipments of livestock in varied lots, ranging from two thousand to more than twenty thousand pounds, and that equipment of various sizes and capacities has been provided for the most economical handling of shipments as offered and that it is more economical to use two small trucks for a large load at times than it is to provide large trucks for the smaller quantities. She also testified that

shippers refuse to pay additional charges when the larger shipments offered for shipment are split up into smaller units for the carriers' convenience.

Messrs. Smith and Taylor, livestock shippers, testified that the present rule complained of here is a hardship on shippers and that if strictly enforced, would severely handicap truckers in handling large shipments of stock. In the fall of the year heavy movements of sheep must be trucked from the area around Hartsel, Colo., to Divide, Colo., for rail shipment to markets. That within a week or ten days' time 20,000 to 30,000 head must be transported; that the rate for such movements should be on the quantity offered, rather than on the weight transported in individual trucks, as both large and small trucks are employed in these movements.

Mr. Marion Jones, speaking for the livestock carriers, whom his organization represents, stated, in effect, that he had always contended for the application of the 12,000-pound rates on the shipment offered rather than the load transported, subject, of course, to a minimum of 12,000 pounds being offered at one time.

In decision No. 12930 dated February 4, 1939, wherein the rule complained of was prescribed, we stated:

"The term 'minimum weight' means the least weight at which a shipment will be transported at the rate provided for in connection with said weight; the principle behind the establishment of minimum weights is for the purpose (inter alia) of insuring to the carrier a fair load for its equipment and to advise the shipper of the least amount he is required to load in order to secure the benefit of the applicable rate. Heavier loading insures lower costs for hauling and a conservation of equipment.

"If any number of pieces of equipment may be used in transporting a shipment of a given minimum weight applying the rate prescribed for said weight, the principle of minimum weights is immediately destroyed, as the cost of operating two trucks under like circumstances and conditions will closely approximate twice the cost of a single truck."

The question of minimum weights has been before the Interstate Commerce Commission in numerous cases and some of its observations would not be amiss at this time. In 26 I.C.C. 197-202, it said:

"Minimum weight rules are devices for inducing shippers to make economical use of equipment."

"There is a close relationship between the minimum weight and the rate, and if minimum be reduced to a

point which will unduly affect revenues of carriers, an attempt to increase rates to offset loss in revenue is a possibility that must not be overlooked." 81, I.C.C. 373-379.

The most efficient and economical way to handle traffic is in the heaviest possible carloads and therefore the basis for a competitive rate structure should be a rate based on the heaviest practicable car loading, with higher rates provided for shipments tendered in lighter carloads." 208 I.C.C. 677-691-692.

Regarding the complaint against the application of rule 19-D, it appears that the complainants chief concern is the fact that the burden of policing shipments is placed on the shipper, a burden which does not rightfully or legally belong to it. When a shipment is tendered to a common carrier, it is required to assess its charges in accordance with all of the provisions of the governing tariff.

Under the provisions of rule 19-D a quantity shipment must be transported in one vehicle or combination of vehicles operated under a single power unit if the shipper is to enjoy the applicable rate on the prevailing minimum weight. If the carrier splits the shipment and transports part of it in one truck and part in another truck the shipper is penalized for a condition over which he has no control.

The testimony of the livestock interests indicates that all concerned would be better satisfied if the 12,000-pound minimum weight were reduced to 8,000 pounds at the contemporaneous rates applicable to a minimum weight of 12,000 pounds..

The reduced rates on quantity shipments of different minimum weights which we have prescribed, generally speaking, were made on showings that quantity shipments could be transported more economically than smaller shipments; therefore, if no limitations are to be placed upon the number of pieces of equipment which may be used to transport any single shipment, we fail to see any valid reason for varying minimum weights.

In regard to the complaint on butter, eggs and cheese from Colorado Springs, Colo. to Denver, Colo., complainant suggests the following rates, viz.; Less than truckload, 36 cents; minimum weight 2500 pounds, 27 cents; 5,000 pounds, 20 cents; 10,000 pounds, 19 cents.

There does not appear any good reason for maintaining higher rates from Colorado Springs, Colo.. to Denver, Colo., than prevail in the opposite direction under similar circumstances. However, there

is no special rate from Denver to Colorado Springs subject to a minimum weight of 2,500 pounds, nor do we believe special rates should be established on such a low minimum weight, especially on this class of traffic. The rates on fresh meat and packing house products from Denver to Colorado Springs are 23 cents, subject to a minimum weight of 5,000 pounds and 20 cents, subject to a minimum weight of 10,000 pounds. There is an exception to the classification which provides a fourth class rating on butter, eggs and cheese and the fourth class rate on 5,000 pounds is 27 cents and on 10,000 pounds, 19 cents, between Denver and Colorado Springs. It appears that rates of 23 cents on 5,000 pounds, and 19 cents on 10,000 pounds would be in line with the prevailing rates in the opposite direction.

We are in receipt of a number of petitions from representatives of common carriers which we will dispose of in this order. Also some changes, additions and corrections to be made in our rate pamphlet dated June 30, 1939, in Case No. 1585.

The petitions are as follows:

The Colorado Rapid Transit Company seeks authority to publish a rate of nine (9) cents per 100 pounds on fresh milk from points in its territory within a radius of 18 miles of Denver, Colo., to Denver, Colo., minimum weight 3,400 pounds (40 cans) for any bi-monthly period, on a daily average. It is stated that this rate is necessary to prevent the diversion of the traffic to commercial carriers.

The Foster Truck Line seeks authority to publish the following rates in cents per 100 pounds on milk and cream between points on its line and Denver, Colo., and Golden, Colorado:

<u>Between--Denver, and Golden, Colo.</u>						
<u>And</u>	:	<u>Milk</u>	:	<u>Cream</u>	:	<u>Minimum Charge</u>
Tiny Town	:	25	:	35	:	25
Twin Forks	:	25	:	35	:	25
L. Sanger	:	25	:	35	:	25
Fenders	:	25	:	35	:	25
Williams	:	25	:	35	:	25
Fugate	:	28	:	35	:	25
Blakeslee	:	29	:	35	:	25
Office	:	30	:	35	:	25
Conifer	:	30	:	35	:	25
Evergreen	:	30	:	50	:	45
Fields	:	30	:	50	:	45
Pleasant Park	:	30	:	50	:	45
Morris	:	32	:	50	:	45

	Milk	Cream	Minimum Charge (contd)
Shaffers Crossing	35	50	45
Pine Road	36	50	45
Will O' Wisp	37	50	45
Howards	39	50	45
Deer Creek	40	50	45
Bailey	45	50	45

There are no published rates in effect at the present time covering this traffic.

The Blakley Trucking Company seeks authority to publish the following rates on sheep from the following described territory, viz.:

On the west, a line drawn north and south through a point ten miles west of the most westerly point on U. S. Highway No. 285. On the south, a line drawn east and west through a point fifteen miles south of Divide. On the north and east by a line drawn from Divide to Jefferson and extended to intersect the west line, to Divide, Colorado:

1 to 20 miles	. . . . .	.11 cents per 100 pounds				
21 " 30 "	. . . . .	.12 $\frac{1}{2}$	"	"	"	"
31 " 40 "	. . . . .	.14	"	"	"	"
41 " 50 "	. . . . .	.15 $\frac{1}{2}$	"	"	"	"
51 " 60 "	. . . . .	.17	"	"	"	"
61 " 70 "	. . . . .	.18 $\frac{1}{2}$	"	"	"	"

Said rates to apply only to shipments of 12,000 pounds or more and shall be without any minimum truckload weight, and shall be applicable only during the months of September, October and November of each year.

Raisers of sheep in this region are without rail facilities and must ship to the nearest rail head point which is Divide. There is a very large movement in the fall of the year, and every facility available is used for the movement, the bulk of which is done in ten days to two weeks time. Therefore, it is almost a physical impossibility to attempt to apply any given minimum weight per truck for such a large movement; furthermore, a small truck may follow a large truck moving sheep of the same consignment, thereby making two different rates for what might ordinarily be termed the same consignment.

Mr. Frank Miller, doing business as the Denver-Limon-Burlington Transfer Company, seeks authority to continue in effect without an expiration date the drought rates as shown in item No. 24, page 83, appendix K, which are now scheduled to expire with December 31, 1939. Mr. Miller states that the general conditions along his route in eastern Colorado are as bad at the present time, if not worse, than they were when the rates were first established. He further states that the present rates are fair and equitable and that they are on a relative basis with his interstate rates.

The North Eastern Motor Freight, Inc., by J. R. Arnold, its President, seeks authority to reissue its milk and cream tariff and reduce the milk and cream rates in ten (10) gallon cans between Denver, Colorado and Atwood, Colorado, from 27 to 26 cents; Brush, Colorado, 25 to 22 cents; Fort Morgan, Colorado, 24 to 21 cents; Hillrose, Colorado, 27 to 24 cents; Sterling, Colorado, 27 to 26 cents. The petition states this company formally participated in the movement of this traffic between Denver and the points mentioned, however, at the present time same is being transported by rail baggage service at rates from one to four cents per ten-gallon can lower than those of your petitioner. Furthermore, McKay has been hauling this traffic (or at least in part) at the baggage rates, and inasmuch as the McKay permit has been purchased by your petitioner, it is imperative that the proposed rates be established if we are to attempt to continue to participate in the movement of the traffic.

The Motor Truck Common Carriers' Ass'n.

Commodity	From	To	Minimum Weight	Rate in Cents per 100 Pounds
Box Shooks	Walsenburg	Ft. Garland	10,000 Lbs.	10
		Del Norte	20,000 "	15
	<u>Between</u>	<u>And</u>		
Bathroom or Lavatory Fixtures; Batteries, electric, Storage, crated; culverts, iron or steel; Lamps, incandescent; Meat Scraps; Meters, electric; Nursery stock; Sausage, cooked, cured, or preserved; Sewing Machines, crated; Straight or mixed shipments.	Grand Junction, Colo.	Durango, Colo.	: <u>Less truck-load</u> : : Minimum Wt. : : 5000 Lbs. :	: : 99 : 90
Signs (except Neon); Cedar Chests, crated; Desks, set up; Earthenware; Glass, silvered for mirrors, not framed; Meters, Water	<u>Between</u>	<u>And</u>		
Straight or mixed shipments.	Grand Junction, Colo.	Durango, Colo.	: <u>Less truck-load</u> : : Minimum Wt. : : 5000 lbs. :	: 119 : 90
				: 2
Freight, all kinds	<u>Between</u>	<u>And</u>		
	Eads, Colo.	Lamar, Colo.	500 lbs.	15
Feed, Animal or Poultry, in bags, boxes, barrels, or in bales; Flour, in bags; Ice; Salt, in bags, barrels, or boxes	<u>Between</u>	<u>And</u>		
Straight or mixed shipments.	Sterling, Colo.	Julesburg, Colo., and intermediate points; Also Amherst, Colo. and intermediate points.	: 500 lbs. :	: 15

To republish Item No. 18 (Pipe or Culverts) and Item No. 41 (Furniture)  
(Item Nos. refer to Item Nos. in Appendix A of rate pamphlet dated June 30,  
8.

1939) without expiration date, thereby making said exceptions permanent; also cancel all items which carry an expiration date in connection with the above named commodities.

To publish an exception to the classification and provide a rating of 59 per cent of 1st class on Iron or Steel Articles, viz.: Gates, fence; Reinforcement (concrete or Plaster), consisting of bar chairs, bar supports, bar spacers, bar ties, clips, dowel caps, dowel sockets, dowel sleeves, screed chair, stirrups, tie chairs or bar chairs and spacers combined; Reinforcement, concrete or plaster, consisting of spiral columns or column hoops, knocked down or collapsed; Reinforcement, concrete or plaster, viz.: Wire Mesh or Bar Mesh.

To publish a rate of  $17\frac{1}{2}$  cents per 5 gallon can on fresh cream;  $12\frac{1}{2}$  cents per eight or ten gallon can and 10 cents per 5 gallon can on milk, fresh or skim, between Denver, Colorado and Golden, Colorado and intermediate points. Subject to a minimum charge of 25 cents per single shipment. Also a rate of 22 cents per 100 pounds on fresh fruits and fresh vegetables, between Denver, Colo. and Golden, Colo.

To publish a rate of 35 cents per 5 gallon can and 70 cents per 10 gallon can on fresh cream, from Fairplay, Como, Jefferson, Olova and Shawnee, Colo. to Denver, Colo. Not subject to Rule 2, Appendix A. A rate of \$2.50 per ton of 2,000 pounds on hay, baled, minimum weight 10,000 pounds from points located within a ten-mile radius of Como, Colo. to feed lots located within a ten-mile radius of Denver, Colo. To be applicable only on traffic moved at carriers' convenience.

To provide free pickup and delivery at the plants of the Grand Valley Packing Company and the Holly Sugar Corporation which are located outside of the city limits of Grand Junction, Colorado.

The Motor Truck Common Carriers' Association and the  
Rocky Mountain Motor Tariff Bureau, Inc.

To reduce the rating on Catalogues from 64 per cent of 1st class to 55 per cent of 1st class.

Rocky Mountain Motor Tariff Bureau, Inc.

To publish a rate of 55 cents per 100 pounds, minimum weight 500 pounds, on beer, from Grand Junction, Colo. to Telluride, Colo.

The reasons set forth in the petitions of the Motor Truck Common Carriers' Ass'n., and the Rocky Mountain Motor Tariff Bureau are as follows:

The Denver and Rio Grande Western Railroad Company has published similar rates on box shooks and in order that The Faus Transportation Company may attempt to participate in the traffic it must have the rates requested.

The Moab Garage Company has published interstate rates between Grand Junction, Colo., and Durango, Colo., which in many instances are lower than the rates of the Rio Grande Motor Way, Inc., and since the effective date of the rates of the Moab Garage, the Rio Grande Motor Way has lost a large amount of tonnage due to such lower rates.

The Eads-Lamar Truck Line has lost quite a number of shipments weighing 500 pounds or more during the past year to shipper-owned trucks due to the fact that shippers can deliver shipments of this weight to their customers in company-owned equipment at less cost than would accrue by allowing this carrier to transport the freight. This carrier feels that he can regain this lost tonnage if the requested rate is put into effect.

The common carriers operating between Sterling and Julesburg and between Sterling and Amherst have been transporting the commodities in question for several years, and up until this year they have moved this freight in substantial quantities. During this year, however, their volume has shown quite a decrease due to the fact that shippers have found that it is more profitable for them to transport this freight in their own equipment. Also, quite a volume of this traffic has been diverted to Commercial Carriers who buy and sell along these routes.

The affected carriers feel that if the proposed reduction is made effective they will regain most of the lost tonnage, and by placing a 500-pound minimum weight on same the freight will move in large enough volume to allow them to make a profit on such transportation.

The items covering pipe or culvert, and furniture were published with an expiration date of September 30, 1939. The same provision was in effect via the rail lines. However, the rail lines cancelled the expiration date effective October 1, 1939, and unless similar action is taken by the motor carriers, they no doubt will be forced to forego the traffic.

In regard to the proposed exception on iron or steel articles, the petitioner states that this rating has been published for account of the rail carriers to become effective November 25, 1939, and unless the same basis is established by the motor carriers their rates will be approximately 11 per cent higher than those of the rail carriers.

In regard to the rates between Denver, Colorado and Golden, Colo., the petition states: The Swena Transfer and Express says that on fruits and vegetables it has lost most of this movement due to the fact that the shippers feel that it is less expensive to move these commodities in their own equipment. Carrier has been assured by the shippers that this traffic will be returned to its line if the rate is reduced. In order for the carrier to retain its milk and cream traffic the requested rates must be established; otherwise, same will be diverted to other means of transportation.

In regard to the rates from and to the South Park District the following reasons are set forth:

On fresh cream the proposed rates are necessary in order that the traffic will not be diverted to other means.

On baled hay the present rate is \$3.00 per net ton and this traffic is now being transported by commercial carriers. If the rate is reduced to \$2.50 per ton, the carrier feels that it can regain this traffic. Due to the fact that this would be a back-haul, the carrier feels that the proposed rate would create some revenue where none exists at the present time.

In regard to the free pickup and delivery at the plants of the Grand Valley Packing Company and the Holly Sugar Company at Grand Junction, it is stated that these shippers are forced to pay for pickup and delivery. In order not to penalize these shippers, the Rio Grande Motor Way is willing to extend the free service to these plants.

Regarding the proposed reduction in the rating on catalogues, it is stated that under an amendment to the Postal Laws and Regulations issued by the Postmaster General, June 29, 1939, Section 571 1/2 was changed, which had the effect of reducing the postal rates.

Under the existing postal rates there would be no object in the mail order houses forwarding their catalogues by truck to outlying

points thence by mail, because the postal rate is 4 cents for the first pounds and one cent for each additional pound to Zones 1 and 2, which would include practically all points within the state.

The petition makes no mention of the reduced parcel post rates in the local zone. An investigation by the rate department of the Commission develops the fact that catalogues are shipped in carloads or truckload lots into certain designated points, and then distributed to various post offices in contiguous territory for local delivery on the local zone parcel post rate. The local zone rate is four cents for the first pound and one-half a cent for each additional pound. It is the delivery under the local zone rate in connection with the rail or truck rate from the distributing point, where the saving to the mail order houses is effected. For example, the parcel post rate on a five-pound catalogue to any point located in zones one or two is eight cents, the rail or truck rate on catalogues for a distance of 85 miles and over 80 miles is 46 cents per 100 pounds (64% of 1st class), and 40 cents per 100 pounds under the proposed 55 per cent. On a shipment of 100 catalogues, 500 pounds, the transportation charges would be \$2.30 or \$2.00, respectively, or 2.3 and 2.0 cents per catalogue plus six cents postage for local delivery, amounting to a total of 8.3 and 8.0 cents each, respectively, while the parcel post charge from distributing point to the customer at destination would be eight cents per catalogue. Stated differently, it would be cheaper to forward direct from distributing point to customer at destination in zones one or two than to use the rail or trucks from distributing point to local point and parcel post for local delivery by three tenths of a cent under the present 64 per cent basis and no difference at all on the 55 per cent basis.

Under the present 64 per cent basis, when the distance exceeds 65 miles, it would be cheaper to forward direct by parcel post from the distributing point to the customer at destination, and under the proposed 55 per cent basis the distance is extended to 85 miles. Over 85 miles it is cheaper to ship parcel post direct from distributing point to the customer at destination.

The present rate on less than truckload shipments of beer from

Grand Junction to Telluride is 65 cents per 100 pounds. Shippers claim this rate is too high and are moving the freight in their own trucks thereby eliminating this good business from moving via the Telluride Transfer Company or any of their competitors. The Telluride Transfer Company advises that a large portion of this movement will be tendered to them if they can move the commodity on the 55 cent rate, which they claim is necessary before they can turn the business over to the common carrier.

The proposed rate is not out of line with other rates on beer from Grand Junction, in lots of 500 pounds or more. For example, Grand Junction to Gunnison (136 miles), 50 cents; Crested Butte (164 miles) 60 cents; from Gunnison to Ouray (99 miles) 45 cents. The distance Grand Junction to Telluride, for rate making purposes is 143 miles.

In our rate pamphlet dated June 30, 1939, the following changes, additions or corrections should be made.

Refer to Exception No. 1 to distance scale of class rates on page 36 and make the following addition:

"On carload shipments of fourth class freight, or commodities upon which specific rates lower than fourth class have been prescribed and which are received by rail at Calhan, Ramah, Simla, Matheson or Limon, Colo., when destined to points located in the following described territory, viz.: 25 miles north, 25 miles south, 25 miles west and 20 miles east of Simla, Colo., apply the following rates in cents per 100 pounds:

"6 miles and over 2 miles from any of the designated rail points...	5
12 " " " 6 " " " " " " " "	6
16 " " " 12 " " " " " " " "	8
25 " " " 16 " " " " " " " "	10."

This was prescribed in Decision 12645, effective December 2, 1938.

Refer to Rule No. 2, Appendix G-1, page 49, and add the following:

"Subject to a minimum charge of \$1.00 per shipment, except on horses, mules or asses. (For minimum charge on horses, mules or asses see page 50.)"

Refer to Rule No. 10, Appendix G-1, page 50, and add the following:

"Subject to a minimum charge based on five (5) heads."

Refer to specific rates on livestock to Denver on page 51 and change the rates from Lafayette and Louisville to read the same as those shown from Erie, provided such rates are lower than would be produced by use of distance scales of rates. (This basis prescribed in Decision No. 12930, effective February 28, 1939).

Add the following as Rule No. 12, Appendix G-1:

"Where the actual weight cannot be obtained the following estimated weights shall be used; cattle, 800 pounds each; calves, 300 pounds each; hogs, 200 pounds each; Sheep (rams or bucks, 125 pounds each), (ewes, 100 pounds each), (lambs, 70 pounds each), and Goats, 125 pounds each."

Refer to Part III, Appendix G-1, pages 61, 62, 64 and 66 and eliminate the provision in parenthesis, viz.: (Not subject to Rule No. 4).

(This restriction was removed in Decision No. 12930, effective February 28, 1939).

Refer to Part III, Appendix G-1, pages 61, 62, 64, 66, 67 and 68, and reduce the minimum weight from 12,000 to 8,000 pounds.

Refer to Appendix L-3, page 90, and make the column rates between Denver and Colorado Springs, on the one hand, and Salida, on the other hand, read:

"Subject to Note 1." (Note 1 is shown on page 95.) (This provision was prescribed in Decision No. 12645, effective December 2, 1938).

Refer to Appendix L-3, page 86, in the classification of "Bakery Goods," and include bread as an exception along with "Crackers, Cakes and Fruit biscuit."

Refer to Appendix M-1, Section 5, Column "E" rates, page 119, and add "Lime." (This was prescribed in Decision No. 12645, effective December 2, 1938).

Refer to Item No. 24, Appendix K, Page 83, and add, "Fertilizing Compounds, N.O.I.B.N." Minimum Weight 1,000 pounds, at one half of the less than truckload fourth class rates.

#### F I N D I N G S

After full consideration of all the facts set forth in the instant petitions and the record as a whole, the Commission is of the opinion, and so finds, that the rates, rules, regulations and provisions set forth in:

"Supplement No. 1 to Appendix A," "Supplement No. 1 to Appendix B," "Supplement No. 1 to Appendix C," "Supplement No. 1 to Appendix D," "Supplement No. 1 to Appendix G-1," "Supplement No. 1 to Appendix K," "Supplement No. 1 to Appendix L-3," "Supplement No. 1 to Appendix M-1,"

attached hereto and made a part hereof, are, and for the future will be, just, fair, reasonable and sufficient maximum and minimum rates, and just, reasonable and proper rules, regulations and provisions for all motor vehicle common carriers and minimum rates, rules, regulations and

provisions for all private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service.

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 entered 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 Colorado, to the extent they are affected, be, and they are hereby, notified and required to cancel all schedules in conflict with the rates, rules, regulations and provisions prescribed in the aforesaid statement on further consideration, on January 10, 1940, , except the item in Supplement No. 1 to Appendix A, making reference to items 18 and 41, which shall be extended, nunc pro tunc, as of October 1, 1939; item 44, Supplement No. 1, to Appendix A, nunc pro tunc, as of November 25, 1939; the item in Supplement No. 1 to Appendix D, providing a nine (9) cent rate for account of The Colorado Rapid Transit Company, nunc pro tunc, as of September 16, 1939; exception No. 2 to Appendix G-1 in Supplement No. 1 to Appendix G-1, nunc pro tunc, as of September 1, 1939, upon notice to this Commission and to the general public by not less than one (1) days' 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 the 10th day of January, 1940, except, the item in Supplement No. 1 to Appendix A, making reference to items 18 and 41, which shall be re-established without expiration date nunc pro tunc as of October 1, 1939; item 44, Supplement No. 1 to Appendix A, which shall become effective nunc pro tunc, as of November 25, 1939; the item in Supplement No. 1 to Appendix D, providing a nine (9) cent rate for account of The Colorado Rapid Transit Company, which shall become effective nunc pro tunc, as of September 16, 1939; Exception No. 2 to Appendix G-1 in Supplement No. 1 to Appendix G-1, which shall become effective nunc pro tunc, as of September 1, 1939; and that the rates, rules, regulations and provisions prescribed and approved in the aforesaid statement on further consideration shall be published by all motor vehicle common carriers operating in intrastate commerce in Colorado, to the extent they are affected, 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 the rates or bases of rates herein prescribed.

IT IS FURTHER ORDERED, That all private carriers for hire by motor vehicle subject to this order shall on and after September 1, and 16, 1939, October 1, 1939, November 25, 1939, and January 10, 1940, cease and desist from demanding, charging or collecting rates and charges which shall be less than those prescribed and approved in the aforesaid statement.

IT IS FURTHER ORDERED, That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a common carrier.

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.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ATTEST: A TRUE COPY

E. E. POLLOCK  
Secretary.

Edward E. Wheeler  
EDWARD E. WHEELER

W. G. Danks  
W. G. DANKS

Malcolm Erickson  
MALCOLM ERICKSON

Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1939.

SUPPLEMENT NO. 1 TO APPENDIX A

JH

Item No.:	Commodity	Rating
	: Refer to Items Nos. 18 and 41 and cancel the expira- : tion date shown in connection with said items. : Effective Nunc Pro Tunc, as of October 1, 1939.	
19-A Cancels 19	: Catalogues	: 4th class
44	: Iron or Steel Articles, viz.: Gates, fence; Rein- : forcement (Concrete or Plaster), consisting of bar : chairs, bar supports, bar spacers, bar ties, chips, : dowel caps, dowel sockets, dowel sleeves, screed : chair, stirrups, tie chairs or bar chairs and : spacers combined; Reinforcement (concrete or : plaster) consisting of spiral columns or column : hoops, knocked down or collapsed; Reinforcement : (concrete or Plaster), viz.: Wire Mesh or Bar : Mesh. Effective Nunc Pro Tunc as of November 25, : 1939.	: 59 Per Cent : of : 1st Class
Rule No.	: <u>Supplement No. 1 to</u> : <u>Appendix B</u> : <u>Exception to Rule 3, Appendix B</u>	
3	: Pickup and Delivery Service within the City Limits : of Grand Junction, Colorado, will also include : free pickup or delivery at the plants of the : Grand Valley Packing Company and the Holly Sugar : Corporation.	
19-A Cancels 19	: Basis for Rates on Quantity Shipments. : The rates herein prescribed subject to specified : minimum weights will apply only on shipments of : the designated minimum weights, except as other- : wise specifically provided for, from one consignor : to one consignee on one bill of lading in one : calendar day running from midnight to midnight in : one vehicle or combination of vehicles operated : under a single power unit as limited by the : Uniform Motor Vehicle Act (Chapter 164, S.L.1935); : provided, however, that when shipments are re- : received in excess of the quantity that can be : loaded in or on one truck (as hereinbefore quali- : fied) the excess may be loaded in or on another : truck or trucks and transported at the applicable : rate on the entire shipment, subject to the : following conditions: : The shipment shall be from one consignor at one : origin to one consignee at one destination, on one : bill of lading and be delivered by the shipper to : the carrier in one calendar day running from mid- : night to midnight.	

Rule No.: Each truck, except the truck carrying the excess, must be loaded  
 19-A : to its full space or loading capacity.  
 Cancels : Other shipments may be loaded in or on the truck carrying the  
 19 : excess; however, reference to the loaded truck movement shall be  
 (cont'd. : shown on the carriers' billing covering the excess; the carriers'  
 : billing covering the full load movement shall show the following  
 : notation, "Part lot to follow."  
 : Any excess over and above the full truckload shall be removed  
 : from the premises of the shipper at the time the shipment is  
 : tendered to the carrier (except livestock, which may be held on  
 : the premises), and the movement thereof shall start not later  
 : than thirty-six (36) hours after the receipt of the shipment.  
 : On shipment of livestock destined to markets where more than  
 : one truck is used and only one billing is issued, said billing  
 : shall show the truck license number of each truck used in the  
 : movement.  
 : On single shipments from one consignor to one consignee on one  
 : bill of lading in one day in one vehicle or combination of  
 : vehicles (as hereinbefore designated) of the required minimum  
 : weight, composed of two or more articles, subject to different  
 : less than truckload ratings, carrier shall apply to the entire  
 : lot the rate applicable to the same quantity of the highest  
 : rated article in the shipment, except that this basis shall  
 : not apply where lower charges would result from applying to the  
 : weight of each article its respective less than truckload rate.  
 : The class and column rates and minimum weights provided herein  
 : shall be applied to the applicable less than truckload rate of  
 : the article (whether arrived at under the classification ratings  
 : or exceptions thereto.)

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Application of Rules in Appendix B

32 : In the absence of a specific rule or rules governing the movement  
 : of commodities under the rates prescribed in the various appendices  
 : herein, the rules prescribed in Appendix B, Supplements thereto,  
 : or reissues thereof, shall apply.

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Rates for distances in Excess of those Shown in the  
 Distance Scales.

33 : Where the distance involved in any single movement exceeds the  
 : distance for which mileage scales of rates have been prescribed,  
 : said applicable scale shall be extended at the same rate of pro-  
 : gression used for the next preceding 100 miles. (This Rule shall  
 : not apply on shipments moving under Rule No. 11 of Appendix G-1.)

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Supplement No. 1 to Appendix D.

For Account of The Colorado Rapid Transit Company, Denver, Colo.  
 : From points located in authorized territory within a radius of 18  
 : miles of Denver to Denver, Colo., nine (9) cents per 100 pounds on  
 : fresh milk, minimum weight 3,400 pounds (40 cans) for any bi-monthly  
 : period on a daily average. Effective Nunc Pro Tunc, as of September  
 : 16, 1939.

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For Account of The Foster Truck Line, Denver, Colorado.

<u>Between</u>	<u>And</u>	<u>Rates in Cents per 100 Pounds</u>			<u>Minimum Charge, Cents.</u>
		<u>Milk</u>	<u>Cream</u>		
Tiny Town, Colo.	:	25	35	:	25
Twin Forks, "	:	25	35	:	25
L. Sanger,	:	25	35	:	25
Fenders,	:	25	35	:	25
Williams,	:	25	35	:	25
Fugate,	:	28	35	:	25
Blakeslee,	:	29	35	:	25
Office	: Denver, Colo.:	30	35	:	25
Conifer, Colo.	: Golden, Colo.:	30	35	:	25
Evergreen, "	:	30	50	:	45
Fields	:	30	50	:	45
Pleasant Park, Colo.	:	30	50	:	45
Morris	:	32	50	:	45
Shaffers Crossing, Colo.	:	35	50	:	45
Pine Road	:	36	50	:	45
Will O' Wisp	:	37	50	:	45
Howards	:	39	50	:	45
Deer Creek, Colo.	:	40	50	:	45
Bailey, "	:	45	50	:	45

For Account of the Swena Transfer and Express.

Fresh Cream, Between Denver, Colo., and Golden, Colo., 17½ Cents per 5-gallon can, subject to a minimum charge of 25 cents per single shipment.

Milk, fresh or skim, Between Denver, Colo., and Golden, Colo., and intermediate points, 12½ cents per 8 or 10-gallon can and 10 cents per 5-gallon can. Subject to Rule 2, Appendix A.

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For Account of the Gately Motor Company.

Fresh Cream, From Fairplay, Como, Jefferson, Olava, Shawnee, Colo., to Denver, Colo., 35 cents per 5-gallon can, 70 cents per 10-gallon can. No charge on returned empty cans. Not subject to Rule 2, Appendix A.

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For Account of The North Eastern Motor Freight, Inc.

Cream and Milk, in 10-gallon cans, between Denver, Colorado, and Atwood, Colo., 26; Brush, Colo., 22; Fort Morgan, Colo., 21; Hillrose, Colo., 23; Sterling, Colo., 26.

The above rates are in cents per ten (10) gallon can.

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Supplement No. 1 to Appendix G-1

Refer to Rule No. 2, Page 49, and eliminate the following:

"On Horses, Mules or Asses, fifty (50) cents per head higher than the rates herein prescribed on Horses, Mules or Asses,"

Also add the following:

"Subject to a minimum charge of \$1.00 per shipment, except on Horses, Mules or Asses. (For Minimum Charge on horses, mules or asses see rules Nos. 9 and 10, page 50)."

Refer to Rule No. 10, Page 50, and add the following:

"Subject to a minimum charge based on five (5) heads."

Refer to specific rates on livestock to Denver, on page 51, and change the rates from Lafayette and Louisville to read the same as those shown from Erie, Colo., provided said rates are lower than would be produced by the use of distance scales of rates. (Effective February 28, 1939. Decision No. 12930).

Add the following as Rule No. 12:

Where the actual weight cannot be obtained, the following estimated weights shall be used: Cattle, 800 pounds each; Calves, 300 pounds each; hogs, 200 pounds each; Sheep (Rams or bucks, 125 pounds each), (Ewes, 100 pounds each), Lambs, 70 pounds each; Goats, 125 pounds each.

Refer to Part III, Pages 61, 62, 64, 66, 67 and 68, and change the minimum weight to read 8,000 pounds, instead of 12,000 pounds.

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Exception No. 2 to Appendix G-1

Apply the following rates in cents per 100 pounds on Sheep in lots of not less than 12,000 pounds in the aggregate, to Divide, Colo., from the following described territory, viz.: On the east, beginning at Divide, thence south along section lines to the southeast corner of section 31, township 15 south, range 69 west, thence west along section lines to southwest corner of section 35, township 15 south, range 79 west, thence north along section lines to northwest corner of Section 11, township 8 south, range 79 west; thence east along section lines to northeast corner of section 8, township 8 south, range 75 west; thence via an airline to point of beginning. Roughly speaking, the above described territory is as follows: On the south, a line drawn east and west through a point 15 miles south of Divide. On the west, a line drawn north and south through a point ten miles west of the most westerly point on U.S. Highway No. 285; on the east, and north, by a line drawn from Divide to Jefferson and extended to intersect the west line. To apply only during months of September, October and November of each year. Effective Nunc Pro Tunc, September 1, 1939.

1 to 20 miles distance to Divide . . . . .	11
21 " 30 " " " " . . . . .	12 1/2
31 " 40 " " " " . . . . .	14
41 " 50 " " " " . . . . .	15 1/2
51 " 60 " " " " . . . . .	17
61 " 70 " " " " . . . . .	18 1/2

Supplement No. 1 to Appendix K.

Refer to item 24, page 83, Appendix K, and cancel the expiration date. This item to be continued in effect without expiration, after December 31, 1939. Also add Fertilizing Compounds, N.O.I.B.N., Minimum Weight 1000 pounds, at one half of the less than truckload fourth class rates.

Item No. :	Commodity	From	To	Rates in Cents :per 100 lbs., :unless other- :wise stated.
		:(Except as otherwise : provided for.)		
26-A	Hay, Baled, Minimum			
Cancels	weight 10,000 pounds.			
26	:(1) Rate in cents per ton	Ten Mile	Feed lots	
	:of 2,000 pounds. Applies	Radius of	:within a	:(1) 250
	:only on shipments moved at:	Como, Colo.	:ten mile	
	:carriers' convenience.		:radius of	
			:Denver, Colo.:	
	:Butter, Eggs and Cheese,			
	: Straight or Mixed Ship-			
	:ments.			
41	:(1) Minimum Weight,	Colorado	Denver,	:(1) 23
	: 5,000 lbs.	: Springs,	: Colo.	:(2) 19
	:(2) Minimum Weight,	: Colo.		
	: 10,000 lbs.			
43	:Beer, Minimum Weight,	:Grand Jct.,	:Telluride,	
	: 500 lbs.	: Colo.	: Colo.	: 55
	:Box Shooks		:Ft.Garland,	:(1) 10
44	:(1) Minimum Weight,		: Colo.	
	: 10,000 lbs.	:Walsenburg,	:Del Norte,	:(2) 15
	:(2) Minimum weight,	: Colo.	: Colo.	
	: 20,000 lbs.			
	:Bathroom or Lavatory Fix-	: <u>Between</u>	: <u>And</u>	
	: tures; Batteries, Electric:			
	: Storage, crated; Culverts,			
	: Iron or Steel; Lamps,	:Grand	:Durango,	
45	: incandescent; Meat Scraps;	: Junction,	: Colo.	:(1) 99
	: Meters, Electric;Nursery	: Colo.		:(2) 90
	: Stock; Sausage, cooked,			
	: cured or preserved; Sew-			
	: ing Machines, crated.			
	: Straight or Mixed Ship-			
	:ments.			
	: (1) Less truckload			
	: (2) Minimum Weight 5,000			
	: Lbs.			
	:Cedar Chests, crated;Desks,	: <u>Between</u>	: <u>And</u>	
	: set up; Earthenware; Glass,			
	: Silvered for mirrors, not			
46	: framed; Meters, water;	:Grand	:Durango,	:(1) 119
	: Signs, except Neon.	: Junction,	: Colo.	:(2) 90
	: Straight or Mixed Ship-			
	:ments.			
	: (1) Less truckload			
	: (2) Minimum weight,			
	: 5,000 lbs.			
	:Feed, Animal or Poultry, in:	: <u>Between</u>	: <u>And</u>	
	: bags, boxes, barrels or		:Julesburg,	
49	: bales; Flour, in bags; Ice;		: Colo. &	
	: Salt, in bags, barrels or	:Sterling,	:intermed-	
	: boxes, Straight or Mixed	: Colo.	:iate pts.	: 15
	: Shipments. Minimum weight		:Amherst,	
	: 500 lbs.		: Colo. and	
			:intermed-	
			:iate pts.	
	:Freight, all kinds,	: <u>Between</u>	: Lamar, <u>And</u>	
50	: Minimum Weight, 500 lbs.	: Eads, Colo.:	: Colo.	: 15
	:Fruits, fresh, and Vege-	: <u>Between</u>	: <u>And</u>	
51	: tables, fresh, in straight:	:Denver, Colo:	:Golden,	: 22
	: or mixed shipments	: Colo.		

Supplement No. 1 to Appendix L-3

Refer to the commodity "Bakery Goods" on page 86 and include Bread as an exception along with "Crackers, Cakes and Fruit Biscuit."

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD L. CLARK, BOX 163, WESTON, )  
COLORADO, FOR A CLASS "A" PERMIT TO ) APPLICATION NO. 5189-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

-----  
December 12, 1939.  
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Appearances: Richard L. Clark, Weston, Colorado,  
pro se;  
C. D. Young, Denver, Colorado,  
for The Colorado Trucking Association  
and Sandoval Truck Line;  
W. L. Couey, Trinidad, Colorado,  
for Couey Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of logs and lumber from C. F. and I. timber camps, located on the north, middle and south forks of the Purgatoire River to the C. F. & I. Corporation mill at Weston, and lumber from said timber camps and said mill to C. F. & I. Corporation mines at Morley, Valdez, Cameron and Tioga.

There was no objection to the granting of the authority sought.

The financial responsibility and operating experience 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 Richard L. Clark, 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 logs and lumber from C. F. & I. timber camps, located on the north, middle and south forks of the Purgatoire River, to C. F. & I. Corporation mill at Weston, and lumber from said timber camps and said mill to coal camps of said corporation at Morley, Valdez, Cameron and Tioga.

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

Eduard D. Deuel

W. L. Danks

Maalen Snickron

Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSE L. GONZALES, DOING BUSINESS AS )  
"TRINIDAD TRUCKING COMPANY", FOR )  
REINSTATEMENT OF HIS PERMIT B-1433, )  
AND EXTENSION THEREOF. )  
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APPLICATION NO. 4796-PP-B

-----  
December 12, 1939.  
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Appearances: Jose L. Gonzales, 1411 Linden St.,  
Trinidad, Colorado, pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company  
and Weicker Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

Heretofore, applicant, Jose L. Gonzales, was authorized to operate  
as a Class "B" private carrier by motor vehicle for hire (Permit B-1433),  
with authority to transport:

coal, sand, rock, gravel, and ashes, only, from point  
to point within a radius of thirty miles of Trinidad,  
Colorado.

On May 1, 1939, said permit was suspended for a period of six  
months, with the right to reinstate during said period.

On September 1, 1939, he filed application to reinstate said  
permit, and for an extension, said extension to include the right to haul  
brick and tile from Trinidad Brick and Tile Company plant, located just  
outside of the city limits of Trinidad, to Trinidad and points within one  
mile thereof; junk (old metals, rubber, spent batteries, bones, etc.)  
to Trinidad from points within a radius of fifty miles of Trinidad not  
served by line haul motor vehicle carriers; slabs and rough lumber from mills  
and timber camps west of Trinidad to Trinidad and mining camps in Las Animas  
County.

Applicant stipulated that in performing the service under his  
extended permit, he would not compete with service of line haul carriers

operating on schedule between points on U. S. Highways Nos. 160, 85 and 12.

While the radius mentioned of fifty miles includes New Mexico points, applicant was informed that he cannot engage in transportation service between points in New Mexico and Colorado without obtaining permit therefor from the Interstate Commerce Commission, and that the authority herein granted does not include the right to transport freight in interstate commerce.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit No. B-1433 should be reinstated upon compliance of applicant with the rules and regulations of the Commission, and extended as hereinafter set forth.

#### O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1433, heretofore issued to Jose L. Gonzales, should be, and the same hereby is, reinstated, said reinstatement to be effective upon compliance by applicant with the rules and regulations of the Commission relative to insurance, equipment slips and customer lists.

IT IS FURTHER ORDERED, That the authority of said Jose L. Gonzales under said reinstated permit should be, and it hereby is, extended to include the right to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of brick and tile from Trinidad Brick and Tile Company, located just outside the city limits of Trinidad, to Trinidad and points within one mile thereof; junk (old metals, rubber, spent batteries, bones, etc.) to Trinidad from points within a radius of fifty miles of Trinidad not served by line haul motor vehicle carriers; slabs and rough lumber from mills and timber camps west of Trinidad to Trinidad and mining camps in Las Animas County; without the right to transport said commodities in competition with line haul motor vehicle common carriers' service between points on U. S. Highways Nos. 160, 85 and 12, no authority being granted hereby to operate in interstate commerce.

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

Edward D. Wheeler

W. L. Danks

Maun E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HERTZ DRIV-UR-SELF SYSTEM, INC., OF )  
COLORADO, 1235 DELAWARE STREET, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY. )

APPLICATION NO. 5064

December 12, 1939

Appearances: Hindry, Friedman and Brewster, Esqs.,  
Denver, Colorado, for the  
applicant;  
Keely and Walpole, Esqs., Denver,  
Colorado, for Troutdale Hotel  
and Realty Company;  
Hodges, Vidal and Goree, Esqs.,  
Denver, Colorado, for the  
Rocky Mountain Parks Trans-  
portation Company;  
Worth Allen, Esq., Denver, Colorado,  
for The Colorado Sightseeing  
Association and its members;  
L. S. Cooper, Evergreen, Colorado,  
for the Bear Creek Transfer  
Company.

S T A T E M E N T

By the Commission:

On August 24, 1939, Decision No. 13893, the Commission issued an order granting sightseeing authority to Hertz Driv-Ur-Self System, Inc., from Evergreen, Colorado, and other Rocky Mountain Parks points to various scenic attractions, including Denver and return.

On September 5, 1939, the Rocky Mountain Parks Transportation Company, the Rocky Mountain Motor Company, and the Denver Cab Company filed a petition for rehearing, assigning errors involving that part of the decision authorizing service between Evergreen and Denver and return, particularly that the applicant did not show a public demand to exist for a service between Evergreen and Denver, because the same was already adequately served by petitioners; that existing service furnished by

protestant is adequate; that the authority as granted, to serve between Evergreen and Denver will be highly competitive with petitioners and would deprive petitioners of their property without due process of law.

With respect to the showing of public convenience and necessity, the record discloses that applicant, while serving under a temporary authority from the Commission, had numerous demands, and rendered service to various scenic points in the Rocky Mountain region, one carload of such sightseers having been transported from Troutdale to Denver and return.

Mr. L. K. Brown testified that while operating under temporary authority from the Commission, his company had received numerous requests for service to Rocky Mountain points, including Denver, and that he was quite certain that the future demand required service to transport sightseers from Evergreen on one-day trips to Denver and return. However, it did not appear that such persons cannot be adequately served by existing scheduled service.

Mr. Dundon, testifying for the Denver Cab Company, stated that should authority be given the applicant to conduct sightseeing trips from Evergreen and other Denver Mountain Parks points as sought, to Denver, some business might be taken from the many Denver operators now authorized by the City of Denver to operate sightseeing services in, and to and from, Denver. The record does show that the Denver Cab Company renders four trips daily on schedule between Denver and Evergreen during the summer months, and does, by a separate trip, tour the City of Denver. The Commission, in the past, always has protected the line haul service, in the public interest, believing that the maintenance of such service is absolutely essential and paramount. We cannot expect carriers to maintain such service, at a loss.

The record shows that the Hertz Driv-Ur-Self System, Inc., as a part of their application, proposed temporary charges to be made for service, and now have presented a tariff which fixes the rate for sightseeing trips between the Evergreen area and Denver at a figure somewhat

higher than the scheduled rates of the Denver Cab Company. However, said rates are not frozen, and fixing of a rate which would insure non-competition with the existing service on schedule is a difficult matter to determine.

The petition for rehearing alleges that the Hertz Driv-Ur-Self System will be unable to prevent passengers from transacting business in Denver when being transported on a sightseeing trip. We realized that said contention has merit, and on that account the Commission's order made provision for retaining jurisdiction of Application No. 5964, to the end that further orders may be entered should conditions require the same, having in mind the probability of using the sightseeing trip for other than strictly sightseeing purposes. However, this, too, is a difficult matter to police. Probably, the only sure way to take care of the problem is not to let the situation arise. Also, it would seem that, in view of the extensive scheduled operations in the summer between Denver and Evergreen, the territory is adequately served, and to, in effect, authorize an additional service was erroneous.

After careful consideration of the petition for rehearing, and each and every assignment therein contained, together with the record made in Application 5065, the Commission is of the opinion, and finds, that the order contained in Decision No. 13892, insofar as service between Denver and Evergreen was authorized, constitutes error; that evidence did not support the granting of a certificate for service between the Evergreen area and Denver; that such service between the Evergreen area and Denver will be competitive with the protestants' service, and will adversely affect and impair the efficiency of such service; that, in the opinion of the Commission, a further hearing herein is not necessary, but the order complained of should be amended by striking the authority granted to serve between Denver and Evergreen.

#### O R D E R

IT IS THEREFORE ORDERED, That our Order and Decision No.

13892, of date August 24, 1939, entered in Application No. 5064 (which was also entered in Application No. 5065), be, and the same hereby is, amended, by striking therefrom the words "and Denver" in the ninth line of said order on page 8 thereof, so that said first paragraph of said order shall read:

"IT IS THEREFORE ORDERED, That in Application No. 5064 the public convenience and necessity require the proposed transportation service of the Hertz Driv-Ur-Self System, Inc., for the transportation of passengers on regular schedule by motor vehicle between Evergreen, Brook Forest, Troutdale, and Bendemeer Lodge, and intermediate points; and the conduct of a sightseeing, round trip service from Evergreen, Troutdale, Brook Forest, and Bendemeer Lodge to Mt. Evans, Echo Lake, Idaho Springs, Silver Plume, Georgetown, Platte Canon, Bailey, Kiowa Lodge, Colorado Springs, Grand Lake, West Portal, Berthoud Pass, Central City, Blackhawk, via Lookout or Bear Creek, Lookout Mountain, Morrison, Indian Hills, Tiny Town and Boulder, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; subject to the following restrictions, which, in the opinion of the Commission, the public convenience and necessity require:"

IT IS FURTHER ORDERED, That said decision, in all other respects, should remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward H. Tucker

W. C. Danks

Wm. E. Spink  
Commissioners

DATED at Denver, Colorado,  
this 12th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DON E. BROWN, PICKETWIRE CAMP, WESTON, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 5187-PP

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December 12, 1939.  
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Appearances: Don E. Brown, Weston, Colorado,  
pro se;  
C. D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
R. S. Thompson, Harry Warner, Sandoval  
Truck Line, Wes V. McKaughan and  
Adolph A rguello;  
J. I. Vialpando, Weston, Colorado,  
pro se;  
W. L. Couey, Trinidad, Colorado,  
for Couey Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay and grain from points in the Stonewall Valley (south, middle and north forks of the Purgatoire River) to points within a radius of fifty miles of Trinidad, excluding service in competition with scheduled line haul motor vehicle service of Sandoval Truck Line; timber and timber products from Bert Rose mill, near Torres, to Trinidad and points in said fifty-mile radius; timber from points in said Stonewall Valley to the C. F. & I. mill at Weston, Colorado, specifically excluding the right to transport dressed lumber or ties from said C. F. & I. mill or yards at Weston to points in said area; livestock from points in said Stonewall area to points within a radius of fifty miles of Weston.

There was no objection to the granting of authority sought, 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 Don E. Brown, 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 hay and grain from points in the Stonewall Valley (south, middle and north forks of the Purgatoire River) to points within a radius of fifty miles of Trinidad, excluding service in competition with scheduled line haul motor vehicle service of Sandoval Truck Line; timber and timber products from Bert Rose mill, near Torres, to Trinidad and points in said fifty-mile radius; timber from points in said Stonewall Valley to the C. F. & I. mill at Weston, Colorado, specifically excluding the right to transport dressed lumber or ties from said C. F. & I. mill or yards at Weston to points in said area; livestock from points in said Stonewall area to points within a radius of fifty miles of Weston.

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 D. O'Connell

W. C. Danks

Walter E. Spence

Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARVIN CROUCH, ROUTE 2, BOX 26, )  
TRINIDAD, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 5188-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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December 12, 1939.  
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Appearances: Marvin Crouch, Trinidad, Colorado,  
                  pro se;  
                  C. D. Young, Denver, Colorado,  
                  for The Colorado Trucking Association  
                  and Sandoval Truck Line;  
                  W. L. Couey, Trinidad, Colorado,  
                  for Couey Transfer and Storage  
                  Company;  
                  Ray B. Danks, Esq., Denver, Colorado,  
                  for The Motor Truck Common Carriers  
                  Association;  
                  A. J. Fregeau, Denver, Colorado,  
                  for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, 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 Las Animas County to Trinidad and points within a radius of ten miles thereof; scrap iron from points within a radius of twenty miles of Trinidad not served by motor vehicle line haul carriers operating on schedule, to Trinidad.

Applicant stated that, while he had applied for authority to haul timber, he did not care to haul timber for hire; that he purchased it and resold it under a commercial permit; that he does not propose to engage in the transportation of household goods or any type of freight in competition with line haul motor vehicle carriers.

There was no objection to the granting of the authority sought, 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 said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Marvin Crouch, Trinidad, 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 coal from mines in Las Animas County to Trinidad and points within a radius of ten miles thereof; scrap iron from points within a radius of twenty miles of Trinidad not served by motor vehicle line haul carriers operating on schedule, 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 application 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

Eduard E. T. T. T.

W. C. Danks

Wm. E. E. E.  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. L. MUCKOW, 401 SOUTH FEDERAL )  
BOULEVARD, DENVER, COLORADO, FOR A ) APPLICATION NO. 5213-PP  
CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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December 12, 1939.  
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Appearances: H. L. Muckow, Denver, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from the Canon City-Florence coal fields to Canon City, and to Pueblo and Denver and points intermediate, on U. S. Highway No. 85, Pueblo to Denver.

There was no objection to the issuance of authority sought, 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 H. L. Muckow, Denver, 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 coal from the Canon City-Florence coal fields to Canon City, and to Pueblo and Denver and points intermediate, on U. S. Highway No. 85, Pueblo to Denver.

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 now or hereafter may 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 D. Wheeler

W. L. Starks

Malvin Epstein  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1939.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN R. PERRY, 5200 ST. PAUL STREET, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 5211-PP

December 12, 1939

Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association, Colorado  
Transfer and Warehousemen's  
Association;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage  
Company;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking  
Association.

S T A T E M E N T

By the Commission:

Although duly notified of the time and place appointed for hearing, applicant failed to appear. However, protestants above named entered appearance, and consented that permit, limited to transportation of sand and gravel, and road surfacing materials other than cement, from pits and supply points within a fifty-mile radius of Denver to jobs in said area, excluding service in Boulder, Clear Creek, and Gilpin counties, might issue.

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 said application should be granted, limited to the authority agreed to by protestants.

O R D E R

IT IS THEREFORE ORDERED, That John R. Perry, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" pri-

vate carrier by motor vehicle for hire, for the transportation of sand and gravel, and road surfacing materials other than cement, from pits and supply points within a fifty-mile radius of Denver to road jobs in said area, excluding service in Boulder, Clear Creek and Gilpin Counties.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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. O'Connell

W. C. O'Connell

Walter E. O'Connell  
Commissioners

DATED at Denver, Colorado,  
this 12th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ELLIS AND LYLE L. SMITH, GEORGETOWN,  
COLORADO, FOR AN EXTENSION OF PERMIT  
NO. A -2240.

APPLICATION NO. 4744-PP-BB

December 13, 1939

Appearances: Earl Smith, Esq., Georgetown, Colorado,  
for the applicants;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, Curnow  
Livery and Transfer;  
Chas. D. Young, Denver, Colorado, for  
The Colorado Trucking Associa-  
tion and Gately Motor Company.

S T A T E M E N T

By the Commission:

As limited by the testimony of Earl Smith, applicants herein seek authority to extend their Permit No. A-2240 to include the right to transport ores and concentrates from mines and mills within a radius of ten miles of Montezuma to Leadville, and such mining supplies (timbers, lumber, rails, machinery repair parts,— no heavy machinery,— etc.), as can be handled in dump trucks, only, from Leadville to said mines.

There were no objections to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-2240, heretofore issued to Ellis and Lyle L. Smith, should be, and it hereby is, extended

to include the right to transport ores and concentrates from mines and mills within a radius of ten miles of Montezuma to Leadville, and mining supplies (timbers, lumber, rails, machinery repair parts, etc.), that can be handled in dump trucks, only, from Leadville to said mines.

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

Edward D. Gabel

W. L. Danks

Harold E. Givens  
Commissioners

DATED at Denver, Colorado,  
this 15th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. E. McLEAREN, GREELEY, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 5196-PP

December 13, 1939

Appearances: H. E. McLearen, Greeley, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, The Union  
Delivery Company, and Howard  
Lafferty;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation, Dewey Bibbey, J. J.  
Schaefer, and Guy D. Ramsey.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport beet samples from dumps within a twenty-mile radius of Greeley, Colorado, to the Great Western Sugar Company's factory at Greeley; coal from mines in the Northern Colorado coal fields to points within a five-mile radius of Greeley; and feed from point to point within a ten-mile radius of Greeley.

The applicant testified that he possessed a Ford truck suitable for the rendering of the service proposed, and that he was financially able to conduct the same if given the authority; that in referring to the item of "feed" he meant hay, straw, and grain, from farms to feed lots within a ten-mile radius of Greeley; that the transportation of coal would be from the Northern Colorado coal fields to users residing within a five-mile radius of Greeley; and that the beet samples would

be transported from nine or more beet dumps located within a twenty-mile radius of Greeley, and to make the round trip to each of these dumps and return would cover a distance of sixty-five miles; that he was familiar with this route, having made several trips over the same; that he was offered ten cents per truck mile for rendering this service and considered this was not enough and had not signed a contract as yet; that he made a similar application for this authority last year but had never perfected his application or received cab cards thereunder. Decision No. 12816 was made a part of the record. The application further testified that there were plenty of trucks around Greeley to take care of the movement of beet samples, and so far as he knew they may have authority to do this character of work; that his business was that of a farmer, and that if he could rent a farm he would go back to that next year, but in the meantime wanted to qualify himself so that he could haul beet samples provided he was not in the farming business.

No objection was interposed to the granting of authority to transport coal from the Northern Colorado coal fields to users within a five-mile radius of Greeley; neither was there any objection to the granting of authority to transport grain in bulk and loose hay and straw, as sought.

M. S. Weber, manager of The Union Delivery Company, holder of Certificate No. 354, testified that his firm had the right to transport general commodities throughout Colorado; that they maintained five pieces of equipment, all of which were needed in order to meet the ordinary demands of the public, but that much of this equipment was available to take care of the transportation of beet samples during the season, and that his firm had at all times stood ready, able, and willing to take care of this transportation service for The Great Western Sugar Company; that he had personally solicited the manager of the Sugar Company for this business but for some reason was unable to get the contract, presumably on account of the rate charged; that his firm was operating on a close margin and could not afford to lose any tonnage,

and needed this item of transportation very much in order to maintain the present equipment which was kept on hand to take care of the public demand. Mr. Weber further stated that all of the beet dumps were on public highways; that the operation was usually undertaken during the night, and that, in addition to himself, others were authorized to take care of this same item of transportation, including Howard Lafferty and Walter Rumney, and together they could supply eight or ten trucks, any night or any day, when the same were desired.

This record leaves some doubt as to the adequacy of authorized service to properly take care of the movement of beet samples. It appears that during the beet campaign, one or two trips must be made nightly, on schedule. The Union Delivery and Lafferty are not authorized to operate on schedule, and we do not know of any scheduled carriers passing by the several dumps, or who could perform the service sought. The Commission has prescribed no rates for the movement of beets and the item of charges for this service is left to the Sugar Company and the carriers.

In Application No. 2737-PP-BEB, the Commission authorized T. A. Van Dyke to transport beet samples under practically the same conditions, for the reason that, while authorized call and demand common carriers had solicited the business, they were unable to get the contract even though they could have performed the service under their certificates, and that the Sugar Company, after a varied experience, found the call and demand common carrier services unsatisfactory.

After a 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 applicant to transport coal from the Northern Colorado coal fields to users within a five-mile radius of Greeley, Colorado, and the transportation of grain in bulk, loose hay, and straw from point to point within a radius of ten miles of Greeley, and the transportation of beet samples from beet dumps within a radius of twenty miles of Greeley, Colorado, to The Great Western Sugar Company factory at Greeley.

O R D E R

IT IS THEREFORE ORDERED, That H. E. McLearen, of Greeley, 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 the Northern Colorado coal fields to users residing within a five-mile radius of Greeley, Colorado, and the transportation of grain in bulk, loose hay, and straw, from point to point within a ten-mile radius of Greeley, Colorado; and the transportation of beet samples from beet dumps within a radius of twenty miles of Greeley, Colorado, to the factory of The Great Western Sugar Company at Greeley.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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.

DATED at Denver, Colorado,  
this 13th day of December, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Winkler

W. L. Danks

Walter E. Simon

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MELVIN WAGSTAFF, TRINIDAD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 5186-PP  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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-----  
December 13, 1939.  
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Appearances: Melvin Wagstaff, 1322 San Juan St.,  
Trinidad, Colorado, pro se;  
C. D. Young, Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation and Sandoval Truck Line;  
W. L. Couey, Trinidad, Colorado,  
for Couey Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for 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 coal from Thor Mine, in Las Animas County, to Trinidad, and points within a radius of ten miles thereof.

There was no objection to the granting of the authority sought.

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 Melvin Wagstaff, Trinidad, 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 coal from Thor Mine, in Las Animas County, to Trinidad, and points within a radius of ten 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.

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. Danks

W. C. Danks

Maam E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DALE BIEGHLER, 7300 NORTH FEDERAL )  
BOULEVARD, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5212-PP

-----  
December 13, 1939.  
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S T A T E M E N T

By the Commission:

The Commission has been requested by applicant to dismiss the above styled application, stating that he is leaving the State of Colorado, and does not care to engage in the service proposed.

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 this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Stiles

W. C. Danks

Wesley E. Smith

Commissioners.

Dated at Denver, Colorado,  
this 13th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MAURICE R. WINSLOW, 3011 RACE ST., )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 5206-PP

December 13, 1939

Appearances: Maurice R. Winslow, Denver, Colorado,  
pro se;  
Chas. D. Young, Denver, Colorado, for  
The Colorado Trucking Association,  
Golden Transfer, E. J. and O.  
Rawson, and Capron Truck Line;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, The Colorado  
Transfer and Warehousemen's Asso-  
ciation, Windecker Brothers, and  
Bear Creek Transfer;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage Co.  
and Weicker Transportation Co.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, dirt, and other road surfacing materials, from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area, excluding service in Boulder, Clear Creek, and Gilpin Counties; cement from the nearest rail head to said road construction jobs; coal from mines in the Northern Colorado coal fields to Denver.

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 said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Maurice R. Winslow, 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 sand, gravel, dirt, and other road surfacing materials, from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area, excluding service in Boulder, Clear Creek, and Gilpin Counties; cement from nearest rail head to said road construction jobs; coal from mines in the Northern Colorado coal fields to Denver.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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.

DATED at Denver, Colorado,  
this 13th day of December, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. E. Danks

Green E. Egan  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. C. TIPTON, 1532 GLENARM PLACE, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 5214-PP

December 12, 1939

Appearances: E. C. Tipton, Denver, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, Colorado  
Transfer and Warehousemen's  
Association, Gallagher Transfer  
and Storage Company, Bear Creek  
Transfer Company, Curnow Livery  
and Transfer Company, Windecker  
Brothers, and Harold Swena;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Chas. D. Young, Denver, Colorado, for  
Vane Golden, The Colorado Trucking  
Association.

S T A T E M E N T

By the Commission:

As limited by his testimony offered at the hearing, applicant herein seeks authority to transport sand, gravel, dirt, rock, and other road surfacing materials from pits and supply points within a radius of one hundred and fifty miles of Denver to construction jobs in said area; cement and bridge materials (excluding steel and timbers), from point to point on said construction jobs, and from nearest rail head to said job; coal from mines in the Northern Colorado coal fields to points within a radius of one hundred miles of Denver; excluding transportation of cement from Denver to said jobs and cement or coal in competition with Windecker Brothers, PUC No. 996, Bear Creek Transfer and Storage Company, PUC No. 287, Harold Swena, PUC No. 701, Curnow Livery and Transfer, PUC No. 49, and Vane Golden, PUC No. 510, all said work to be performed with dump truck equipment only.

There was no objection to the granting of authority sought, 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. C. Tipton, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by dump truck motor vehicle, only, for the transportation of:

- (1) Sand, gravel, dirt, rock, and other road surfacing materials, from pits and supply points within a radius of one hundred and fifty miles of Denver to construction jobs in said area;
- (2) Coal from mines in the Northern Colorado coal fields to points within a radius of one hundred miles of Denver;
- (3) Cement and bridge materials (excluding steel and timbers), from point to point on said construction jobs and from nearest rail head to said job;-

excluding transportation of cement from Denver to said jobs and transportation of cement or coal in competition with Windecker Brothers, P.U.C. No. 996, Bear Creek Transfer and Storage Company, P.U.C. No. 287, Harold Swena, P.U.C. No. 701, Curnow Livery and Transfer, P.U.C. No. 49, and vane Golden, P.U.C. No. 510.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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 D. Wheeler

Wes Danks

Maen Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE JOINT APPLICATION OF )  
ROCKY MOUNTAIN MOTOR COMPANY, A CORPORA- )  
TION, AND PACKAGE DELIVERY SERVICE, INC., )  
A CORPORATION, FOR THE TRANSFER OF CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND NECES- )  
SITY NO. 572. )

APPLICATION NO. 1813-A

-----  
December 14, 1939  
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Appearances: Hodges, Vidal and Goree, Esqs.,  
Denver, Colorado, for  
Rocky Mountain Motor Company  
and Package Delivery Service,  
Inc.;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Stor-  
age Company.

S T A T E M E N T

By the Commission:

This is a joint application, seeking authority for the trans-  
fer of a certificate of public convenience and necessity of Package  
Delivery Service, Inc. to Rocky Mountain Motor Company, pursuant to a  
corporate resolution of Package Delivery Service, Inc., liquidating  
all its assets to its sole stockholder, Rocky Mountain Motor Company,  
which resolution was adopted by the stockholders of Package Delivery  
Service, Inc. December 1, 1939.

Decision No. 3472 and the order entered on June 20, 1931  
in Application No. 1813 were made a part of the record herein, and from  
such decision and order and the testimony, it appears that Package De-  
livery Service, Inc. became the owner of a certificate of public con-  
venience and necessity for the operation of a motor vehicle common  
carrier service for the transportation of packages between Denver and  
certain territory outlined in Application No. 1813, on June 20, 1931,

as provided in Decision No. 3472. Transferor, Package Delivery Service, Inc., is a Colorado corporation.

It further appears that the transferee, Rocky Mountain Motor Company, is now, and, since May 14, 1927, has been operating passenger, freight and express service, itself or through its affiliated companies, under certificates of public convenience and necessity issued by this Commission in Decisions Nos. 1001, 1002, 640, 959, 13885, 4320, and other decisions of this Commission, and that said operations were carried on for many years prior to the assumption of jurisdiction by this Commission over motor vehicle carriers. Rocky Mountain Motor Company is a Colorado corporation, with a capitalization of in excess of one million dollars, with authority to engage in the business of transporting passengers, baggage, express and freight for hire by motor vehicle within the State of Colorado, and, for many years last past, has been engaged in such transportation as a common carrier within the State of Colorado, pursuant to various orders and certificates heretofore issued by, and now of record in the Commission. The financial statement in evidence as Exhibit No. 2 indicates to the satisfaction of the Commission that the transferee is financially able to operate the said certificate in accordance with the requirements thereof. Pursuant to the resolution liquidating Package Delivery Service, Inc., above set forth, all the assets of Package Delivery Service, Inc., by means of which it has heretofore carried on the business of a common carrier by motor vehicle pursuant to its said certificates, including the authority granted in Decision No. 3472, on December 2, 1939, by proper instrument of assignment, were transferred to Rocky Mountain Motor Company, and now (subject only to approval by the Commission of the transfer of said certificate) are the property of Rocky Mountain Motor Company, and will be used by Rocky Mountain Motor Company in carrying on the business heretofore carried on by Package Delivery Service, Inc. Applicants ask that the transfer made on December 2, 1939, be approved, and that this order be made effective forthwith. Transferee proposes to make its operations under said certi-

ficate a part of the operations of Rocky Mountain Motor Company, and, for bookkeeping purposes, in order to separate the operations of its various divisions, desires the right to make reports to the Public Utilities Commission of its business conducted by virtue of its authority under said PUC No. 572 in the name of Rocky Mountain Motor Company, or Rocky Mountain Motor Company, doing business as "Package Delivery Service."

Rocky Mountain Motor Company has stated that all formal documents necessary for the assignment of said certificate have been executed, and has accepted and stated that in the future it will comply with the conditions and requirements of any order entered herein to be by it kept and performed, and that all unpaid accounts, if any there be, of Package Delivery Service, Inc. will be satisfied and paid by transferee. It also adopts the schedules of rates and rules and regulations of transferor, now on file with the Commission.

After a careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that the transferee, Rocky Mountain Motor Company, is financially responsible; that the transfer of said certificate to said company is in the public interest; and that the transfer aforesaid should be approved.

#### O R D E R

IT IS THEREFORE ORDERED, That the transfer by Package Delivery Service, Inc. to Rocky Mountain Motor Company, of its certificate of public convenience and necessity No. 572, covering the operation of a motor vehicle system for the transportation of packages between Denver and territory surrounding Denver, as more specifically set forth in Application No. 1813, and Decision No. 3472, hereinabove referred to, be, and it hereby is, ratified, confirmed, and approved.

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, in making reports to The Public Utilities Commission required by its rules and regulations or the Motor Carrier Act for the operation to be conducted by the transferee under the authority granted in Decision No. 3472 and the certificate issued thereunder, Rocky Mountain Motor Company may make and file said reports under the name of Rocky Mountain Motor Company, or Rocky Mountain Motor Company, doing business as "Package Delivery Service," as it may desire.

IT IS FURTHER ORDERED, That this order be, and the same hereby is, made effective forthwith.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler

W. L. Danks

Walter E. Brown

Commissioners

Dated at Denver, Colorado,  
this 14th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
PRINCEVILLE CANNING CO. )

PERMIT NO. C-2152

Dec. 15, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the  
Princeville Canning Co. of Princeville, Illinois,  
requesting that his Permit No. C-2152 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-2152  
to the Princeville Canning Co., be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. W. [Signature]*  
*W. Danks*  
*W. E. [Signature]*  
Commissioners.

Date at Denver, Colorado,  
this 15th day of Dec. 1939

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

RE MOTOR VEHICLE OPERATIONS OF)

W. H. BAKER. )  
)  
)  
)  
)  
.....)

PERMIT NO. C-5144

.....  
Dec. 15, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
W. H. Baker ..... of 2251 Coss St., Boulder, Colo.,  
.....  
requesting that his Permit No. C-5144 ..... 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-5144 ..... heretofore issued  
to ..... W. H. Baker, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. H. Danks*  
*Maureen E. Wilson*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 15th day of Dec. 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
THATCHER LAND AND CATTLE CO. )  
AND/OR ALFALFA MILLING & ELEVATOR CO. )  
TOR CO. )  
..... )

PERMIT NO. C-5314

Dec. 15, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from ..... the Thatcher Land  
and Cattle Co. and/or Alfalfa Milling & Elevator Co., of 429 Thatcher Bldg., Pueblo,  
..... of .....,  
requesting that his Permit No. C-5314 ..... 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-5314 ..... heretofore issued  
to the Thatcher Land & Cattle Co. and/or Alfalfa Milling & Elevator Co., ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene D. Tucker*  
*W. Danks*  
*Malcolm E. Smith*  
.....  
Commissioners.

Date at Denver, Colorado, this 15th day of Dec. 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES KNOPP AND EARL MILLER )  
DOING BUSINESS AS KNOPP AND )  
MILLER. )  
.....)

PERMIT NO. C-7472

-----  
Dec. 15, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James Knopp and Earl Miller d/b/a Knopp and Miller of 744 East Moreno Ave., Colorado Springs, Colo. requesting that his Permit No. C-7472 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-7472, heretofore issued  
to James Knopp and Earl Miller d/b/a Knopp and Miller, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell  
W. D. Danks  
Walter H. Hiss  
Commissioners.

Date at Denver, Colorado,  
this 15th day of Dec., 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM AMERMAN. )

PERMIT NO. C-10039

Dec. 15, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
William Amerman of 712 W. 10th Pueblo, Colo.,  
requesting that his Permit No. C-10039 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-10039  
to William Amerman, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward H. [Signature]*  
*McDermott*  
*William [Signature]*  
Commissioners.

Date at Denver, Colorado,  
this 15th day of Dec. 1939

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
C. W. DANIELS HOME FURNISHING )  
COMPANY. )

PERMIT NO. C-9918

Dec. 15, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the C. W. Daniels  
Home Furnishing Company of 106 N Tejon St., Colorado Springs, Colo.,  
requesting that his Permit No. C-9918 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-9918, heretofore issued  
to the C. W. Daniels Home Furnishing Company, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*

*W. H. Banks*

*Walter H. Hinson*

Commissioners.

Date at Denver, Colorado,  
this 15th day of Dec. 1939

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Pueblo Auto Parts Company, )  
201 No. Santa Fe, Pueblo, Colo. )  
 )  
 )  
 )

PERMIT NO. C-5685

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Pueblo Auto Parts Company \_\_\_\_\_ of 201 No. Santa Fe, Pueblo, Colo.,  
requesting that his Permit No. C-5685 \_\_\_\_\_ 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-5685 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ Pueblo Auto Parts Company, Pueblo, Colorado, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Wheeler*  
*W. D. Danks*  
*Malcolm Sisson*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

MRS. ZELMA M. SMITH, )  
712 SO. KNOX, DENVER, COLO. )  
..... )

PERMIT NO. C-9191

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Mrs. Zelma M. Smith, ..... of 712 So. Knox, Denver, Colo.,  
requesting that his Permit No. C-9191 ..... 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. <sup>C-9191</sup>~~14479~~....., heretofore issued  
to..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard D. Wheeler*  
*W. Danks*  
*W. A. Munn*

Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

W. C. MOSS.

PERMIT NO. C-9545

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
W. C. Moss of 830 - 28th St., Denver, Colorado  
requesting that his Permit No. C-9545 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-9545  
to W. C. Moss, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. C. Danks*  
*W. C. Danks*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

ROBERT C. McCLAIN. )

PERMIT NO. C-9884

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Robert C. McClain

of 427 So. Loomis, Ft. Collins, Colo.

requesting that his Permit No. C-9884 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-9884, heretofore issued

to Robert C. McClain, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard E. O'Connell*  
*W. L. Danks*  
*Ernest E. Evers*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Food Specialties Co., )  
1700-16th St., Denver, Colo. )  
..... )

PERMIT NO. C-8616

.....  
December 20, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Food Specialties Co., ..... of 1700-16th St., Denver, Colo.,  
requesting that his Permit No. C-8616 ..... 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-8616 ..... heretofore issued  
to Food Specialties Co., 1700-16th St., Denver, Colo., ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene T. ...*  
*W. H. ...*  
*... ..*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

CARL AND CLYDE CAMPBELL, DOING)  
BUSINESS AS CAMPBELL BROTHERS.)

PERMIT NO. C-9098

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl and Clyde Campbell,  
doing business as Campbell Bros. of Route 3, Colorado Springs, Colo.,  
requesting that his Permit No. C-9098 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-9098, heretofore issued  
to Carl and Clyde Campbell, doing business as Campbell Bros., be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell  
W. D. Banks  
Wm. E. Egan  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
WOODY'S TIRE AND BATTERY )  
SERVICE. )  
)  
)  
)  
.....)

PERMIT NO. C-2882

.....  
Dec. 20, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Woody's Tire  
and Battery Service ..... of 8225 E. Colfax, Denver, Colo.,  
.....  
requesting that his Permit No. C-2882 ..... 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-2882  
Woody's Tire and Battery Service,  
to ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. H. Banks*  
*Walter E. Wilson*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 20th day of Dec., 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

JOSEPH R. HANSON,  
BOX 4, ECKLEY, COLO.

PERMIT NO. C-4528

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Joseph R. Hanson of Box 4, Eckley, Colo.,  
requesting that his Permit No. C-4528 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-4528  
to Joseph R. Hanson, Box 4, Eckley, Colorado, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard V. Wheeler*

*W. D. Parks*

*Maureen E. Hinson*

Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PAUL BENEDETTI & SONS,  
LUDLOW, COLORADO.

PERMIT NO. C-1450

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Paul Benedetti & Sons of Ludlow, Colorado,  
requesting that his Permit No. C-1450 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-1450, heretofore issued  
to Paul Benedetti & Sons, Ludlow, Colorado, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. H. Danks*  
*Maureen E. Nixon*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FREE OF CHARGE TRANSPORTATION BY )  
THE DENVER AND SALT LAKE RAILWAY COM- )  
PANY FROM PINNACLE, COLORADO, TO THE ) MISCELLANEOUS DOCKET NO. 134.  
DENVER COMMUNITY CHEST, DENVER, COLO. )  
-----

-----  
December 13, 1939.  
-----

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 8, 1939, requesting authority to transport two carloads of coal free of charge from Pinnacle, Colorado, on account of charity.

The shipments in question have been donated by shippers on the line of The Denver and Salt Lake Railway Company to the Young Women's Christian Association, an agency 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 these requests should be authorized.

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, Colorado, consigned to the Denver Community Chest in care of the Latimer Fuel Company, Denver; and one carload of coal from Pinnacle, Colorado, to Denver, Colorado,

consigned to the Denver Community Chest in care of the United Fuel and Equipment Company, Denver, Colorado.

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 13th day of December, 1939.

JH

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m. 10. 134  
12/13/39.

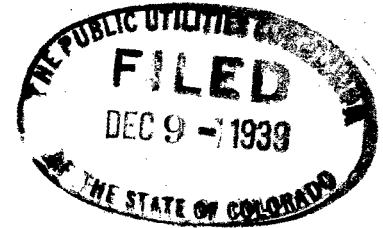
# THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

December 8, 1939.



The Public Utilities Commission,  
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 Young Women's Christian Association. This car will be consigned to the Denver Community Chest in care of the Latimer Fuel Company, Denver.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine 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.  
B

E.

cc - Agent, Denver.

**THE DENVER AND SALT LAKE RAILWAY CO.**

OFFICE OF TRAFFIC MANAGER

**DENVER, COLORADO**F. J. TONER  
TRAFFIC MANAGER

December 8, 1933



The Public Utilities Commission,  
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 Young Women's Christian Association. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company, Denver.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine 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.  
B

E.

cc - Agent, Denver.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. A. WESSELMAN, MT. MORRISON, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5210-PP

-----  
December 19, 1939  
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Appearances: J. A. Wesselman, Mt. Morrison,  
Colorado, pro se;  
Raymond Danks, Esq., Denver,  
Colorado, for The Motor  
Truck Common Carriers'  
Association, Colorado  
Transfer and Warehouse-  
men's Association, Fos-  
ter Truck Line, Gallagher  
Transfer and Storage  
Company;  
A. J. Fregeau, Denver, Colo-  
rado, for Weicker Trans-  
portation Company;  
Charles D. Young, Denver, Colo-  
rado, for Vane Golden, Cap-  
ron Transfer Company, The  
Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Mt. Morrison to road construction jobs in said area; cement from nearest rail head to said construction job, no cement to be transported from the City of Denver to said road construction jobs, or between points served by line haul motor vehicle common carriers, and no service to be performed in Boulder, Clear Creek and Gilpin Counties.

There was no objection to the issuance of permit, as limited.

The financial responsibility and operating experience 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 J. A. Wesselman, Mt. Morrison, 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 sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Mt. Morrison to road construction jobs in said area; cement from nearest rail head to said construction job, no cement to be transported from the City of Denver to said road construction jobs, or between points served by line haul motor vehicle common carriers, and no service to be performed in Boulder, Clear Creek and Gilpin Counties.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dwyer

W. C. Danks

Walter E. Epison  
Commissioners

Dated at Denver, Colorado,  
this 19th day of December, 1939.

MM

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALBERT H. DROGE, 3158 GAYLORD ST., )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5209-PP

-----  
December 19, 1939  
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Appearances: Albert H. Droge, Denver, Colo-  
rado, pro se;  
Raymond Danks, Esq., Denver,  
Colorado, for The Motor  
Truck Common Carriers'  
Association, Bear Creek  
Transfer Company, Windeck-  
er Brothers, Swena Trans-  
fer Company;  
Charles D. Young, Denver, Colo-  
rado, for The Colorado  
Trucking Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, 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 Evergreen boughs and Christmas trees from points within a radius of fifty miles of Denver, to Denver, excluding service from or to points served by Windecker Brothers, Bear Creek Transfer, or Harold Swena.

Windecker Brothers, under PUC No. 996, are authorized to transport:

Freight between Denver and in that portion of Jefferson, Douglas and Park Counties, included in the following area: Beginning at Watertown, thence south via South Platte to Deckers; thence west via Buffalo and Estabrook to Bailey; thence along High-

way No. 8 to Conifer Junction and five miles on each side of the described route from Watertown to Conifer Junction, which service to be conducted via Highways Nos. 8, 126, 124, county roads, and via extension of Highway No. 126, along the Platte River to Watertown, when the same is completed, provided applicants will not conduct any transportation service along Highway No. 85.

Bear Creek Transfer Company, under PUC No. 287, has authority to transport:

Freight, passengers and express, Denver to Morrison, Evergreen and Starbuck; freight, express and all commodities, except milk out-bound from farms (other than milk as may be delivered for transportation to this authority within the community of Evergreen or at any point on Colorado Highway No. 74, between the Evergreen community and Idledale); (a) between Denver and Mt. Morrison, and all intermediate points on U. S. Highway No. 285, and from and to points within one-half mile of said U. S. Highway No. 285 as it extends from Denver to Mt. Morrison; (b) between Mt. Morrison and Evergreen and all intermediate points on Colorado Highway No. 74, and from and to points within one-half mile of said Colorado Highway No. 74 from Mt. Morrison to Idledale, and within one mile of said Colorado Highway No. 74 as it extends from Idledale to Evergreen, including the Evergreen community, which community is defined as that territory within a radius of one mile of the junction of Colorado Highways Nos. 73 and 74 at Evergreen; (c) between Mt. Morrison and Brook Forest on Cub Creek and all intermediate points; (d) points on Colorado Highway No. 98, extending from Evergreen to Bendemeer; (e) points on the highway extending from Evergreen to Brook Forest, a portion thereof being part of Colorado Highway No. 73, and a portion thereof being the Cub Creek road; (f) points on the road from Evergreen up Little Cub Creek; (g) between Evergreen and Marshdale and intermediate points on Colorado Highway No. 73. Also the transportation of lumber and cattle over said highway to and from the ranch of George Berrian, situated in Sec. 35, T 5S, R 71W, and machinery and bottles to and from the Wilson Fram Dairy situated on the North Turkey Creek road; and (h) the public convenience and necessity require the extension of PUC 287 to include the transportation of freight, express and all commodities, including milk, to, from and between points in the territory described as follows: commencing at the center of Sec. 22, T 4 S, R 71 W, thence south five miles to the center of Sec. 15, T 5S, R 71 W, thence in a southwesterly direction to the southeast corner of Sec. 36, T 5 S, R 72 W, thence west six miles to the southwest corner of Sec. 31, T 5 S, R 72 W, thence north eight and one-half miles to the northwest quarter corner of Sec. 19, T 4 S, R 72 W; thence east nine and one-half miles to the point of beginning.

Harold Swena, under PUC No. 701, is authorized to transport:

Freight between Golden, Colorado, and points within a radius of fifteen miles thereof and other points in the State of Colorado; freight and express between Denver and Golden and intermediate points.

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 Albert H. Droge, 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 coal from the northern Colorado coal fields to Denver, and Evergreen boughs and Christmas trees from points within a radius of fifty miles of Denver, to Denver, excluding service from or to points served by Windecker Brothers, Bear Creek Transfer, or Harold Swena.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward H. Dwyer*  
*W. C. Danks*  
*Malcolm E. Johnson*

Dated at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. F. GILLETTE, 1570 GALENA STREET, )  
AURORA, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5208-PP

-----  
December 19, 1939  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company, Weicker Transfer and  
Storage Company;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation;  
Raymond Danks, Esq., Denver, Colo-  
rado, for The Motor Truck  
Common Carriers' Association;  
J. C. Street, Esq., Denver, Colo-  
rado, for The Colorado and  
Southern Railway Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to transport bulk petroleum products between points in the State of Colorado.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

It did not appear that the proposed operation will adversely affect or impair the efficiency of any authorized motor vehicle common carrier now engaged in service similar to that proposed by applicant, except that applicant agreed that he would not transport gasoline in competition with the service of R. E. Ensminger, of Holyoke, Colorado, PUC No. 571.

No evidence was offered by protestants.

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 C. F. Gillette, Aurora, 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 bulk petroleum products between points in the State of 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

Walter E. Egan  
Commissioners

Dated at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )  
OREN L. McKAY, DOING BUSINESS AS )  
McKAY TRUCK LINE, STERLING, COLO- )  
RADO. )

PRIVATE PERMIT NO. A-44

-----  
December 16, 1939.  
-----

S T A T E M E N T

By the Commission:

On July 3, 1931, Permit No. A-44 was issued to Oren L. McKay, with authority to operate between Denver and Sterling, Colorado.

On November 29, 1939, the following communication was received by the Commission:

"November 28th, 1939

"Public Utilities Commission,  
318 State Office Building,  
Denver, Colorado.

Gentlemen:

Effective December 1st, 1939 please cancel  
Permit A-44 due to cessation of operations beginning  
on that date.

O. L. McKAY

WITNESS: L. C. TEED."

After a careful consideration of the foregoing communication and the Commission's File A-44, the Commission is of the opinion, and finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-44 should be, and the same hereby is, cancelled upon request of Oren L. McKay, the holder thereof, effective as of December 1, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*W. H. Danks*  
*Max G. Gairson*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED MELONEY, STERLING, COLORADO, )  
PERMIT NO. B-1492. )  
-----

CASE NO. 4778

NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE

-----  
December 14, 1939.  
-----

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondent heretofore became the holder of Private Permit No. B-1492, pursuant to the 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.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of the aforesaid statute, the Rules and Regulations of this Commission, and the terms and provisions of said certificate in the following particulars, to-wit:

1. That said respondent does not have at the date hereof a tariff of rates and charges on file with this Commission.
2. That during the months of June, July and September, 1939, said respondent accepted, transported and delivered shipments of freight for numerous and different shippers without first, or at all, listing the names of said shippers with this Commission, or filing a contract or a memorandum of the terms thereof governing the rendering of such service.
3. That during the month of November, 1939, said respondent accepted, transported and delivered several different shipments of livestock at and for rates and charges different from and lower than the rates and charges prescribed by this Commission for such service.
4. That in transporting the shipment of livestock as aforesaid, said respondent exceeded the authority granted by his said permit in that said shipment was transported and delivered at a point outside of and beyond

a fifteen mile radius of Sterling, Colorado.

5. That during the months of June, July, August and September, 1939, said respondent accepted, transported and delivered numerous shipments, of freight issuing bills of lading for only a portion of said shipments, and that for those shipments for which bills of lading were issued, said bills were improperly and incompletely itemized, all contrary to the provisions of Rule 21.

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 has failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations and permit, and if so, whether his said permit 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 answer 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, or 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 is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 26th day of December, 1939, at two o'clock p.m., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Tucker*

*W. L. Jones*

*Maude E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EMIL AND LENNART WALLDEN, DOING )  
BUSINESS AS HILLTOP-DENVER TRUCK )  
LINE, HILLTOP, COLORADO, CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY NO. 455. )  
-----

CASE NO. 4777

NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
December 14, 1939.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondents heretofore became the holders of certificate of public convenience and necessity No. 455, pursuant to 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.

The Commission is informed and believes, and upon such information and belief alleges, that said respondents have violated the provisions of the aforesaid statute, the Rules and Regulations of this Commission, and the terms and provisions of said certificate in the following particulars, to-wit:

1. That during the months June to September, 1939, both months included, said respondents accepted, transported and delivered numerous shipments of freight at and for rates and charges different from the rates and charges prescribed by this Commission for such service.

2. That during the period aforesaid, said respondents accepted, transported and delivered numerous shipments of freight, issuing bills of lading for only a portion of said shipments, and that for those shipments for which bills of lading were issued, said bills were not properly and completely itemized as required by Rule 30.

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 respondents have failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, Rules and Regulations and Certificate, and if so, whether their said Certificate 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 respondents show cause, if any they have, by written answer 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, or 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 is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 26th day of December, 1939, at two o'clock p. m., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Tucker*

*W. L. Danks*

*Maureen E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
R. J. HORN, LA SALLE, COLORADO, )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY NO. 774. )  
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CASE NO. 4779

NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
December 14, 1939.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondent heretofore became the holder of certificate of public convenience and necessity No. 774, pursuant to the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, authorizing him to engage in the business of a common carrier by motor vehicle.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of the aforesaid statute, the Rules and Regulations of this Commission, and the terms and provisions of said certificate in the following particulars, to-wit:

1. That said respondent does not at the date hereof have on file with this Commission a tariff of rates showing the rates and charges to be assessed and collected for the transportation of freight by said respondent.
2. That during the months of June to September, 1939, both months included, said respondent accepted, transported and delivered numerous shipments of freight, failing and neglecting to issue bills of lading for all of said shipments; that for those shipments for which bills of lading were issued, said bills were not properly itemized as required by Rule 30.
3. That during the months aforesaid, said respondent accepted, transported and delivered numerous shipments of freight at and for rates lower than and different from rates prescribed by this Commission for such service.

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

has failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, Rules and Regulations and Certificate, and if so, whether his said certificate 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 answer 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, or 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 is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 26th day of December, 1939, at two o'clock, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard D. T. Trench

W. C. Danks

Wm. E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
A. D. AND A. S. GARRIOTT, MATHESON, )  
COLORADO, PERMIT NO. A-434. )  
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CASE NO. 4780  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
December 14, 1939.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above named respondents heretofore became the holders of private permit No. A-434, pursuant to the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, authorizing them to engage in the business of a private carrier by motor vehicle.

The Commission is informed and believes, and upon such information and belief alleges, that said respondents have violated the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, the terms and provisions of said permit A-434, the Rules and Regulations of this Commission governing private carriers by motor vehicle in the following particulars, to-wit:

1. That said respondents do not have at the date hereof a tariff of rates on file with this Commission showing the rates and charges to be assessed and collected by them for rendering transportation service under their said permit.

2. That during the months June to September, 1939, both months included, said respondents failed, refused and neglected to comply with the rates and charges prescribed by this Commission for the transportation of freight, and the rules and regulations governing the collection of rates and charges for such service, all as set forth in Case No. 1585, in the following particulars, to-wit:

(a) That during said period said respondents accepted, transported and delivered numerous shipments of freight, many of which said shipments were improperly consolidated for the purpose of accumulating minimum

loads.

(b) That in transporting the shipments as aforesaid, said respondents failed and neglected to assess and collect a pickup charge therefor.

(c) That said respondents accepted, transported and delivered one shipment of freight on the basis of a flat rate of Fifteen (15) Dollars, rather than assessing and collecting charges on the basis of a per hundred weight rate.

3. That during the period aforesaid, said respondents accepted, transported, and delivered numerous shipments of freight, failing and neglecting to issue therefore properly itemized bills of lading as required by Rule 21.

4. That during the period aforesaid, said respondents accepted, transported and delivered shipments of freight for fifteen different shippers without first or at all listing the names of such shippers with this Commission, and filing a contract or a memorandum of the terms of the contract covering the transportation of such shipments with this Commission as required by Rule 10.

#### 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 respondents have failed, neglected or refused to comply with any or all of the provisions of the aforesaid statute, Rules and Regulations and Permit, and if so, whether their said permit 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 respondents show cause, if any they have, by written answer 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 respondents, or 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 is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office

Building, Denver, Colorado, on the 26th day of December, 1939, at two o'clock P. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler

W. L. Danks

Maun E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
B. E. BEALS, COLORADO SPRINGS, )  
COLORADO, CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY NO. 164. )

CASE NO. 4757

December 15, 1939

Appearances: James J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
John Juliano, Denver, Colorado,  
for the Commission;  
Marion F. Jones, Esq., Denver,  
Colorado, for Respondent.

S T A T E M E N T

By the Commission:

On August 18, 1939, on its own motion, the Commission, in the above-styled matter, by order, required respondent to show cause, if any he had, by written answer filed with the Commission within ten days from the date of said order, why it should not enter an order suspending or cancelling certificate of public convenience and necessity No. 164, heretofore issued to him, or why it should not enter such other order or orders as might be proper in the premises, on account of certain alleged violations of the statute and the rules and regulations of the Commission and the terms and provisions of said certificate and his schedule of rates and fares filed by said respondent, all of which is more particularly set forth in said show cause order, Decision No. 13874, reference to which is hereby made.

At the hearing in Denver on September 5, 1939, it appeared that said respondent, under authority of the Commission, certificate of public convenience and necessity No. 164, has been operating a sightseeing motor vehicle service in the Pikes Peak region; that on June 22,

1928, he filed his tariff of rates and fares to be charged for said service with the Commission in Colorado PUC No. 2, said tariff to be effective on the 24th day of June, 1928. The schedule of rates, as provided in the tariff, which is still in full force and effect, and which, by law and our rules and regulations, he is required to adhere to, among other things provides for the following charges:

Trip No. 2	Pikes Peak by auto, both directions, ...	\$ 4.00
Trip No.10	Big Circle Trip (Canon City, top of Royal Gorge, and Cripple Creek) .....	10.00
Trip No.14	Garden of the Gods and Manitou, .....	1.50

Mr. John Juliano, Commission inspector, testified that, on July 22, 1939, Mr. Beals was contacted in Colorado Springs for transportation to Pikes Peak from Colorado Springs and return; that at said time he offered to furnish the service at reduced rates, his offer, however, not being accepted; that on August 8, 1939, Mr. Beals again was contacted and again offered the trip to the summit of Pikes Peak from Colorado Springs and return for four passengers at \$3.00 per passenger, or a total of \$12.00; that immediately arrangements were made to make the trip; that at 10:30 o'clock, A. M., the trip was started, with Inspector Juliano, one Mrs. Rogers and her two daughters, as passengers, Mr. Beals driving the car in person; that a charge of \$12.00 was made for the trip instead of the tariff rate of \$16.00; that Mr. Beals offered to transport the four of them to the Garden of the Gods for an additional fee of fifty cents per passenger, and offered to transport them on Trip No. 10 at \$7.50 per passenger.

On cross-examination, it was further developed that Case No. 4648 was filed against Mr. Beals on August 13, 1937, for alleged price-cutting, said case being dismissed, Decision No. 10486, after hearing, upon Mr. Beals' statement that the \$3.00 rate quoted had been quoted by his driver, Gustafson, without his knowledge, and, upon learning that Gustafson had quoted a reduced price, he had directed the return of the \$2.00 deposit to the customer and had discharged the driver. It was contended by witnesses that the rate was quoted with Mr. Beals' approval. However, the testimony was conflicting, and the Commission

resolved the doubt in his favor and, as heretofore stated, dismissed the case with a warning to the respondent that should a repetition of such occurrence be brought to the attention of the Commission, no benefit of the doubt would be resolved in his favor.

It also appeared that, on August 24, 1938, Courtesy Patrolman Hildreth, of Colorado Springs, had a warrant issued for Beals' arrest in Justice Court at Manitou, on the charge of transporting four passengers to Pikes Peak for \$10.00, and operating a motor vehicle without a chauffeur's license. Beals was fined, but, instead of paying the fine, elected to and did satisfy the fine by serving the time required by law in jail.

No evidence was offered by respondent at the instant hearing, although his counsel moved that the case be dismissed upon the theory that Juliano was an inspector for the Public Utilities Commission; that Beals was permitted to furnish free transportation under the law for Juliano; that \$12.00 collected amounted to \$4.00 per passenger for the three additional passengers. It would seem that Mr. Beals is again endeavoring to raise some question, technical or otherwise, upon which the Commission might find some doubt which will be resolved in his favor. However, practice before the Commission is not technical. We have tried to arrive at substantial justice. Even though the motion might otherwise be well taken, which we do not hold, there is no evidence that Beals knew Juliano was an inspector, or that he agreed to furnish him free transportation as an employee of the Public Utilities Commission. The record discloses that he charged Juliano \$3.00 for the trip.

The evidence is clear. We have had numerous complaints against Mr. Beals. But, without considering said matters and upon the record here made, showing a complaint during the summer of 1937, which was not entirely satisfactorily explained, his arrest and conviction for a similar charge in August, 1938, and the case now before the Commission which he did not, and we assume could not, satisfactorily explain, the cancellation of his certificate is justified, and, in so stating, we are not overlooking the fact that he filed answer herein denying "that respon-

dent has violated any laws of the State of Colorado or any of the rules and regulations of the Public Utilities Commission of the State of Colorado."

After a careful consideration of the record, the Commission is of the opinion, and finds, that the allegations contained in the complaint herein are true, and that said certificate of public convenience, P.U.C. No. 164, should be cancelled and revoked, on account of the afore-said violations of law and the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That certificate of public convenience and necessity heretofore issued to said respondent, B. E. Beals, PUC No. 164, should be, and the same hereby is, revoked.

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 D. Beale

W. C. Danks

Walter E. Evers  
Commissioners

DATED at Denver, Colorado,  
this 15th day of December, 1939.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. P. KINCHELOE, GREELEY, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VEHI- )  
CLE FOR HIRE. )

APPLICATION NO. 5193-PP

December 15, 1939

Appearances: R. P. Kincheloe, Greeley, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, The Union  
Delivery Company, Howard Lafferty,  
and William Stuart.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport potatoes within a 25-mile radius of Greeley, Colorado.

It appeared from the testimony given at the hearing that the applicant herein possesses a Chevrolet truck which he values at \$400.00, and has an arrangement with one customer who is the owner of a potato sorter, and desires to be in a position to move this piece of machinery from field to field where potatoes are being sorted, and to transport potatoes from the fields to storage and to market within at least a 12-mile radius of Greeley, Colorado. The application calls for 25 miles, but the applicant stated that the farthest point served by him at any time was approximately 12 miles; that he was given a flat fee of \$3.00 for moving the sorter, and that, inasmuch as he failed to mention the sorter in his application, he desired to amend his application to include not only the potatoes but the potato sorter; and that he did hold Permit No. B-1999-I, which was cancelled by order of the Commission. The applicant stated that at the present time he had a

chance to render some service for the Greeley Produce Company, moving potatoes at nine cents a sack, and that he did not know whether other carriers were available in Greeley to take care of this item of transportation.

H. J. Lafferty, manager of the Lafferty Transfer Company, holder of Certificate No. 560, testified that his firm had authority to serve the territory within the 12-mile radius of Greeley, as sought by the applicant; that in the conduct of his storage business he was obliged to provide two trucks, which were not kept busy at all times in the ordinary demands of his business, and that he was ready, able, and willing to move potatoes from field to storage within this area; that his firm advertised and held itself out as being in the market for such business; that he had met all demands for this service in the past and was in a position to move not only potatoes but the potato sorter; that the granting of authority to this applicant as sought would reduce his ability to render the public service which he was endeavoring to take care of, and that such authority, if granted, would bring about destructive competition and impair his ability to meet the public demands made upon him as a common carrier in this locality.

M. S. Weber, manager of the Union Delivery Company, Greeley, holder of Certificate No. 354, testified that his authority covered the service sought to be rendered by this applicant; that there were entirely too many truckers in the Greeley area authorized to transport potatoes, as well as the potato sorter; that he at all times advertised and held himself out as being in the market for this character of transportation business; that he had available several trucks at all times, which trucks he was obliged to keep on hand in order to meet the public demand in cases of emergency, and that, in order to maintain the same and to be ready with efficient service as required, he needed the movement of potatoes from field to storage, as well as the movement of the potato sorter, and that to grant authority to the applicant would take some business from his firm and lessen his ability to maintain the equip-

ment which he was obliged to have on hand.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the existing motor vehicle common carrier service in the area which the applicant seeks to serve is adequate; that to grant additional authority would, in a degree, impair the efficiency of the services furnished by at least two common carriers who testified at this hearing; and that the instant 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

Edward T. Wheeler

W. L. Danks

Walter Epison  
Commissioners.

DATED this 15th day of December,  
1939, at Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. S. HEMPHILL AND ALBERTA STOKES, )  
ROUTE 1, Box 208, Pueblo, Colorado, ) APPLICATION NO. 2937-PP-A-BB  
FOR AN EXTENSION OF PRIVATE PERMIT )  
NO. B-1871. )  
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December 19, 1939.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company  
and Weicker Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
John P. Beck, Esq., Denver, Colorado,  
for W. G. Cressey, Silvers Brothers,  
Ernest J. Gottula, Sullivan Transfer,  
Wes V. McKaughan, Joe Bouchard, The  
Colorado Trucking Association,  
Fowler Truck Line, Joe Green, Joseph  
H. Lee and Manzanola Transfer.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Pueblo, Colorado, on the 30th day of October, 1939, due notice thereof having been forwarded to applicants.

While said applicants, or some one or more of them, were in the Hearing Room for a number of hours preceding the calling of said application for hearing, at the time the application was heard, they failed to appear.

Thereupon, protestants 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 motion should be granted.

O R D E R

IT IS THEREFORE ORDERED, That protestants' motion to dismiss the instant application should be, and the same hereby is, granted, and said

application 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

Edward D. Wheeler

W. L. Danko

Wm. E. Smith

Commissioners.

Dated at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. S. HEMPHILL AND ALBERTA STOKES, )  
ROUTE 1, BOX 208, PUEBLO, COLORADO, ) APPLICATION NO. 2937-PP-A-BB-A  
FOR AUTHORITY TO TRANSFER PERMIT )  
NO. B-1871 TO R. STOKES, ROUTE 1, )  
BOX 208, PUEBLO, COLORADO. )  
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December 19, 1939.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company,  
Weicker Transfer & Storage Company;  
Raymond Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
John P. Beck, Denver, Colorado,  
for W. G. Cressey, Silvers Truck  
Line, Ernest J. Gottula, Sullivan  
Transfer, Wes V. McKaughan, Joe Bouchard,  
The Colorado Trucking Association,  
Fowler Truck Line, Joe Green, Joseph  
H. Lee and Manzanola Transfer.

S T A T E M E N T

By The Commission:

The above-styled matter was regularly set for hearing at Pueblo, Colorado, on the 30th day of October, 1939, due notice thereof having been forwarded to applicants.

While said applicants, or some one or more of them, were in the Hearing Room for a number of hours preceding the calling of said application for hearing, at the time the application was heard, they failed to appear.

Thereupon, protestants 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 motion should be granted.

O R D E R

IT IS THEREFORE ORDERED, That protestants' motion to dismiss the instant application should be, and the same hereby is, granted, and said application 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

Edward D. O'Leary

Wesley D. Danks

Maureen E. Eason

Commissioners.

Dated at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. J. WINDSHEIMER, DOING BUSINESS )  
AS WINDSHEIMER TRUCK LINE, STERLING, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 5200-PP-A  
HIS PRIVATE PERMIT A-699 TO HENRY )  
B. MINER, DOING BUSINESS AS H. B. )  
MINER TRANSPORTATION COMPANY. )  
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December 19, 1939.  
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Appearances: E. M. Freeman, Esq., Denver, Colorado,  
for the applicant;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought by the holder of  
Permit A-699 to transfer the same.

It appeared from the testimony of H. B. Miner that he had arranged  
to purchase this authority for the agreed sum of \$600.00. He stated for the  
record that if he is granted authority for a common carrier operation, as  
sought by his application now pending, he would at once request the  
cancellation of Permit A-699.

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

It further appeared from the testimony of the transferor that he had  
already been given authority, -MC-FC-12570 - to transfer his interstate rights  
under Permit A-699 to H. B. Miner.

There appeared to be no outstanding unpaid obligations as a result  
of previous operations under this authority, except the one item of The  
Colorado Trucking Association, which Mr. Young announced at the hearing had been  
satisfactorily settled.

The record shows that Private Permit No. A-699 was issued May 22,

1934, to L. J. Windsheimer, doing business as Windsheimer Truck Line, with authority to operate "between Sterling & Colo.-Nebr. Line & intermediate points via Peetz, Colorado and US 138 and Colo. 113".

After a 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 transferor herein to transfer Permit A-699 to the transferee.

#### O R D E R

IT IS THEREFORE ORDERED, That L. J. Windsheimer be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to Permit No. A-699 to Henry B. Miner, doing business as H. B. Miner Transportation Company, the authority hereby transferred covering the following routes:

"Between Sterling & Colo.-Nebr. Line & Intermediate points via Peetz, Colo. and US 138 and Colo. 113."

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority granted to make the transfer without further order on the part of the Commission.

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 is hereby, 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 D. O'Quinn

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ADAM AND JOHN MICHIE, ROUTE 1, BOX )	
44, FORT COLLINS, COLORADO, FOR A )	<u>APPLICATION NO. 5205-PP</u>
CLASS "B" PERMIT TO OPERATE AS PRIVATE )	
CARRIERS BY MOTOR VEHICLE FOR HIRE. )	

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-----  
December 19, 1939.  
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Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport sand, gravel, dirt, rock, and stone, for Greeley Water Works, located eight miles northwest of Fort Collins, Colorado, from points within a ten-mile radius of the Greeley Water Works filter plant, to said plant.

The applicant did not appear, but after reading the application and noting the purpose thereof, as well as the material to be moved, those appearing at the hearing offered no objection to the granting of authority based on the application as filed.

While the application mentions a "B" permit, it is apparent that the applicant really desires an "A" permit, inasmuch as the movement is all to one point, namely, the Water Works filter plant.

After a careful consideration of the record, 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 Adam and John Michie, Route 1, Fort Collins, Colorado, as co-partners, should be, and they hereby are, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, dirt, rock, and stone, from points within a ten-mile radius of the Greeley Water Works filter plant, the same being located some eight miles northwest of Fort Collins, to said filter plant.

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 operations 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

Eduard D. Danks

W. C. Danks

Wm. E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 5204-PP

December 19, 1939

Appearances: Fred Norcross, Greeley, Colorado,  
for the applicant;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage Co.  
and Weicker Transportation Co.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport monuments from the Greeley Monument Works, Inc., at Greeley, Colorado, to various points in Northeastern Colorado and to points in Wyoming and Nebraska; also to transport rough stone from railroad cars in Greeley to the Greeley Monument Works' plant in Greeley.

It appeared from the testimony of the applicant that he possessed a two-ton GMC truck, equipped with a hoist, required in connection with the loading and unloading of heavy stone and monuments; that he had an agreement with the Greeley Monument Works, Inc. to move their finished products from the yard in Greeley to various cemeteries in Northeastern Colorado where this firm may have contracts to place the same; that many of the cemeteries to be served were located off of the highways, so that the description of these points could not be definitely given; that in connection with the transportation of monuments, the applicant was prepared to set the same in accordance with the specifications or requirements of the Greeley Monument Works, Inc.; that he

proposed to serve one customer only, and in addition to the above service, which would reach to various points in Northeastern Colorado and also to Nebraska and Wyoming, he wanted authority to move rough stone from railroad cars in Greeley to the Greeley Monument Works' yard in the same city.

Mr. Fred Norcross, representing the applicant, stated that he was interested in the Greeley Monument Works, Inc., and knew the transportation needs of his firm; that it was substantially as stated by the applicant, and that it was of such character that the authorized common carriers taking care of this territory could not satisfactorily handle the business, and that it would not be practicable to have one concern do the transportation part of the movement and another take care of the setting of stones. Mr. Norcross further stated that their business was such that it demanded authority to move monuments to parts of Nebraska and Wyoming.

After hearing the testimony of the applicant and the statements of Mr. Norcross, the protestants withdrew all objections to the granting of this authority.

After a 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 applicant as sought.

#### O R D E R

IT IS THEREFORE ORDERED, That Otto Oster, of Greeley, 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 monuments from the yards of the Greeley Monument Works, Inc., at Greeley, Colorado, to points in the territory described as follows:

From Greeley, Colorado, north to the Wyoming State Line, east to the Nebraska State Line, south to the south line of Twp. 14 S., and west to the west line of Range 88 W.; -

and the transportation of rough stone from railroad cars in Greeley, Colorado, to the yard of the Greeley Monument Works, Inc., 1015 - 7th Street, Greeley, Colorado; said authority to include both intrastate

and interstate traffic. However, the interstate authority is subject to the provisions of the Federal Motor Carrier Act of 1935, and the interstate authority shall bear the same number as the intrastate authority, followed by the letter "I".

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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 D. O'Leary

W. D. Danks

Wm. E. Spivey  
Commissioners

DATED at Denver, Colorado,  
this 19th day of December, 1939.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES A. HUGHES, GREELEY, COLORADO, ) APPLICATION NO. 3273-PP-B  
FOR AN EXTENSION OF HIS PERMIT B-1648. )  
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December 19, 1939.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, North Eastern Motor Freight  
Company, Howard Lafferty and Inter-City  
Truck Line.  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On December 2, 1939, Decision No. 14407, the Commission granted an extension of authority to the applicant to render a transportation service for Montgomery Ward & Company from the Greeley branch store. On December 7, 1939, a number of the protestants filed an application for rehearing.

After careful consideration of the application for rehearing, together with a careful check of the record made in this application, the Commission is of the opinion, and finds, that said decision is supported by the evidence; that the extension will not impair the service of existing motor vehicle common carriers, and in the judgment of the Commission no useful purpose would be served by granting a rehearing on this application, and that the application for a rehearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant application for a rehearing in the above numbered application should be, and the same hereby

hereby, is denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. U. Gault

W. L. Danks

Wm. E. Emerson  
Commissioners.

Dated at Denver, C olorado,  
this 19th day of December, 1939.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MILLARD PETERSON, DOING BUSINESS AS )  
"FLAGLER TRUCK LINE", FLAGLER, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY NO. 759 TO VAN H. GOODWIN, )  
WENDEL GOODWIN, FRANCIS GOODWIN, )  
RUSSEL GOODWIN, LOWELL GOODWIN, AND )  
LAWRENCE GOODWIN, COPARTNERS, DOING )  
BUSINESS AS "VAN GOODWIN AND SONS," )  
FLAGLER, COLORADO. )

APPLICATION NO. 2395-BA

December 15, 1939

Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for the applicants.

S T A T E M E N T

By the Commission:

Millard Peterson, doing business as "Flagler Truck Line,"  
herein seeks authority to transfer certificate of public convenience  
and necessity granted in Decisions Nos. 12282 and 13543 (PUC No. 759),  
to Van H. Goodwin, Wendel Goodwin, Francis Goodwin, Russel Goodwin,  
Lowell Goodwin, and Lawrence Goodwin, copartners, doing business as  
"Van Goodwin and Sons."

At the hearing, it appeared that the consideration for the  
transfer of the certificate, three trucks, and a garage located at  
Flagler, is the sum of \$4,500.00; that there are no outstanding unpaid  
accounts against said certificate, except current road tax, which trans-  
ferees assume and agree to pay; that transferor expects to take a trip  
to California very soon and asks that the transfer be made effective  
forthwith.

The operating experience and pecuniary responsibility of trans-

ferrees were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, and that this order should be made effective forthwith.

O R D E R

IT IS THEREFORE ORDERED, That Millard Peterson, doing business as "Flagler Truck Line," Flagler, Colorado, should be, and he hereby is, authorized to transfer certificate of public convenience and necessity No. 759, being the authority granted in Decisions Nos. 12282 and 13543, to Van H. Goodwin, Wendel Goodwin, Francis Goodwin, Russel Goodwin, Lowell Goodwin, and Lawrence Goodwin, copartners, doing business as "Van Goodwin and Sons."

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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.

IT IS FURTHER ORDERED, That this order be, and the same hereby is, made effective forthwith.

DATED at Denver, Colorado,  
this 15th day of December, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Wheeler*  
EDWARD E. WHEELER

*W. C. Danks*  
W. C. DANKS

*Malcom Erickson*  
MALCOM ERICKSON

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ED M. PELTON, DENVER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 5207-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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December 19, 1939.  
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Appearances: V. G. Garnett, Denver, Colorado,  
for The Colorado Rapid Transit Co.;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, The Colorado Transfer  
and Warehousemen's Association,  
Gallagher Transportation Company,  
Duffy Storage and Moving Company,  
and Windecker Brothers;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer & Storage Co.  
and Weicker Transportation Company;  
Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
Bruce Capron and Golden Transfer Co.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport sand, gravel, stone, rock, clay, dirt, cement (both wet and dry), cinders, and other road surfacing materials, from pits and supply points in the State of Colorado to points within one hundred miles of said pits and supply points, excluding Boulder, Clear Creek and Gilpin counties; sawmill products from forests within one hundred miles of Denver to points in said area; coal from the northern Colorado coal fields to Denver, and cinder blocks and brick from Denver to points within one hundred miles thereof.

It appeared from the testimony given by the applicant that he would eliminate from his application the following items: Brick, dry cement, cinder blocks, and all sawmill products except mine props and slabs, and further, that he would limit his radius of operation to fifty miles, both on the transportation of road surfacing materials and the coal, mine props, and slabs.

After the applicant had testified, limiting his demands as

above indicated, the protestants offered no objections to the granting of authority as thus limited.

The applicant possesses a 1936 Dodge dump truck, with which he proposes to conduct his operation. At the present time, he has but one customer, the Bertrand Construction Company.

After a 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 applicant, limited as agreed to at the hearing.

#### O R D E R

IT IS THEREFORE ORDERED, That Ed M. Pelton, of 4953 Federal Boulevard, Denver, 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, stone, dirt, clay, wet cement, cinders and like road surfacing materials, from pits and supply points located within fifty miles of any construction job on which he may be engaged to render service, to said jobs, excluding therefrom the counties of Boulder, Clear Creek and Gilpin; transportation of mine props and slabs from sawmills located within fifty miles of Denver, Colorado, to coal mines within this area; and transportation of coal from the northern Colorado coal fields to Denver, 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 operations 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. Wheeler*  
EDWARD E. WHEELER

*W. C. Danks*  
W. C. DANKS

*Malcom Erickson*  
MALCOM ERICKSON

Commissioners.

(S E A L)

Dated at Denver, Colorado,  
this 19th day of December, 1939.

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. W. LANIER, DOING BUSINESS AS )  
"LANIER TAXI SERVICE", ALAMOSA, )  
COLORADO, FOR CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )

APPLICATION NO. 4954.  
SUPPLEMENTAL ORDER.

December 19, 1939

Appearances as entered in the original case:

Moses & Moses, Esqs., Alamosa, Colorado,  
for applicant;  
T. A. White, Esq., Denver, Colorado,  
for the Rio Grande Motor Way, Inc.  
and The Denver and Rio Grande  
Western Railroad Company;  
Roscoe Williams, Alamosa, Colorado, for  
Valley Transit Lines.

S T A T E M E N T

By the Commission:

On May 4, 1939, and July 18, 1939, we issued a certificate of public convenience and necessity to the above-named applicant, authorizing the operation of a taxi service in and around Alamosa (fully described in said order), and providing, in part, the following condition, viz:

"IT IS FURTHER ORDERED, That said applicant, under this certificate, shall limit his equipment to five passenger automobiles; that he shall charge as rate for his service the sum of twenty-five cents for the transportation within the city limits of Alamosa of one to five passengers destined to the same point; that, for service from or to Alamosa to or from points within a radius of fifty miles thereof, or between points within a radius of fifty miles of Alamosa, he shall charge the sum of ten cents per car mile, based on round-trip mileage, for the first passenger, and five cents per mile, based on round trip mileage, for each additional passenger up to the capacity of said five passenger automobile, and the type of equip-

ment, the capacity thereof, and rates to be charged by applicant for his service, as provided herein, shall not be changed or varied, except upon order of the Commission, after hearing made upon formal application and notice to all parties entering appearance herein."

On December 5, 1939, we received a petition from The Lanier Taxi Service, by J. W. Lanier, its manager, requesting authority to reduce the ten cents per car mile to seven and one-half cents per car mile, based on the round trip mileage, from or to Alamosa to or from points within the fifty-mile radius, and between points within the fifty-mile radius, after ten days filing thereof with the Commission. The petition sets forth the following reasons in support thereof:

"In view of present conditions prospective customers refuse to use the taxi when told the rate set by the Commission.

"When arriving by train or bus and not having transportation to destinations in the valley, passengers will not pay 20¢ per mile for one and 10¢ for each additional passenger after riding for 2¢ per mile on the train or bus.

"Liability insurance per car costs \$85. Protection for the car \$70. Unless country trips are had there is no profit as the city business is insufficient to show a profit.

"The Taxi business could be operated at a profit with additional satisfied customers. Bus and train business would not suffer as the rate is still much greater."

A copy of said petition was sent to T. A. White, Esq., for his reaction to the granting of said request.. A favorable reply from Mr. White is now at hand.

#### FINDINGS

After full consideration of all the facts set forth in the instant petition, the position of Mr. White, and the record as a whole, the Commission is of the opinion, and so finds, that said orders of May 4, 1939, and July 18, 1939, should be modified to the extent of providing a charge of seven and one-half cents per car mile based on round-trip mileage, for the first passenger, instead of ten cents, for service from or to Alamosa to or from points within a radius of fifty miles thereof, or between points within a radius of fifty miles of Alamosa,

and in all other respects no change shall be made in said orders.

O R D E R

IT IS ORDERED, That the orders heretofore entered in this proceeding dated May 4, 1939, and July 18, 1939, be, and the same are hereby, modified as follows:

"That said applicant under this certificate shall limit his equipment to five passenger automobiles; that he shall charge as rate for his service the sum of twenty-five (25) cents for the transportation within the city limits of Alamosa of one to five passengers destined to the same point; that for service from or to Alamosa to or from points within a radius of fifty miles thereof, or between points within a radius of fifty miles of Alamosa, he shall charge the sum of seven and one-half ( $7\frac{1}{2}$ ) cents per car mile, based on round-trip mileage, for the first passenger, and five (5) cents per car mile, based on round-trip mileage, for each additional passenger up to the capacity of said five passenger automobile, and the type of equipment, the capacity thereof, and rates to be charged by applicant for his service, as provided herein, shall not be changed or varied, except upon order of the Commission after hearing made upon formal application and notice to all parties entering appearance herein; and that, in all other respects, said orders shall continue in full force and effect."

IT IS FURTHER ORDERED, That J. W. Ianier, doing business as Ianier Taxi Service, be, and he is hereby, notified and required to cancel all schedules in conflict with the rates specified in the preceding paragraph on December 26, 1939, upon notice to this Commission and to the general public by not less than five (5) days' 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 the 26th day of December, 1939, and that the rates and provisions

prescribed and approved in the second preceding paragraph shall be published by J. W. Lanier, doing business as Lanier Taxi Service, on notice to this Commission and the general public by not less than five (5) days' 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 carrier shall cease and desist from demanding, charging, and collecting rates and charges which shall be greater or less than the rates herein prescribed.

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

Edward D. Wheeler

W. H. Danks

Maclain Smith  
Commissioners.

DATED at Denver, Colorado,  
this 19th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BLANCHE JOHNSON, IDAHO SPRINGS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER HER )  
PRIVATE CARRIER PERMIT NO. B-503 TO )  
CARL MILLER, DENVER, COLORADO. )

APPLICATION NO. 3247-PP-AAA

December 19, 1939

Appearances: Chas. D. Young, Denver, Colorado,  
for the applicant;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage Co.

S T A T E M E N T

By the Commission:

Applicant, Blanche Johnson, seeks authority to transfer Permit No. B-503, the consideration to be paid for this authority being \$1500.00.

It appears that there are at the present time no outstanding unpaid obligations as a result of previous operations under this permit, unless it is some small amount of tax, which the transferor agreed to take care of; also an item due the Colorado Trucking Association, which was settled at the hearing and so announced by Mr. Young, representing this creditor.

Carl Miller, the transferee, is at the present time the holder of Permit No. B-1791, which is not sufficiently comprehensive to take care of his transportation requirements, and he proposes to use Permit B-503 in the conduct of his business, which will take him to most parts of the State of Colorado. The record shows that Permit B-503 was issued August 4, 1933, as an unrestricted "B" permit. Of course, no unlawful combination of operations under the two permits will be permitted.

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 given at the hearing, 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 Blanche Johnson, holder of Permit No. B-503, should be, and she hereby is, granted authority to transfer all of her right, title, and interest in and to the same to Carl Miller, 4132 West Bayaud Avenue, Denver, 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 the future will comply with, the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 of 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

DATED at Denver, Colorado,  
this 19th day of December, 1939.

Edward D. O'Connell  
W. H. Danks  
Marion S. Smith  
Commissioners.

(Decision No. 14508 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
GUY WALLACE. )

PERMIT NO. C-9473

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Guy Wallace \_\_\_\_\_ of Route 3, Golden, Colorado,  
requesting that his Permit No. C-9473 \_\_\_\_\_ 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-9473 \_\_\_\_\_, heretofore issued  
to Guy Wallace, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniel*  
*W. L. Danks*  
*Walter E. Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of Dec. 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
DISBROW AND COMPANY. )  
)  
)  
)  
)  
.....)

PERMIT NO. C-8375

.....  
December 20, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Disbrow and Company ..... of 15th & Bent, Cheyenne, Wyoming,  
.....  
requesting that his Permit No. C-8375 ..... 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-8375, heretofore issued  
to ..... Disbrow and Company, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*W. C. Danks*  
*Walter E. Dwyer*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 20th day of Dec. 9, 1939.

(Decision No. 14510 )

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

RE MOTOR VEHICLE OPERATIONS OF)

H. C. BLISS. )

PERMIT NO. C-7875

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. C. Bliss \_\_\_\_\_ of 812 Main \_\_\_\_\_, Grand Junction, Colo.,  
requesting that his Permit No. C-7875 \_\_\_\_\_ 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-7875 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ H. C. Bliss, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard E. O'Connell*  
*W. B. Jones*  
*Wm. H. ...*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of Dec. 1939 9

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

RE MOTOR VEHICLE OPERATIONS OF)

DAVE ELIAS.

PERMIT NO.C-10281

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Dave Elias \_\_\_\_\_ of 1357 Kennedy St., Ft. Worth, Texas,  
requesting that his Permit No. C-10281 \_\_\_\_\_ 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-10281 \_\_\_\_\_, heretofore issued  
to Dave Elias, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Thomas*  
*W. L. Danks*  
*Wm. E. Hinson*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

(Decision No. 14512 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
MRS. C. W. WARD AND C. D. WARD)

PERMIT NO. C-9757

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. C. W. Ward  
and C. D. Ward of 920 Barkley Ave., Pueblo, Colo.,  
requesting that his Permit No. C-9757 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-9757, heretofore issued  
to Mrs. C. W. Ward and C. D. Ward, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Danks  
W. L. Danks  
Wm. E. Danks  
Commissioners.

Date at Denver, Colorado,  
this 20th day of Dec., 1939.

(Decision No. 14513 )

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

RE MOTOR VEHICLE OPERATIONS OF)

M. L. Craig, Johnstown, Colo. )

PERMIT NO. C-9539

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
M. L. Craig of Johnstown, Colorado,  
requesting that his Permit No. C-9539 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-9539, heretofore issued  
to M. L. Craig, of Johnstown, Colorado, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniel*  
*W. R. Banks*  
*Walter E. Evers*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

(Decision No. 14514)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK HELDER, 127 SO. TEJON, )  
COLORADO SPRINGS, COLORADO. )

PERMIT NO. C-10522

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
FRANK HELDER, 127 SOUTH TEJON, COLORADO SPRINGS, COLORADO, requesting  
that his Permit No. 10522 be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Permit No. 10522, heretofore  
issued to Frank Helder, 127 South Tejon, Colorado Springs, Colorado,  
be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. D. Danks

Wm. E. Egan  
Commissioners

DATED at Denver, Colorado,  
this 20th day of December, 1939

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
COLSTA RAMPA, D/B/A MAYTAG STORE, )  
ALAMOSA, COLORADO. )

PERMIT NO. C-8719

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Colsta Rampa, doing business as Maytag Store, Alamosa, Colorado, requesting that her Permit No. C-8719 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-8719, heretofore issued to Mrs. Colsta Rampa, doing business as Maytag Store, Alamosa, Colorado, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. L. Danks

Maureen E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
JOHN W. LUTHYE, 6500 NO. FEDERAL  
BLVD., DENVER, COLORADO.

PERMIT NO. C-10743

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John W. Luthye, of 6500 No. Federal Blvd., Denver, Colorado, requesting that his Permit No. C-10743 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-10743, heretofore issued to John W. Luthye, of 6500 No. Federal Blvd., Denver, Colorado, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DATED at Denver, Colorado,  
this 20th day of December, 1939.

Edward D. Danks  
W. L. Danks  
Maen E. E. E.  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

DALE C. HICKMAN, BARTLEY, )  
NEBRASKA. )

PERMIT NO. C-9100

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Dale G. Hickman, of Bartley, Nebraska, requesting that his Permit No. C-9100 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-9100, heretofore issued to Dale G. Hickman, of Bartley, Nebraska, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DATED at Denver, Colorado,  
this 20th day of December, 1939.

Edward D. Donald  
McDonks

James E. Siver  
Commissioners.

(Decision No. 14518)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
G. H. CALLOWAY, 1713 BROADWAY, )  
SCOTTSBLUFF, NEBRASKA. )

PERMIT NO. C-9902

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
G. H. Calloway, of 1713 Broadway, Scottsbluff, Nebraska, requesting  
that his Permit No. C-9902 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-9902, heretofore  
issued to G. H. Calloway, of 1713 Broadway, Scottsbluff, Nebraska,  
be, and the same is hereby, declared cancelled.

DATED at Denver, Colorado,  
this 20th day of December, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Walter E. Evers  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
H. E. BANZ. )

PERMIT NO. C-10421

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. E. Banz \_\_\_\_\_ of 1606 W 4th St., Hutchinson, Kansas,  
requesting that his Permit No. C-10421 \_\_\_\_\_ 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-10421 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ H. E. Banz, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward T. O'Connell*  
*W. D. J. J. J.*  
*W. D. J. J. J.*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

ERVIN BLOMENKAMP. )  
)  
)  
)  
)  
.....)

PERMIT NO. C-10302

.....  
Dec. 20, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Ervin Blomenkamp ..... of 2219 Rollins Ave., Cheyenne, Wyoming  
.....,  
requesting that his Permit No. C-10302 ..... 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-10302  
to ..... Ervin Blomenkamp, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ervin Blomenkamp*  
*W. D. Parks*  
*Walter B. Quinn*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

G. Z. HARPER.

PERMIT NO. C-9320

Dec. 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
G. Z .Harper of Cornish, Colorado,  
requesting that his Permit No. C-9320 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-9320, heretofore issued  
to G. Z. Harper, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. C. Danks*  
*Walter [Signature]*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939,

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

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT JEFFRIES. )  
)  
)  
)  
.....)

PERMIT NO. C-8113

.....  
Dec. 20, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Robert Jeffries of Olathe, Colorado,  
requesting that his Permit No. C-8113 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-8113, heretofore issued  
to Robert Jeffries, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. D. [Signature]*  
*Wm. [Signature]*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
JACOB STERGER. )  
 )  
 )  
 )  
.....)

PERMIT NO. C-10548

.....  
Dec. 20, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Jacob Sterger ..... of Wellington, Colorado, .....  
requesting that his Permit No. C-10548 ..... 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-10548, heretofore issued  
to Jacob Sterger, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*James W. Turner*  
*W. D. Danks*  
*Walter E. Quinn*  
Commissioners.

Date at Denver, Colorado,  
this 20th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
J. O. HILL d/b/a HILL OIL )  
TERMINAL. )  
.....)

PERMIT NO. C-6293

December 20, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. O. Hill d/b/a  
Hill Oil Terminal ..... of Box 182, Colorado Springs, Colorado,  
requesting that his Permit No. C-6293 ..... 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-6293 ..... , heretofore issued  
to J O. Hill d/b/a Hill Oil Terminal, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. E. [Signature]*  
*Green [Signature]*  
Commissioners.

Date at Denver, Colorado,  
this 20th ..... day of December ..... , 193 9 .

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

RE MOTOR VEHICLE OPERATIONS OF)

OTIS A. SUMMERS.

PERMIT NO. C-6908

December 22, 1939.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Otis A. Summers \_\_\_\_\_ of 2211 Eye St., Sacramento, California,  
requesting that his Permit No. C-6908 \_\_\_\_\_ 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-6908, heretofore issued  
to Otis A. Summers, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell  
Wm. J. O'Connell  
Malcolm H. O'Connell  
Commissioners.

Date at Denver, Colorado, 22nd day of December, 1939

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

SUPERIOR COAL CO. )

PERMIT NO. C-4783

December 22, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the  
Superior Coal Company of 503 West 5th Ave., Denver, Colo.,  
requesting that his Permit No. C-4783 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-4783  
the Superior Coal Company,  
to be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. O'Connell*  
*W. C. Parks*  
*Walter H. Hiss*  
Commissioners.

Date at Denver, Colorado,  
this 22nd day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
La NEAR FRANK, DAILEY, COLORADO, FOR )  
A CLASS "B" PERMIT, TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 5090-PP

December 21, 1939

Appearances: LaNear Frank, Dailey, Colorado,

pro se;

John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Association, O. C. Barth, Thompson  
and Jones, Geo. W. Wingfield,  
James McFarland, Ray R. Mercure,  
F. E. Anderson, Lester Smith,  
Armond Goodman, Ture Nelson,  
C. W. Courtwright, Wm. Schiermeyer,  
R. E. Ensminger, J. H. and F. V.  
Hellbusch, and Wm. Blankenbeckler;  
A. J. Fregeau, Denver, Colorado, for  
the Weicker Transfer & Storage Co.,  
Buehler Transfer & Storage Co.,  
Colorado Transfer and Warehouse-  
men's Association, The North Eastern  
Freight Company, and North Eastern  
Motor Freight;  
E. R. Baker, Denver, Colorado, for the  
Motor Truck Common Carriers' Assn.

S T A T E M E N T

By the Commission:

On September 23, 1939, Decision No. 14042, the Commission denied the above-numbered application, for the reason that the showing made by the applicant was not sufficient to indicate a need for his service, or that there was inadequate authorized carrier service to serve the territory described in the application.

The Commission is now in receipt of a communication asking for rehearing, signed by LaNear Frank, dated September 27, 1939, to which is attached a petition signed by eleven farmers residing in the immediate vicinity of the applicant.

It appears that LaNear Frank was unable to get witnesses to the hearing at Sterling to support his application, and after hearing the testimony given by Leslie E. Smith, Ture Nelson, and William Blankenbeckler, the applicant discovered that they resided some distance from the area he sought to serve but did have an in-and-out right to his area, and that his witnesses (who did not appear) will now testify to a need for a strictly local service, and he requests a rehearing.

This record discloses that LaNear Frank appeared, and not being advised as to just what kind of showing he would be required to make in order to support his application, and after cross examination, which revealed that in 1936 he was shown to be a violator, the applicant gave very little testimony, and for some reason was unable to locate his witnesses.

It was disclosed at the hearing that some of the protestants testified at length as to how they were able to take care of the Dailey territory, which was not in their pick-up area except that they had an "in-and-out" service which permitted them to make deliveries at Dailey or pick up farm products in the area only so long as the point of destination was in the Sterling area.

The applicant is now limited by the testimony to a small territory around Dailey, but not being supported by testimony the application had to be denied on the face of the record made.

After a careful consideration of the record and the request of the applicant, the Commission is of the opinion, and finds, that this application should be set for rehearing.

#### O R D E R

IT IS THEREFORE ORDERED, That LaNear Frank, be, and he hereby is, granted a rehearing on Application No. 5090-PP, and said application is hereby set for rehearing before the Commission on the 9th day

of January, 1940, at 9:30 o'clock, A. M., at the Court House in  
Sterling, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard D. Thiele

W. C. Janks

Max Emerson  
Commissioners.

DATED at Denver, Colorado,  
this 21st day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES, PRACTICES, ETC., OF THE )  
COLORADO UTILITIES CORPORATION. ) CASE NO. 4664  
-----

-----  
December 20, 1939.  
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Appearances: Carpenter and Videon, Esqs., Hayden,  
Colorado, for the Towns of Hayden  
and Yampa;  
Sid Pleasant, Esq., Craig, Colorado,  
for the Town of Craig;  
Addison Gooding, Esq., Steamboat Springs,  
Colorado, for Respondent.

S T A T E M E N T

By the Commission:

The Board of Trustees of the Town of Hayden, Colorado, filed with the Commission a petition requesting an investigation of the electric rates charged by the Colorado Utilities Corporation, respondent herein, to its customers within said town.

Thereafter, the Commission instituted the instant case by an order (Decision 10566), wherein we provided for a general investigation of the reasonableness of the rates and charges of the respondent in the towns of Craig, Hayden, Steamboat Springs, Phippsburg and Yampa, together with the rural districts adjacent to, and transmission system between, said towns. Subsequently, the towns of Craig and Yampa, through their Boards of Trustees, filed petitions specifically requesting an investigation of the rates of said respondent at said points.

We further provided in said Decision 10566 that the investigation include the rules and practices of respondent relating to charges for depreciation, maintenance, accounting practices, and all matters affecting the rates charged by respondent to its consumers. We further provided for an inventory, appraisal and audit by our own staff of the physical property and accounts of respondent.

After the completion of said inventory, appraisal and audit, the matter came on for hearing at Steamboat Springs, Colorado, where oral and

documentary evidence was introduced by the towns of Yampa, Hayden and Craig, respondent and the engineers and auditor of the Commission. At the close of the hearing, permission was granted to the towns of Yampa, Hayden and Craig to have their own auditor, under the supervision of the Commission's staff, make a more complete audit and breakdown of some of the accounts of respondent and submit his report in writing to the Commission, with copy to respondent, the same to be considered part of the record. This subsequently was done.

Considerable testimony was introduced, indicating that the Company's public relations have not been all that might be desired. This evidence was not entirely conclusive, and, in some instances, was rebutted by witnesses for respondent. However, the fact remains that considerable antagonism exists over the policies of the company relating to rural customers, discrimination between some of the towns, poor service and discouragement of small commercial enterprises, and failure to develop coal mining business. No doubt, some improvement has been made by the utility in some of these instances, and we believe that room exists for further improvements along this line, with particular reference to the question of "Public Relations". We shall make no specific order at this time.

#### CORPORATE AND FINANCIAL HISTORY

The evidence disclosed that the Colorado Utilities Corporation, respondent herein, was organized in 1926 as a corporation. It is controlled through ownership of its capital stock by Commonwealth Power Company, and its management is directed by the Central States Public Service Company, an affiliate of the former, through Troy, Graham & Company, Inc., investment bankers of Chicago, Illinois, acting for the bondholders. Its executive offices are located at Chicago, Illinois, and its principal operating office at Steamboat Springs, Colorado.

In March, 1926, respondent took over, by purchase, the property of the Craig Light and Power Company, Hayden Milling and Power Company, Oak Creek Service Company, and Steamboat Service Company. A central

power plant was constructed at McGregor, Colorado, and transmission lines built extending west to Hayden and Craig, east to Steamboat Springs, and south to Oak Creek and Phippsburg, and said plant was placed in operation in February, 1927, and the operation of the local plants discontinued. The distribution systems at Craig, Hayden, Oak Creek, Phippsburg and Steamboat Springs were rebuilt and the transmission lines extended from Phippsburg to Yampa in the same year. In 1933, the Town of Oak Creek started the operation of its own distribution system, and respondent was ordered to remove its property. In the spring of 1927, an accident on one of the lines of respondent resulted in a judgment against it of \$22,500.00. This was known as the "Cassidy Judgment" and was charged to operating expense in the year 1931.

On December 31, 1937, the books of the Company showed Fixed Capital of \$1,097,636.12. On the same date, it had First Mortgage Bonds outstanding in the sum of \$728,500.00, and interim certificates in the sum of \$156,200.00. Its common stock, including paid in surplus of \$19,261.58, amounted to the sum of \$71,760.31, and its preferred to the sum of \$177,200.00. No dividends have ever been paid on the common stock, but dividends were paid on the preferred stock up to and including the year 1932. Respondent defaulted on its First Mortgage Bonds, which matured March 1, 1938.

#### ESTIMATES OF PRESENT VALUE OF PHYSICAL PROPERTY

Exhibit No. 6, which represents the valuation report of our electrical and gas engineer, discloses reconstruction new value of the property of respondent of \$770,281.00, with a present value of \$584,689.00. However, at the hearing, the engineer testified that in his opinion his allowance for overheads had been approximately five per cent higher than ordinarily would be the practice and recommended a deduction of \$30,000 for this item. He was also of the opinion that the value of certain houses and lots and sub-station owned by respondent which he did not consider used and useful in the present operation and valued at the sum of \$9,705.00, should also be deducted from the depreciable property as shown by said exhibit. The engineer recommended an allowance for working capital of \$8,696.00 and

going concern value of \$35,140.00.

The engineer, in arriving at present fair value, used prices based on costs for the year 1937 instead of the usual five-year average. The reason given therefor is that such prices would more nearly reflect the present and probable future situation so far as respondent's property values are concerned. This certainly is, at least, not unfavorable to respondent because, as pointed out by the engineer, a rather sharp increase in price levels took place in the year 1937.

An analysis of said Exhibit No. 6 discloses that the engineer, in our opinion, has been fair with respondent in arriving at values. We find that even after deducting five per cent for certain overheads heretofore mentioned, he has allowed the total amount of 13.77 per cent of Costs of Labor and Materials for Construction Overhead Expense, and 18.79 per cent of all tangible Fixed Capital, including construction overheads as adjusted herein, for General Overhead Expense. Some allowance has been made by him for every conceivable item of cost. Some criticism of his figures is contained in a statement filed by respondent marked "Exhibit No. 11", and without discussing the same in detail, we will call attention to only one of said items. As an example, on page 16 of said Exhibit No. 11, respondent indicates that the Commission's engineer failed to include actual expense of surveying, platting and blue-printing in the sum of \$5,320.00. However, a breakdown of the engineer's figures discloses that under the account "Engineering and Superintendence", he had made an allowance of \$60 a mile to cover the cost of surveying and mapping, which total allowance is approximately \$6,000. As heretofore pointed out, the engineer's estimate of value is based upon reconstruction cost new of property upon a price level existing during the year 1937. The record contains but little evidence showing actual historical cost of the properties taken over by respondent. However, we are able to determine that they were carried upon the books of the various owners for the year ending December 1, 1925 for a total sum of \$133,437.77. Respondent apparently paid a cash purchase price of \$255,000.00 for said properties, which

included an item of preliminary expense amounting to \$13,000.00, and said properties were capitalized at a value of \$355,133.00. It is true that respondent had the advice of consulting engineers in Chicago as to the value of these properties, and we note that on April 1, 1936, total value of \$355,297.00 was recommended by said engineering firm of W. J. Huddle & Company. This included working capital and going concern value figures. It was, of course, contemplated at the time of the purchase of said properties that the local generating plants would be abandoned and one generating unit constructed. It was also true that as a result of the purchase of said properties by respondent, the rates to consumers in said district were reduced (See Exhibit No. 11) from an average price of 15.2 cents per KWH paid by residential customers in 1926 to an average for the same class of customers of 7.6 cents in 1938, and that during the same period business lighting rates were also reduced approximately sixty per cent.

Of course, in considering the factor of prudent investment, all of these matters have some materiality. We will not discuss in detail the controlling factors that must be considered in arriving at "fair value". These matters heretofore have been gone into with considerable detail by the Commission in Re Home Gas and Electric Company, Case No. 1074, Decision 5803, 5 P.U.R. (N.S.), page 107, and Re Electric Rates of Glenwood Light and Water Company, Case 1138, decided December 9, 1933. In view of all the facts and circumstances disclosed by the record herein, and with due regard to all material factors, we are of the opinion, and so find, that the cost of reconstruction new, less depreciation, and plus going value and working capital, constitutes in this particular case a fair and reasonable rate base. The following table shows the manner of arriving at said rate base, including allowance of \$35,140 for going concern value and \$15,000 for working capital, material and supplies.

TANGIBLE, DEPRECIABLE FIXED CAPITAL

Tangible, Depreciable property RCN value 11/1/37	\$649,983
Less adjustment for excess overheads & unused property	39,705
Adjusted tangible property RCN value 11/1/37	610,278
Additions per books to 12/31/37	1,127
RCN value 12/31.37	611,405
Less accrued depreciation per appraisal report	143,836
Depreciated value 12/31/37	467,569

Additions 12/31/37 to 12/31/38 per books	\$ 9,332
Sub-total	476,901
Deduct depreciation for 1938 @ 2 $\frac{1}{2}$ %	11,923
Depreciated value on 12/31/38	464,978

INTANGIBLE, DEPRECIABLE FIXED CAPITAL

RCN value 11/1/37	96,139
Less accrued depreciation per appraisal report	41,756
Depreciated value 12/31/37	54,383
Deduct depreciation for 1938 as below:	

	RCN	RATE	AMOUNT	
Eng. & Sup.	31743	2.5%	794	
Taxes during const.	7071	2.5%	177	
Interest during const.	22325	2.5%	558	
Financing	35000	10.0%	3500	
Total			5029	5,029
Depreciated value on 12/31/38				49,354

TANGIBLE & INTANGIBLE NON-DEPRECIABLE FIXED CAPITAL

Total non-depreciable property 12/31/38	24,159
---	--------

RATE BASE - 12/31/38

Tangible, depreciable fixed capital	464,978
Intangible, depreciable fixed capital	49,354
Non-depreciable fixed capital	24,159
Sub-total	538,491
Tools	1,500
Materials, supplies, working capital	15,000
Going concern value	35,140
Total rate base 12/31/38	590,131

RATE OF RETURN

The evidence discloses that operations of respondent are in a somewhat sparsely settled and mountainous country. In our opinion, it is entitled to a somewhat larger return than would a utility serving a more thickly settled and compact area.

After a careful consideration of all factors, we are of the opinion, and find, that at the present time a reasonable rate of return upon respondent's rate base would be six and one-half per cent per annum.

ANNUAL DEPRECIATION CHARGE

It may be noted that the actual depreciation estimated by our engineer as shown by Exhibit No. 6, is the sum of \$185,592.00. The annual report of respondent for the year 1938 shows a balance in its "Retirement Reserve Fund"

at the beginning of the year 1938 of \$183,576.04. These figures indicate that an allowance of  $2\frac{1}{2}$  per cent on depreciable property value new per annum for depreciation is approximately correct, and after a careful consideration of all the evidence, the Commission is of the opinion, and so finds, that a reasonable annual depreciation and one adequate to make good all loss of service due to any depreciation of the property of respondent not restored by maintenance, is two and one-half per cent, as set forth above.

#### AMORTIZATION OF RATE CASE EXPENSE

The record discloses that respondent in Exhibit No. 11 seeks an allowance of \$2,500 to cover its expense in connection with the instant case. No evidence was introduced to show what its actual expense might be, and it was stated that same could not be actually determined at the time of the hearing. However, the Commission is inclined to believe that such request is a reasonable one and we are of the opinion, and find, that the sum of \$2,500 should be allowed as rate case expense, and the same should be amortized over a period of five years. We are, therefore, allowing an annual charge of \$500 for that purpose.

#### AMORTIZATION OF ABANDONED PROPERTY

According to Exhibit No. 11, respondent sustained:

Losses caused by fire and abandoned property .....	\$178,170.58
Less amounts received from sale of obsolete equipment, insurance, etc. ....	<u>45,833.36</u>
Net loss, as of 12/31/37 .....	132,337.22
Amortized to 12/31/37 .....	<u>56,037.22</u>
Balance .....	76,300.00

This balance they seek to amortize over a period of at least twenty-five years. The above values are taken entirely from the figures of respondent as submitted in said Exhibit No. 11, and no proof was offered as to the actual value of said property. It is true that a former engineer for the Commission, on August 5, 1932, in a report to the Commission concerning the property of respondent, made the following statement:

"It is undoubtedly true that a considerable portion of each of these four properties is still in use and useful and I would guess that at least \$175,000 has gone out of existence and is not now reflected by physical property."

As this statement is entirely too vague a record upon which to base findings about the value of said abandoned property, and in view of the fact that we have not been furnished with any information which may be in the hands of respondent as to the actual value of the property abandoned and destroyed by fire, we feel compelled to look to other sources in an endeavor to arrive at a fair conclusion as to the actual value of same.

As heretofore pointed out, the books of the various assignors of respondent under the account "Fixed Capital" indicated that the total book value of said property as reported to the Commission as of December 31, 1925, was \$133,437.77. By using certain unit cost estimates per KW of necessary generating capacity (\$125.00 per KW) and \$90.00 per consumers meter, allowing for general overheads, going concern value, and charging reasonable depreciation, all said figures being based on the known operating conditions prevalent in 1925 in said territory, as disclosed by our records, we find that the result would not be far from the figures carried as Fixed Capital mentioned above. Using this figure as the value of said property, and deducting the amount received from the sale of obsolete equipment, insurance, etc., and the amount heretofore amortized by respondent, we find a balance of \$31,567.19, as follows:

Losses caused by fire and abandoned property	\$133,437.77
Less amounts received from sale of obsolete equipment, insurance, etc.	<u>45,833.36</u>
Net loss as of 12/31/37	87,604.41
Amortized to 12/31/37	<u>56,037.22</u>
Balance	31,567.19

In view of the fact that the so-called abandoned property was actually replaced by new property, the Commission is of the opinion, and so finds, that respondent should be permitted to amortize said balance of \$31,567.19 over a period of twenty years. We are, therefore, allowing an annual charge of \$1,578.36 for said purpose, which amount shall be credited by respondent to a distinct, separate retirement reserve fund to be used only for the retirement of said property.

#### OAK CREEK REMOVAL

The record discloses that the estimated loss to respondent by

reason of forced abandonment of service at Oak Creek, Colorado, was \$32,290.78. This amount was actually charged to Operating Expense in the year 1933. However, respondent's witness stated that, in 1935, the then manager of respondent's plant, and the Commission's engineer, agreed that said item should be amortized over a period of ten years, and that the first charge to Operating Expense was made in 1935. The customers of respondent having once been charged, through Operating Expenses, for the cost of this property, we see no justification for again requiring them to "pay the bill".

After careful consideration of the record, the Commission is of the opinion, and so finds, that no further charge against Operating Expenses in connection with the Oak Creek property is justified.

#### CASSIDY JUDGMENT

As heretofore pointed out, the personal damage judgment was obtained against respondent for an accident that occurred in the spring of 1927, in the sum of \$22,500.00. The amount of this judgment was charged to Operating Expense in the year 1931. The position taken by respondent is that this expense was really incidental to construction, and is, in fact, a part of the original construction cost. With this, we cannot entirely agree. We see no reason why respondent may not carry the item as part of their fixed capital, but in our opinion, the figure has no place in the rate base of respondent, nor can the customers of respondent again be required to pay the amount of this judgment, which they did when it was charged to Operating Expense in the year 1931.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said Cassidy Judgment should not be included in the figure that we have determined to be a fair rate base for respondent's property.

#### OPERATING EXPENSES

Operating expenses of respondent for the years 1934 to 1938, inclusive, including taxes, but excluding depreciation, have averaged \$73,658.49. In 1938, they amounted to the sum of \$82,026.65. The auditor

employed by petitioning towns, in his report, recommends an annual figure of \$66,603.51. He sets out in detail the reasons why he reduces the actual 1938 operating expenses some \$15,000. It would require too extended an opinion to analyze all of the changes recommended by said audit. However, we have made a careful comparison between the actual 1938 operating expenses of respondent and the suggested allowance by Mr. Wilkins, and, in our opinion, the schedule hereinafter set forth constitutes a fair and reasonable allowance to respondent for future charges to Operating Expenses. We might point out that this schedule includes a total annual charge of \$3,413.15 for the so-called "Chicago Expense", divided as follows:

Graham's salary . . . . .	\$1,500.00
1 $\frac{1}{2}$ % of Gross Sales to Central States P.S. Co. . . . .	\$ 719.15
Chicago Office Expense @ \$62.00 per month . . . . .	744.00
Graham Travel Expense . . . . .	450.00
Total	\$3,413.15

In arriving at this figure, we have in mind our Decision No. 6571 in Case No. 1183, Town of Springfield, Colorado, Plaintiff, v. Highland Utilities Company, Defendant, and the case of St. Joseph v. St. Joseph Water Company, 4 P.U.R. (N.S.) 541, wherein the doctrine is promulgated that:

"payments by operating utilities to corporate affiliates for managerial or other services are justified only (1) where the services rendered are necessary to the successful operation of the utility, and (2) when the fees charged are no greater than the cost of such service if provided by an independent agency or performed by the utility's own personnel."

No doubt the precarious financial condition of respondent necessitates some expense that otherwise would not be justified.

After careful consideration of the record, we are of the opinion, and so find, that the annual expenses of respondent in the future should not exceed the following, so long as conditions remain the same, to-wit:

Superintendence	\$1,620.00
Labor	5,874.25
Fuel	11,766.00
Misc. Supplies and Expenses	615.88
Maintenance Power Plant	5,029.54
Total Production Expenses	24,905.67

Superintendence	\$ 1,745.00
Substation expenses	1,506.56
Oper. Dist. and Trans. lines	1,141.78
Meter and transformer operation	494.74
Maint. of Distribution and transmission lines	4,368.58
Other Maintenance expenses	1,597.82
Total Distribution Expenses	<u>\$10,854.48</u>
Total Utilization Expenses	<u>478.15</u>
Total Commercial Expenses	<u>4,635.08</u>
Total New Business Expenses	<u>2,400.00</u>
Administrative Salaries	5,386.66
Other Gen. Office Salaries	360.00
Gen. Office Supplies and expense	597.84
Law Expenses	349.52
Insurance	2,220.00
Transportation Expenses	981.02
Rentals	1,560.00
Other Mis. Gen. Expenses	600.00
Injuries and damages	500.00
Total Gen. and Misc. Expenses	<u>\$10,555.04</u>
Sub-Total	53,828.42
Uncollectible Bills	419.05
Taxes	<u>18,253.56</u>
Sub-Total	72,501.03
Depreciation $2\frac{1}{2}\%$ on \$716,876.00	17,921.90
% Regulatory Comm. Exp.	500.00
% Abandoned property - amortized	1,578.36
Operating Income $6\frac{1}{2}\%$ return on \$590,131.00	38,358.52
Total Revenue Required	130,859.81

#### OPERATING REVENUE

Operating revenues show a steady increase from 1934 to 1938, inclusive, the figures for 1934 being \$107,374.60, while for 1938 the figures are \$148,633.21. We believe the use of the latter figure as estimated revenue for the future is not unfair to either respondent or its customers. Deducting from said amount of \$148,633.21, the total revenue requirements, as disclosed by our schedule of operating expenses, we find excess revenue of \$17,773.40. Since the close of the hearing, respondent has filed new rates, covering both residential and business lighting service reductions. These schedules were accepted by the Commission, subject to its final decision in the instant case. The

indicated reduction in the domestic lighting class was approximately \$7,000.00. The estimated reduction in the business lighting schedule is approximately \$4,000.00. The present service charge for the Town of Hayden is twenty-five cents per month in excess of that charged at Craig and Steamboat Springs. While some technical justification for such difference may exist, we are of the opinion that the same is not warranted under the facts and the evidence, and that respondent should be required to remove this differential in the rates between Hayden and Craig and Steamboat Springs, which according to the record, as we are advised, would reduce its revenue approximately \$300.00 per annum. The rate schedules of respondent on file with the Commission are somewhat complicated and contain rates that are confusing in their terms and optional requirements. In making adjustments in compliance with the findings herein, these schedules should be simplified.

After careful consideration of all the record, the Commission is of the opinion, and so finds, that the rates and charges of respondent, The Colorado Utilities Corporation, are unreasonable, excessive, and unlawful, to the extent that they result in an operating income exceeding \$38,358.52.

O R D E R

IT IS THEREFORE ORDERED, That respondent, The Colorado Utilities Corporation, in conformity with the findings hereinbefore set forth, shall file with the Commission a rate schedule which, in conjunction with the rate schedules filed since the close of the hearing in the instant case, shall produce an operating income not in excess of \$38,358.52, said schedule to provide for the removal of the differential in service charge between the towns of Hayden and Craig and Steamboat Springs.

IT IS FURTHER ORDERED, That January 15, 1940, shall be the effective date of this order, and that said schedule shall be filed on or before said date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*W. C. Dwyer*  
*Walter Gibson*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPELIGATION NO. 4993-PP

December 21, 1939

Appearances: William Fornoff, Peetz, Colorado,  
pro se;  
R. L. Wood, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association, R. J.  
Robertson, and the North  
Eastern Motor Freight, Inc.;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation, Hawkins Transfer, Leslie  
E. Smith, William D. Blanken-  
beckler, and J. H. and E. V.  
Hellbusch.

S T A T E M E N T

By the Commission:

On May 19, 1939, Decision No. 13527, the Commission issued an order denying this application on account of the applicant having failed to show inadequacy of service in the area sought to be served, and for the reason that to grant authority to the applicant would tend to impair the service of present authorized carriers.

On June 8, 1939, the applicant filed a petition for rehearing, and among the assignments states that the decision as made is contrary to the facts and the evidence, and that the record made indicates a need and a necessity for the services sought to be rendered by the applicant; further, that the applicant had present at the hearing at Sterling, several witnesses, who, he states, were not put on the witness stand "through mistake, neglect or inadvertence, and his failure to employ legal counsel," the result being that he failed to support his

application as it should have been supported.

On the record made at the hearing,- which shows that only one witness appeared for the applicant while three operators testified to their ability to take care of any transportation needs in the area sought to be served,- no other conclusion could be reached except that the territory was adequately served.

Attached to the petition for rehearing are five letters signed by farmers, who indicate their desire for additional service. It is set forth in the petition for rehearing that a number of authorized carriers serving Logan County are engaged in pursuits other than trucking, such as farming and the like, and that trucking is more or less a side line with them, which causes a shortage of transportation service at times.

After a careful reading of the petition for rehearing, together with the order of the Commission entered in this application, the Commission is of the opinion, and finds, that so far as the record is concerned, it does not support the granting of authority to this applicant, but indicates that had he presented his witnesses it is possible that he could have supported his application to such an extent that some authority might have been granted, and that an opportunity should be given to this applicant to present additional testimony in support of his application.

#### O R D E R

IT IS THEREFORE ORDERED, That William Fornoff, applicant herein, be, and he hereby is, granted a rehearing on his Application No. 4993-PP, and the same is hereby set for further hearing before the Commission on the 9th day of January, 1940, at 9:30 o'clock, A. M., at the Court House in Sterling, Colorado, and that notices of this rehearing be sent to those appearing of record at the hearing held May

9, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Seelye

Wes Danks

Malcolm Epstein  
Commissioners

DATED at Denver, Colorado,  
this 21st day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE W. WINGFIELD, VERNON, COLO- )  
RADO, FOR AN EXTENSION OF CERTIFI- )  
CATE NO. 1096. )

APPLICATION NO. 3848-B

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December 22, 1939

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Appearances: George W. Wingfield, Vernon, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer & Storage Co.,  
Buehler Transfer & Storage Co.,  
North Eastern Motor Freight,  
North Eastern Freight Company,  
Colorado Transfer and Warehouse-  
men's Association, and Woods  
Truck Line;  
E. R. Baker, Denver, Colorado, for The  
Motor Truck Common Carriers'  
Association;  
E. F. Anderson, Akron, Colorado,  
pro se;  
John P. Beck, Esq., Denver, Colorado,  
for O. C. Barth, Thompson & Jones,  
Ray Mercure, and James McFarland.

S T A T E M E N T

By the Commission:

On October 11, 1939, Decision No. 14127, the Commission entered an order granting a part of the authority sought by the applicant and denying that part of his application seeking an in-and-out authority.

On November 27, 1939, the applicant filed a petition for rehearing, wherein he sets forth that he was unaware of the necessity of presenting witnesses at a hearing; that he lives some distance from Denver and was not informed of the rules and regulations of the Commission with respect to procedure, and failed to support his application as it should have been supported, and requests a rehearing in

order that he may be able to present witnesses who were not present at his former hearing on account of his own lack of understanding.

The record discloses that on November 8, 1939, the applicant addressed a communication to the Commission wherein he complained of the order but did not file his formal petition until November 27th. Protestants call attention to Section 51 of the Public Utilities Act, and claim that the application for a rehearing was not filed seasonably. Such an interpretation might be given to this section. However, it is usually looked upon as referring to the effect of the decision which is involved rather than to the question of whether or not an applicant has a right to a rehearing after the twenty days' period has elapsed.

The record further discloses that the applicant lives near the small town of Vernon, Colorado, which is somewhat removed from the county seat and from Denver, and that this applicant, in all probability, had little knowledge of the procedure in connection with applications for extension, did not have an attorney to represent him, and in all fairness should be given an opportunity to support his application, even though his request was filed rather late. The applicant indicates that he can bring his witnesses to Denver, if that would be more convenient for interested parties.

After a careful consideration of the record, and of the petition for rehearing, the Commission is of the opinion, and finds, that a rehearing should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, That Application No. 3848-B be, and the same hereby is, set for hearing before the Commission on the 9th day of January, 1940, at 9:30 o'clock, A. M., at the Court House

in Sterling, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

McDanks

Malcolm E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 22nd day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF MARCOS CASTILLO, FOR A CLASS ) APPLICATION NO. 5203-PP  
"A" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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December 28, 1939.  
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Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and The Colorado Transfer  
and Warehousemen's Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company  
and Weicker Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant to notice sent to sixty-six carriers, including applicant. Applicant failed to appear and no excuse has been submitted to the Commission to explain his absence. Protestants moved that this application be dismissed for lack of prosecution, and it appeared that E. H. Ferrin, Ralph Santo of the U. S. Transfer and Storage Company, Lou Johnson of the Johnson Storage and Moving Company, W. E. Martin of Bekins Moving and Storage Company, L. S. Cooper of the Bear Creek Transfer Company, and Harold Swena of the Swena Truck Line, each waited almost half a day for the purpose of testifying in protest of this application, or a portion thereof.

After a careful consideration of the record and the motion to dismiss, 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 of protestants to dismiss the instant application should be, and the same hereby is, granted and the application 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

Edward D. Wheeler

W. C. Danks

Wm. E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WILLIAM A. SEIWALD, DENVER, COLORADO,  
FOR A CLASS "A" PERMIT TO OPERATE AS  
A PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.

APPLICATION NO. 5202-PP

December 28, 1939

Appearances: Duke Dunbar, Esq., Denver, Colorado,  
for the applicant;  
Chas. D. Young, Denver, Colorado, for  
The Colorado Trucking Association;  
Hodges, Vidal and Goree and Granger  
Rogers, Esq., for The Rocky Mountain  
Parks Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, Fuller Truck  
Line, Consolidated Motor Freight,  
Callagher Transfer and Storage Co.;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
V. G. Garnett, Denver, Colorado, for  
Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport newspapers between Denver and Ault, Colorado, and intermediate points on U. S. Highway No. 85; between Fort Collins and Denver and intermediate points on U. S. Highway No. 87; the transportation of bakery goods between Denver and Fort Collins and Denver and Greeley; and the right to transport newspapers to off points as follows: Boulder, Timmath, Windsor, Johnstown, and Milliken.

It appeared from the testimony given at the hearing that the applicant herein had an arrangement to transport the midnight edition of the Rocky Mountain News for the Denver Publishing Company and to make deliveries to points between Denver and Ault and intermediate points,

traveling by way of U. S. Highway No. 85, and between Fort Collins and Denver and intermediate points by way of U. S. Highway No. 87, using Colorado No. 14 in passing from Ault to Fort Collins, and, in addition thereto, the delivery of the Sunday edition of the Rocky Mountain News to Boulder, Timnath, Windsor, Johnstown, and Milliken; that the applicant was to receive \$42.50 per week for making these newspaper deliveries, and, in addition to the newspapers, sought authority to transport bakery goods from Denver to Fort Collins and from Denver to Greeley, only, the charge to be fifty cents per minimum packages and the prescribed rates on all bakery goods above the minimum; that the two concerns which the applicant desired to serve were Gus's Bakery and The Denver Pie Company; that he had a half-ton Ford truck which he proposed to use in rendering this service; that under the arrangement he was to leave Denver at one o'clock A. M. daily, arriving at Fort Collins at approximately four o'clock in the morning; that he had been rendering this service in the past under special authority from the Commission for the reason that the Denver Publishing Company and the two bakeries above mentioned were unable to get satisfactory service by use of the common carriers now serving between these points; that so far as the applicant knew, there was no schedule of any common carrier leaving Denver at one o'clock A. M., daily, and that he knew of no schedule leaving Denver at this time which could reach Greeley by three o'clock, and, going by way of Ault, return to Fort Collins by four or four-thirty A. M., as his schedule now contemplates. The applicant further stated that his customers, when unable to get satisfactory service from carriers, had undertaken to make deliveries with their own equipment, but preferred to use the services of an authorized carrier.

R. W. Boyd, of the Denver Publishing Company, stated that in order to get satisfactory service, it was necessary for the movement of his company's newspapers to leave Denver not later than 1:15 A. M., as the Denver Home Edition is always out between 1:00 and 1:15 A. M.; that so far as he knew there was no authorized transportation service available on such an early schedule; that his newspaper shipments on this

route averaged approximately 350 pounds of paper daily and 500 pounds on Sunday; that in order to meet the public demand, his company desired deliveries of newspapers to be made at Greeley between 4:00 and 4:30 A.M., and at Ault approximately thirty minutes later; that he had made numerous attempts to get such service; that he had inquired of the Weicker Company in an attempt to get them to arrange a schedule rather than to put on their own truck, but in view of the fact that at Greeley and the intermediate points between there and Denver, as well as between Fort Collins and Denver and intermediate points, it was necessary for the carrier to make deliveries to the homes of the several newspaper agents in these towns, and this the common carriers could not do or did not seem able to arrange for. Mr. Boyd further said that they wanted this same service to cover the Sunday morning deliveries to the off points named by the applicant and likewise to be made at an early hour.

M. L. Schoenberg, manager of the Denver Pie Company, testified that his company made it a rule to have their pies ready for delivery to the carrier by midnight, and found it very desirable that this fresh product be delivered at an early hour in the morning, as otherwise people in Fort Collins and Greeley would be obliged to use day-old products; that the present transportation facilities between Denver and Fort Collins and Denver and Greeley were not suitable to take care of their transportation needs, and that, during the past, he had made various contacts with the carriers to see whether some kind of arrangement could be worked out to make these early deliveries, but had not been successful as yet, except by the service of the applicant herein.

A. J. Fregeau, manager of the Weicker Transportation Company, stated that his firm protested the item of bakery goods to Greeley only; that a Weicker truck left Denver at four o'clock in the morning, arriving in Greeley at six A. M., daily except Sunday; that his company had solicited the bakeries in Denver in an effort to get their business, and were in position to move this schedule to an earlier departure hour if it would take care of the demands of bakeries; that the present early morning schedule was a temporary arrangement to see how it would work.

The Overland Motor Express, holder of Certificate No. 2, filed a written protest to the instant application in so far as it involved freight between Denver and Boulder, calling attention to the fact that at the present time the Overland operated three trucks daily between Denver and Boulder, but makes no mention of the handling of newspapers at an early hour in the morning.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the present facilities for the transportation of newspapers to points on the routes sought to be served by the applicant, as well as off points mentioned in his application, have been shown to be inadequate to meet the public demand for this service to such points; that the present authorized facilities for the transportation of bakery goods to Fort Collins, as contemplated by the applicant herein, also have been shown to be inadequate; that the present authorized facilities for the transportation of bakery goods between Denver and Greeley are capable of meeting the public demand and should be given an opportunity to perfect their schedule before additional authority is granted; and that authority should be granted to the applicant in accordance with these findings.

#### O R D E R

IT IS THEREFORE ORDERED, That William A. Seiwald, of Denver, Colorado, 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 newspapers between Denver and Ault and intermediate points on U. S. Highway No. 85; between Fort Collins and Denver and intermediate points on U. S. Highway No. 87, using Colorado Highway No. 14 in passing from Ault to Fort Collins, and serving as off-line points, on Sundays only, Boulder, Timnath, Windsor, Johnstown, and Milliken, Colorado; and the transportation of bakery goods between Denver and Fort Collins, Colorado.

IT IS FURTHER ORDERED, That that portion of the application seeking authority to transport bakery goods to Greeley be, and it hereby

is, denied for the present, provided that if authorized carriers now serving between Denver and Greeley shall fail to provide such schedules as reasonably may be required to take care of this service within thirty days from the date hereof, applicant may thereafter, and within sixty days of the date hereof, if he so elects, file application herein to reopen this matter.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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 28th day of December, 1939.

Eduard E. T. Bueh

W. L. Danks

Malcolm E. Erickson  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. D. PERRY, 3230 WALNUT STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER INTERSTATE PERMIT NO. 662-I ) INTERSTATE PERMIT NO. 662-I  
TO PERRY TRUCK LINE, INC., 3230 )  
WALNUT STREET, DENVER, COLORADO, A )  
CORPORATION. )  
-----

-----  
December 28, 1939.  
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S T A T E M E N T

By the Commission:

Heretofore, J. D. Perry, Denver, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle in interstate commerce, and Certificate No. 662-I issued to him.

Said permit holder now seeks authority to transfer said permit to Perry Truck Line, Inc., a Colorado corporation.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. D. Perry, Denver, Colorado, should be, and he hereby is, authorized to transfer Interstate Permit No. 662-I to Perry Truck Line, Inc., a Colorado corporation, subject to the provisions of the Federal Motor Carrier Act of 1935.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

*E. D. Danks*

*W. D. Danks*

*W. D. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1939.

(Decision No. 14554 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
D. D. CENTER. )

PERMIT NO. C-10218

December 26, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
D. D. Center \_\_\_\_\_ of 818 Cameron, Dallas, Texas,  
requesting that his Permit No. C-10218 \_\_\_\_\_ 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-10218 \_\_\_\_\_, heretofore issued  
to D. D. Center, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene D. Stender*  
*W. B. Parks*  
*Malcolm Smith*

Commissioners.

Date at Denver, Colorado,  
this 26th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
W. E. LENTZ AND SON. )  
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 )  
 )  
 )  
-----)

PERMIT NO. C-4875

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Dec. 26, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. E. Lentz  
and Son of Route 2, Delta, Colo.,  
requesting that his Permit No. C-4875 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-4875, heretofore issued  
to W. E. Lentz and Son be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Edward D. Oliver  
W. H. Spink  
Walter Wilson  
Commissioners.



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

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK FOBARE. )  
 )  
 )  
 )  
.....)

PERMIT NO. C-8007

.....  
Dec. 26, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Frank Fobare ..... of Hotchkiss, Colorado  
.....  
C-8007  
requesting that his Permit No. .... 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-8007....., heretofore issued  
to..... Frank Fobare, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. H. Danks*  
*Maen Nixon*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 26th day of December, 1939, 9

(Decision No. 14538 )

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

RE MOTOR VEHICLE OPERATIONS OF)

B. C. TORRENCE. )  
)  
)  
)  
)  
.....)

PERMIT NO. C-8731

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Dec. 26, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
B. C. Torrence ..... of 1401 So. Broadway Denver, Colo.,  
requesting that his Permit No. C-8731 ..... 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

C-8731

IT IS THEREFORE ORDERED, That Permit No. ...., heretofore issued  
to ..... B. C. Torrence, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Brien*  
*Wm. J. Danks*  
*Walter H. Hiden*

Commissioners.

Date at Denver, Colorado,  
this 26th ..... day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BERT MARCUS, DENVER, COLORADO, FOR ) APPLICATION NO. 2723-PP-AA-BB  
AN EXTENSION OF HIS PRIVATE PERMIT )  
NO. B-1213. )  
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-----  
December 28, 1939.  
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Appearances: Bert Marcus, Denver, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company  
and Weicker Transfer and Storage Co.;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Windecker Brothers, and  
Gallagher Transfer Company;  
V. G. Garnett, Denver, Colorado,  
for Colorado Rapid Transit Company;  
Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On January 2, 1936, Decision No. 6976, the Commission granted  
authority to Bert Marcus and C.G. Farmer, the same being Permit B-1213,  
with authority as follows:

"the transportation of brick and tile only, for  
the Lakewood Brick and Tile Company, 1342 J. Street,  
Lakewood, and for Kersting Brick Company, Thirty-eighth  
and Garfield Street, Denver, from the yards of said  
customers to points within a radius of twenty miles of  
Denver, Colorado."

This authority later was transferred to Bert Marcus.

On August 19, 1938, Application No. 2723-PP-A-B, Bert Marcus filed  
an application for an extension of his Permit B-1213 to increase his territory  
from a twenty-mile radius to a fifty-mile radius of Denver, Colorado, and on  
September 26, 1938, Decision No. 12403, after a hearing on said application,  
the Commission dismissed this application for lack of prosecution.

On October 23, 1939, the applicant filed the instant application,  
seeking the increase in his territory as sought in his former application.

It appeared from the testimony of the applicant that contractors for whom he had rendered service within the twenty-mile radius of Denver had called on him for transportation service outside of this radius, but he was unable to name any of such contractors. He stated that the Lakewood Brick and Tile Company wanted him to haul brick beyond the twenty-mile radius as provided in his original authority; that he had had no demand since 1937, when he made the previous application for an extension, but had in mind that the Lakewood Brick and Tile Company was a bidder for a contract at Greeley, Colorado, and in the event they secured this contract he might be called upon to move brick from their brick yard to Greeley; that he did not know of a shortage of trucks to move brick in the Denver area, - did not know about the Weicker Transportation Company or other authorized carriers - except that Harold Swena of Golden did transport brick. The applicant further stated that he knew of no change in conditions with respect to the transportation of brick from the Lakewood Brick Yard to points outside of his twenty-mile radius since the granting of his original authority, which fixed his radius at twenty miles and denied authority to serve within a fifty-mile radius.

N. H. Sanders, Assistant Manager of the Lakewood Brick and Tile Company, testified that a year ago his company needed the services of the applicant to serve outside of the twenty-mile radius of Denver, but knew of nothing at the present time which would require his services outside, but anticipation of future needs was the only object for his supporting this application for an extension, and the thought that other facilities might not be available just when they would require a movement of brick in the event they did secure the Greeley contract. Mr. Sanders further stated that he did not know about the available transportation facilities between Lakewood and Greeley; that he knew, however, that at least Weicker, Swena, and Gallagher rendered such service. When advised that a private carrier would be required to charge at least twenty per cent more in some cases than a scheduled common carrier, Mr. Sanders stated that he did not know whether his company would pay this additional charge or not, - that it would depend more or less on the service, - also, that some care had to be exercised in the handling of brick, and from past

experience, Harold Swena had rendered satisfactory service.

Harold Swena, Certificate No. 701, with authority to transport brick from the Lakewood Brick and Tile Company yards to points within a fifty-mile radius of Denver, stated that he had four trucks, equipped especially to handle brick and tile, and had available and could use two more flat-top trucks if the same should be needed; that in the conduct of his common carrier transportation business, it was necessary to maintain these trucks in order to take care of the public demand, but that at times they were not all used on account of the lack of business, and that to grant additional authority to the applicant to serve a larger area would lessen his ability to maintain this required equipment.

A. J. Fregeau, General Manager of the Weicker Transportation Company, testified that his firm specialized in the movement of brick, had a great deal of equipment ready to take care of any movement of brick in the Denver area, and particularly within the fifty-mile radius of Denver; that they had made a special effort to contact contractors, and stood ready to meet demands as required; that his firm had solicited the movement of brick for the Greeley contract, and expected to render this service shortly if it was successful in getting the contract, and that to grant authority to this applicant to qualify him as a competent bidder, would impair his firm's ability to maintain the equipment which was required in the conduct of its common carrier business.

V. G. Garnett, manager of the Colorado Rapid Transit, holder of Certificate No. 26, testified that his company made a business of transporting brick between points in the Denver area and Boulder County; that his company possessed open trucks equipped for the movement of brick, and that his Route No. 3 went through Wheatridge, Arvada, and to Boulder; that the equipment maintained by his company was needed to enable it to meet the demands of the public made upon it as a common carrier; that all of its equipment was not busy at all times and they needed the additional tonnage which might be had in the way of moving brick between the Lakewood Brick and

Tile yard and that part of the fifty-mile radius sought to be served by the applicant which overlapped their authority, and that to grant additional authority to the applicant would render his firm less able to maintain this equipment.

Protestants moved that the application be dismissed for the reason that the applicant had testified that there was no change in the transportation situation insofar as the movement of brick and tile was concerned, in the Denver area sought to be served by him, since the filing of his original application on December 6, 1935, upon which, after a hearing thereon, the Commission granted authority to serve within a twenty-mile radius and denied the right to serve within a fifty-mile radius thereof.

From the record on this application, it appears that when the Commission granted the original authority, B-1213, careful consideration was given to the radius of the area sought to be served by the applicant at that time, and found that his testimony supported the granting of authority to serve a twenty-mile radius around Denver. In support of the instant application, the applicant frankly stated that there was no change in the transportation situation since his original application was granted, and, in addition to this, the representative of the Lakewood Brick and Tile Company (who had been in charge for the past year), stated that he knew of no demands in the past involving need of the applicant's services beyond the twenty-mile radius which he now has authority to serve, but that the firm was a bidder for some construction work in Greeley, and, anticipating that his firm might get the contract and that (in his own language) "other transportation facilities might not be available", he had supported the applicant's application for this extension.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the motion to dismiss, presented by protestants, should be granted, inasmuch as the same conditions prevail at the present time as they did at the time the original application for this same authority was denied; and further finds that the present facilities for the transportation of brick and tile within

a radius of fifty miles of Denver, Colorado, as embraced in the instant application, are adequate to serve the general public; that to grant the instant application would impair the efficient public service of said carriers, and that the instant application for an extension should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss, interposed by protestants, should be, and the same hereby is, granted and the instant application 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

Edward T. Wheeler

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
W. F. DOTSON, DOING BUSINESS AS )  
CENTRAL STORAGE & SUPPLY CO. )  
)  
)  
.....)

PERMIT NO. C-8698

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Dec. 26, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. F. Dotson, doing  
business as Central Storage & Supply Co. of 217 West 1st St., Newton, Kansas,  
requesting that his Permit No. C-8698 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-8698, heretofore issued  
to W. F. Dotson, d/b/a Central Storage & Supply Company, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dwyer  
W. H. Danks  
M. L. Smith  
Commissioners.

Date at Denver, Colorado,  
this 26th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

ALBERT AND ERNEST LARA. )

PERMIT NO. C-9419

Dec. 26, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Albert and Ernest Lara of 2021 Pine St., Pueblo, Colo.

requesting that his Permit No. C-9419 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-9419, heretofore issued

to Albert and Ernest Lara, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Oliver*  
*W. B. Danks*  
*Malcolm Wilson*

Commissioners.

Date at Denver, Colorado,  
this 26th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

J. D. QUINTANA. )  
)  
)  
)  
)  
.....)

PERMIT NO. C-10245

.....  
December 26, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....

J. D. Quintana

La Jara

Colorado

..... of ....., .....

requesting that his Permit No. C-10245 ..... 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-10245 ..... heretofore issued

J. D. Quintana,

to ..... be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. D. D.*  
*W. D. D.*  
*W. D. D.*

Commissioners.

Date at Denver, Colorado,  
this 26th day of December, 1939.

R

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

RE MOTOR VEHICLE OPERATIONS OF)  
MINNIE KRAMER. )

PERMIT NO. C-2131

Dec. 26, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Minnie Kramer of RFD #2, Brighton, Colo.,  
requesting that his Permit No. C-2131 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-2131, heretofore issued  
to Minnie Kramer, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene D. Dineen*  
*W. R. Danks*  
*Walter E. Quinn*

Commissioners.

Date at Denver, Colorado,  
this 26th day of December, 1939, 9

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

PERMIT NO. C-9116

December 26, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
S. J. Kessler ..... of Delta, Colorado, .....  
requesting that his Permit No. C-9116 ..... 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-9116 ..... heretofore issued  
to S. J. Kessler, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. R. Oakes*  
*Malcolm E. Quinn*  
Commissioners.

Date at Denver, Colorado,  
this 26th day of December, 1939

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

RE MOTOR VEHICLE OPERATIONS OF)  
ILIFF HOCKETT. )  
 )  
 )  
 )  
 )  
..... )

PERMIT NO. C-2758

.....  
Dec. 27, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Iliff Hockett ..... of 444 Concord St., Boulder, Colo.,  
.....  
requesting that his Permit No. C-2758 ..... 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-2758  
Iliff Hockett,  
to..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. L. Danks*  
*Malcolm [Signature]*  
Commissioners.

Date at Denver, Colorado,  
this 27th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PETE SANCHEZ.

PERMIT NO. C-10637

Dec. 27, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Pete Sanchez, ..... of 2015 Pinon St., Trinidad, Colorado,  
requesting that his Permit No. C-10637 ..... 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-10637, heretofore issued  
to Pete Sanchez, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Wines*  
*W. D. Danks*  
*W. L. Wines*

Commissioners.

Date at Denver, Colorado,  
this 27th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE MIJEA, MRS. ANNA MIJEA )  
AND MRS. JANE WARD BRANCH. )  
)  
)  
)

PERMIT NO. C-3082

Dec. 27, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Mijea, Mrs.  
Anna Mijea and Mrs Jane Ward Branch of 106 So. Broadway Denver, Colo.,  
requesting that his Permit No. C-3082 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-3082, heretofore issued  
to Geo. Mijea, Mrs. Anna Mijea and Mrs. Jane Ward Branch, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Thomas  
W. L. Danks  
William S. Smith  
Commissioners.

Date at Denver, Colorado,  
this 27th day of December, 1939.

R

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

RE MOTOR VEHICLE OPERATIONS OF)

J. A. BAUGH. )  
)  
)  
)  
.....)

PERMIT NO. C-9770

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Dec. 27, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....

J. A. Baugh ..... of 1271 So. Bannock, Denver, Colo.,

requesting that his Permit No. C-9770 ..... 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-9770 ..... heretofore issued

J. A. Baugh, ..... be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Oliver*

*W. C. Danks*

*William F. ...*

Commissioners.

Date at Denver, Colorado,  
this 27th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
A. L. LEE. )  
 )  
 )  
 )  
 )  
 )

PERMIT NO. C-8344

Dec. 27, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
A. L. Lee \_\_\_\_\_ of 4146 So. Bannock St., Englewood, Colo.,  
requesting that his Permit No. C-8344 \_\_\_\_\_ 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-8344 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ A. L. Lee, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward J. [Signature]*  
*W. C. [Signature]*  
*Malcolm [Signature]*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE TOWN OF BETHUNE, COLORADO, FOR )  
OPENING OF PUBLIC HIGHWAY OVER THE )  
RIGHT OF WAY AND TRACKS OF THE )  
CHICAGO, ROCK ISLAND AND PACIFIC )  
RAILWAY COMPANY AT A POINT DIRECT- )  
LY SOUTH OF MAIN STREET, BETHUNE, )  
COLORADO. )

APPLICATION NO. 5054

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December 28, 1939

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Appearances: Hodges, Vidal and Goree, By  
James L. Goree, Esq., Denver, Colorado,  
for The Chicago, Rock Island and  
Pacific Railway Company;  
Thornton H. Thomas, Esq., Burlington,  
Colorado, for the applicant;  
Charles H. Rankin, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

On September 6, 1939, Decision No. 13960, an order was entered, permitting the opening and establishment of a public highway crossing, at grade, over the right of way and tracks of the Chicago, Rock Island and Pacific Railway Company at a point where Main Street in the Town of Bethune, Colorado, if extended, would intersect the tracks of said Railway Company, and authorizing the closing of the present existing crossing located on the county highway and on the section line between Sections 33 and 34, Township 8 South, Range 54 West.

Thereafter, a petition for rehearing was filed by the Chicago, Rock Island and Pacific Railway Company, which was granted, and a further hearing was held in said matter, Decision No. 14413, which hearing was limited to the taking of testimony upon the question of the amount of expense to be incurred in establishing said new crossing, the manner of payment, and by whom the same should be paid, and the taking of tes-

timony of witnesses for the Colorado State Highway Department as to the propriety or desirability of establishing said crossing.

At said further hearing, Mr. Claud M. Babb, superintendent of traffic for the Highway Department, testified that he had examined the proposed new crossing at Bethune, and, as a result of his examination, he had been instructed by the State Highway Engineer to appear at the hearing and protest against the abandonment of the present crossing. It was the opinion of this witness that the closing of the present crossing would be detrimental to the travel north and south, which a traffic survey disclosed amounted to approximately 110 cars per day; also, that the Highway Department was strongly opposed to the establishment of the proposed new crossing which would mean a 65-foot jog on a 100-foot street, and which, in the opinion of the witness, was a much more dangerous crossing than the present one.

Exhibit No. 3 is a detailed estimate of the cost of moving the depot to a new location and making the necessary changes if the new crossing is allowed. It showed a total estimated cost of \$1,065.82. Further evidence on the part of a witness for the Railway Company disclosed that the present so-called "Rocket" train now goes through Bethune at the rate of 70 miles an hour, and next year it is expected that this speed will be increased to 90 miles per hour.

It was further disclosed that the creation of this crossing would require the "breaking" of freight trains that might stop at Bethune, which would mean considerable extra expense to the Railway Company.

On behalf of the Town of Bethune, evidence was introduced to show that the town had raised, or made arrangements to raise, a total sum of \$200.00, which they were willing should go to the Railway Company for the purpose of covering any expense in connection with the proposed new crossing, and that the Board of County Commissioners was willing to construct the new road that would be necessary from the present main traveled east and west highway to the connection with Main Street, including any required drainage.

It was also disclosed that a bid had been received by the Town

of Bethune to move the depot at least twenty feet off of Main Street as extended, and place the same on a new concrete foundation, for the sum of \$214.00.

As was disclosed by the testimony at the former hearing, Bethune at present has a population of between 95 and 125. The town formerly had a population of around 300; assessed valuation of the property of the town dropped some seventy per cent. in the last ten years, although its obligations have remained the same. Residents of the town feel that no new business can be secured on account of the inconvenience of getting into the town of Bethune. It formerly had three grocery stores, garage, a lumber and hardware store, barber shop, and hotel, while now it has only one grocery store, one elevator, one cream station, and one coal dealer, who also operates a garage. It is located nine miles from Burlington, which is the county seat. Unquestionably, a great majority of the residents of Bethune desire the proposed new crossing, and while the same may not be a necessity, it certainly would be a convenience to the residents of Bethune.

We believe our records indicate that at least three other applications have been made for a Main Street crossing at Bethune, all of which heretofore have been denied by the Commission, although in those cases the question of abandoning the present crossing was not involved. Since the close of the first hearing, continuous efforts have been made by the Town of Bethune to reach some agreement with the Railway Company in regard to meeting the cost of the proposed crossing, but without avail. One of the most serious questions involved is the fact that the depot must be moved or else it will occupy part of the new highway area, which would mean that a jog would have to be created from Main Street to the proposed crossing.

Unquestionably, the evidence discloses that so far as the safety factor is concerned, the present crossing is superior to the proposed crossing.

The Commission has felt that the wishes of the residents of the Town of Bethune in this matter should be respected so far as we were

able to do so, as indicated by our previous order. However, we are now faced with the proposition that not only does the Railway Company consider that the proposed crossing is more dangerous than the present crossing, but the Highway Department has likewise indicated this same view. In addition to the above, it is apparent that the Railway Company would be put to a considerable expense over and above the amount which applicants feel that they can pay to establish the new crossing, and, in view of the financial condition of the Railway Company, this factor must also be taken into consideration. No station agent is maintained at Bethune. However, a custodian is kept at the depot. If the Commission insists that the Main Street crossing be established, we would have to do so in the face of the testimony of engineers for both the Railway Company and the Highway Department, and it is questionable whether our judgment as to the safety factors involved should be substituted for that of experts in such matters. Certainly, we would not want to order the new crossing if we felt it was not as safe as the old one, unless the safety factor was outweighed by the convenience and necessity of the residents of Bethune, which we are unable to determine from the record. Much as we dislike to again refuse the inhabitants of Bethune the crossing which they feel is needed for the prosperity and welfare of their community, we believe that in the public interest it would be unwise for the Commission, in view of the record in the instant case, to require the installation of a crossing which might increase the hazards of traffic when all over the country efforts are being made by those in authority to decrease such hazards.

After a careful consideration of the original record, as well as that submitted at the rehearing, the Commission is of the opinion, and so finds, that the public convenience and necessity do not require the establishment of the proposed crossing as heretofore authorized in Decision No. 13960, and that said order and decision should be set aside and the instant application denied.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 13960, authorizing the establishment of a highway crossing over the right of way and tracks of the Chicago, Rock Island and Pacific Railway Company at a point where Main Street, in the Town of Bethune, would intersect the tracks of said Railway Company, should be, and the same is hereby, set aside and revoked, and said Application No. 5054 be, and the same is hereby, 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

Edward J. O'Connell

W. L. Danks

Maureen E. Quinn

Commissioners.

DATED at Denver, Colorado,  
this 28th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

JIM BEAN.

PERMIT NO. C-9294

Dec. 28, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Jim Bean

of Villegreen, Colorado,

requesting that his Permit No. C-9294 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-9294, heretofore issued

to Jim Bean, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*W. L. Danks*  
*Malcolm Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 28th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
RICHARD J. BRISCOE. )  
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 )  
 )  
 )  
..... )

PERMIT NO. C-6915

.....  
Dec. 28, 1939  
.....

S T A T E M E N T

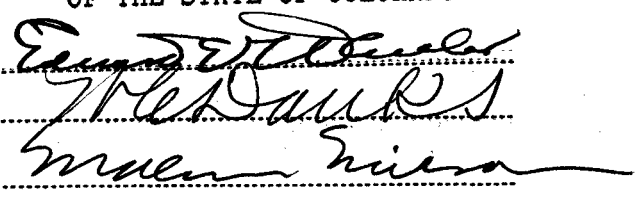
By the Commission:

The Commission is in receipt of a communication from .....  
Richard J. Briscoe of Cedaredge, Colorado,  
requesting that his Permit No. C-6915 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-6915, heretofore issued  
to Richard J. Briscoe, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
Commissioners.

Date at Denver, Colorado,  
this 28th day of Dec., 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
ERNEST C. ROWE, DOING BUSINESS )  
AS NEW DEAL GARAGE. )  
 )  
 )  
.....)

PERMIT NO. C-1358

.....  
Dec. 28, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ernest C. Rowe,  
doing business as New Deal Garage ..... of 330 - 7th Glenwood Springs, Colo.,  
requesting that his Permit No. C-1358 ..... 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-1358  
to Ernest C. Rowe, d/b/a New Deal Garage, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ernest C. Rowe*  
*Wes Danks*  
*Walter Simon*

Commissioners.

Date at Denver, Colorado,  
this 28th ..... day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
MIKE MILITIA AND JOHN DAMATA. )  
)  
)  
)  
.....)

PERMIT NO. C-9327

.....  
Dec. 28, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mike Militia  
and John Damata of 903 Curry, Pueblo, Colo.,  
requesting that his Permit No. C-9327 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-9327, heretofore issued  
to Mike Militia and John Damata, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eugene E. Danks  
Walter Danks  
Marion E. Danks  
Commissioners.

Date at Denver, Colorado,  
this 28th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT L. DAVIS AND CHARLES )  
E. DAVIS, DOING BUSINESS AS )  
BLUE JAY COAL CO. )  
..... )

PERMIT NO. C-9246

.....  
Dec. 28, 1939  
.....

S T A T E M E N T

By the Commission:

Robert L. Davis

The Commission is in receipt of a communication from .....  
and Charles E. Davis, d/b/a Blue Jay Coal Co., of Bayfield, Colorado, .....  
requesting that his Permit No. C-9246 ..... 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-9246 ..... heretofore issued  
to Robert L. Davis and Charles E. Davis d/b/a Blue Jay Coal Company, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*W. B. Danks*  
*Malcolm S. Smith*

Commissioners.

Date at Denver, Colorado,  
this 28th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
KENNETH GLASER. )

PERMIT NO. C-5046

Dec. 28, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Kenneth Glaser Calhan Colorado  
of  
requesting that his Permit No. C-5046 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-5046, heretofore issued  
to Kenneth Glaser, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. O'Connell*  
*Wesley D. Danks*  
*Maureen E. Quinn*  
Commissioners.

Date at Denver, Colorado,  
this 28th day of December, 1939, 9

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

ORVILLE G. LAWLESS.

PERMIT NO. C-10178

Dec. 28, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....

Orville G. Lawless of 1036 So. Galapago St., Denver, Colo.,

requesting that his Permit No. C-10178 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-10178, heretofore issued to Orville G. Lawless, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. O'Connell  
Wm. J. Gault  
Malcolm S. Ginn  
Commissioners.

Date at Denver, Colorado,  
this 28th day of December 1939

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

RE MOTOR VEHICLE OPERATIONS OF)  
SINGER SEWING MACHINE CO. )  
)  
)  
)  
.....)

PERMIT NO. C-8212

.....  
Dec. 28, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from ..... the  
Singer Sewing Machine Co., ..... 842 Gas & Electric Bldg., Denver, Colo.  
..... of .....  
requesting that his Permit No. .... C-8212 ..... 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-8212  
the Singer Sewing Machine Co.,  
to ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Thomas*  
*W. L. Banks*  
*Malcolm S. ...*  
Commissioners.

Date at Denver, Colorado,  
this 28th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
C. E. FLOOD. )  
 )  
 )  
 )  
 )  
 )  
..... )

PERMIT NO. C-7887

.....  
Dec. 28, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
C. E. Flood ..... of Cedaredge, Colorado,  
requesting that his Permit No. C-7887 ..... 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-7887  
to ..... C. E. Flood, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward D. [Signature]*  
*W. H. [Signature]*  
*Malcolm [Signature]*  
Commissioners.

Date at Denver, Colorado,  
this 28th day of December, 1939.

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

RE MOTOR VEHICLE OPERATIONS OF)  
WILBUR M. SPILMAN. )  
)  
)  
)  
.....)

PERMIT NO. C-10828

.....  
Dec. 28, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Wilbur M. Spilman ..... of 3443 W. Ohio, Denver, Colorado,  
requesting that his Permit No. C-10828 ..... 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-10828, heretofore issued  
to Wilbur M. Spilman, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eward D. Danks*  
.....

*W. Danks*  
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*Maer* *hine*  
.....

Commissioners.

Date at Denver, Colorado,  
this 28th day of Dec. 1939

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

RE MOTOR VEHICLE OPERATIONS OF)  
DALE BIEGHLER. )

PERMIT NO. C-10458

Dec. 28, 1939

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Dale Bieghler \_\_\_\_\_ of \_\_\_\_\_ Strasburg, \_\_\_\_\_ Colorado \_\_\_\_\_,  
requesting that his Permit No. C-10458 \_\_\_\_\_ 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-10458 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ Dale Bieghler, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. H. Danks*  
*Maureen E. Ryan*  
Commissioners.

Date at Denver, Colorado,  
this 28th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES A. SCHAEFFER, DOING BUSINESS )  
AS SCHAEFFER TRUCK LINE, FOR AN EX- )  
TENSION OF CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY NO. 1195. )

APPLICATION NO. 4322-B

December 29, 1939

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for applicant;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
R. L. Wood, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association;  
Van Cise, Robinson and Charlton, By  
Robert D. Charlton, Esq., and  
Robert A. Theobald, Esq., Denver,  
Colorado, for H. W. Hitchcock,  
Ella F. Theobald, and Hitchcock  
Truck Line;  
J. L. Shepherd, Esq., Denver, Colorado,  
for The Denver and Salt Lake  
Railway Company.

S T A T E M E N T

By the Commission:

James A. Schaeffer now operates under certificate of public convenience and necessity No. 1195, authorizing the transportation of general commodities between Denver and Climax and Kokomo, as follows:

"Denver over U. S. Highways No. 285 and No. 24, and State Highway No. 91, via Buena Vista and Leadville; or over U. S. Highway No. 285 and State Highways No. 9 and No. 91, via Fairplay and Dillon; and from Denver over U. S. Highway No. 40 to Empire, Colorado, thence over State Highway No. 91 via Dillon, to Climax and Kokomo; and between Leadville and Climax and Kokomo over State Highway No. 91, without the right to serve intermediate points, intending hereby to grant authority to use these highways between Denver and Climax and Kokomo in such manner as to render continuous service to these points, regardless of conditions of passes, which may require different routing at certain seasons of the year."

The instant application seeks to extend said authority to authorize the transportation of general commodities between Denver and points on U. S. Highway No. 6, Dillon to Kokomo and Breckenridge, including Dillon; and between Denver and points within a four-mile radius of Kokomo; also to serve between Leadville and points within a four-mile radius of Kokomo and Wheeler, Frisco, Dillon, and Breckenridge, and the Green Mountain Dam Site.

Hearing on said application for extension was held on July 20, 1939. Thereafter, on September 27, 1939, applicant filed a so-called "Amended Application", seeking to have included the smelter near Leadville, to be served to and from the same points as contemplated for Leadville.

At the close of the hearing on July 20, 1939, it was stated that the hearing would be continued, to be reset at some future date if desired by counsel representing Hitchcock Truck Line, H. W. Hitchcock, and Ella F. Theobald. However, no request has ever been made by said counsel for a further hearing, and the Commission's records indicate that the Hitchcock Truck Line has been sold to Gately Motor Company, who, we are advised, has no objection to the granting of the authority herein sought. The only protest at the hearing was made on behalf of the Hitchcock Truck Line.

The evidence on the part of applicant indicated that the service being furnished at the time of the hearing by the Hitchcock Truck Line was not satisfactory to the shippers in the area involved, and further indicated that applicant was prepared to render a daily except Sunday service.

At said hearing, applicant indicated that he was willing to eliminate any service between Leadville and the Green Mountain Dam Site. The evidence further disclosed that Frisco has a population of approximately 100, Dillon about 400, and Breckenridge about 500, with some 15 to 20 business firms operating in said towns. Applicant, according to the record, is amply qualified to conduct his proposed extended operations, and apparently no objections could be interposed to permitting the inclusion of service to the Arkansas Valley smelter near Leadville, as requested in the application filed September 27, 1939.

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



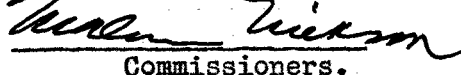
IT IS THEREFORE ORDERED, That James A. Schaeffer, doing business as Schaeffer Truck Line, be, and he is hereby, authorized to extend his operations under certificate of public convenience and necessity No. 1195, heretofore issued in Application No. 4322, to include the right to transport general commodities between Denver and points on U. S. Highway No. 6, Dillon to Kokomo and Breckenridge, including Dillon, and between Denver and points within a four-mile radius of Kokomo; also to serve between Leadville, Colorado, and the Arkansas Valley smelter near Leadville on the one hand, and Wheeler, Frisco, Dillon, Breckenridge and Kokomo, including a four-mile radius of Kokomo, on the other hand, 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 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 29th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CECIL A. FOSTER, DOING BUSINESS AS )  
FOSTER TRUCK LINE, FOR AUTHORITY TO )  
TRANSFER THAT PORTION OF CERTIFICATE )  
NO. 72 KNOWN AS THE "VALLEY ROUTE" )  
TO WALTER ADAMS, DOING BUSINESS AS )  
BEAR CREEK MILK LINE, MORRISON, )  
COLORADO. )

APPLICATION NO. 922-A-B-A

IN RE MOTOR VEHICLE OPERATIONS OF )  
WALTER ADAMS, DOING BUSINESS AS )  
BEAR CREEK MILK LINE, UNDER CER- )  
TIFICATE NO. 328. )

APPLICATION NO. 674-BB-A

December 29, 1939

S T A T E M E N T

By the Commission:

The above numbered applications were called for hearing on November 8, 1939, at Denver, Colorado, at which time and place neither the transferee nor the transferor appeared, and the hearing was vacated.

The transferor conducts rather an extensive operation out of Denver to the Denver Mountain Parks, and the transferee conducts an extensive milk route covering a large territory between Littleton and Morrison, drives one of his own trucks, and is on the road early and late. Attached to the Application is a copy of the agreement entered into by and between the transferor and the transferee, describing that part of Certificate No. 72 which the transferor desires to transfer to the transferee, and inasmuch as these two carriers have taken care of the milk transportation service in the area for a long period of time (no one else having a right in this particular territory sought to be transferred), it appears, from the agreement mentioned above, to be in

the public interest to have all of the territory lying east of the mountains served by one party.

The consideration for this transfer is \$900.00. The financial standing and reliability of the transferee are satisfactory to the Commission, as disclosed by his conduct of his operation under Certificate No. 328.

After a careful consideration of the record and the contract, a copy of which is attached to the application, the Commission is of the opinion, and finds, that authority to transfer this right should be granted on the verified application of the parties, without a formal hearing, with the provision that should there be any interested parties who object to this transfer, they may, by filing the same, be given an opportunity to be heard at a later date.

#### O R D E R

IT IS THEREFORE ORDERED, That Cecil A. Foster, holder of Certificate No. 72, be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to that certain milk route known as the "Valley Route", as operated under Certificate No. 72, covering the territory immediately east of the mountain range, more particularly described as follows:

Commencing at the intersection of US Highway No. 285 with the Lee Siding County Road (East line of Section 28, Township 14 South, Range 69 West, Jefferson County, Colorado); thence along US Highway No. 285 to Morrison, Colorado; thence south three miles to the south line of Section 14, Township 5 South, Range 70 West; thence east four and one-half miles to the intersection of the Lee Siding Road and Bowles Avenue; thence north four and one-quarter miles to the point of beginning; -

to Walter Adams, doing business as Bear Creek Milk Line, Morrison, Colorado, which authority hereby authorized to be transferred shall become a part of Certificate No. 328.

IT IS FURTHER ORDERED, That should interested parties desire to protest this authority to transfer, they may file such protest within twenty days hereafter, and the same will be set for hearing.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund D. Wheeler

W. L. Danks

Maude E. Eason  
Commissioners

DATED at Denver, Colorado,  
this 29th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION PACIFIC RAILROAD COMPANY FOR )  
AUTHORITY TO ABANDON ITS AGENCY )  
STATION AT BOYERO, LINCOLN COUNTY, )  
COLORADO. )

APPLICATION NO. 5239

December 28, 1939

Appearances: E. G. Knowles, Esq., Denver, Colorado,  
for Union Pacific Railroad Company;  
John G. Reid, Esq., Denver, Colorado,  
for George Shafer, C. L. Evans,  
T. L. Barksdale, H. F. Davis.

S T A T E M E N T

By the Commission:

On December 2, 1939, the Union Pacific Railroad Company filed its application with the Commission for leave to close its agency station at Boyero on and after January 3, 1940, said station being located on the main line of the Union Pacific Railroad between Denver and Kansas City, at a point 17.5 miles easterly of Hugo, and 10.4 miles westerly of Aroya, at which points present agency stations will be continued.

The application further recited that, concurrently with its filing, notice had been posted by the Railroad on the bulletin board in the depot building at Boyero, to the effect that the agency at said station would be discontinued on and after January 3, 1940. In addition to said notice, the Commission, on December 7, 1939, mailed copies of the application to the Post Master at Boyero, the Board of County Commissioners at Hugo, A. R. Ferris, General Chairman, O. R. T., Denver, Colorado, J. C. Hadley, Superintendent, Railway Express Agency, Denver, Colorado, J. C. Talliaferro, Chief Clerk, Railway Mail Service, Denver, Colorado, with the request that they inform the Commission of their reaction to the proposed change within five days.

On December 9, 1939, Earl W. Egbert, Post Master at Boyero, wrote the Commission:

"I can see no reason why this office should protest such an action, insofar as it will not affect the prompt and efficient handling of Government mail at this point."

J. H. Musgrave, Superintendent, Railway Mail Service, on December 11, 1939, and J. C. Hadley, Superintendent, Railway Express Agency, on December 9, 1939, informed the Commission that their services would not be adversely affected by the proposed change.

On December 14, 1939, protests signed by twenty-six individuals were filed with the Commission, upon the ground that:

"There are considerable cattle, sheep, oil cake, etc. shipped in and out of here. Hugo, our town 18 miles west, one man service at a time, and Aroya, 10 miles east, with an 8 hour service, and with only long distance telephone each way, and that not so good account of our small farmer's line connected to long-distance, and central service irregular as central offices not on duty at all times. Furthermore, we are off the main highway and with only railroad service."

The matter was set for hearing, and heard, in Denver, on December 27, 1939, Messrs. George Shafer, C. L. Evans, T. L. Barksdale, and H. F. Davis, in person and by their attorney, Mr. J. Reid, appearing in opposition to the granting of the Railroad's request.

At the hearing, it appeared that Boyero is a small town of about twenty-five or thirty people, with one small grocery store; that the principal occupation of people residing in that section of the country served by Boyero station in the past has been stock raising; that, due to drouth, the number of livestock now being handled is very small; that freight business handled during the past seven years has been very limited; that carload lots received during 1939 amounted to 18, there being 26 loads forwarded; that l. c. l. freight received amounted to 41,242 pounds, there being 15,071 pounds forwarded; that ticket sales amounted to \$71.38; that receipts from l. c. l. freight of protestants amounted to \$171.97, of which \$128.42 was contributed by Mr. H. F. Davis, who operates a store at said point; that 396 cans of cream, producing a revenue of \$75.98, were handled for protestants during 1939; that car-

load shipments in and out consist of livestock, coal or feed; that the Railroad operates two passenger trains each way daily, which can be stopped on flag to pick up passengers bound to distant points, said trains being operated during daylight hours; that two mixed trains operate through Boyero nightly, and furnish freight, express, and cream service; that the station agent is on duty from 8:00 o'clock a. m., to 5:00 o'clock p.m., so that most freight, passenger, and express business is handled by train crews, he not being on duty; that now, while rates for local shipments are quoted directly by the agent, it is necessary for him to call Aroya or Hugo to get the rates on shipments consigned to distant points; that the Railroad proposes to handle its carload billing out of Hugo or Aroya, it being necessary for shippers or consignors of freight to make arrangements for shipment or pick-up bill of lading, as the case may be, at one of said points in person or by telephone; that the Union Pacific Railroad Company will assume telephone charges, and, should customer be unable to use the local telephone lines on account of failure of service, railroad telephone line will be available; that l. c. l. freight inbound, under the contemplated abandonment of agent facilities, must be prepaid; outbound l. c. l. freight must be sent collect; that l. c. l. freight will be placed in the freight house; that they will make arrangements for a custodian, who will have the key; that waiting room will be open for use of passengers; that the Aroya station is open eight hours a day, the Hugo station being open twenty-four hours a day; that contemplated change should save about \$1,800.00 yearly; that, in the opinion of all witnesses, railway business will not be better until it rains, the community being dependent upon the livestock industry.

Mr. H. F. Davis, of Boyero, stated that he is engaged in a general merchandise business and ranching; that his freight is handled by train, chiefly; that the telephone service now is very poor, there being but six subscribers instead of eighty subscribers who once paid monthly telephone bills; that Boyero has been an agency station since about 1910; that he believes damage claims will be increased if the freight is handled in the same manner it was handled in the days before

the agency was established; that most l. c. l. freight is now shipped to Boyero collect; that wholesalers do not like to advance the freight; that he anticipates there will be more pilferage; that he and other receivers of freight will be inconvenienced by abandonment of agency.

George Shafer, a stock raiser, who resides five miles southeast of Boyero, stated that he shipped nine cars of cattle by special train this fall, and received two or three cars of oil cake; that under the contemplated custodian service, loading will not be much different than it has been in the past, but it will be inconvenient to telephone or drive to Aroya to make arrangements for cars and to pick up bill of lading for inbound shipments at Hugo.

L. W. Clow, of Denver, shipped five cars of lambs and two cars of meal to Aroya during the current year, arrangements for the handling of lambs being made in Denver. He, however, anticipates some inconvenience in arranging for shipment of lambs to the Western Slope from Boyero if agency is abolished.

C. L. Evans, who resides five miles west of Boyero, stated that on account of drouth and consequent decrease in the number of cattle raised by him, he had not used the railroad shipping facilities, except in a small way, since 1935; that the drouth and grasshoppers have about ruined the cattle business; that prospects are not good; that a shipment of coal received by the school at Boyero was short two tons, adjustment being made by the Railroad through the agent; that should similar shortages develop in the future, it would be difficult to get an adjustment in the absence of an agent.

Mr. Cowie stated for the Railroad that under new method of adjusting claims, very slight, if any, additional trouble would be experienced in handling claims.

From the foregoing, it is obvious that for the past six or seven years, the agency station at Boyero has not paid its way; that, apparently, Railroad has been continuing the station, hoping, like Mr. Evans, that each succeeding year will bring rain; that the only hope for

increased business, in the words of Mr. Cowie, Union Pacific Railroad superintendent, is "a resurrection of the livestock industry"; that the volume of business for 1939 has not increased over that handled in 1938 and 1937, but, on the contrary, shows a decrease; that the change from an agency to a custodian contemplated will bring about some inconvenience, particularly for Mr. Davis, in the receiving and shipping of freight, although freight will continue to be handled in and out of Boyero.

It is elementary that managerial questions, in the absence of a showing that the management is acting arbitrarily, or that the economies to be effected are greatly disproportionate to the inconvenience to be imposed upon the public by changes contemplated, must be left to the discretion of the management.

Upon the record as here made, we can not say that the public will be so inconvenienced that the Union Pacific Railroad Company should not be allowed to make the change contemplated and effect the saving sought to be made. We believe that the Railroad management is acting in good faith, and based upon their experience they believe that the change sought, all things considered, is desirable. No doubt, if business improves, or for any other reason agency service at Boyero should become necessary, the Railroad will arrange to establish such service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, and that said Railroad Company should be permitted to discontinue its agency service at Boyero on and after January 3, 1940, and to substitute custodian service in lieu thereof.

#### O R D E R

IT IS THEREFORE ORDERED, That the Union Pacific Railroad Company should be, and it hereby is, authorized to discontinue its agency station at Boyero, Colorado, on and after January 3, 1940, and to substitute custodian service in lieu thereof.

IT IS FURTHER ORDERED, That this decision be, and it hereby  
is, made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Grier

W. C. Danks

Wesley E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 28th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEONARD A. ROY, OF 118 S. HOOKER, ) PERMIT NO. B-2430  
DENVER, COLORADO. )  
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December 30, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Leonard A. Roy requesting that his Permit No. B-2430 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 Leonard A. Roy should be, and hereby is, allowed to suspend his operations under Permit No. B-2430 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Leonard A. Roy 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

Edward T. O'Connell

W. L. Danks

Maclan E. Wilson  
Commissioners

Dated at Denver, Colorado,  
this 30th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED VIEBROCK, OF 814 EAST CIMARRON, )  
COLORADO SPRINGS, COLORADO. )  
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PERMIT NO. B-2235

-----  
December 30, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Viebrock, requesting that his Permit No. B-2235 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 Fred Viebrock should be, and hereby is, allowed to suspend his operations under Permit No. B-2235 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Leonard A. Roy 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

Edward D. Thomas  
W. L. Danks  
Paul H. Smith  
Commissioners

Dated at Denver, Colorado,  
this 30th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GUY E. SNYDER, OF 950 S. YATES, )  
DENVER, COLORADO. )  
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PERMIT NO. B-1810

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December 30, 1939  
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S T A T E M E N T

By the Commission:

On June 1, 1939, the Commission issued an order suspending the above numbered permit for a period of six months.

The Commission is now in receipt of a communication from permittee requesting that his permit be suspended an additional 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 Guy E. Snyder should be, and hereby is, allowed to suspend his operations under Permit No. B-1810 for a period of not to exceed six months from December 1, 1939.

IT IS FURTHER ORDERED, That unless said Guy E. Snyder 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

Eduard E. Deuler  
W. L. Danks  
Maureen E. Quinn  
Commissioners

Dated at Denver, Colorado,  
this 30th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
H. T. UYEDA AND J. M. TOCHIHARA, ) PERMIT NO. B-2384  
OF LAS ANIMAS, COLORADO. )  
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December 30, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from above named permittees requesting that their permit No. B-2384 be suspended for a period of one year.

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 H. T. Uyeda and J. M. Tochiara, should be, and hereby are, allowed to suspend their operations under Permit No. B-2384 for a period of not to exceed one year from the date hereof.

IT IS FURTHER ORDERED, That unless said Guy E. Snyder 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

Edward E. O'Connell

W. C. Danks

Maer Spitzer

Commissioners

Dated at Denver, Colorado,  
this 30th day of December, 1939.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. C. BOGGS, OF 12 GARFIELD ST., ) PERMIT NO. B-2223  
DENVER, COLORADO. )  
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December 30, 1939  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. C. Boggs, requesting that his Permit No. B-2223 be suspended for an additional six months' period, it having been suspended by the Commission on June 15, 1939 for a period of six months from June 10, 1939.

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 W. C. Boggs should be, and hereby is, allowed to suspend operations under his Permit No. B-2223 for a period of not to exceed six months from December 10, 1939.

IT IS FURTHER ORDERED, That unless said W. C. Boggs 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

*Edward J. Daniels*

*W. L. Danks*

*Wm. E. Quinn*

Commissioners

Dated at Denver, Colorado,  
this 30th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN LEACH, OF 569 KALAMATH ST., )  
DENVER, COLORADO. )  
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PERMIT NO. B-1048

\* \* \* \* \*  
December 30, 1939  
\* \* \* \* \*

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Leach requesting that his Permit B-1048 be suspended for a period of six months from January 1, 1940.

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 John Leach should be, and hereby is, allowed to suspend his operations under Permit B-1048 for a period of not to exceed six months from January 1, 1940.

IT IS FURTHER ORDERED, That unless said John Leach 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

Edward V. Wheeler

W. L. Danks

Malcolm Wiseman  
Commissioners

Dated at Denver, Colorado,  
this 30th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF  
THE BROOKSIDE WATER COMPANY FOR  
PERMISSION TO REQUIRE CONSUMERS  
TO FURNISH AND INSTALL METERS AT  
THEIR EXPENSE, AND THAT THE SAME  
SHALL BE MAINTAINED AT THE EXPENSE  
OF THE UTILITY.

APPLICATION NO. 5261

December 29, 1939

S T A T E M E N T

By the Commission:

On November 17, 1939, The Brookside Water Company filed its schedule of rates for water with the Commission to become effective January 1, 1940. Said schedule provides, inter alia, for a reduction in the minimum rates of said company from \$1.50 per month to \$1.00 per month. A further provision is made in said schedule that meters shall be installed by present flat rate customers of said company, at their own expense, within ninety days of the effective date of the schedule.

Rule No. 54 of the "Rules Regulating the Service of Gas, Electric and Water Utilities, First Revised Issue, Effective June 1, 1935," provides that all meters used in connection with metered service shall be furnished, installed, and maintained at the expense of the utility unless special authority to the contrary has been granted by the Commission for good cause.

We are now in receipt of a petition from said Brookside Water Company, requesting that they be permitted to require their consumers to furnish and install said meters at their own expense, although the maintenance of same will be undertaken by the company.

It is alleged in said petition that the reduction in the minimum rate from \$1.50 to \$1.00 was made in contemplation of being permitted

to require the customers to pay the cost of the meters. It is further alleged that both utilities operating adjacent to the Brookside Water Company, to-wit, The Broadmoor Hotel Water and Power Company and the City of Colorado Springs Water System, require their customers to install meters at their own expense. The allegation is also made that the Company has some 472 consumers, and if the utility is required to pay for the installation of meters, the expense thereof would amount to approximately \$9,500., and that the water supply of petitioners is so limited that its present and prospective customers can only be supplied through a conservation of its water by means of the installation of meters.

Said petition was not received by the Commission until December 28, 1939, and as the schedule on file becomes effective January 1, 1940, it is obvious that any order made at present would have to be ex parte, as sufficient time does not exist to notify the various customers of the Brookside Water Company and have the matter heard before the first of the year. Of course, the Commission could suspend the proposed schedule, but in view of the reduction in the minimum rate proposed, we dislike to take such action.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the schedule of rates filed by The Brookside Water Company on November 17, 1939, should be permitted to become effective January 1, 1940; provided, however, that the Commission's action in thus permitting said schedule to become effective does not constitute approval thereof, and that said schedule, and any part or parts thereof, may still be the subject of future investigation under the provisions of the Public Utilities Act upon formal complaint or upon motion of the Commission in accordance with the Commission's Rules of Procedure.

#### O R D E R

IT IS THEREFORE ORDERED, That the schedule of rates for water filed by The Brookside Water Company on November 17, 1939, Colo. P.U.C.

No. 4, cancelling Colo. P.U.C. No. 3, be, and the same is hereby, permitted to become effective January 1, 1940; provided, however, that this order shall not be construed as an approval of said schedule, but that the same shall remain subject to investigation upon formal complaint or upon motion of the Commission in accordance with the Public Utilities Act of Colorado and the Commission's Rules of Procedure.

IT IS FURTHER ORDERED, That this order shall become effective January 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Henders

McDanks

William E. Nixon  
Commissioners.

DATED at Denver, Colorado,  
this 29th day of January, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ASA LUNSFORD, LITTLETON, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 5215-PP

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December 30, 1939  
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Appearances: Asa Lunsford, Littleton, Colo-  
rado, pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company, Weicker  
Transportation Company;  
Raymond Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association,  
Colorado Transfer and Ware-  
housemen's Association, Gal-  
lagher Transfer and Storage,  
Swena Truck Line, Bear Creek  
Truck Line;  
Charles Young, Denver, Colorado,  
for The Colorado Trucking  
Association, Golden Transfer,  
Capron Truck Line.

S T A T E M E N T

By the Commission:

Asa Lunsford, on September 5, 1939, filed his application for a Class "B" permit to transport poles and electrical line building supplies between points within a radius of one hundred miles of Littleton, for Collier Electric Company, only; logs from forests within fifty miles of Littleton to points within said area; coal from mines in the northern Colorado coal fields to Denver and Littleton; sand and gravel from pits and supply points within a fifteen-mile radius of Littleton to points in said area.

Upon representation being made to the Commission that adequate carrier service was not available to handle movement of electrical line

building supplies, including poles, he was authorized to operate, pending the hearing, which was set for September 20, 1939. However, applicant failed to appear at the time and place appointed for hearing, and the matter was re-set for December 6, 1939, at 10:00 o'clock A.M., at the State Office Building, in Denver, at which time and place said matter was heard.

Witness testified that Collier Electric Company's place of business was 52 Broadway, Denver; that, under so-called "temporary authority," he had moved a load of wire, one load of transformers, one load of cross-arms, from depot at Englewood to Collier's house in Englewood, and had hauled about all the poles required for completion of contract; that for the service of himself, a helper and use of truck, he received \$1.50 per hour; that for movement of poles from a point about twelve miles above Evergreen to a point four miles west of Littleton, a haul of about twenty-two or twenty-three miles, with a load of forty poles, he expected to receive twelve dollars.

Mr. L. S. Cooper, of Evergreen, PUC 287, stated that there were a great number of carriers (at least twenty-five, or more) authorized to move poles and electrical supplies in the area which applicant proposed to serve; that he and Harold Swena bid on the job, which was supposed to include hauling of about twelve to fourteen hundred poles, but did not get it, probably, because applicant was willing to haul for less; that they also bid on movement of house logs, for which service, they thought, they should receive eighteen to twenty dollars a load, depending upon weight.

It also appeared that these carriers need the business in order to maintain their equipment and furnish efficient service to the public, and that the granting of the authority here sought to haul poles, electrical line building supplies and logs would impair the efficiency of their now adequate operations.

There was no objection to the granting of the authority sought to haul coal, sand and gravel.

After a careful consideration of the record, the Commission is of the opinion, and finds, that authority should issue to applicant to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and coal, as sought, and the said application, in all other respects, should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That Asa Lunsford, Littleton, 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 coal from mines in the northern Colorado coal fields to Denver and Littleton, and sand and gravel from pits and supply points within a radius of fifteen miles of Littleton to 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 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.

IT IS FURTHER ORDERED, That this order shall become effective

twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. H. Danks

Maen E. Eason  
Commissioners

Dated at Denver, Colorado,  
this 30th day of December, 1939.

MM

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

C. J. SLATER AND SON,

Complainants,

v.

HERBERT A. GRAY,

Defendant.

CASE NO. 4766

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December 30, 1939

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Appearances: John P. Beck, Esq., Denver, Colorado,  
for C. J. Slater and Son,  
Complainants;  
Marion F. Jones, Esq., Denver, Colorado,  
for Curtis Truck Line.

S T A T E M E N T

By the Commission:

On or about the 6th day of July, 1939, C. J. Slater and Son, who prior thereto, under authority from the Commission, had operated as private carriers of freight for hire under Permit No. A-881, leased said permit, with an option to purchase, to one Herbert A. Gray, said lease being approved by the Commission on August 14, 1939, Decision No. 13863.

Thereafter, to-wit, on October 13, 1939, said C. J. Slater and Son filed with the Commission a formal copy of notice of cancellation of said agreement, and, on October 20, 1939, filed a petition with the Commission asking that said lease and option agreement be cancelled of record and that they be authorized to resume operations under said permit, it being recited in said petition, among other things, that said Gray had not been, and was not, pecuniarily able to carry on said operation; that he, in violation of the rules of the Commission, had

failed to carry property damage insurance; that he failed to keep equipment in repair and in good operating condition; that he had caused to be published and distributed advertising matter about the operation of said truck line; that he had issued short checks to customers; that he had failed to pay C. O. D. collections, and had served the public indiscriminately; that he had transported and handled freight to points outside of his territory; also, that he had improperly interchanged freight with other carriers.

Said matter was set for hearing in Denver, on December 8, 1939, at which time hearing was continued at the request of Respondent Gray to December 14, 1939, when it was heard, said Gray not appearing in person or by counsel.

At the hearing, the truth of the allegations of the petition was established to the satisfaction of the Commission by said Slater, who was present in person, with ten witnesses.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Gray, in conducting his operations under said permit, violated the rules and regulations of the Commission and the laws of the State of Colorado; that on account of said violations, if said permit were owned by said Herbert A. Gray, his authority thereunder would be cancelled; that in view of the fact that he was operating said permit under lease, and that said C. J. Slater and Son were not parties to said violations of our rules and regulations and the laws of the State of Colorado, said permit should not be cancelled, but the authority of said Gray to operate under said lease should be cancelled, revoked, and set aside, and said C. J. Slater and Son authorized to continue operations under said Permit No. A-881.

#### O R D E R

IT IS THEREFORE ORDERED, That approval by the Commission of said lease and option to purchase, referred to in said notice of cancel-

lation and petition to cancel lease and option agreement, should be, and the same hereby is, cancelled and revoked and said permit restored to its status as of time prior to entry of our Decision No. 13863, of date August 14, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. L. Danks

Walter E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 30th day of December, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GATELY MOTOR COMPANY, A COLORADO )  
CORPORATION, TO TRANSFER P.U.C. ) APPLICATION NO. 2626-AAA-AA  
NO. 1026 TO SOUTH PARK MOTOR LINES, )  
INC., A COLORADO CORPORATION. )  
-----

-----  
January 4, 1940.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for applicants.

S T A T E M E N T

By the Commission:

Heretofore, the Commission granted authority to Gately Motor Company, a corporation, to operate as a common carrier by motor vehicle. Subsequently, said Gately Motor Company, with the consent of the Commission (Application No. 2626-AAAA, Decision No. 14126), acquired the authority theretofore granted by the Commission to Ella F. Theobald and H. M. Hitchcock, co-partners, doing business as Hitchcock Truck Line, to operate as a common carrier by motor vehicle for hire.

The Commission has been informed that the stockholders of said Gately Motor Company have organized a new Colorado corporation, known as "South Park Motor Lines, Inc." to operate under said P.U.C. 1026, and said Gately Motor Company requests the transfer on our records of said certificate, P.U.C. 1026, without formal hearing, to the new corporation, the stock ownership and management of said South Park Motor Lines, Inc., being identical with that of Gately Motor Company.

A certified copy of said Articles of Incorporation of South Park Motor Lines, Inc., a list of equipment to be used in said operations, and a financial statement of said corporation, have been filed with the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that it now is sufficiently advised in the premises that no useful purpose would be served by formal hearing herein,

and that said request should be granted.

ORDER

IT IS THEREFORE ORDERED, That Gately Motor Company, a Colorado corporation, should be, and it hereby is, authorized to transfer certificate of public convenience and necessity No. 1026 to South Park Motor Lines, Inc., Alma, Colorado.

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 this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Decker

W. D. Danks

Walter E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

(Decision No. 14575 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN C. BRYANT. )  
)  
)  
)  
.....)

PERMIT NO. A-915

.....  
January 4, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
John C. Bryant ..... of 109 W. Mill St., Colorado Springs, Colo.,  
requesting that his Permit No. A-915 ..... 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-915 ..... , heretofore issued  
to John C. Bryant, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Jones*  
*W. H. Danks*  
*Malcolm E. Piskun*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 4th day of January, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
L. P. NORTON. )

PERMIT NO. C-4301

January 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
L. P. Norton \_\_\_\_\_ of Box 625 Greeley, Colorado,  
requesting that his Permit No. C-4301 \_\_\_\_\_ 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-4301 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ L. P. Norton, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*W. H. Danks*  
*Malcolm E. Pickman*  
Commissioners.

Date at Denver, Colorado,  
this 4th day of January, 1940.

(Decision No. 14577 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
L. P. NORTON. )  
 )  
 )  
 )  
.....)

PERMIT NO. A-2187-I

.....  
January 4, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. P. Norton ..... of Box 625, Greeley, Colo.,  
requesting that his Permit No. A-2187-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. A-2187-I .....  
L. P. Norton, ..... be,  
to .....  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel W. Danks*  
*W. D. Danks*  
*W. D. Danks*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
HEUER TRUCK LINES, INC. )

PERMIT NO. A-1300-I

January 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the  
Heuer Truck Lines, Inc., of 812 Anson St., Marshalltown, Iowa,  
requesting that his Permit No. A-1300-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. A-1300-I, heretofore issued  
to the Heuer Truck Lines, Inc., be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene D. Daniels*  
*W. C. Banks*  
*Malcolm E. Phipps*  
Commissioners.

Date at Denver, Colorado,  
this 4th day of January, 1934/40.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. A. JACKSON, INC., OF 3438 ST. ) PERMIT NO. A-855  
PAUL, DENVER, COLORADO. )  
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-----  
January 4, 1940  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named company requesting that its Permit No. A-855 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 C. A. Jackson, Inc. should be, and hereby is, allowed to suspend its operations under Permit No. A-855 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said C. A. Jackson, Inc. 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

*Edward V. Turner*  
*W. L. Danks*  
*William E. Quinn*  
Commissioners

Dated at Denver, Colorado,  
this 4th day of January, 1940.

R



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. M. WOODS, MONTROSE, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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APPLICATION NO. 5231-PP

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January 4, 1940  
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Appearances: Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
et al.

S T A T E M E N T

By the Commission:

The instant case was set for hearing at Grand Junction, Colorado, on December 15, 1939, at 9:00 o'clock A. M. No appearance was made by applicant, and protestants moved that the application be dismissed for failure to prosecute. The Commission is without any word from applicant as to why he failed to appear at the hearing, although our records disclose that due and proper notice thereof was sent to him at Route 1, Montrose, Colorado.

After a careful consideration of the record, 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 instant application be, and the same is hereby, dismissed for failure to prosecute.

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 J. Dwyer*  
*McDermott*  
*W. E. Davis*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM M. MOORE, DOING BUSINESS AS )  
COLORADO NEBRASKA TRANSPORT, 436 So. ) APPLICATION NO. 5128-PP-BB  
7th, GRAND JUNCTION, COLORADO, FOR )  
AN EXTENSION OF HIS PRIVATE PERMIT )  
NO. B-2385. )  
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January 4, 1940.  
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Appearances: James N. Tomlin, Esq., Grand Junction,  
Colorado, attorney for applicant;  
Charles D. Young, Denver, Colorado,  
for Uintah Stage Lines.

S T A T E M E N T

By the Commission:

W. M. Moore, doing business as Colorado-Nebraska Transport, was originally issued Interstate Permit No. B-2385-I, which authorized the transportation of freight by motor vehicle as a private carrier between all points in Colorado and the Colorado boundary lines where all highways cross the same. Thereafter, on October 16, 1939, Decision 14173, said permit was extended to include the right to transport coal in intrastate commerce from the Somerset Mine in Montrose County and the Streeter Mine in Rio Blanco County, to Grand Junction, Colorado.

The instant application seeks a further extension of authority under said permit to transport seeds, feeds, grain, potted plants, and seed store merchandise, from any point in Colorado to Grand Junction, Colorado, for the Mile High Seed Company, only.

At the hearing, applicant sought authority to amend his application to read "from Grand Junction", as well as "to Grand Junction", which authority was granted.

A representative of the Mile High Seed Company testified that said concern had no trucks of their own and must use "for-hire" trucks in order to properly conduct their business. It was further testified that some of this

business could be handled by established line-haul service, but that in many instances seeds, feeds and grain were picked up at out-of-the-way and off-line points, as well as being distributed to such off-line points, so that a specialized service was needed in many cases which no one carrier could now perform. Applicant stated that he was willing to eliminate any competition with the Uintah Stage Line between any towns now served by said company.

No objections were interposed to the granting of the authority sought as limited by the testimony.

The records of the Commission disclose that applicant has in some instances been guilty of violating the motor vehicle laws of the State, and in one instance was fined \$25.00 and costs for hauling for hire without authority.

In view of the fact that no objections were interposed to the granting of this authority and that the shipper's evidence disclosed a need for the service proposed, we have determined to grant the same. However, we desire to warn applicant that any future violations of the law or our rules and regulations will mean the imposition of drastic penalties, should he be found guilty.

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.

#### O R D E R

IT IS THEREFORE ORDERED, That W. M. Moore, doing business as Colorado-Nebraska Transport, be, and he is hereby, authorized to extend his operations under Permit No. B-2385 to include the transportation of seeds, feeds, grain, potted plants, and seed store merchandise, from and to any point in Colorado to and from Grand Junction, Colorado, for the Mile High Seed Company only; provided, however, that applicant shall not conduct any operation in competition with the Uintah Stage Lines between any towns now served by said company.

IT IS FURTHER ORDERED, That applicant shall not add to his list of customers for the extended service herein granted without special

authority from the Commission after due notice to all interested parties 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 twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward W. Smith*

*W. C. Danks*

*Walter E. Evers*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. L. FRAKES AND G. H. REID, DOING )  
BUSINESS AS "CALHOUN TRANSPORTATION )  
LINES," 1509 WYNKOOP STREET, DENVER, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
INTERSTATE CERTIFICATE NO. 741-I TO )  
HAROLD GUSTAFSON, DOING BUSINESS AS )  
"GUSTAFSON TRANSPORTATION LINES," )  
500 HOUSE AVENUE, CHEYENNE, WYOMING. )

INTERSTATE CERTIFICATE NO. 741-I

January 3, 1940

S T A T E M E N T

By the Commission:

Heretofore, A. L. Frakes and G. H. Reid, co-partners, doing business as "Calhoun Transportation Lines," were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as common carriers by motor vehicle in interstate commerce, and Certificate No. 741-I issued to them.

Said certificate holders now seek authority to transfer said certificate to Harold Gustafson, doing business as "Gustafson Transportation Lines", Cheyenne, Wyoming.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

O R D E R

IT IS THEREFORE ORDERED, That A. L. Frakes and G. H. Reid, co-partners, doing business as "Calhoun Transportation Lines," should be, and they hereby are, authorized to transfer Interstate Certificate No. 741-I to Harold Gustafson, doing business as "Gustafson Transportation Lines," Cheyenne, Wyoming.

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 transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part 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

*Samuel V. Turner*

*W. H. Danks*

*B. H. Quinn*

Commissioners.

DATED at Denver, Colorado,  
this 3d day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS W. BOLDREY, MONTROSE, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS )  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5232-PP

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January 8, 1940.  
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Appearances: Thomas W. Boldrey, Box 278, Montrose,  
Colorado, pro se;  
Charles D. Young, Denver, Colorado,  
for George Stewart, Glen Holman,  
Delbert Farra and Elmer Castberg.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he was willing to limit his authority, if granted a permit, to a seasonal operation between the 15th of August and the 1st of December of each year. As so limited, all objections to the granting of the authority sought were withdrawn.

The evidence indicated that applicant has the proper equipment and is financially able to conduct the proposed operation.

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.

O R D E R

IT IS THEREFORE ORDERED, That Thomas W. Boldrey, of Montrose, 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 produce between points within a radius of fifty miles of Montrose, Colorado; provided, however, that said operation shall only be conducted between the 15th day of August and the 1st day of December of each year.

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 8th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

C. J. SCHULER AND C. F. LOEBNITZ, )  
DOING BUSINESS AS TELLURIDE TRANSFER, )  
Complainants, )  
vs. )  
GOLDSWORTHY AND LUEBBERT, AND )  
ARTHUR PETERSON, doing business as )  
PETERSON TRUCK LINE, )  
Defendants. )

CASE NO. 4761

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January 4, 1940.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for Complainants;  
Haywood and Haynie, Esqs., Grand Junction,  
Colorado, for Respondents.

S T A T E M E N T

By the Commission:

When the instant case was called for hearing at Grand Junction, Colorado, on December 15, 1939, Marion Jones, Esq., attorney for complainants, stated that as long as respondents confined their service under Permit No. A-452, heretofore issued to them, to operations between Grand Junction and Rico, he did not desire to prosecute the case and moved that same be dismissed. Whereupon, attorneys for respondents stated that their clients were confining their operations between said points and did not propose to extend any service to intermediate points unless properly authorized by the Commission.

In view of the above statement by attorneys for respondents, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed upon application of the attorney for complainants.

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. McClure

W. L. Danks

Walter S. Spence  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HOWARD HOLGATE, CARBONDALE, COLO-  
RADO, FOR AN EXTENSION OF HIS  
PRIVATE PERMIT NO. B-1624.

APPLICATION NO. 2881-PP-BB

January 4, 1940

Appearances: Howard Holgate, Carbondale, Colorado,  
pro se;  
Chas. D. Young, Denver, Colorado,  
for Gately Motor Company,  
John Lamprecht, and G. W. Dodge.

S T A T E M E N T

By the Commission:

Applicant is now operating under a Class "B" permit, which, as  
originally granted, authorized the transportation of:

"Farm products, road equipment and machinery,  
farm supplies and equipment, from point to  
point within a radius of 15 miles of Carbon-  
dale, Colorado, and from and to points in  
said area to and from points in the State of  
Colorado, excluding town to town movements,  
except in the transportation of farm products  
in bulk."

On May 19, 1937, Decision No. 10010, said authority was extended  
to include the right to transport ore and concentrates, mining supplies,  
and equipment, and oil well supplies, from point to point within a radius  
of twenty miles of Marble, Colorado, and from said area to and from  
other points in the State of Colorado.

The instant application seeks a further extension of authority  
to include the transportation of ore and concentrates, mining machinery,  
supplies, and equipment, from point to point within a 10-mile radius of  
Twin Lakes, Colorado, and from any point in said area to Leadville and  
the Arkansas Valley smelter, and from Leadville and Malta to said area.

At the hearing, applicant testified that he was willing to eliminate any service that would be in competition with the Gately Motor Company. As so limited, all objections to the granting of the authority sought were withdrawn.

The financial standing and operating reliability of applicant to properly conduct the proposed extension of service 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 extended authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Howard Holgate, Carbondale, Colorado, be, and he is hereby, authorized to extend his operations under Permit No. B-1624 to include the transportation of ore and concentrates, mining machinery, supplies, and equipment, from point to point within a ten-mile radius of Twin Lakes, and from any point in said area to Leadville and the Arkansas Valley smelter, and from Leadville and Malta to said area; provided, however, that no operations shall be conducted by applicant in competition with the authority now held by Gately Motor Company.

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

DATED at Denver, Colorado,  
this 4th day of January, 1939.

Eduard E. Wheeler  
W. L. Danks  
Malcolm S. Quinn  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF J. A. GOODRICH, RIFLE, COLORADO, )  
FOR A CLASS "A" PERMIT TO OPERATE ) APPLICATION NO. 5235-PP  
AS A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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January 4, 1940.  
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Appearances: J. A. Goodrich, Rifle, Colorado,  
pro se;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking  
Association, et al.

S T A T E M E N T

By the Commission:

The evidence disclosed that applicant is agent for the Texas Oil Company at Rifle, Colorado, and seeks authority in the instant application to transport gasoline and petroleum products from Craig to Rifle, Glenwood Springs, Placerville and Grand Junction, and intermediate points.

At the hearing, applicant requested authority to amend his application to include "state-wide" authority. No objections were interposed to the granting of said amendment and the same was allowed.

The evidence further disclosed that applicant has an approximate worth of \$4700, and that he only desires to transport petroleum products in bulk.

No objections were interposed to the granting of the authority sought.

The application as filed seeks a Class "A" permit. However, the amendment allowed would make the operation that of a "B" carrier and the authority will be so granted.

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.

O R D E R

IT IS THEREFORE ORDERED, That J. A. Goodrich, Rifle, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of bulk gasoline and petroleum products, only, from Craig, Colorado, to any point in the State of Colorado.

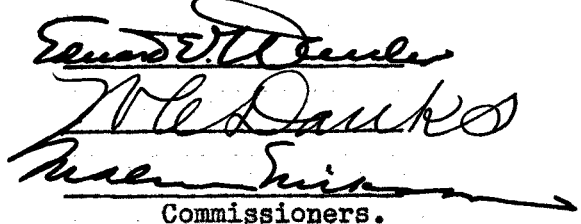
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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 4th day of January, 1940.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KLAPWYK BROTHERS, ROUTE 4, FRUITA, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 5234-PP  
OPERATE AS PRIVATE CARRIERS BY MOTOR )  
VEHICLE FOR HIRE. )  
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-----  
January 4, 1940.  
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Appearances: John Klapwyk, Route 4, Fruita, Colorado,  
pro se and for Klapwyk Brothers;  
Charles D. Young, Denver, Colorado,  
for Uintah Stage Lines.

S T A T E M E N T

By the Commission:

At the hearing, applicant requested authority to amend his application to include the transportation of grain. No objections were interposed to the granting of this amendment and the same was allowed.

It appears from the testimony that applicants own a 1937 Chevrolet 1½-ton truck with a grain body, which is clear of all encumbrance. There were no objections to granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That John Klapwyk and Arie Klapwyk, doing business as Klapwyk Brothers, Fruita, Colorado, be, and they are hereby, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of dry beans and grain from farms to elevators, all within a radius of ten miles of Fruita~~X~~, 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 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.

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 T. O'Connell

W. L. Janks

Bruce Sinton  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF RAYMOND L. DOWELL, MACK, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
PRIVATE PERMIT NO. B-2192 TO )  
PERCY D. BLASIER, MACK, COLORADO. )  
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APPLICATION NO. 3296-PP-A

-----  
January 4, 1940.  
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Appearances: Percy D. Blasier, Mack, Colorado,  
pro se and for Raymond L. Dowell;  
Mack, Colorado, transferor;  
Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Raymond L. Dowell is now the owner of Permit No. B-2192, which authorizes the "transportation of farm products, including livestock, from farms within a radius of fifty miles of Mack, Colorado, to railroad loading points in said area", and in the instant application authority is sought to transfer said permit to Percy D. Blaiser, of Mack, Colorado.

Our records indicate that said permit was suspended for six months from May 1, 1939, with the privilege of reinstatement at any time during said period. The instant application to transfer was filed November 21, 1939, and we are requested to reinstate said permit so that the same may be subject to transfer. It appears that the necessary insurance was filed covering said permit on October 4, 1939.

The evidence disclosed that transferee is qualified to conduct the operations authorized under the permit and that no outstanding obligations exist against the operations conducted by transferor.

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 No. B-2192 should be reinstated

and authority granted to transfer the same.

O R D E R

IT IS THEREFORE ORDERED, That Raymond L. Dowell, of Mack, Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to Permit B-2192 to Percy D. Blasier, of Mack, Colorado.

IT IS FURTHER ORDERED, That said Permit No. B-2192 be, and the same is hereby, reinstated as of October 4, 1939.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 is hereby, 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

*Eduard V. O'Leary*  
*W. C. Danks*  
*Walter E. Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE MOUNTAIN UTILITIES CORPORATION )  
FOR AUTHORITY TO EXTEND LINES AND )  
SERVICE IN THE VALLEYS OF THE ROAR- )  
ING FORK RIVER AND THE FRYING PAN )  
RIVER, COLORADO. )

APPLICATION NO. 5152

IN THE MATTER OF THE APPLICATION OF )  
THE MOUNTAIN UTILITIES CORPORATION )  
FOR AUTHORITY TO PURCHASE AND OPER- )  
ATE PROPERTIES AND DISTRIBUTION )  
SYSTEM IN ASPEN, COLORADO, AND AD- )  
JACENT AND CONTIGUOUS TERRITORY. )

APPLICATION NO. 5153

January 2, 1940

Appearances: Frank McDonough, Jr., Esq., Denver, Colorado,  
for The Mountain Utilities Corporation;  
F. T. Willoughby, Mayor of the Town of Aspen,  
Colorado, for ~~the Town of Aspen~~, Colo-  
rado, and individually.

S T A T E M E N T

By the Commission:

By Application No. 5152, authority is sought by The Mountain Utilities Corporation for an extension to construct and operate transmission lines and branch lines and distributing systems.

By Application No. 5153, authority is sought by The Mountain Utilities Corporation to acquire and take over the ownership and operation of the electrical generating plant and distributing system heretofore owned by The Roaring Fork Water, Light and Power Company in the Town of Aspen, County of Pitkin, State of Colorado, and to acquire and operate the transmission line east from the Town of Aspen and the adjacent and contiguous territory thereto, as granted in Application No. 4778.

The above-numbered applications were consolidated for the purpose of the hearing, which was held September 26, 1939, in the State

Office Building, Denver, Colorado, and at the conclusion of this hearing continued by agreement to December 21, 1939.

It appeared from the testimony of Frank McDonough, Jr., vice president and secretary of The Mountain Utilities Corporation, that this corporation had made all of the arrangements to extend its lines generally northwesterly from the Town of Aspen along the valley of the Roaring Fork River, and adjacent and contiguous territory, and along the valley of the Frying Pan River and adjacent and contiguous territory, extending from the Town of Aspen to a point midway between the towns of Carbondale in Pitkin County and Basalt in Eagle County, Colorado, and particularly along said river valleys and adjacent and contiguous territory from a line drawn from north to south, cutting the Roaring Fork River at a point midway between the towns of Basalt and Carbondale and extending eastward from such north and south line in Townships 7, 8, 9, and 10 South, in Ranges 85, 86, and 87 West of the Sixth Principal Meridian.

It further appeared that at the present time the town of Basalt is without electrical service, and likewise the valleys of the Roaring Fork River and the Frying Pan River easterly from a point between the towns of Basalt and Carbondale are without electrical service, and that the same situation exists in contiguous and adjacent valleys and territory; that the Carbondale Light and Power Company serves the town of Carbondale and the territory eastward to a point midway between the towns of Carbondale and Basalt; that the consent of the Carbondale Light and Power Company is on file in this proceeding, and likewise the consent of the Glenwood Light and Power Company is on file.

An informal protest was made by the County Commissioners of Eagle County, Colorado, dated September 25, 1939, based on the possibility of a proposed Rural Electrification Association in these valleys, but no showing is made that there is any immediate possibility of such an association being formed to service the rural districts involved in these applications, and no one appeared in support of the protest.

It further appeared that the Mountain Utilities Corporation has

been engaged in the business of transmitting and distributing electrical energy in the counties of El Paso, Elbert, Douglas, Teller, and Chaffee; that the Roaring Fork Water, Light and Power Company and its predecessors have, for more than forty years past, owned and operated the electrical operating plant and distributing system within the Town of Aspen and adjacent territory thereto, and also, under authority granted in Application No. 4778, the Roaring Fork Water, Light and Power Company has operated a transmission line for the distribution of electrical energy eastward from the Town of Aspen over Independence Pass; that The Mountain Utilities Corporation conducts an operation in Chaffee County; that Independence Pass and the highway eastward from the Town of Aspen leads to the Town of Twin Lakes, approximately three miles north of the present territory served by the applicant herein; that such highway and valley from Independence Pass to Twin Lakes are situated in the southerly four and one-half miles of the County of Lake, State of Colorado; that the inhabitants in the territory in the County of Lake are without electrical service at the present time, and if the present line of the Roaring Fork Water, Light and Power Company were extended eastward, it would serve this territory and be susceptible of easy connection with the territory now served by the applicant in Chaffee County.

It further appeared that the Mountain Utilities Corporation has acquired a certain option contract of purchase from the Roaring Fork Water, Light and Power Company, granting authority to take over the ownership and the operation of the electrical generating plant and distributing system in the Town of Aspen, County of Pitkin, and State of Colorado, together with such rights as may have been heretofore granted under Application No. 4778, for the consideration of \$80,000.00; that the above-mentioned option has, by mutual consent, been extended until January 1, 1940, and, from the showing made on December 21, 1939, to which date a continuance was had, in accordance with the terms and conditions of said option contract The Mountain Utilities Corporation has exercised its option to purchase said properties by depositing the pur-

chase price thereof, including \$1,500.00 capital additions made by the Roaring Fork Company since the date of said option contract,— the total amount now being \$81,500.00,— in escrow with the Colorado National Bank of Denver, Colorado, to be delivered to the Roaring Fork Water, Light and Power Company as soon as an examination of the abstracts of title can be accomplished, or, in any event, not later than January 1, 1940.

It further appeared from the testimony of the Mayor of Aspen, speaking for the inhabitants of Aspen and its city and county officials, that ninety per cent. of the residents of the Town of Aspen and adjoining territory favored the granting of authority to The Mountain Utilities Corporation to acquire the electrical facilities in this district; that so far as he knew, there was no objection from anyone having an interest in the welfare of the Town of Aspen and the valleys involved; that there had been some effort to organize a Rural Electrification Association, but so far nothing tangible had resulted from such efforts; that the town officials and county commissioners of Pitkin County had looked into the standing of The Mountain Utilities Corporation and felt that it was a rare opportunity to consolidate the town properties, with the extensions contemplated in the valleys of the Roaring Fork and Frying Pan rivers, and later connect the same with the holdings now possessed by the Mountain Utilities Corporation.

On December 21, 1939, to which date continuance was made, Mr. Frank McDonough, Jr., vice president and secretary of The Mountain Utilities Corporation and general counsel for the same, stated that the company, having made the deposit as above referred to with the Colorado National Bank of Denver, would take up the option on or before January 1, 1940, and that, in addition to being able to take up this option, the company was arranging its finances to be in a position to spend upwards of \$40,000.00 in betterments and extensions in and around Aspen and in the valleys of the Roaring Fork and Frying Pan rivers, and contemplated additional funds to connect the Pitkin County holdings with the Chaffee County properties within the near future; also that, from

all indications, they would have available surplus electrical energy sufficient to take care of adjacent and contiguous territory to the Town of Aspen, and hoped to continue their record of efficient service in the small towns and rural communities. Mr. McDonough further stated that the demand for service in the rural communities sought to be served by The Mountain Utilities Corporation was coming from farmers and others residing in this territory.

After a careful consideration of the record, and the testimony given by Frank McDonough, Jr., and F. T. Willoughby, the Commission is of the opinion, and finds, that the public convenience and necessity require the extension of operations as proposed by The Mountain Utilities Corporation in Application No. 5152, for the construction and operation of transmission lines and branches and distributing systems, in the territory proposed to be served; that it appears to be in the public interest that The Mountain Utilities Corporation should be authorized, as sought by its Application No. 5153, to take over the ownership and operation of the electrical generating plant and distribution system heretofore owned by The Roaring Fork Water, Light and Power Company in the Town of Aspen, County of Pitkin, State of Colorado, with authority to acquire and operate the transmission line eastward from the Town of Aspen to the adjacent and contiguous territory thereto, as granted under Application No. 4778; that the public convenience and necessity require the extension of The Mountain Utilities Corporation's facilities to those parts of Pitkin County, also that portion of Lake County, including the Town of Twin Lakes; and that authority as above indicated should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, In Application No. 5152, that the public convenience and necessity require the extended operations of The Mountain Utilities Corporation, with authority to construct and operate transmission lines and branch lines and distributing systems in the following territory, to-wit:

The Town of Basalt in Eagle County, Colorado, and all of that portion of the Counties of Eagle and Pitkin lying eastward of a line drawn north and south from a point midway between the towns of Carbondale and Basalt, being in Townships 7, 8, 9, and 10 South of Ranges 83, 84, 85, 86, and 87 West of the Sixth Principal Meridian; --

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, In Application No. 5153, that authority be, and the same hereby is, granted to The Mountain Utilities Corporation to acquire and take over the ownership and operation of the electrical generating plant and distributing system heretofore owned by the Roaring Fork Water, Light and Power Company in the Town of Aspen, County of Pitkin, State of Colorado; to acquire and operate the transmission line eastward from the Town of Aspen and the adjacent and contiguous territory thereto, as authorized under Application No. 4778, and to acquire and operate all of the properties, rights, privileges, and franchises heretofore belonging to the Roaring Fork Water, Light and Power Company.

IT IS FURTHER ORDERED, That the public convenience and necessity require the extended operations of The Mountain Utilities Corporation to construct and operate transmission lines and distributing systems for the Town of Aspen and adjacent territory, and all of the territory situated in the County of Pitkin described as being in Townships 10, 11, and 12 South of Ranges 82, 83, and 84 West of the Sixth Principal Meridian, and also in all of that portion of the County of Lake, State of Colorado, situated in Township 11 South of Ranges 79, 80, 81, and 82 West of the Sixth Principal Meridian; otherwise generally described as being that portion of the County of Lake including the town of Twin Lakes and the settlement of Kobe, and territory situate directly south of the Second Correction Line South; 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 rate schedules, rules, and regulations of the Roaring Fork Water, Light and Power Company shall

become and remain those of The Mountain Utilities Corporation until changed according to law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its 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.

IT IS FURTHER ORDERED, That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Connelley

W. H. Danks

W. A. Spivey  
Commissioners

DATED at Denver, Colorado,  
this 2d day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MYRON E. KNAPP, ROUTE 3, FORT COLLINS, )	
COLORADO, FOR A PERMIT TO OPERATE AS )	<u>APPLICATION NO. 5199-PP</u>
A PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
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January 4, 1940.  
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Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, McMillan Transfer and  
Storage Company, Fort Collins-Laramie-  
Walden Stage Line, and William Stuart;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
R. W. and Hazel Greely, Yockey Brothers,  
Guy D. Ramsey and E. N. Winscom;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
L. B. Davis, Denver, Colorado,  
for Consolidated Motor Freight.

S T A T E M E N T

By the Commission:

The above matter was first set for hearing at Fort Collins, Colorado, on November 17, 1939, at which time and place applicant failed to appear due to emergency matters, and the Commission reset the application for hearing at Denver on December 28, 1939, at which time applicant again failed to appear. A motion was made that the application be dismissed for lack of prosecution.

However, applicant appeared the following day, stating that he misunderstood the date of the hearing.

As we understand the situation, applicant has now reduced the authority which he seeks to the transportation of hay, straw and sugar beets from point to point within a radius of twelve miles of Fort Collins, and the transportation of coal from the northern Colorado coal fields to said 12-mile radius of Fort Collins.

In view of this restriction of authority, the Commission called by phone the attorneys and representatives who appeared for protestants, and each of them stated that they had no objection to the granting of the permit limited to such an operation.

In view of this condition, the Commission has determined to grant the authority sought without setting the matter for another hearing.

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

O R D E R

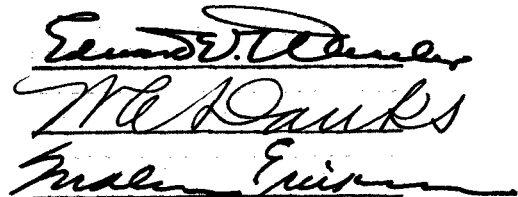
IT IS THEREFORE ORDERED, That Myron E. Knapp, Fort Collins, Colorado, be, and he is hereby, granted a Class "B" permit authorizing the transportation of hay, straw, and sugar beets, from point to point within a 12-mile radius of Fort Collins, Colorado, and the transportation of coal from the northern Colorado coal fields to points within said 12-mile radius of Fort Collins.

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 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE WESTERN COLORADO POWER COMPANY )  
TO DISCONTINUE ITS SERVICE TO CERTAIN )  
DISTRIBUTION LINES IN A PORTION OF THE ) APPLICATION NO. 5170  
RURAL AREAS LOCATED IN THE COUNTIES OF )  
DELTA AND MONTROSE, COLORADO, HERETOFORE )  
SERVED BY IT. )  
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January 4, 1940.  
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S T A T E M E N T

By the Commission:

In the instant application, the Delta-Montrose Rural Power Lines Association, by Paul Martin, President, and Harry W. Gueno, Attorney, filed a Statement and Answer on October 18, 1939.

We are now in receipt of a motion by the attorney for said Delta-Montrose Rural Power Lines Association, requesting that an order be made permitting said Association to withdraw said Statement and Answer.

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

O R D E R

IT IS THEREFORE ORDERED, That the Statement and Answer filed by the Delta-Montrose Rural Lines Association on October 18, 1939, be, and the same is hereby, stricken from the files in the instant case, effective the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. McQuinn  
W. C. Danks  
Wm. E. Gueno  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE GRAND COUNTY LIGHT, HEAT AND )  
POWER COMPANY, A CORPORATION, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 5216  
AND NECESSITY TO EXERCISE FRANCHISE )  
GRANTED BY GRANBY, COLORADO. )  
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January 4, 1940.  
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Appearances: Sam W. Shames, 1632 Wazee St., Denver,  
Colorado, for the applicant;  
Hon. Walter R. Wood, Granby, Colorado,  
for the Town of Granby.

S T A T E M E N T

By the Commission:

The application of The Grand County Light, Heat and Power Company, a corporation, for a certificate of public convenience and necessity, authorizing the exercise by it of said franchise rights granted by the Town of Granby, in Grand County, Colorado, was filed with the Commission on November 14, 1939, and set for hearing, and heard, after due notice to parties in interest, on the 8th day of December, 1939, at 10:00 o'clock A. M.

At the hearing, it appeared that on April 23, 1939, there was passed by the Board of Trustees of the Town of Granby, and approved by the Mayor of the Town of Granby, an ordinance No. 104 granting to applicant, The Grand County Light, Heat and Power Company, its successors and assigns, a franchise to construct, operate and maintain in the streets, alleys and public grounds in the Town of Granby, Colorado, and all further additions thereto, all poles, lines, conduits, wires and other appliances necessary to the furnishing and supplying of said town and its inhabitants with electricity for light, heat and power, upon certain conditions and terms therein expressed.

The term of said franchise, subject to the limitations contained in Sections 1 to 12 of said franchise, was for a period of twenty-five years

from and after the date of passage of said ordinance. Said ordinance was passed on April 23, 1939.

It further appeared that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, doing business as a public utility; that its principal office is located at 1632 Wazee Street, Denver, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and transporting such energy by means of transmission and distribution lines for heat, light and power and other purposes directly to consumers or wholesalers; that no other utility is now serving the said Town of Granby; that the actual investment in said system is approximately \$17,000.00; that said amount should be accepted by the Commission for the purpose only of determining fee for issuance of certificate herein, such acceptance not to preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing, or any subsequent proceedings where valuation may be an issue.

No objections have been filed or made, and it appears that the public convenience and necessity require the proposed operation of applicant.

After a careful consideration of the record and the evidence, the Commission is of the opinion, and finds, that the public convenience and necessity require the exercise by the applicant of the franchise rights granted to it by the Town of Granby, Colorado.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Granby, Colorado, in Ordinance No. 104, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its

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 the 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.

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. Wheeler

W. C. Danks

Maer S. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ED HAINES AND S. N. DRUM, DOING )  
BUSINESS AS HAINES MOTOR FREIGHT, )  
DURANGO, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. A-1268 TO )  
COLORADO FREIGHTWAYS, INC., DENVER, )  
COLORADO. )  
-----

APPLICATION NO. 2859-PP-AAA-A

-----  
January 4, 1940.  
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S T A T E M E N T

By the Commission:

On December 7, 1939, L. M. Perkins, as attorney for Haines Motor Freight, filed his motion to dismiss the application heretofore filed herein to transfer Private Permit No. A-1268 to Colorado Freightways, Inc.

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 said application to transfer Permit No. A-1268 to Colorado Freightways, Inc., 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

*Edward D. Wheeler*

*W. C. Danks*

*Walter E. Gibson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PATRICIO YNFANTE, ROUTE 2, GRAND )  
JUNCTION, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 5236-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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January 4, 1940.  
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Appearances: Charles D. Young, Denver, Colorado,  
for Lischke and Heflin and The  
Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The instant case was set for hearing at Grand Junction, Colorado, on December 15, 1939, at 9:30 o'clock A. M. No appearance was made by applicant, and protestants moved that the application be dismissed for failure to prosecute. The Commission is without any word from applicant as to why he failed to appear at the hearing, although our records disclose that due and proper notice thereof was sent to him at Route 2, Grand Junction, Colorado.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby, dismissed for failure to prosecute.

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

*Eduard J. Danks*  
*W. E. Danks*  
*W. E. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE THOMPSON SCENIC AUTO LIVERY, )  
COLORADO SPRINGS, COLORADO, )  
CERTIFICATE OF PUBLIC CONVENI- )  
ENCE AND NECESSITY NO. 807. )

CASE NO. 4758

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January 5, 1940

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Appearances: James J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
John Juliano, Denver, Colorado,  
for the Commission;  
Marion F. Jones, Esq., Denver,  
Colorado, for Respondent.

S T A T E M E N T

By the Commission:

On August 18, 1939, the Commission, on its own motion, issued its order, directed to J. M. Thompson, doing business as "The Thompson Scenic Auto Livery", requiring him to show cause, if any he have, by written answer filed with the Commission within ten days from said date, why an order should not be entered, suspending or revoking his certificate of public convenience and necessity on account of his violation of certain rules and regulations of the Commission and statutes of the State of Colorado, it being alleged therein that on or about the 23d day of July, 1939, he transported four passengers from Colorado Springs, Colorado, to the summit of Pikes Peak for a rate and fare of \$3.50 for each passenger, which said rate and fare is lower than and different from the fares and charges set forth in his tariff heretofore filed with the Commission, and in violation of Rule 33 of the Rules and Regulations Governing Motor Vehicle Carriers, as promulgated by the Commission on June 15, 1937, and that, in rendering the transportation service aforesaid, said respondent had exceeded the authority granted by his said certificate, in that the

passengers transported aforesaid were accepted at and transported from Manitou, Colorado, whereas said certificate authorized transportation of passengers only from Colorado Springs, Colorado.

The matter was set for hearing in Denver at 2:00 o'clock, p. m., on September 5, 1939.

On August 28, 1939, said respondent filed his answer with the Commission. He therein failed to deny that he had committed the acts complained of, but denied, by way of conclusion only, that he had violated any laws of the State of Colorado or any of the rules and regulations of the Public Utilities Commission, and that:

"The transactions mentioned in Paragraphs 1 and 2 of the complaint, if they occurred, were the result of conspiracy on the part of competitors of respondent to cause trouble, and that under the nature of the transactions, there is no violation of the rules and regulations of the Commission or of the laws of the State of Colorado."

He denied that he had exceeded his authority.

At the hearing, it appeared that for a number of years said Thompson had been operating a sightseeing service in Colorado Springs, he being authorized to transport passengers from said point to the scenic attractions of the Pikes Peak Region, his authorities being consolidated under P. U. C. No. 807. During the month of July, 1939, Mr. Mayer, of the Commission's Rate Department, was in Colorado Springs, and voluntarily was informed by said Thompson that if he, Mayer, and party, wanted to go to the Peak, he would allow Mayer a solicitation fee of fifty cents per passenger, thus enabling said passengers to get transportation at a reduction.

On July 22, 1939, Mr. Reilly and Mr. Juliano, of the Commission's Inspection Department, went to Colorado Springs and arranged with Mr. Thompson to haul four passengers to Pikes Peak at \$3.50 per passenger, instead of \$4.00 per passenger, which, it was stipulated, was Thompson's tariff rate, Thompson stating that he would allow a commission of fifty cents per passenger in order to make a \$3.50 rate. The trip was made, as arranged for, on July 23, 1939, respondent being paid the sum of

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KLAPWYK BROTHERS, ROUTE 4, FRUITA, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 5234-PP  
OPERATE AS PRIVATE CARRIERS BY MOTOR )  
VEHICLE FOR HIRE. )  
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January 4, 1940.  
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Appearances: John Klapwyk, Route 4, Fruita, Colorado,  
pro se and for Klapwyk Brothers;  
Charles D. Young, Denver, Colorado,  
for Uintah Stage Lines.

S T A T E M E N T

By the Commission:

At the hearing, applicant requested authority to amend his application to include the transportation of grain. No objections were interposed to the granting of this amendment and the same was allowed.

It appears from the testimony that applicants own a 1937 Chevrolet 1½-ton truck with a grain body, which is clear of all encumbrance. There were no objections to granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That John Klapwyk and Arie Klapwyk, doing business as Klapwyk Brothers, Fruita, Colorado, be, and they are hereby, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of dry beans and grain from farms to elevators, all within a radius of ten miles of Fruita~~X~~, 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 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.

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 T. O'Connell

W. L. Jankos

Brian Sinton  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF RAYMOND L. DOWELL, MACK, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
PRIVATE PERMIT NO. B-2192 TO )  
PERCY D. BLASIER, MACK, COLORADO. )

APPLICATION NO. 3296-PP-A

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January 4, 1940.  
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Appearances: Percy D. Blasier, Mack, Colorado,  
pro se and for Raymond L. Dowell;  
Mack, Colorado, transferor;  
Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Raymond L. Dowell is now the owner of Permit No. B-2192, which authorizes the "transportation of farm products, including livestock, from farms within a radius of fifty miles of Mack, Colorado, to railroad loading points in said area", and in the instant application authority is sought to transfer said permit to Percy D. Blaiser, of Mack, Colorado.

Our records indicate that said permit was suspended for six months from May 1, 1939, with the privilege of reinstatement at any time during said period. The instant application to transfer was filed November 21, 1939, and we are requested to reinstate said permit so that the same may be subject to transfer. It appears that the necessary insurance was filed covering said permit on October 4, 1939.

The evidence disclosed that transferee is qualified to conduct the operations authorized under the permit and that no outstanding obligations exist against the operations conducted by transferor.

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 No. B-2192 should be reinstated

and authority granted to transfer the same.

O R D E R

IT IS THEREFORE ORDERED, That Raymond L. Dowell, of Mack, Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to Permit B-2192 to Percy D. Blasier, of Mack, Colorado.

IT IS FURTHER ORDERED, That said Permit No. B-2192 be, and the same is hereby, reinstated as of October 4, 1939.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 is hereby, 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

*Eduard V. O'Leary*  
*W. C. Danks*  
*Walter E. Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE MOUNTAIN UTILITIES CORPORATION )  
FOR AUTHORITY TO EXTEND LINES AND )  
SERVICE IN THE VALLEYS OF THE ROAR- )  
ING FORK RIVER AND THE FRYING PAN )  
RIVER, COLORADO. )

APPLICATION NO. 5152

IN THE MATTER OF THE APPLICATION OF )  
THE MOUNTAIN UTILITIES CORPORATION )  
FOR AUTHORITY TO PURCHASE AND OPER- )  
ATE PROPERTIES AND DISTRIBUTION )  
SYSTEM IN ASPEN, COLORADO, AND AD- )  
JACENT AND CONTIGUOUS TERRITORY. )

APPLICATION NO. 5153

January 2, 1940

Appearances: Frank McDonough, Jr., Esq., Denver, Colorado,  
for The Mountain Utilities Corporation;  
F. T. Willoughby, Mayor of the Town of Aspen,  
Colorado, for ~~the Town of Aspen~~, Colo-  
rado, and individually.

S T A T E M E N T

By the Commission:

By Application No. 5152, authority is sought by The Mountain Utilities Corporation for an extension to construct and operate transmission lines and branch lines and distributing systems.

By Application No. 5153, authority is sought by The Mountain Utilities Corporation to acquire and take over the ownership and operation of the electrical generating plant and distributing system heretofore owned by The Roaring Fork Water, Light and Power Company in the Town of Aspen, County of Pitkin, State of Colorado, and to acquire and operate the transmission line east from the Town of Aspen and the adjacent and contiguous territory thereto, as granted in Application No. 4778.

The above-numbered applications were consolidated for the purpose of the hearing, which was held September 26, 1939, in the State

Office Building, Denver, Colorado, and at the conclusion of this hearing continued by agreement to December 21, 1939.

It appeared from the testimony of Frank McDonough, Jr., vice president and secretary of The Mountain Utilities Corporation, that this corporation had made all of the arrangements to extend its lines generally northwesterly from the Town of Aspen along the valley of the Roaring Fork River, and adjacent and contiguous territory, and along the valley of the Frying Pan River and adjacent and contiguous territory, extending from the Town of Aspen to a point midway between the towns of Carbondale in Pitkin County and Basalt in Eagle County, Colorado, and particularly along said river valleys and adjacent and contiguous territory from a line drawn from north to south, cutting the Roaring Fork River at a point midway between the towns of Basalt and Carbondale and extending eastward from such north and south line in Townships 7, 8, 9, and 10 South, in Ranges 85, 86, and 87 West of the Sixth Principal Meridian.

It further appeared that at the present time the town of Basalt is without electrical service, and likewise the valleys of the Roaring Fork River and the Frying Pan River easterly from a point between the towns of Basalt and Carbondale are without electrical service, and that the same situation exists in contiguous and adjacent valleys and territory; that the Carbondale Light and Power Company serves the town of Carbondale and the territory eastward to a point midway between the towns of Carbondale and Basalt; that the consent of the Carbondale Light and Power Company is on file in this proceeding, and likewise the consent of the Glenwood Light and Power Company is on file.

An informal protest was made by the County Commissioners of Eagle County, Colorado, dated September 25, 1939, based on the possibility of a proposed Rural Electrification Association in these valleys, but no showing is made that there is any immediate possibility of such an association being formed to service the rural districts involved in these applications, and no one appeared in support of the protest.

It further appeared that the Mountain Utilities Corporation has

been engaged in the business of transmitting and distributing electrical energy in the counties of El Paso, Elbert, Douglas, Teller, and Chaffee; that the Roaring Fork Water, Light and Power Company and its predecessors have, for more than forty years past, owned and operated the electrical operating plant and distributing system within the Town of Aspen and adjacent territory thereto, and also, under authority granted in Application No. 4778, the Roaring Fork Water, Light and Power Company has operated a transmission line for the distribution of electrical energy eastward from the Town of Aspen over Independence Pass; that The Mountain Utilities Corporation conducts an operation in Chaffee County; that Independence Pass and the highway eastward from the Town of Aspen leads to the Town of Twin Lakes, approximately three miles north of the present territory served by the applicant herein; that such highway and valley from Independence Pass to Twin Lakes are situated in the southerly four and one-half miles of the County of Lake, State of Colorado; that the inhabitants in the territory in the County of Lake are without electrical service at the present time, and if the present line of the Roaring Fork Water, Light and Power Company were extended eastward, it would serve this territory and be susceptible of easy connection with the territory now served by the applicant in Chaffee County.

It further appeared that the Mountain Utilities Corporation has acquired a certain option contract of purchase from the Roaring Fork Water, Light and Power Company, granting authority to take over the ownership and the operation of the electrical generating plant and distributing system in the Town of Aspen, County of Pitkin, and State of Colorado, together with such rights as may have been heretofore granted under Application No. 4778, for the consideration of \$80,000.00; that the above-mentioned option has, by mutual consent, been extended until January 1, 1940, and, from the showing made on December 21, 1939, to which date a continuance was had, in accordance with the terms and conditions of said option contract The Mountain Utilities Corporation has exercised its option to purchase said properties by depositing the pur-

chase price thereof, including \$1,500.00 capital additions made by the Roaring Fork Company since the date of said option contract,— the total amount now being \$81,500.00,— in escrow with the Colorado National Bank of Denver, Colorado, to be delivered to the Roaring Fork Water, Light and Power Company as soon as an examination of the abstracts of title can be accomplished, or, in any event, not later than January 1, 1940.

It further appeared from the testimony of the Mayor of Aspen, speaking for the inhabitants of Aspen and its city and county officials, that ninety per cent. of the residents of the Town of Aspen and adjoining territory favored the granting of authority to The Mountain Utilities Corporation to acquire the electrical facilities in this district; that so far as he knew, there was no objection from anyone having an interest in the welfare of the Town of Aspen and the valleys involved; that there had been some effort to organize a Rural Electrification Association, but so far nothing tangible had resulted from such efforts; that the town officials and county commissioners of Pitkin County had looked into the standing of The Mountain Utilities Corporation and felt that it was a rare opportunity to consolidate the town properties, with the extensions contemplated in the valleys of the Roaring Fork and Frying Pan rivers, and later connect the same with the holdings now possessed by the Mountain Utilities Corporation.

On December 21, 1939, to which date continuance was made, Mr. Frank McDonough, Jr., vice president and secretary of The Mountain Utilities Corporation and general counsel for the same, stated that the company, having made the deposit as above referred to with the Colorado National Bank of Denver, would take up the option on or before January 1, 1940, and that, in addition to being able to take up this option, the company was arranging its finances to be in a position to spend upwards of \$40,000.00 in betterments and extensions in and around Aspen and in the valleys of the Roaring Fork and Frying Pan rivers, and contemplated additional funds to connect the Pitkin County holdings with the Chaffee County properties within the near future; also that, from

all indications, they would have available surplus electrical energy sufficient to take care of adjacent and contiguous territory to the Town of Aspen, and hoped to continue their record of efficient service in the small towns and rural communities. Mr. McDonough further stated that the demand for service in the rural communities sought to be served by The Mountain Utilities Corporation was coming from farmers and others residing in this territory.

After a careful consideration of the record, and the testimony given by Frank McDonough, Jr., and F. T. Willoughby, the Commission is of the opinion, and finds, that the public convenience and necessity require the extension of operations as proposed by The Mountain Utilities Corporation in Application No. 5152, for the construction and operation of transmission lines and branches and distributing systems, in the territory proposed to be served; that it appears to be in the public interest that The Mountain Utilities Corporation should be authorized, as sought by its Application No. 5153, to take over the ownership and operation of the electrical generating plant and distribution system heretofore owned by The Roaring Fork Water, Light and Power Company in the Town of Aspen, County of Pitkin, State of Colorado, with authority to acquire and operate the transmission line eastward from the Town of Aspen to the adjacent and contiguous territory thereto, as granted under Application No. 4778; that the public convenience and necessity require the extension of The Mountain Utilities Corporation's facilities to those parts of Pitkin County, also that portion of Lake County, including the Town of Twin Lakes; and that authority as above indicated should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, In Application No. 5152, that the public convenience and necessity require the extended operations of The Mountain Utilities Corporation, with authority to construct and operate transmission lines and branch lines and distributing systems in the following territory, to-wit:

The Town of Basalt in Eagle County, Colorado, and all of that portion of the Counties of Eagle and Pitkin lying eastward of a line drawn north and south from a point midway between the towns of Carbondale and Basalt, being in Townships 7, 8, 9, and 10 South of Ranges 83, 84, 85, 86, and 87 West of the Sixth Principal Meridian; --

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, In Application No. 5153, that authority be, and the same hereby is, granted to The Mountain Utilities Corporation to acquire and take over the ownership and operation of the electrical generating plant and distributing system heretofore owned by the Roaring Fork Water, Light and Power Company in the Town of Aspen, County of Pitkin, State of Colorado; to acquire and operate the transmission line eastward from the Town of Aspen and the adjacent and contiguous territory thereto, as authorized under Application No. 4778, and to acquire and operate all of the properties, rights, privileges, and franchises heretofore belonging to the Roaring Fork Water, Light and Power Company.

IT IS FURTHER ORDERED, That the public convenience and necessity require the extended operations of The Mountain Utilities Corporation to construct and operate transmission lines and distributing systems for the Town of Aspen and adjacent territory, and all of the territory situated in the County of Pitkin described as being in Townships 10, 11, and 12 South of Ranges 82, 83, and 84 West of the Sixth Principal Meridian, and also in all of that portion of the County of Lake, State of Colorado, situated in Township 11 South of Ranges 79, 80, 81, and 82 West of the Sixth Principal Meridian; otherwise generally described as being that portion of the County of Lake including the town of Twin Lakes and the settlement of Kobe, and territory situate directly south of the Second Correction Line South; 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 rate schedules, rules, and regulations of the Roaring Fork Water, Light and Power Company shall

become and remain those of The Mountain Utilities Corporation until changed according to law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its 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.

IT IS FURTHER ORDERED, That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Connelley

W. H. Danks

Walter E. Spencer  
Commissioners

DATED at Denver, Colorado,  
this 2d day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MYRON E. KNAPP, ROUTE 3, FORT COLLINS, )	
COLORADO, FOR A PERMIT TO OPERATE AS )	<u>APPLICATION NO. 5199-PP</u>
A PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
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January 4, 1940.  
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Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, McMillan Transfer and  
Storage Company, Fort Collins-Laramie-  
Walden Stage Line, and William Stuart;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
R. W. and Hazel Greely, Yockey Brothers,  
Guy D. Ramsey and E. N. Winscom;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
L. B. Davis, Denver, Colorado,  
for Consolidated Motor Freight.

S T A T E M E N T

By the Commission:

The above matter was first set for hearing at Fort Collins, Colorado, on November 17, 1939, at which time and place applicant failed to appear due to emergency matters, and the Commission reset the application for hearing at Denver on December 28, 1939, at which time applicant again failed to appear. A motion was made that the application be dismissed for lack of prosecution.

However, applicant appeared the following day, stating that he misunderstood the date of the hearing.

As we understand the situation, applicant has now reduced the authority which he seeks to the transportation of hay, straw and sugar beets from point to point within a radius of twelve miles of Fort Collins, and the transportation of coal from the northern Colorado coal fields to said 12-mile radius of Fort Collins.

In view of this restriction of authority, the Commission called by phone the attorneys and representatives who appeared for protestants, and each of them stated that they had no objection to the granting of the permit limited to such an operation.

In view of this condition, the Commission has determined to grant the authority sought without setting the matter for another hearing.

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

O R D E R

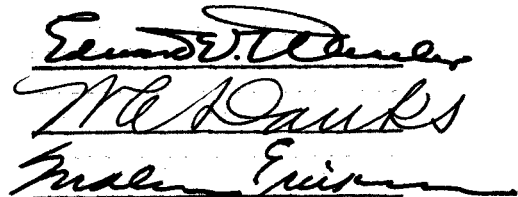
IT IS THEREFORE ORDERED, That Myron E. Knapp, Fort Collins, Colorado, be, and he is hereby, granted a Class "B" permit authorizing the transportation of hay, straw, and sugar beets, from point to point within a 12-mile radius of Fort Collins, Colorado, and the transportation of coal from the northern Colorado coal fields to points within said 12-mile radius of Fort Collins.

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 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE WESTERN COLORADO POWER COMPANY )  
TO DISCONTINUE ITS SERVICE TO CERTAIN )  
DISTRIBUTION LINES IN A PORTION OF THE ) APPLICATION NO. 5170  
RURAL AREAS LOCATED IN THE COUNTIES OF )  
DELTA AND MONTROSE, COLORADO, HERETOFORE )  
SERVED BY IT. )  
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January 4, 1940.  
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S T A T E M E N T

By the Commission:

In the instant application, the Delta-Montrose Rural Power Lines Association, by Paul Martin, President, and Harry W. Gueno, Attorney, filed a Statement and Answer on October 18, 1939.

We are now in receipt of a motion by the attorney for said Delta-Montrose Rural Power Lines Association, requesting that an order be made permitting said Association to withdraw said Statement and Answer.

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

O R D E R

IT IS THEREFORE ORDERED, That the Statement and Answer filed by the Delta-Montrose Rural Lines Association on October 18, 1939, be, and the same is hereby, stricken from the files in the instant case, effective the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. McQuinn  
W. C. Danks  
Wm. E. Gueno  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE GRAND COUNTY LIGHT, HEAT AND )  
POWER COMPANY, A CORPORATION, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 5216  
AND NECESSITY TO EXERCISE FRANCHISE )  
GRANTED BY GRANBY, COLORADO. )  
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January 4, 1940.  
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Appearances: Sam W. Shames, 1632 Wazee St., Denver,  
Colorado, for the applicant;  
Hon. Walter R. Wood, Granby, Colorado,  
for the Town of Granby.

S T A T E M E N T

By the Commission:

The application of The Grand County Light, Heat and Power Company, a corporation, for a certificate of public convenience and necessity, authorizing the exercise by it of said franchise rights granted by the Town of Granby, in Grand County, Colorado, was filed with the Commission on November 14, 1939, and set for hearing, and heard, after due notice to parties in interest, on the 8th day of December, 1939, at 10:00 o'clock A. M.

At the hearing, it appeared that on April 23, 1939, there was passed by the Board of Trustees of the Town of Granby, and approved by the Mayor of the Town of Granby, an ordinance No. 104 granting to applicant, The Grand County Light, Heat and Power Company, its successors and assigns, a franchise to construct, operate and maintain in the streets, alleys and public grounds in the Town of Granby, Colorado, and all further additions thereto, all poles, lines, conduits, wires and other appliances necessary to the furnishing and supplying of said town and its inhabitants with electricity for light, heat and power, upon certain conditions and terms therein expressed.

The term of said franchise, subject to the limitations contained in Sections 1 to 12 of said franchise, was for a period of twenty-five years

from and after the date of passage of said ordinance. Said ordinance was passed on April 23, 1939.

It further appeared that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, doing business as a public utility; that its principal office is located at 1632 Wazee Street, Denver, Colorado; that, generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electrical energy and transporting such energy by means of transmission and distribution lines for heat, light and power and other purposes directly to consumers or wholesalers; that no other utility is now serving the said Town of Granby; that the actual investment in said system is approximately \$17,000.00; that said amount should be accepted by the Commission for the purpose only of determining fee for issuance of certificate herein, such acceptance not to preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing, or any subsequent proceedings where valuation may be an issue.

No objections have been filed or made, and it appears that the public convenience and necessity require the proposed operation of applicant.

After a careful consideration of the record and the evidence, the Commission is of the opinion, and finds, that the public convenience and necessity require the exercise by the applicant of the franchise rights granted to it by the Town of Granby, Colorado.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Granby, Colorado, in Ordinance No. 104, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its

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 the 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.

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. Wheeler

W. C. Danks

Maer S. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ED HAINES AND S. N. DRUM, DOING )  
BUSINESS AS HAINES MOTOR FREIGHT, )  
DURANGO, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. A-1268 TO )  
COLORADO FREIGHTWAYS, INC., DENVER, )  
COLORADO. )  
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APPLICATION NO. 2859-PP-AAA-A

-----  
January 4, 1940.  
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S T A T E M E N T

By the Commission:

On December 7, 1939, L. M. Perkins, as attorney for Haines Motor Freight, filed his motion to dismiss the application heretofore filed herein to transfer Private Permit No. A-1268 to Colorado Freightways, Inc.

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 said application to transfer Permit No. A-1268 to Colorado Freightways, Inc., 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

*Edward D. Wheeler*

*W. C. Danks*

*Walter E. Gibson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PATRICIO YNFANTE, ROUTE 2, GRAND )  
JUNCTION, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 5236-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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-----  
January 4, 1940.  
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Appearances: Charles D. Young, Denver, Colorado,  
for Lischke and Heflin and The  
Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The instant case was set for hearing at Grand Junction, Colorado, on December 15, 1939, at 9:30 o'clock A. M. No appearance was made by applicant, and protestants moved that the application be dismissed for failure to prosecute. The Commission is without any word from applicant as to why he failed to appear at the hearing, although our records disclose that due and proper notice thereof was sent to him at Route 2, Grand Junction, Colorado.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby, dismissed for failure to prosecute.

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

*Eduard J. Danks*  
*W. E. Danks*  
*W. E. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of January, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE THOMPSON SCENIC AUTO LIVERY, )  
COLORADO SPRINGS, COLORADO, )  
CERTIFICATE OF PUBLIC CONVENI- )  
ENCE AND NECESSITY NO. 807. )

CASE NO. 4758

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January 5, 1940

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Appearances: James J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
John Juliano, Denver, Colorado,  
for the Commission;  
Marion F. Jones, Esq., Denver,  
Colorado, for Respondent.

S T A T E M E N T

By the Commission:

On August 18, 1939, the Commission, on its own motion, issued its order, directed to J. M. Thompson, doing business as "The Thompson Scenic Auto Livery", requiring him to show cause, if any he have, by written answer filed with the Commission within ten days from said date, why an order should not be entered, suspending or revoking his certificate of public convenience and necessity on account of his violation of certain rules and regulations of the Commission and statutes of the State of Colorado, it being alleged therein that on or about the 23d day of July, 1939, he transported four passengers from Colorado Springs, Colorado, to the summit of Pikes Peak for a rate and fare of \$3.50 for each passenger, which said rate and fare is lower than and different from the fares and charges set forth in his tariff heretofore filed with the Commission, and in violation of Rule 33 of the Rules and Regulations Governing Motor Vehicle Carriers, as promulgated by the Commission on June 15, 1937, and that, in rendering the transportation service aforesaid, said respondent had exceeded the authority granted by his said certificate, in that the

passengers transported aforesaid were accepted at and transported from Manitou, Colorado, whereas said certificate authorized transportation of passengers only from Colorado Springs, Colorado.

The matter was set for hearing in Denver at 2:00 o'clock, p. m., on September 5, 1939.

On August 28, 1939, said respondent filed his answer with the Commission. He therein failed to deny that he had committed the acts complained of, but denied, by way of conclusion only, that he had violated any laws of the State of Colorado or any of the rules and regulations of the Public Utilities Commission, and that:

"The transactions mentioned in Paragraphs 1 and 2 of the complaint, if they occurred, were the result of conspiracy on the part of competitors of respondent to cause trouble, and that under the nature of the transactions, there is no violation of the rules and regulations of the Commission or of the laws of the State of Colorado."

He denied that he had exceeded his authority.

At the hearing, it appeared that for a number of years said Thompson had been operating a sightseeing service in Colorado Springs, he being authorized to transport passengers from said point to the scenic attractions of the Pikes Peak Region, his authorities being consolidated under P. U. C. No. 807. During the month of July, 1939, Mr. Mayer, of the Commission's Rate Department, was in Colorado Springs, and voluntarily was informed by said Thompson that if he, Mayer, and party, wanted to go to the Peak, he would allow Mayer a solicitation fee of fifty cents per passenger, thus enabling said passengers to get transportation at a reduction.

On July 22, 1939, Mr. Reilly and Mr. Juliano, of the Commission's Inspection Department, went to Colorado Springs and arranged with Mr. Thompson to haul four passengers to Pikes Peak at \$3.50 per passenger, instead of \$4.00 per passenger, which, it was stipulated, was Thompson's tariff rate, Thompson stating that he would allow a commission of fifty cents per passenger in order to make a \$3.50 rate. The trip was made, as arranged for, on July 23, 1939, respondent being paid the sum of

\$14.00 for four passengers, at \$3.50 per passenger.

Respondent failed to appear in person at the hearing. His son, Virgil Thompson, gave his opinion about the matter. He stated that, "Dad had a little touch of high blood pressure," and he thought that on account of his being all tired out, he must have been "coaxed into it"; that "if I had been there, it would have been different altogether," and, addressing Julianano, said: "You wouldn't have got me"; that "I don't think it is the right thing to do for the Commission to send some one to bribe us." He presented a statement from a Colorado physician, which was not in form legally sufficient to excuse the nonappearance of respondent. It merely recited that respondent "is a patient of mine and has been in poor health recently. He is about 54 years of age and has not been very well and is the victim of nervousness at times."

At the conclusion of the testimony, respondent's attorney moved that the complaint be dismissed, because Mr. Julianano was an employee of the Commission and respondent was authorized to furnish transportation for him at reduced rates, the total amount received being more than \$12.00, which would have been the charge for three passengers at \$4.00 per passenger. This position, however, we believe, is not well taken. Mr. Thompson did not knowingly furnish free or reduced transportation to an employee of the Commission. He did not know that Julianano was an inspector. He not only furnished the transportation at less than reduced rates, but obviously did so knowingly, because he attempted to cloud or excuse the transaction by purporting to pay a commission. This he could not legally do, because it is in violation of our rule referred to in the show cause order, which is as follows:

"(a) No motor vehicle carrier shall pay any commission, fee or compensation in the nature of a commission, to any individual, firm, association, or corporation, their lessees, trustees, or receivers, for the sale of any ticket or fare, or for the soliciting, receiving, billing, handling or delivery of property, or for any service in connection with the transportation of property, unless the motor vehicle carrier shall have filed with the Commission, at least five days before the first service is rendered or act is done, for which such commission, fee or compensation is to be paid, a signed statement giving the

name of the payee, his, their or its address, the amount of such commission, fee or compensation to be paid, and the period during which the payment or payments shall be made."

He did not then, and does not now, have on file with the Commission, names of any commission agents.

Also, as alleged in the show cause order, passengers were picked up in Manitou. Respondent is not authorized to serve out of Manitou under his certificate.

Furthermore, it would seem that the respondent's attitude is not one that shows a disposition to conduct his operations within the law and the rules and regulations of the Commission. He failed to appear at the hearing and explain the transaction, and his son, who appeared for him, could not explain the matter but seemed to think that the Commission and its employees should be penalized or disciplined instead of his father. He also suggested, at least inferentially, that if he had been present his father would not have been caught,-- not that his father was not guilty of, or would not indulge in, the practice complained of. We do not agree with Virgil Thompson that the evidence was improperly obtained. It is difficult to police the sightseeing business in Colorado Springs, and we do not know of any way in which evidence of violations can be obtained, except the method used by the Commission's representatives in the instance before us. They did not induce or persuade the respondent to violate the law or our rules and regulations. Apparently, he was anxious to do so.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said respondent transported passengers from Manitou to Pikes Peak for rates and charges less than those provided in his tariff, and in violation of the provisions of Rule No. 33 of the Rules and Regulations Governing Motor Vehicle Carriers, as promulgated by the Commission, as of date June 15, 1937, he being authorized to transport passengers from Colorado Springs, Colorado, to Pikes Peak, only, and that, on account of the aforesaid violations of

the statute and our rules and regulations, his right to operate under said certificate of public convenience and necessity No. 807 should be suspended for a period of one year from the effective date of this order.

O R D E R

IT IS THEREFORE ORDERED, That the right and privilege of J. M. Thompson, doing business as "The Thompson Scenic Auto Livery", or any one, to operate motor vehicle sightseeing service, or any service, under his certificate of public convenience and necessity, P.U.C. No. 807, should be, and hereby is, suspended for a period of one year from the effective date of this order.

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 D. Decker

W. L. Danks

Wm. E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RUSSELL BEALL, DALHART, TEXAS, TO )	<u>INTERSTATE PERMIT NO. B-1105-I</u>
TRANSFER PERMIT B-1105-I TO E. L. )	
STONE, DALHART, TEXAS. )	
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-----  
January 5, 1940.  
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S T A T E M E N T

By the Commission:

Heretofore, Russell Beall, Dalhart, Texas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a contract carrier by motor vehicle in interstate commerce, and Permit No. B-1105-I issued to him.

Said permit holder now seeks authority to transfer said permit to E. L. Stone, Dalhart, Texas.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

O R D E R

IT IS THEREFORE ORDERED, That Russell Beall, Dalhart, Texas, should be, and he hereby is, authorized to transfer Interstate Permit No. B-1105-I to E. L. Stone, Dalhart, Texas, subject to the provisions of the Federal Motor Carrier Act of 1935.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the

order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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. Dwyer

W. C. Danks

Bryan Epstein  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN W. GRAHAM, 34 RAMONA STREET, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5262-PP

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January 5, 1940.  
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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 coal from coal fields east of Colorado Springs to Colorado Springs, over Highways Nos. 94 and 24, and from coal fields in Fremont County to Colorado Springs over Highways Nos. 50, 85 and 115.

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

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 John W. Graham, Colorado Springs, 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 coal from coal fields east of Colorado Springs, to Colorado Springs, over Highways Nos. 94 and 24, and from coal fields in Fremont County to Colorado

Springs over Highways Nos. 50, 85 and 115.

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 V. Turner

W. L. Danks

Bruce S. Simon  
Commissioners.

Dated at Denver, Colorado  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CURTIS BROWN, 938½ SOUTH TEJON ST., )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5265-PP

-----  
January 5, 1940.  
-----

S T A T E M E N T

By the Commission:

Applicant, Curtis Brown, herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from the coal mines in El Paso and Fremont Counties to Colorado Springs.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice or hearing upon the records and files herein.

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 Curtis Brown, Colorado Springs, 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 coal from the coal mines in El Paso and Fremont Counties to Colorado Springs.

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

Eduard V. O'Connell

W. H. Danks

Brian E. Eisman  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY FOSTER, 510 NORTH WAHSATCH ST., )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5264-PP

-----  
January 5, 1940.  
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S T A T E M E N T

By the Commission:

Ray Foster herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines within a radius of twenty-five miles of Colorado Springs to Colorado Springs; mine timbers and slabs from so-called Black Forest, Divide and Woodland Park areas to said coal mines. He also asks that said permit bear the number "A-2104" which is the number of the permit under which he operated prior to its revocation on July 24, 1939.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice or hearing, upon the records and files herein.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted. However, since the authority is that of a Class "B" carrier instead of a Class "A" carrier, the permit should issue as "B-2104", instead of "A-2104".

O R D E R

IT IS THEREFORE ORDERED, That Ray Foster, Colorado 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 coal from mines within a radius of twenty-five miles of Colorado Springs, to Colorado Springs; mine timbers and slabs from so-called Black Forest, Divide and Woodland Park areas to said coal mines, said permit to bear the number "B-2104".

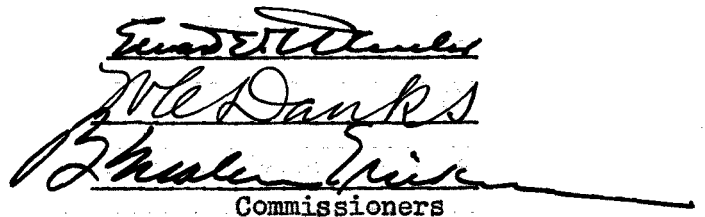
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit hereingranted 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 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE RICHARD, WELLINGTON, COLORADO, FOR )  
AN EXTENSION OF PRIVATE CARRIER PERMIT )  
NO. B-1284. )  
-----

APPLICATION NO. 2436-PP-B

-----  
January 5, 1940.  
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Appearances: Charles D. Young, Denver, Colorado,  
for Frank Pless, A. A. Bethke,  
Clyde Beeson, Boardman Bros., F. A.  
Mathews, and The Colorado Trucking  
Association;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The instant matter was set for hearing at Denver, Colorado, on December 28, 1939, at ten o'clock A. M. No appearance was entered by applicant, although our records indicate that due and proper notice of said hearing was mailed to him.

A motion was made that the application be dismissed for lack of prosecution. As the Commission is without any word from applicant as to why he did not appear at the hearing, we are of the opinion that said motion should be granted.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application 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

Edward V. Dineen

W. L. Danks

Bruce Spivey  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH H. WOODS, DOING BUSINESS AS )  
"WOODS TRUCK LINE," FOR AN EXTEN- )  
SION OF THE COMMON CARRIER RIGHTS )  
NOW HELD BY THE APPLICANT. )

APPLICATION NO. 1436-AB

-----  
IN THE MATTER OF THE APPLICATION OF )  
LEAMON RESLER, DOING BUSINESS AS )  
"RESLER TRUCK LINE," FOR AN EXTEN- )  
SION OF CERTIFICATE NO. 460. )

APPLICATION NO. 1487-AB

-----  
RE MOTOR VEHICLE OPERATIONS OF )  
LEAMON RESLER, DOING BUSINESS AS )  
"RESLER TRUCK LINE." )

PERMITS NOS. A-480 and A-638

-----  
January 5, 1940  
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Appearances: Worth Allen, Esq., Denver,  
Colorado, for the applicant,  
Ralph H. Woods;  
Marion F. Jones, Esq., Denver,  
Colorado, for the applicant,  
Leamon Resler;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company;  
Conour and Conour, Esqs., Del  
Norte, Colorado, for North  
Eastern Motor Freight;  
Robert L. Wood, Esq., Denver,  
Colorado, for Colorado Trans-  
fer and Warehousemen's Asso-  
ciation, Consolidated Motor  
Freight, McKie Truck Line,  
Gallagher Transfer, The Motor  
Truck Common Carriers' Asso-  
ciation;  
J. C. Street, Esq., Denver, Colo-  
rado, for The Colorado and  
Southern Railway Company,  
Colorado, Burlington and  
Quincy Railroad Company.

S T A T E M E N T

By the Commission:

In the above-styled matter, on December 2, 1939, the Commission entered its order and decision, No. 14416, granting to Resler Truck Line,

Inc., among other things, the right to operate in interstate commerce over certain routes described in the third paragraph of the order contained in said decision.

It was the intention of the Commission, in entering said order, to grant applicant authority identical with that granted to him by the Interstate Commerce Commission, in Docket No. MC-21502. Since entry of said order, it has been discovered that said statement of authority, as contained in our order, is not correct, and that all that part of said order, beginning with the word "with," in the fourth line, Page 6, and ending with the figures "1935," at the end of the eighth line of said page, should be amended to read:

"with the right to serve all points intermediate on said Routes 2 and 3 on west-bound shipments, and all points, Yuma to Colorado-Nebraska State Line, on U. S. Highway No. 34 on east-bound shipments out of Denver, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, said authority to be subject to the provisions of the Federal Motor Carrier Act of 1935,"

instead of:

"with the right to serve all points intermediate on said highways on east-bound and west-bound shipments, but not including Yuma on east-bound shipments, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, said authority to be subject to the provisions of the Federal Motor Carrier Act of 1935."

After a careful consideration of the record, the Commission is of the opinion, and finds, upon its own motion, that said order should be amended to conform with the authority granted by the Interstate Commerce Commission, aforesaid.

#### O R D E R

IT IS THEREFORE ORDERED, That all that part of said Decision No. 14416, entered on December 2, 1939, in the above-styled matter, beginning with the word "with" in the fourth line on Page 6 of the order contained in said decision, and ending with the figures "1935" in the eighth line thereof, should be, and hereby is, amended, nunc pro tunc, as of the 2nd day of December, 1939, to read as follows:

"with the right to serve all points intermediate on said Routes 2 and 3 on west-bound shipments, and all points, Yuma to Colorado-Nebraska State Line, on U. S. Highway No. 34 on east-bound shipments out of Denver, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, said authority to be subject to the provisions of the Federal Motor Carrier Act of 1935."

IT IS FURTHER ORDERED, That said decision and order, No. 14416, in all other respects, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dwyer

W. D. Danks

Bruce E. Evans  
Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORVILLE DUNLAP, MONTROSE, COLORADO, )  
FOR AN EXTENSION OF PERMIT NO. B-1899. )  
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APPLICATION NO. 2761-PP-B

-----  
January 5, 1940.  
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Appearances: Orville Dunlap, Route 3, Montrose,  
Colorado, pro se;  
Charles D. Young, Denver, Colorado,  
for George Stewart, Delbert Farra,  
Elmer Castberg, et al.

S T A T E M E N T

By the Commission:

Applicant, Orville Dunlap, is now the owner of Permit No. B-1899,  
which authorizes:

" . . the transportation of farm products, milk and cream, mill  
products and dairy products from point to point within a radius  
of 50 miles of Montrose, Colorado, save and except that applicant  
is not authorized to transport dairy products and mill products  
(flour, etc.) between towns and points now served by the Rio Grande  
Motor Way, Inc., except that he may transport butter between  
Montrose and Cimarron."

Said authority was later extended to include the right to transport  
dairy products between Montrose and Ouray, Colorado, and intermediate points.

In the instant application, he seeks authority to extend his  
operations under said permit to include the transportation of livestock from  
his present radius of fifty miles of Montrose to Denver.

No objections were interposed to the granting of the authority sought.

The financial standing and responsibility of applicant to perform  
the additional service proposed were established to the satisfaction of the  
Commission.

Applicant testified that in his opinion he could transport cattle  
from said Montrose area to Denver and return empty under the present prescribed  
rates of the Commission, and make a financial success of the operation.

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

the opinion, and so finds, that the extended authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Orville Dunlap, of Montrose, Colorado, be, and he is hereby, authorized to extend his operations under Permit B-1899 to include the right to transport livestock, only, from points within a 50-mile radius of Montrose, Colorado, to Denver.

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

Edward E. Dineen

W. D. Danks

Bruce E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VICTOR WARD, 5040 GRANT STREET, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5125-PP

-----  
January 5, 1940.  
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Appearances: George Bauer, Jr., Denver, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company  
and Weicker Transfer & Storage Company;  
Raymond B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Colorado Transfer and Ware-  
housemen's Association, Gallagher  
Transfer and Curnow Livery and Transfer  
Company;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
Capron Transfer and Golden Transfer.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) clay from pits near Lafayette and Broomfield to Denver; (b) sand, gravel and road surfacing materials from pits and supply points within a radius of seventy-five miles of Denver to road construction jobs in said area; (c) cement and bridge-building materials to road construction jobs from nearest rail head, specifically excepting any transportation service in competition with motor vehicle line haul common carriers; (d) coal from mines in the northern Colorado coal fields to Denver, said permit to bear the number "B-1639", said number being the number of a permit heretofore owned by said applicant which was revoked on July 19, 1937.

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 Victor Ward, 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) clay from pits near Lafayette and Broomfield to Denver; (b) sand, gravel and road surfacing materials, from pits and supply points within a radius of 75 miles of Denver to road construction jobs in said area; (c) cement and bridge-building materials to road construction jobs in said area from nearest rail head, specifically excepting any transportation service in competition with motor vehicle line haul common carriers; (d) coal from mines in the northern Colorado coal fields to Denver, said permit to bear the number "B-1639".

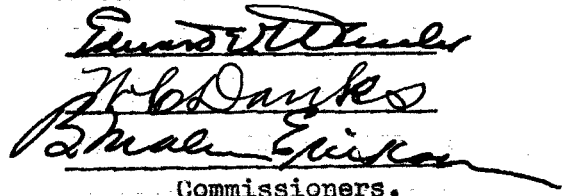
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations limitations and amendments to this permit as to it may seem advisable in the premises.

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 5th day of January, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOHN E. ANDERSON AND SON, FORT )  
COLLINS, COLORADO, FOR AN EXTENSION )  
OF PERMIT NO. B-964. )

APPLICATION NO. 2373-PP-B

-----  
January 5, 1940.  
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Appearances: John E. Anderson, 714 Elizabeth St.,  
Fort Collins, Colorado, pro se;  
Ray BL Danks, Esq., Denver, Colorado,  
for Inter-City Truck Line, The Motor  
Truck Common Carriers Association and  
The Colorado Transfer and Warehousemen's  
Association;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
Yockey Brothers and Jacob J. Schaefer;  
Hodges, Vidal and Goree, Esqs., Denver,  
for Rocky Mountain Parks Transportation  
Company;  
A. J. Fregeau, Denver, Colorado,  
for Welcker Transportation Company.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he was willing to limit the extension sought in the instant case to cover the transportation of ties from the tie creosoting plant near Denver to points within a radius of 25 miles of Fort Collins, Colorado, and to the movement of ditch construction machinery into said area from points not exceeding 40 miles east and south from Fort Collins, and not exceeding 100 miles north and west of Fort Collins, with a restriction that none of said ditch machinery would be transported from the Estes Park area and that no pickups of machinery would be made at Greeley, Colorado.

As so limited, all objections to the granting of the extension sought were withdrawn.

It appeared from the testimony that applicants already had been transporting ties from the creosoting plant at Denver to the Fort Collins

area; that they had been stopped by the motor Patrol and had then been given a special letter of authority pending hearing on the application for extension.

One of the applicants testified that he had always believed they had the right to transport freight back into the Fort Collins area, as well as out of said area. However, outside of the transportation of the above mentioned ties, he could only mention one instance in which freight had been so transported back into the Fort Collins area.

The responsibility of applicants to conduct the proposed extension was established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the testimony at the hearing, the proposed extension should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, That John E. Anderson and Son, Fort Collins, Colorado, be, and they are hereby, authorized to extend their operations under private carrier permit No. B-964 to include the transportation of ties from the tie creosoting plant near Denver to points within a radius of 25 miles of Fort Collins, Colorado, and the transportation of ditch building machinery from points not exceeding a forty-mile radius of Fort Collins on the east and south, and not exceeding a 100-mile radius of Fort Collins on the north and west, to points within a 25-mile radius of Fort Collins; provided, however, that no transportation of said machinery shall be made originating in the Estes Park area, or from Greeley, 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 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.

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. Dink

W. C. Danks

Walter E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of January, 1940.

(Decision No. 14606 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE W. HINKLE. )

PERMIT NO. C-10079

January 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George W. Hinkle of Garden City, Kansas, \_\_\_\_\_,  
requesting that his Permit No. C-10079 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-10079, heretofore issued  
to George W. Hinkle, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*W. D. Danks*  
*William E. Guitman*

Commissioners.

Date at Denver, Colorado,  
this 5th day of January, 1934

(Decision No. 14607 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
PETE SORGENFREI. )

PERMIT NO. C-5066

January 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Pete Sorgenfrei of P. O. Box 1037, Greeley, Colorado,  
requesting that his Permit No. C-5066 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-5066, heretofore issued  
to Pete Sorgenfrei, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten signatures of three commissioners]*  
Commissioners.

Date at Denver, Colorado,  
this 5th day of January, 1940.

R

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

RE MOTOR VEHICLE OPERATIONS OF)  
O. L. McKay. )

PERMIT NO. C-7376

January 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
O. L. McKay \_\_\_\_\_ of 308 Park St., Sterling, Colorado,  
requesting that his Permit No. C-7376 \_\_\_\_\_ 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-7376 \_\_\_\_\_, heretofore issued  
to O. L. McKay, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Emmett J. ...*  
*McDauks*  
*Walter Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 5th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
R. J. HORN, LA SALLE, COLORADO, ) CASE NO. 4779  
CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY NO. 774. )  
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-----  
January 10, 1940.  
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Appearances: James J. Patterson, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On December 14, 1939, the Commission issued its order, directed to R. J. Horn, to show cause, if any he have, by written answer filed with the Commission within ten days from the date thereof, why an order should not be entered herein, suspending or revoking certificate of public convenience and necessity heretofore issued to said respondent, on account of certain charges against him therein set forth, it being alleged that he did not have on file with the Commission a tariff of rates showing the rates and charges to be assessed and collected for the transportation of freight by him; that, during the months of June, July, August and September, 1939, he had accepted, transported and delivered numerous shipments of freight at and for rates lower than and different from rates prescribed by the Commission for such service, and had either failed to issue bills of lading for said shipments, or, when bills had issued, had failed to properly itemize them, as required by Rule 30 of our Rules and Regulations Governing Motor Vehicle Carriers.

The matter was set for hearing in Denver on December 26, 1939, at 2:00 o'clock P.M., notice thereof being contained in said order.

Respondent, although duly served by registered mail with a copy of said order to show cause and said notice, failed to appear, and neglected to answer or otherwise plead.

The matter, after a wait of more than an hour for respondent to

appear, was duly heard. It appeared from the testimony and the records and files of the Commission that said allegations contained in said order to show cause were true; that said respondent does not have a tariff on file with the Commission, as required by our rules and regulations; that he handled freight on flat rates, instead of rates prescribed by the Commission; that bills of lading for inbound shipments failed to show weights and rates charged, and, generally, were so incomplete that the Rate Department was unable to determine therefrom upon what basis freight was handled by respondent; that said bills of lading failed to comply with the provisions of Rule 30 of the Commission, duly promulgated to cover operations of motor vehicle carriers for hire.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the allegations contained in said order to show cause were true; that on account thereof, said certificate of public convenience and necessity, PUC No. 774, of R. J. Horn should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the authority granted to R. J. Horn by the Commission in Decision No. 6687, PUC No. 774, should be, and the same hereby is, cancelled, set aside, revoked and held for naught.

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 J. O'Connell

W. H. Danks

Ernest E. Quinn

Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EMIL AND LENNART WALLDEN, DOING )  
BUSINESS AS HILLTOP-DENVER TRUCK )  
LINE, HILLTOP, COLORADO, CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY 455. )

CASE NO. 4777

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January 10, 1940.  
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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 December 14, 1939, in the above-styled matter, the Commission issued its order, directed to Emil Wallden and Lennart Wallden, doing business as Hilltop-Denver Truck Line, to show cause, if any they have, by written answer filed with the Commission within ten days from the date of said order, why an order should not be entered herein, suspending or revoking their certificate of public convenience and necessity, it being alleged in said order that during the months of June, July, August and September, 1939, said respondent accepted, transported and delivered numerous shipments of freight at and for rates and charges different from the rates and charges prescribed by the Commission for such service, and failed to issue bills of lading in the form required by the Commission, or, in some instances, at all.

Respondents answered, admitting that, until the month of October, 1939, they had failed to issue bills of lading for some commodities handled by them, and, in some instances, had charged rates other than those prescribed by the Commission, it being averred by way of excuse that they were inexperienced operators; that they had charged the same rates as those charged by their predecessors, from whom they lately acquired said operating right, and by other truck operators in the same territory, presuming that such rates were correct

and proper, and had followed generally the same practices with relation to issuance of bills of lading that had been followed by their said predecessors and said truck operators; that, in October, 1939, they were informed by employees of the Commission that they must charge rates in accordance with those set forth in prescribed rate order, and issue bills of lading in the form prescribed by the Commission; that, since that time, they have been complying strictly with the rate order and our rules and regulations.

The hearing did not add anything to the statements contained in the show cause order and answer, except that it appeared from the statement of Mr. O. E. Mayer, of the Commission's Rate Department, that shipments had been charged on the basis of flat rates, instead of weights; that in most instances said method of charging resulted in overcharges, it being difficult, however to determine the exact amounts, due to the fact that weights did not appear on the bills.

The Commission also was impressed with the good faith of Witness Lennart Wallden. He is young and inexperienced, and we believe that statements contained in his answer are true; that he, negligently, failed to acquaint himself with the provisions of our rules and regulations and the rates prescribed in our rate order, and failed to comply therewith on account of ignorance. We believe that respondents will conduct their operations in strict accordance with our rules and regulations in the future to the best of their ability, and therefore:

After a careful consideration of the record, the Commission is of the opinion, and finds, that said case should be dismissed, with a warning to respondents that, should cause for similar complaint arise in the future, a similar action on our part will not follow.

#### O R D E R

IT IS THEREFORE ORDERED, That the instant case 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

Edward D. Dwyer

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. R. WRIGHT UNDER HIS CERTIFI- )  
CATE NO. 1178. )  
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APPLICATION NO. 4055

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January 10, 1940.  
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S T A T E M E N T

By the Commission:

On December 14, 1939, the Commission issued an order, Decision No. 11637-AR, revoking and cancelling Certificate No. 1178 on account of the respondent having failed to file an annual report for the year 1938.

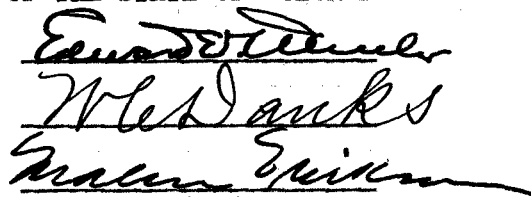
On December 20, 1939, the respondent filed his annual report for the year 1938, and, in a communication addressed to the Commission, stated that he failed to receive a notification of the hearing which was held on October 18, 1939, resulting in the order cancelling his certificate; that the only registered letter that he recalls having received from the Commission was the one which contained the revocation order.

After a careful consideration of the record of this respondent, as disclosed by his file, and the representations as made, together with the filing of his report, 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 contained in Decision No. 11637-AR be, and the same hereby is, set aside and held for naught, and Certificate No. 1178 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
SOLOMON DEINES UNDER HIS CERTIFICATE ) CASE NO. 11591-AR  
NO. 910. )  
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-----  
January 10, 1940.  
-----

S T A T E M E N T

By the Commission:

On December 14, 1939, the Commission issued an order cancelling and revoking PUC Certificate No. 910, on account of the failure of the holder thereof, Solomon Deines, to file his annual report with the Commission as required by the rules and regulations.

This case was called for hearing, and the respondent failed to appear or to file an answer thereto.

On January 3, 1940, the respondent herein filed with the Commission his annual report for the year 1938, and also for the year 1939, and represented to the Secretary of the Commission that he was not advised as to this requirement; that he had been negligent about keeping books, and did not realize the importance of meeting this requirement until making a trip to Denver and being advised by the Secretary of the Commission; and that in the future he would make every effort to keep an accurate account of all of his business and to make annual reports as required, and requested that his certificate be reinstated.

After a careful consideration of the record and the representations made by the respondent, the Commission is of the opinion, and finds, that the failure to file annual reports by this respondent was due to his unfamiliarity with the rules and regulations of the Commission, and not on account of any willful violation, and that the revocation order above referred to should be set aside and Certificate No. 910 restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered in

Case No. 11591-AR on December 14, 1939, should be, and the same hereby is,  
set aside and held for naught, and Certificate No. 910 restored to its  
original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. H. Danks

Max E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY LAUBHAN, BRIGHTON, COLORADO, )  
FOR AUTHORITY TO TRANSFER HIS COMMON )  
CARRIER CERTIFICATE NO. 468 TO THE )  
COLORADO RAPID TRANSIT COMPANY, )  
DENVER, COLORADO. )

APPLICATION NO. 1564-A

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January 10, 1940.  
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Appearances: Henry Laubhan, Brighton, Colorado,  
                  pro se;  
                  V. G. Garnett, Denver, Colorado,  
                  for The Colorado Rapid Transit Company;  
                  A. J. Fregeau, Denver, Colorado,  
                  for Weicker Transfer and Storage Company;  
                  Ray B. Danks, Esq., Denver, Colorado,  
                  for The Motor Truck Common Carriers  
                  Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer Certificate No. 468 to The Colorado Rapid Transit Company, to be operated under said Company's present authority, P. U. C. No. 26.

It appeared from the testimony given at the hearing that the consideration to be paid for this authority was \$1500.00; that there are at the present time no debts outstanding and unpaid as a result of previous operations under Certificate No. 468; that the transferee, at the present time, has four milk routes in the immediate vicinity of the territory now served under Certificate No. 468; that during the past year, on account of extreme drouth and the regulations promulgated by the Milk Administration which regulates the milk supply in the Denver shed, the milk heretofore collected from these Denver routes operated by Henry Laubhan and The Colorado Rapid Transit Company has decreased very materially, and the parties to this transfer have decided that a consolidation would be in the interest of the public and of the transportation lines.

It further appeared that heretofore the transferor had been picking up fifty cans of milk along his route, but that the same had now decreased to thirty-four cans, and that this route is contiguous to routes operated by the transferee, and that in the event a transfer is authorized, the transferee desires to discard Certificate No. 468 and operate this authority along with other rights now operated as Certificate No. 26.

The financial standing and reliability of the transferee were established to the satisfaction of the Commission, it being shown that the unencumbered assets of the Colorado Rapid Transit Company were not less than \$20,000.

No objections were offered to the granting of authority to make this transfer, inasmuch as no competition is involved.

After a 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 transfer Certificate No. 468 to The Colorado Rapid Transit Company, Denver, Colorado.

#### O R D E R

IT IS THEREFORE ORDERED, That Henry Laubhan be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to Certificate No. 468, with authority to transport milk and cream to Denver, Colorado, from the farms situated upon and within one-half mile of the route hereinafter described, and the transportation of farm supplies from Denver to points within one-half mile of said route, described as follows:

"Beginning at the southeast corner of Section 2, Township 1 South, Range 67 West of the 6th P. M., Adams County, Colorado; thence west 6 miles to the southeast corner of Section 2, Township 1 South, Range 68 West of the 6th P.M.; thence one-half mile south to the West quarter-corner of Section 12, Township 1 South, Range 68 West; thence 1 mile east to the East quarter-corner of said Section 12; thence south  $4\frac{1}{2}$  miles to the southeast corner of Section 36, Township 1 South, Range 68 West; thence 1 mile west to the southwest corner of said Section 36; thence 1 mile south to the southwest corner of Section 1, Township 2 South, Range 68; thence west 1 mile to the southwest corner of Section 2, Township 2 South, Range 68 West; thence 1 mile north to the

southwest corner of Section 35, Township 1 South, Range 68 West; thence 1 mile west to the southwest corner of Section 34, Township 1 South, Range 68 West; thence south 10 miles more or less on Pecos Street to Denver, Colorado;"

to The Colorado Rapid Transit Company, Denver, Colorado.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order, shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. U. U. U.*  
*McDanks*  
*Mac*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSEPH R. HANSON, ECKLEY, COLORADO, )  
FOR AUTHORITY TO TRANSFER PRIVATE ) APPLICATION NO. 2699-PP-B-A  
CARRIER PERMIT NO. B-1503 TO C. )  
DALE WOOLERY, ECKLEY, COLORADO. )  
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IN THE MATTER OF THE APPLICATION OF )  
JOSEPH R. HANSON, ECKLEY, COLORADO, )  
FOR AUTHORITY TO TRANSFER PRIVATE ) APPLICATION NO. 4530-PP-AA  
CARRIER PERMIT NO. A-647 TO C. DALE )  
WOOLERY, ECKLEY, COLORADO. )  
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January 10, 1940.  
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Appearances: Joseph R. Hanson, Eckley, Colorado,  
for Transferor;  
C. Dale Woolery, Eckley, Colorado,  
for Transferee.

S T A T E M E N T

By the Commission:

The above-numbered applications were consolidated for the purpose of the hearing.

By Application No. 2699-PP-B-A, authority is sought to transfer Permit No. B-1503, and by Application No. 4530-PP-AA, authority is sought to transfer Permit No. A-647.

It appeared from the testimony given at the hearing that the consideration to be paid for one truck and the two permits above mentioned was \$1800.00.

No outstanding unpaid obligations appear as a result of previous operations under these authorities.

Each of the parties hereto testified that for some time past the transferee has been in charge of operations under these authorities, and has been operating the same in the name of Joseph R. Hanson, and has become familiar with the authorities and the operations thereunder.

The financial standing and reliability of the transferee, C. Dale Woolery, were established to the satisfaction of the Commission, a statement

disclosing his financial standing being made a part of the application and appears to be substantially correct.

After a 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 transferor, in each of the above-numbered applications, to transfer the authorities to C. Dale Woolery, as sought by these applications.

O R D E R

IT IS THEREFORE ORDERED, In Application No. 2699-PP-B-A, that Joseph R. Hanson, of Eckley, Colorado, be, and he hereby is, granted authority to transfer all of his right, title and interest in and to Private Permit No. B-1503, with authority as follows:

"The transportation of livestock, grain, feed, farm supplies, including household furniture, farm machinery, and coal, from point to point within the area described as 20 miles south, 25 miles north, 8 miles east, and 7 miles west of Eckley, Colorado; and the transportation of livestock from and to points in said area to and from sales yards in Yuma and Wray;"

as extended by Decision No. 9848 to include the following:

"The transportation of grain between points in that area around Eckley extending 20 miles south, 25 miles north, 8 miles east, and 7 miles west thereof, and Yuma, Wray and Paoli;"

to C. Dale Woolery, Eckley, Colorado.

IT IS FURTHER ORDERED, In Application No. 4530\*PP-AA, that Joseph R. Hanson, of Eckley, Colorado, be, and he hereby is, authorized to transfer all of his right, title and interest in and to Private Permit No. A-647, to C. Dale Woolery, Eckley, Colorado, with authority as granted in Permit No. A-647, issued April 9, 1934, over regular established routes, as follows:

"Between Denver and Holyoke and intermediate points via U. S. 38 - 6 to Greeley and U. S. 85 to Denver, or via short cut Colo. 81 (now U.S. Highway 6), and between Holyoke and Idalia and intermediate points via Colo. 51, and between Colorado-Kansas line and Denver via Colo. 54 and U.S. 85, or short cut via Colo. 81 (now U. S. No. 6), and between Idalia and Denver and intermediate points via U.S. 36 and U. S. 40."

IT IS FURTHER ORDERED, That said transfers shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permits have been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 is hereby, made a part of the permits 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 D. H. Fisher

W. H. Danks

Malcolm S. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JESS McKINSTER, WATKINS, COLORADO, )  
FOR AUTHORITY TO TRANSFER PRIVATE )  
PERMIT NO. A-36 TO DAVID SMALL, )  
BENNETT, COLORADO. )  
-----

APPLICATION NO. 3371-PP-BB-A

-----  
January 10, 1940.  
-----

Appearances: Charles D. Young, Denver, Colorado,  
for the applicants;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer Private Permit No. A-36 to David Small, Bennett, Colorado.

It appeared from the testimony given at the hearing that the consideration to be paid for this permit was \$700.00; that there were some \$75 or \$80 outstanding unpaid obligations as a result of previous operations under this authority, but that the transferor was prepared to and would pay the same before the transfer was finally consummated.

It further appeared that David Small was a part owner of this authority when it was first granted; that he was familiar with the service heretofore rendered under the same, and was financially able to take over the operation should authority to transfer be 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 should be granted as sought.

O R D E R

IT IS THEREFORE ORDERED, That Jess McKinster be, and he hereby is, granted authority to transfer all of his right, title and interest in and to Private Permit No. A-36 to David Small, of Bennett, Colorado, with authority as follows:

By Decision No. 6988, milk haul from the area-

"One mile east of Watkins, along U. S. 40; thence north eight miles; thence west four miles; thence south eight miles, by way of county roads, and by way of U. S. 40, to Aurora and Denver."

And by Decision No. 8415, grain and livestock from and to the area--

"Extending three miles east, twelve miles north, eight miles west, and five miles south of Watkins, Colorado, to and from Aurora and Denver, Colorado, via county roads within said area and via U. S. 40 to and from Aurora and Denver."

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 is hereby, 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 D. Tucker*  
*W. H. Danks*  
*Wm. S. Sisson*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. A. SAYLOR AND H. L. NILY, COPART- )  
NERS, DOING BUSINESS AS "SAYLOR AND )  
NILY," 121 WEST LAS ANIMAS ST., COLORADO )  
SPRINGS, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS PRIVATE CARRIERS )  
BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 5242-PP

January 10, 1940

Appearances: E. A. Saylor, Colorado Springs,  
Colorado, pro se;  
H. L. Nily, Colorado Springs,  
Colorado, pro se;  
Ray B. Danks, Esq., Denver, Colo-  
rado, for The Motor Truck  
Common Carriers' Association;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Co.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicants seek authority to operate as Class "B" private carriers by motor vehicle for hire, for the transportation of: (a) Sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles thereof, excluding service in Boulder County; (b) Coal from Florence-Canon City and El Paso County coal fields to Colorado Springs; (c) Lime rock to plant of Thomas and Brown Lime Company near Manitou, from quarries within a radius of fifty miles thereof; (d) Fertilizer (non-commercial) from South Park and from points within a radius of twenty-five miles of Colorado Springs, to Colorado Springs.

Protestants consented 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 E. A. Saylor and H. L. Nily, copartners, doing business as "Saylor and Nily", Colorado Springs, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire, for the transportation of: (a) Sand, gravel, and other road surfacing materials from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles thereof, excluding service in Boulder County; (b) Coal from Florence-Canon City and El Paso County coal fields to Colorado Springs; (c) Lime rock to plant of Thomas and Brown Lime Company near Manitou, from quarries within a radius of fifty miles thereof; (d) Fertilizer (non-commercial) from South Park and from points within a radius of twenty-five miles of Colorado Springs, to Colorado Springs.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 a memorandum 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 of 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

David E. Wells

W. L. Danks

Max Erickson

Commissioners.

DATED at Denver, Colorado,  
this 10th day of January, 1940.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BEN HOCHSTETLER, 1340 SOUTH 25TH )  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 5243-PP

January 10, 1940

Appearances: Ben Hochstetler, Colorado Springs,  
Colorado, pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, Keith Truck  
Line, Homer Jessup, Cripple Creek-  
Victor-Colorado Springs Stage Line;  
Chas. D. Young, Denver, Colorado, for  
The Colorado Trucking Association,  
et al.;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Stanley Blunt, Canon City, Colorado,  
for Southwestern Transportation  
Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle, for hire, for the transportation of: (a) Coal from Florence-Canon City, Walsenburg and El Paso County coal fields, to Colorado Springs; (b) mine props and rough lumber from forests within a radius of fifty miles of Colorado Springs to El Paso County coal mines and to Colorado Springs; (c) sand and gravel from pits and supply points within a radius of fifty miles of Colorado Springs to points in said area.

Protestants withdrew 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 Ben Hochstetler, Colorado 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) Coal from Florence-Canon City, Walsenburg, and El Paso County coal fields to Colorado Springs; (b) mine props and rough lumber from forests within a radius of fifty miles of Colorado Springs to El Paso County coal mines and to Colorado Springs; (c) sand and gravel from pits and supply points within a radius of fifty miles of Colorado Springs to points in said area.

IT IS FURTHER ORDERED, That all operations under this permit shall 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 of 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 J. Wheeler  
W. H. Danks  
Wm. E. Spickard  
Commissioners.

DATED at Denver, Colorado,  
this 10th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. J. NICKS, 320 WEST KIOWA STREET, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 5244-PP

-----  
January 12, 1940.  
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Appearances: E. J. Nicks, Colorado Springs, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Raymond Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from El Paso County coal mines and mines in the Canon City-Florence coal fields, to Colorado Springs, and ice from Colorado Springs to points within a radius of three miles thereof.

Protestants consented 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 E. J. Nicks, Colorado 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 coal from El Paso County coal mines and mines in the Canon City-Florence coal fields, to Colorado Springs, and ice from Colorado Springs to points within a radius of three 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.

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 D. Tucker

W. C. Danks

Maer E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HAROLD OWENS, DOING BUSINESS AS "G )  
& D PACKAGE DELIVERY", 703 EAST )  
KIOWA STREET, COLORADO SPRINGS, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. B-2329 TO JOHN E. WYLIE, )  
DOING BUSINESS AS "G & D PACKAGE )  
DELIVERY", ARROW HOTEL, COLORADO )  
SPRINGS, COLORADO. )

APPLICATION NO. 4939-PP-A

-----  
January 12, 1940.  
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Appearances: Harold Owens, Colorado Springs, Colorado,  
pro se;  
John E. Wylie, Colorado Springs, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Raymond Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On April 1, 1939, Harold Owens, doing business as "G & D Package Delivery", was authorized (Decision No. 13320) to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

"packages in shipments of not to exceed fifty pounds  
each to points within a radius of ten miles of Colorado  
Springs, Colorado."

He now seeks authority to transfer said permit to John E. Wylie, doing business as "G & D Package Delivery". He also asks that his deposit of ten dollars to guarantee payment of ton mile tax be transferred to the account of said Wylie.

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 Harold Owens, doing business as

"G & D Package Delivery", should be, and he hereby is, authorized to transfer authority granted to him in Decision No. 13320 (Permit B-2329) to John E. Wylie, doing business as "G & D Package Delivery".

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 is hereby, 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.

IT IS FURTHER ORDERED, That the deposit of ten dollars made by said Harold Owens to guarantee payment of ton mile tax be transferred upon the books of the Commission to said John Wylie.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Weller  
W. Danks  
Max Erick  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FREE OF CHARGE TRANSPORTATION BY )  
THE DENVER AND SALT LAKE RAILWAY COM- )  
PANY FROM PINNACLE AND OAK HILLS, ) MISCELLANEOUS DOCKET NO. 135.  
COLORADO, TO THE DENVER COMMUNITY )  
CHEST, DENVER, COLORADO. )  
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-----  
January 10, 1940.  
-----

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 January 9, 1940, requesting authority to transport two carloads of coal free of charge from Pinnacle and Oak Hills, Colorado, on account of charity.

The shipments in question have been donated by shippers on the line of The Denver and Salt Lake Railway Company to the Epworth Community Center and the Denver Young Women's Christian Association, 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 these requests should be authorized.

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, Colorado, consigned to the Denver Community Chest, in care of the United Fuel and Equipment Company, Denver; and one carload of coal from Oak Hills, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of

the United Fuel and Equipment Company, Denver, Colorado.

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

Edward D. Tucker

W. L. Danks

Walter E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of January, 1940.

JH

Misc. Block 135  
Hest # 14620 dated  
1/18/1940

# THE DENVER AND SALT LAKE RAILWAY CO.

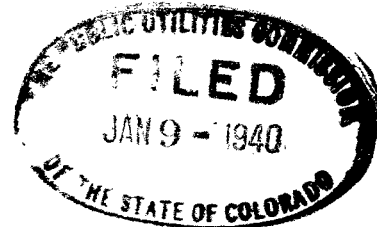
OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

January 9, 1940.

The Public Utilities Commission,  
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 Young Women's Christian Association. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company, Denver.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine 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.  
B

E.

cc - Agent, Denver.

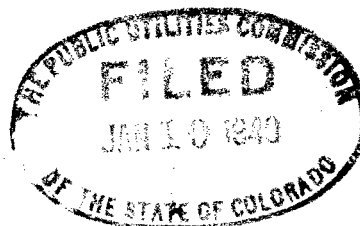
# THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

January 9, 1940.



The Public Utilities Commission,  
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 Epworth Community Center. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company, Denver.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine 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.  
B.

E.

cc - Agent - Denver.

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. 5241-PP

January 11, 1940

Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers' Association, Allumbaugh  
and Williams;

Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking  
Association, W. G. Cressey,  
Joseph Lee, John Green,  
Sillers Brothers;  
Stanley Blunt, Canon City, Colorado,  
for Southwestern Transportation  
Company.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at Colorado Springs on January 3, 1940, at 10:00 o'clock, A. M., due notice of the time and place of setting being served upon applicant.

Notwithstanding said setting and notice, applicant failed to appear at the hearing.

Thereupon, C. D. Young, for The Colorado Trucking Association, et al., all protestants concurring, 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 for lack of prosecution.

O R D E R

IT IS THEREFORE ORDERED, That the above-styled application should 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

Edward D. Wheeler

W. C. Danks

Wm. E. Erickson

Commissioners.

DATED at Denver, Colorado,  
this 11th day of January, 1940.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
T. D. LEECH, OTIS, COLORADO, )  
UNDER PRIVATE PERMIT B-1841. )  
-----

CASE NO. 4772

-----  
January 12, 1940.  
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Appearances: James J. Patterson, Esq., Denver, Colorado,  
for the Commission;  
T. D. Leech, Otis, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On December 11, 1939, the Commission issued a show cause order against the above-named respondent, charging that during the months of June, July, August, and September, 1939, the respondent had transported shipments of freight, issuing bills of lading covering a portion of such shipments only, and not properly itemizing the same by showing the weight, point of origin, point of destination, consignee, and consignor, in violation of Rule 21 of the Rules and Regulations of the Commission Governing Private Carriers by Motor Vehicle; by accepting and transporting freight for shippers without first having them listed as his customers, as required by the provisions of Rule 10 of said Rules and Regulations; by transporting and delivering shipments of freight, collecting rates and charges for such shipments different from and lower than the rates prescribed by the Commission; and by having failed to file with the Commission a schedule or tariff of rates to be charged by him for rendering the transportation service, as required by Section 10, Chapter 120, Session Laws of 1931, as amended, and the Rules and Regulations of the Commission.

It appeared from Exhibit 1, being a memorandum report of Oscar E. Mayer, representing the Rate Department of the Commission, that in checking over the bills submitted by the respondent, he had made a practice of charging 30 cents per hundred weight on all shipments originating in the Otis territory and transported by him to Denver, while the prescribed rate of the Commission is 35 cents on less than truckload lots; and that on the numerous

tickets presented by the respondent, it was disclosed that he had been transporting wheat without showing the weight of the commodity transported, the rate assessed, or the distance hauled.

The respondent admitted that he had made out bills of lading which did not meet the requirements of the Commission; that he had tried to make out bills of lading for all shipments, but that at least one had been lost; that he had tried to show the distance, but had been unable to show the weight on wheat for the reason that he had no way of knowing what the tonnage might be; that he had served some seven customers whose names did not appear on his list of customers filed with the Commission, but remembered making out an additional list of customers in June, 1938, the same being on blank paper and not the printed blanks furnished by the Commission, and was at a loss to know what had become of this amended list of customers; that he had, at the present time, twenty customers listed with the Commission and had seen all of them and had arranged to render service for them; that he did charge 30 cents per hundred on less than truckload lots of freight between the Otis area and Denver up until he was advised by the Commission's Rate Expert that this was an incorrect charge, and that, since being so advised, he was charging the rates prescribed by the Commission.

The respondent further stated that he did not know about the filing of a tariff, but since talking with the Commission's Rate Expert he would have his sister, who was somewhat familiar with this matter, make out the tariff and file the same with the Commission.

This record discloses violations as charged, but after reading the respondent's letter, which appears in his file, and from the testimony given at the hearing, it appears to be more a matter of neglect than of intention to violate any of the Rules and Regulations of the Commission. The respondent was frank about his operations and willing at all times to receive such instructions as might enable him to meet the requirements of the Commission.

After a careful consideration of the record in this case, the

Commission is of the opinion, and finds, that the same should be dismissed, with a warning to respondent that hereafter he must conduct his operations in accordance with the law and our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the instant case should be, and it 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

Eduard T. Dunder

W. L. Danks

Max Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
R. S. AND J. W. RINGSBY, DOING )  
BUSINESS AS JIM'S TRUCK LINE, )  
CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY NO. 805. )

CASE NO. 4769

January 13, 1940

Appearances: James J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
Marion F. Jones, Esq., Denver,  
Colorado, for the Respondents;  
Pershing, Nye, Bosworth & Dick, By  
Harold E. Popham, Esq., Denver,  
Colorado, for the Resurrection  
Mining Company.

S T A T E M E N T

By the Commission:

On November 28, 1939, the Commission issued an order directing an investigation and hearing to determine if the respondents have failed or refused to comply with the rules and regulations of the Commission and the provisions of their certificate, and requiring the respondents to show cause why their certificate should not be suspended or revoked on account of the delinquencies as set forth in the show cause order.

It appeared from the testimony given at the hearing that an investigation was made with respect to the operations of the respondents under their Certificate No. 805, and from such investigation the Commission found that on June 29, 1939, the respondents moved a bowling alley from the Denver Athletic Club, Denver, Colorado, to Colorado Springs, where the same was unloaded and later moved to Victor, Colorado; that this material was moved on one load, weight, 15,930 pounds; that a charge of forty cents per hundredweight, or \$63.72, was made for the movement; that in addition to the transportation charges, the sum of

\$9.00 was charged for payment of three extra men to help unload the bowling alley materials. It further appeared that the prescribed rate of the Commission would be third class and the loose articles rated twenty per cent. more than the packages, making the correct charge which should have been made, \$74.55. There was no dispute about the movement of the bowling alley material, the weight, or the amount paid, which shows that the charge made by the respondents was less than the prescribed rate of the Commission. The records disclose that the respondents did not report the road tax covering this item for the month of June, as should have been done, and the compensation tax due thereon was not paid until shortly before the hearing on this case.

On August 23, 1939, the respondents transported 24,150 pounds of steel rails from the Colorado Fuel and Iron Company's steel mills at Minnequa, Colorado, to the Resurrection Mine located approximately four miles east of Leadville, and on August 24, 1939, transported 34,908 pounds of steel rails from the same mills at Minnequa to the Resurrection Mine located approximately four miles east of Leadville, at a rate of thirty cents per hundredweight; that this service was rendered after Mr. Volkman of the Resurrection Mine had received a bid quoting fifty-three cents per hundredweight to transport this tonnage, by the Denver and Rio Grande Western Railroad; that under date of August 25, 1939, the Resurrection Mine issued its check No. 176 in the amount of \$177.11, payable to the order of Jim's Truck Line, being the charge of thirty cents per hundredweight on a total weight of 59,038 pounds. The rate prescribed by the Commission for the movement of rails from Minnequa to Leadville, thence to the Resurrection Mine, is as follows:

Minnequa to Leadville	159 miles	20 M	30 M	40 M
Leadville to Resurrection	<u>4 miles</u>			
	163 miles	48¢	43¢	39¢
Minnequa to Canon City	<u>43 miles</u>			
	120 miles	<u>11¢</u>	<u>10¢</u>	<u>9¢</u>
		59¢	53¢	48¢

	<u>R A T E</u>		<u>F R E I G H T</u>		
<u>Weight</u>	<u>Charged</u>	<u>- Should be</u>	<u>Collected</u>	<u>- Should be</u>	<u>Undercharge</u>
24,150	30¢	59¢	\$72.39	\$142.57	\$69.98
<u>34,908</u>	30¢	55¢	<u>104.72</u>	<u>185.01</u>	<u>80.29</u>
59,038			\$177.11	\$327.58	\$150.27

The above indicates the amount of undercharge in connection with this transaction, and in reporting the tonnage on respondents' road tax report, a discrepancy occurs in the figuring of mileage between the C F & I plant south of Pueblo and the Resurrection Mine east of Leadville, which discrepancy might easily occur on account of both plains and mountain territory being involved.

On September 18, 1939, the respondents transported a load of furniture from Colorado Springs, Colorado, to Boulder, Colorado, at a flat rate of \$35.00, for Mrs. O'Donnell; that a bill of lading was at some time made out to cover this transaction, showing the weight to be 1500 pounds, at a rate of \$2.30 per hundredweight, plus a pick-up charge of fifty cents. It appears that Wandell & Lowe Transfer Company of Colorado Springs was asked to make a bid on the movement of the O'Donnell household goods from Colorado Springs to Boulder, but after quoting a price on the estimated weight of 3500 pounds, the bid was not accepted, and it was later moved by the respondents. The road tax report for the month of September filed by the respondents shows that the movement was reported to the Commission at a total weight of 1500 pounds.

J. W. Ringsby, one of the respondents, testified that he made an investigation of the O'Donnell movement of household goods, finding one small piano, two rugs, two chairs, one rocker, one kitchen chair, one desk, two lamps, two beds, one dresser, one radio, and two boxes of books, all having been placed in the O'Donnell apartment at Boulder, Colorado, and appeared not to exceed 1500 pounds of furniture, all told; that his representative at Colorado Springs, Ed Cox, handled the rating; that he saw the load as it passed through Denver and believed it was full in front but not so much in the back.

Rodney Armstrong testified that he was an employee of respondents on September 18, 1939; that he had charge of loading the household

goods at Colorado Springs, drove the truck to Boulder and there helped unload, with the assistance of two other men; that it was a full truck-load of household goods,- what he called a "pretty good load" for the truck, which was twelve feet long, stake body, and the back end gate was lowered in order to accommodate all of the furniture; also the tarpaulin was taken off the top on account of the height of the load; that it weighed approximately 6,000 pounds; that he made out a bill of lading, and, following the instructions given him by R. H. Ringsby, listed "one lot of furniture" with no weight mentioned thereon, two copies of which bill of lading were left at Boulder and one copy brought back to Colorado Springs; that he was also told by R. H. Ringsby that the charge to be shown on the bill of lading was \$35.00, and if anyone questioned the bill it would be completed on a weight which would figure \$35.00 based on the rate between Colorado Springs and Boulder; that there were six boxes of dishes, boxes of canned fruit, twenty-five boxes of books, school supplies, mattresses, three stand tables, davenport, more books, piano (small), piano, standard upright, weighing 700 or 800 pounds, bed springs, rugs, linoleum, and dresser; that the boxes above mentioned would weigh from thirty to seventy pounds each.

It further appeared that on August 15, 1939, the respondents moved a shipment consisting of seven cattle and eight calves, weight 8765 pounds, at a rate of thirty-three cents per hundredweight, from Hartsel to Denver, a distance of 121 miles, the correct rate being thirty-six cents; that on August 30, 1939, respondents transported a shipment of eight cattle, weighing 6990 pounds, from Lake George, Colorado, to Denver, at a rate of 32 cents, the correct charge being 51 cents; that on September 5, 1939, respondents transported a load of eleven cattle from Colorado Springs to Denver, on which they assessed a flat rate of \$27.50 for the load, the correct rate on this shipment being  $22\frac{1}{2}$  cents per hundredweight on 6,000 pounds; that on August 14, 1939, respondents transported a load of fourteen cattle, weighing 12,355 pounds, and on August 20, a load of nine cattle, weighing 9,090 pounds, from Colorado Springs to Denver, on the larger shipment assessing a rate of 18 cents

and the same rate on the second shipment. These shipments belonged to the same party and were moved in loads taken six days apart, apparently consolidated to determine the rate to be charged. The Commission's prescribed rate for the smaller shipment would be  $22\frac{1}{2}$  cents per hundredweight.

On October 14, 1939, a shipment of steel rails weighing 61,636 pounds was transported by the respondents from the C F & I mills at Minnequa to the Resurrection Mine east of Leadville, Colorado, the charge being 48 cents per hundredweight, and, on a statement covering the above shipment dated October 17, 1939, the Resurrection Mine paid \$295.85. However, the rate above charged is lower than the prescribed rate of the Commission, as this shipment was not moved on one truckload, the correct rate being, for 40,000 pounds minimum, 48 cents; ~~for 30,000 pounds,~~ 53 cents; and for 20,000 pounds, 59 cents.

The respondents, answering the charges, admit that they have failed to issue proper bills of lading for some of the commodities transported, and have charged rates different from those prescribed by the Commission, and state that on account of their inexperience in the transportation business they were misled into charging the same rates charged by their predecessor, as well as other truck operators in the same territory, presuming that such rates were correct and proper; and further state that after being informed by employees of the Commission that they must charge rates as prescribed by the Commission, regardless of what their predecessor may have done, and regardless of what other truckers may be doing, they have made an honest endeavor to follow the rules and regulations of the Commission. However, the fact remains that some violations by these respondents have not been denied, particularly in connection with the transportation of furniture from Colorado Springs to Boulder, wherein the driver of the truck testified to the weight of the furniture transported, which was several times the amount estimated by one of the respondents, and further, this driver charged that R. S. Ringsby, one of the respondents, directed him to make out the bill of lading covering the furniture transported from Colorado Springs to

Boulder, leaving the weight blank, and that this figure would be inserted later or made out on a statement which would carry the prescribed rate on a tonnage which would correspond to the \$35.00 charge as made.

R. S. Ringsby was present in the hearing room throughout the hearing, and made no effort to explain this particular item of instruction which he gave to the driver at a time when he was the manager and in charge of the office at Colorado Springs. There appears to be no escape from the conclusion that this particular item of transportation service was rendered for Mrs. O'Donnell at a charge of \$35.00, which was very much less than and different from the charge which should have been made, using the actual weight and the prescribed rate of the Commission; and that said undercharge was made wilfully and intentionally.

In connection with the several shipments of livestock, there appears to be a discrepancy between the rates charged and the prescribed rates of the Commission. However, on one of these shipments there was a small overcharge, and on the others there appears to be a slight undercharge. On the several shipments of steel rails from the C F & I steel plant at Minnequa to the Resurrection Mine near Leadville, there was a charge made for this service which was different from and less than the prescribed rates of the Commission. However, it appears that an effort was made at the time, or during the movement of some of these shipments, to ascertain the correct rate to be charged on the minimums hauled. However, there appears to be an undercharge of \$150.27, which has been taken up by the respondents with the management of the Resurrection Mine, looking to a collection of the same.

After a careful consideration of the record, and the testimony given at the hearing in this case, the Commission is of the opinion, and finds, that at least one of these respondents is an experienced operator and should not be permitted to escape responsibility by attributing the violations to the inexperience of his partner and their employees; that from the testimony and the records, files, and exhibits, the allegations contained in the show cause order are true, and the respondents have been guilty of the violations as charged; and that, on

account thereof, the respondents should be required to collect the undercharges for services rendered for the Resurrection Mine, and further, that the authority under which the respondents have been operating, to-wit, Certificate No. 805, should be suspended for a period of sixty days.

O R D E R

IT IS THEREFORE ORDERED, That the respondents be, and they hereby are, required to collect the undercharges due from the Resurrection Mine for services rendered, as disclosed by the record herein, in the amount of \$150.27, and file with the Commission evidence showing this collection, and that the authority held by R. S. and J. W. Ringsby, doing business as Jim's Truck Line, being Certificate No. 805, should be, and the same hereby is, suspended for a period of sixty days from and after the effective date of this order.

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 T. O'Connell

W. L. Danks

Wm. E. Givens  
Commissioners.

DATED at Denver, Colorado,  
this 13th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE FREE TRANSPORTATION OF )  
PASSENGERS UPON THE "POTATO )  
IMPROVEMENT EXHIBIT AND DEMONSTRA- )  
TION TRAIN OF UNION PACIFIC RAIL- )  
ROAD COMPANY. )  
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MISCELLANEOUS DOCKET  
NO. 136.

-----  
January 12, 1940.  
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S T A T E M E N T

By the Commission:

WHEREAS, It appears to the Commission from a communication received from the Union Pacific Railroad Company that said Company proposes to operate within this State on February 1, 2 and 3, a so-called "Potato Improvement Exhibit and Demonstration Train"; and

WHEREAS, Said Union Pacific Railroad Company has requested authority from the Commission to transport free certain passengers upon said train while operating within this State; and

WHEREAS, It appears to the Commission that the object and purposes of said train are of a highly commendable character and intended for the purpose of improving the cultivation and grade of potatoes raised within this State, and that lectures will be delivered upon said train by the experts selected, who will be able to disseminate much valuable information to agriculturists within this State; and

WHEREAS, It further appears that said train will not be operated as a revenue train in any manner, and in the opinion of the Commission the request presents a situation which justifies permitting such free transportation;

After a careful consideration of the record, 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 the Union Pacific Railroad Company be, and it is hereby, authorized to transport free, upon its "Potato

Improvement Exhibit and Demonstration Train", operating within this State on February 1, 2, and 3, 1940, the following mentioned persons, to-wit:

Mr. Carl H. Metzger, Horticulturist, Colorado State College  
Mr. W. J. Henderson, Plant Pathologist, Extension Service  
Mr. Sam C. Campbell, Entomologist, Extension Service  
Mr. Robert Gardner, Agronomist, Experiment Station  
Mr. J. E. Morrison, Assistant Director of Extension  
Mr. Neil Sanborne, Inspection Service, State Department Agr.

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IT IS FURTHER ORDERED, That said operation shall constitute an exception to the provisions of Section 17 of the Public Utilities Act of the State of Colorado, as in sub-section (c) provided.

IT IS FURTHER ORDERED, That this order shall become effective upon the date and the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Weller

W. C. Danko

Malcolm E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. R. McCARTHY, CENTRAL CITY, )  
COLORADO, UNDER HIS PRIVATE )  
CARRIER PERMIT NO. B-2098. )  
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CASE NO. 4774

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January 13, 1940.  
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Appearances: James J. Patterson, Esq., Denver, Colorado,  
for the Commission;  
J. R. McCarthy, Central City, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On December 7, 1939, the Commission issued a show cause order against the respondent herein, charging that during the months of June, July, August and September, the respondent had transported shipments of freight without first issuing the proper itemized bills of lading as required by the provisions of Rule 21 of the Rules and Regulations of the Commission; that during the same period, he had transported shipments of freight without first entering into contracts with the shippers covering his services and without first listing the names of such shippers with the Commission as required by Rule 10; that during the same period, the respondent had transported shipments of freight, assessing and collecting for said service rates and charges different from and lower than the rates and charges prescribed by the Commission for such service; and that the respondent has failed to place on file with the Commission a schedule or tariff of rates and charges to be assessed by him for the rendering of transportation service, as required by Section 10, Chapter 120, Session Laws of 1931, as amended, and the Rules and Regulations of the Commission.

It appeared from the testimony of A. E. Murchie, inspector for the Commission, that during the months of June, July, August, and September, 1939, the respondent had transported 89 loads, and had made out bills of lading for only 13; that he had served customers who were not listed with the Commission

as his customers; and that he had failed to file with the Commission a tariff or schedule of rates as required by Section 10, Chapter 120, Session Laws of 1931, as amended, and the Rules and Regulations of the Commission.

The respondent filed a written answer, wherein he states that he did keep bills of lading covering his transportation of livestock but did not know that uniform bills of lading were required for other commodities; that he listed the names of his customers in most instances before rendering any service for them, but in some cases had forgotten to do so until after he had rendered the service; and that, insofar as the rates were concerned, he had charged the prescribed rates of the Commission as interpreted by him and figured on the mountain and plains scale, to the best of his ability, but that he did not know there was such a rule as the one requiring private carriers to file a tariff. The respondent testified that he did not have blank bills of lading, and that, until receiving the show cause order and making an investigation, he did not understand that it was a requirement of the Commission that all private carriers should prepare bills of lading covering all shipments; that with respect to his failure to keep on file a list covering all of his customers, it was an oversight on his part to omit the names of Clyde Pugh and Snyder & Bohe, but that, in the future, he would see that the names of his customers were forwarded to the Commission before he rendered any service for them. The testimony disclosed that only three customers had been served who were not on his customer lists. The respondent further stated that he had no knowledge whatever of the rule requiring the filing of a tariff, but that he would have the same placed on file with the Commission at an early date.

Exhibit No. 1, being a report of the Commission's rate expert, indicates that from the bills examined he was unable to give any instance of rates being less than the prescribed rates of the Commission. However, these bills of lading were lacking in data, particularly on the item of weight, so that it was impossible to figure any discrepancies as charged by the show cause order.

After a careful consideration of the record in this case, and the testimony adduced at the hearing, the Commission is of the opinion, and finds, that the respondent has been careless about his bills of lading, listing of customers, and filing a tariff, but that no willful intent to violate the rules of the Commission was apparent; that Mr. McCarthy made a satisfactory explanation to the Commission and gave assurance that no violations would occur in the future if it was in his power to prevent the same; that, in our opinion, he will comply with the law and our rules and regulations in the future, and that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, 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

Edward D. Decker

W. C. Danks

Walter E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
M. H. HARDEN, NUNN, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 5248-PP

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January 13, 1940.  
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Appearances: M. H. Harden, Nunn, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, William Stuart, and  
Union Delivery Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer & Storage Company  
and Weicker Transportation Company;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
J. J. Schaefer, Yockey Brothers, et al.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport live turkeys to and from points within a 150-mile radius of Greeley, Colorado.

It appeared from the testimony given at the hearing that the applicant is a farmer, residing some five miles northwest of Nunn, Colorado; that in his immediate vicinity, farming has resulted in almost a complete failure of crops this year on account of extreme drouth, and the applicant stated that he sought this authority in order to be able to earn enough money to carry him through the winter; that he had a contract with the Jerpe Commission Company, Greeley, Colorado, to transport live turkeys from farms within a 150-mile radius of Greeley, at a fixed charge of 10 cents per running mile for each mile traveled in connection with this service.

W. C. Cline, traffic manager for the Jerpe Commission Company, testified that his company had contracted, during the spring of 1939, to purchase 300,000 turkeys from various producers residing in eastern Colorado, and that, at the present time, they had C. C. Ankeney hauling turkeys, he having been authorized by the Commission to render this class of service, and

that his three trucks were busy all of the time; also, Marion Hall was picking up turkeys for them, using two trucks, and that in addition to these two truckers, he had contacted a number of others in an effort to get additional help, for the reason that his company had a hundred and fifty pickers employed, and that his duty as traffic manager was to see that there was a supply of live turkeys on hand at all times sufficient to keep the pickers busy; that the rate paid for this service was ten cents per running mile from the time the truck left Greeley to the time it returned with a load of turkeys; that he had experienced dissatisfaction with the service of common carriers, for the reason that they were busy with other calls and invariably were unable to start out on a trip within a reasonable time after being notified; that he had not been with the firm any great length of time and did not know of any one soliciting the services of the Union Delivery Company; that he did call at the Weicker depot at Greeley and they bid \$42.00 for a trip which he proposed but they did not make a deal for the reason that this was too high, and for the further reason that he was advised that the Weicker equipment would have to come from Denver to Greeley before starting the trip, and this consumed more time than they cared to spend waiting for an operator to undertake the trip. Mr. Cline further stated that many of the growers had requested the company to send the same driver who handled the turkeys the year previous, he being able to grade turkeys at ranch, and had tried to call some of those operators who had served his company the year previous, but they could not serve; that service required of driver is something more than transportation service alone. However, they desired to patronize authorized carriers only, but wanted persons having necessary qualifications to get the proper for-hire authority. They proposed to pay the prescribed rates of the Commission if the 10 cents per running mile was found to be less than any rate which might be prescribed by the Commission.

Protestants requested that the decision in Application No. 5195-PP be made a part of the record, and moved that the instant application be denied for the reason that the applicant had failed to show that the present authorized common carrier service was not adequate. Protestants requested that the testimony

given by M. S. Weber at the hearing on Application No. 5195 be made a part of the record, which was granted, the testimony of M. S. Weber given in the above numbered application being in substance as follows:

M. S. Weber, manager of The Union Delivery Company, Greeley, Colorado, holder of Certificate No. 354, testified that his authority included the transportation of turkeys from points within a radius of 150 miles of Greeley; that they had, in the conduct of their business, five trucks, all of which were needed in order to meet the public demand, and that a number of these trucks were available for the transportation of live turkeys; that they had solicited the Jerpe Commission Company and stood ready to take care of any demands which this firm might have; that they needed this business in order to maintain the present standard of efficiency and ability to render service to the public, and, although they never had enjoyed the business, that to grant authority as sought by this applicant would impair their ability to so maintain this equipment. Mr. Weber further stated that ten cents per car mile was not sufficient compensation for this service, but had never declined any demand for service to transport this commodity.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that it is true that heretofore the Commission has denied a similar application on the ground that there was at the present time adequate common carrier service to meet this public demand in the Greeley area, and that to grant additional authority might impair the efficiency of at least one common carrier and make this carrier less able to maintain his present standard of equipment. However, the fact remains that in the instant application it is shown, and not denied, that the Jerpe Company is at the present time using the two private carriers authorized to transport live turkeys in this area to their capacity, and in an effort to keep their plant moving continuously, day and night, were experiencing trouble in getting adequate specialized carrier service to supply the plant with live turkeys as fast as they were needed; and had gone to the Greeley depot of the Weicker

Transportation Company, which is also Union Delivery Depot, and were unable to get equipment at the time without waiting until equipment was moved from Denver to Greeley, which was not in time to satisfy their immediate needs; that though application for same authority was denied a year ago, Union Delivery Company did not get the business, and there is no indication that it will get said business if this application is denied, and that in the instant application, authority should be granted to the applicant as sought.

O R D E R

IT IS THEREFORE ORDERED, That M. H. Harden, Nunn, 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 live turkeys to and from points within a 150-mile radius of Greeley, Colorado, for the Jerpe Commission Company.

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 necessary tariffs and 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 D. O'Connell

W. H. Danks

Maen Epixra  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY HAYHURST, DOING BUSINESS AS )  
LAS ANIMAS TRANSFER COMPANY, FOR AN )  
EXTENSION OF CERTIFICATE NO. 254. )  
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APPLICATION NO. 1018-B  
(Amended order)

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January 13, 1940.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the Applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Colorado Transfer and  
Warehousemen's Association, C. H.  
Cornelius, Jackson Transfer and  
Storage Company, Ralph T. Preston,  
Dallas Transfer and Storage Company  
and Johnson Moving and Storage Company;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On November 10, 1939, Decision 14295, the Commission issued an order granting certain extensions to Certificate No. 254.

It has now been brought to the attention of the Commission that an error was made in said decision by omitting, in sub-paragraph (c) of the order, the words "except household goods and office fixtures" from and to points in the described part of Bent County to and from points in the State of Colorado.

After a careful consideration of the record made in this application, the Commission is of the opinion, and finds, that the exception "household goods and office fixtures" should apply to all in and out authority granted; that this exception is specifically mentioned in the findings contained in said decision; and that the order should be amended accordingly.

O R D E R

IT IS THEREFORE ORDERED, That sub-paragraph (c), at the top of page 7 of the order contained in Decision No. 14295, should be, and the same

hereby is, amended to read as follows:

- "(c) The transportation of freight, except household goods and office fixtures, to and from points in the described part of Bent County from and to points in the State of Colorado; provided, however, that this authority shall not include the transportation of freight from points on US Highway No. 85 and US Highway No. 50, except scheduled service between Las Animas and Pueblo as provided in sub-paragraph (a) above."

IT IS FURTHER ORDERED, That in all other respects the order contained in Decision No. 14295 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. T. Danks

W. L. Danks

Maxim E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARMOND GOODMAN, FLEMING, COLORADO, )  
FOR AUTHORITY TO TRANSFER CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY NO. 819 TO LA NEAR FRANK, )  
DAILEY, COLORADO. )  
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APPLICATION NO. 2349-A

IN THE MATTER OF THE APPLICATION OF )  
LANEAR FRANK, DAILEY, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5090-PP

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January 13, 1940.  
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Appearances: Charles D. Young, Denver, Colorado,  
for the applicants;  
Raymond Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Woods Truck Line and  
Leamon Resler;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On January 21, 1936, Armond Goodman was authorized to operate as  
a common carrier by motor vehicle for hire for the transportation, not on  
schedule, of:

- "(1) general freight, including livestock, from  
point to point within a radius of 15 miles of  
Fleming, Colorado;
- (2) livestock, used farm machinery and used house-  
hold goods from and to points in said area to  
and from points in the area bounded on the  
north and east by the Colorado state line, on  
the south by U. S. Highway No. 40 North, and  
on the west by U. S. Highway No. 285;
- (3) occasional loads of farm produce from points  
in said first named area to Sterling; save and  
except that applicant is not to transport any  
merchandise ordinarily handled by retail stores,  
or household goods between points served by  
line haul common carriers."

He now seeks authority to transfer said certificate of public  
convenience and necessity, P.U.C. 819, to La Near Frank.

It appeared at the hearing herein that the consideration for the transfer of the certificate is the sum of \$200.00; that said Frank is an experienced trucker, and has net assets approximately of the value of \$1000.00; that there are no outstanding unpaid obligations against said operation.

It further appeared that said Frank has filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire, Application No. 5090-PP; that said Frank, in writing, has asked that said application be dismissed if the transfer here sought is authorized.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought to transfer said certificate should be granted, and that said private carrier application No. 5090-PP should be dismissed.

#### O R D E R

IT IS THEREFORE ORDERED, That Armond Goodman, Fleming, Colorado, should be, and he hereby is, authorized to transfer certificate of public convenience and necessity No. 819 to La Near Frank, Dailey, Colorado.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order, shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

IT IS FURTHER ORDERED, That the tariff of rates, rules 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 this Commission.

IT IS FURTHER ORDERED, That Application No. 5090-PP 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

Edward J. O'Brien

W. L. Danks

Wm. E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES H. PIERCE, EMPIRE, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 5245-PP

-----  
January 16, 1940.  
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Appearances: Chas. H. Pierce, Empire, Colorado,  
pro se;

A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;

Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Curnow Livery and  
Transfer Company;

Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
Gately Motor Company and South Park  
Transportation Company, and Grand  
County Transfer Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport junk  
and scrap iron between points within a 50-mile radius of Empire, Colorado.

It appeared from the testimony of the applicant that at the present  
time he was operating under Commercial Permit No. C-6528, buying scrap iron  
and delivering the same to foundries in and around Denver; that he picked up  
most of the junk from mines in the mining districts west of Denver and moved  
the same to the foundries in Denver and in the suburbs of Denver; that in  
connection with this business of gathering up scrap iron, the applicant had become  
quite proficient in sorting and classifying iron, as required by foundries  
before it can be delivered in truckload lots; that knowing how to sort and  
classify scrap iron to the satisfaction of the foundries which are listed  
customers of the applicant, he had been employed by them to go to the junk

yards in Denver and there sort and classify scrap iron, which was later moved to the foundry, most of the foundries being in Denver, one being two miles north of the city limits on U. S. Highway No. 6; that at the present time he knew of no one else skilled in this business of classifying scrap iron inasmuch as the foundries invariably called upon him to examine the same before allowing it to be moved to the foundry; and that, when sorting the same, it would be to the interests of all concerned if he had authority to move the same from the junk yards in Denver to the foundries outside.

Fred Stern, representing The Colorado Iron Equipment Company, Ed Carr, representing The Standard Equipment and Metal Company, and Abe Pringle, of The Western Iron and Foundry Company, were present, and it appeared that their foundries utilize the service of the applicant to classify scrap iron before the same is moved to their foundries for use. Some of them use their own trucks to move the iron to the foundry but prefer to hire the applicant, not only to classify, but to move, the same.

It further appeared that the Weicker Transfer and Storage Company had moved some of this iron from yards in Denver to the foundry outside, and that other carriers were authorized to render the same service. No objections were offered to any movement of scrap iron and junk by this applicant so long as such movements from yards in Denver to foundries outside were made of such scrap iron, only, as the applicant himself classified.

After a 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 applicant, limited as indicated by the testimony above mentioned.

#### O R D E R

IT IS THEREFORE ORDERED, That Charles H. Pierce, of Empire, 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 junk and scrap iron between points within a radius of fifty miles of Empire,

Colorado; provided, however, that he shall not transport scrap iron from Denver to foundries or other points outside of Denver except where he, himself, classifies such scrap iron.

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 necessary tariffs and required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eugene D. Oliver  
W. L. Danks  
Maureen E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
OLIVER MOSHER. )

PERMIT NO. C-9271

January 17, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Oliver Mosher \_\_\_\_\_ of 713 Indiana, Trinidad, Colo.,  
requesting that his Permit No. C-9271 \_\_\_\_\_ 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-9271 \_\_\_\_\_, heretofore issued  
to Oliver Mosher, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Daniels*  
*W. D. Danks*  
*Malcolm Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 17th day of January, 1940.



(Decision No. 14632 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN JACOBS, JR. )

PERMIT NO. C-8413

January 17, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
John Jacobs, Jr. of Route 1, Box 256, Boulder, Colorado,  
requesting that his Permit No. C-8413 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-8413, heretofore issued  
to John Jacobs, Jr., be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Jenkins*  
*Harold Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 17th day of January, 1940. ~~1939~~

(Decision No. 14633

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
 LYLE BROWN. )

PERMIT NO. C-9357

January 17, 1940

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Lyle Brown \_\_\_\_\_ of 1619 - 7th Ave., Greeley, Colo.,  
requesting that his Permit No. C-9357 \_\_\_\_\_ 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-9357, heretofore issued  
to Lyle Brown, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward A. Clark*  
*W. C. Danks*  
*Charles E. Egan*  
Commissioners.

Date at Denver, Colorado, this 17th day of January, 1940 ~~xxxx~~ 193

(Decision No. 14634 )

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

RE MOTOR VEHICLE OPERATIONS OF)

EARL E. SHIPLEY. )

PERMIT NO. C-8673

January 17, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....

Earl E. Shipley ..... of Idaho Springs, Colorado .....

requesting that his Permit No. C-8673 ..... 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-8673 ....., heretofore issued

to Earl E. Shipley, ..... be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Daniels*  
*W. H. Danks*  
*Malcolm E. Pickens*  
Commissioners.

Date at Denver, Colorado,  
this 17th day of January, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

H. E. PHELPS. )

PERMIT NO. C-8912

January 17, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. E. Phelps of Rifle Colorado,  
requesting that his Permit No. C-8912 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-8912, heretofore issued  
to H. E. Phelps, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Thomas*  
*W. E. Danks*  
*Maxim Epstein*  
Commissioners.

Date at Denver, Colorado,  
this 17th day of January, 1940. 193x

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

J. O. V. WISE. )

PERMIT NO. C-5358

January 17, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
J. O. V. Wise \_\_\_\_\_ of Route 1, Lafayette, Colo.,  
requesting that his Permit No. C-5358 \_\_\_\_\_ be cancelled  
as of June 3, 1939.

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-5358 \_\_\_\_\_, heretofore issued  
to J. O. V. Wise, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled, as of June 3, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dwyer*  
*Wes Danks*  
*Malcolm E. Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 17th day of January, 1940  
193

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. F. BRENNER, OF IDALIA, COLO- ) PERMIT NO. B-1497  
RADO. )  
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-----  
January 17, 1949.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permit holder, requesting that his permit No. B-1497 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 W. F. Brenner should be, and hereby is, allowed to suspend his operations under Permit B-1497 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said W. F. Brenner 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

*Edward V. O'Connell*  
*W. L. Danks*  
*Malcolm Epstein*  
Commissioners

Dated at Denver, Colorado,  
this 17th day of January, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. A. JACKSON, INC. ) P.U.C. No. A-855  
 )  
 )  
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-----  
January 17, 1940  
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S T A T E M E N T

By the Commission:

On January 4, 1940 ~~1939~~, by order of the Commission, Decision  
No. 14579, C. A. Jackson, Inc. of Box 151, Sterling,  
Colorado was given authority to suspend operations under  
PUC No. A-855 for a period of six months with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing private carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. A-855 be, and the same hereby is,  
restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard W. Danks*

*Wesley Danks*

*Marion E. Jackson*

Commissioners

Dated at Denver, Colorado,  
this 17th day of January, 1940 ~~1939~~.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EARL E. WHITE, IDAHO SPRINGS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
PRIVATE CARRIER PERMIT NO. A-818 )  
TO FRANCIS TUCK, IDAHO SPRINGS, )  
COLORADO. )  
-----

APPLICATION NO. 5247-PP-A

-----  
January 16, 1940.  
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Appearances: Earl E. White, Idaho Springs, and  
Francis Tuck, Idaho Springs, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for The Weicker Transfer and Storage  
Company;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer Private Permit No. A-818 to Francis Tuck, Idaho Springs, Colorado.

It appeared from the testimony given at the hearing that the consideration to be paid for this permit is \$300.00; that there are no outstanding unpaid obligations as a result of previous operations under this authority.

The transferee stipulated that he did not intend to use this authority in the conduct of any operations between towns along the line of scheduled common carriers, and particularly did not intend to render any transportation service between Idaho Springs and Denver in competition with the Curnow Livery and Transfer Company's authority, but that what he intended to do was to transport ore and concentrates from mines in Gilpin and Clear Creek Counties to Leadville, Boulder, and Colorado Springs, and to transport mining machinery and mining supplies back to mines in the mining district around Idaho Springs, being substantially the same service rendered by the transferor under this authority to customers in Clear Creek and Gilpin Counties.

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 given at the hearing, the Commission is of the opinion, and finds, that the authority should be granted as sought, and the authority more definitely described and limited in accordance with the testimony of transferee and the stipulations.

O R D E R

IT IS THEREFORE ORDERED, That Earl E. White, Idaho Springs, Colorado, be, and he hereby is, authorized to transfer all of his right, title, and interest in and to Private Permit No. A-818 to Francis Tuck, Idaho Springs, Colorado, with authority as follows:

The transportation of ore and concentrates from the mines in Clear Creek and Gilpin counties, to Boulder, Leadville, and Colorado Springs, with a back haul of mining machinery and mining supplies to mines in said counties from said towns, only, and without the right to serve intermediate points.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 is hereby, 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 D. Dinkler

W. C. Danks

Wesley E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. F. AWMILLER, BRUSH, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 5254-PP

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January 17, 1940.  
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Appearances: C. F. Awmiller, Brush, Colorado,  
                  pro se;  
                  A. J. Fregeau, Denver, Colorado,  
                  for Weicker Transfer and Storage  
                  Company;  
                  Charles D. Young, Denver, Colorado,  
                  for The Colorado Trucking Association,  
                  William F. Ackley, Harry Atteberry and  
                  Frank Kronkow.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of wet beet pulp from beet sugar factory at Brush to points within a radius of twenty-five miles of Brush.

Protestants withdrew objection to the granting of the authority sought.

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 C. F. Awmiller, Brush, 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 wet beet pulp from beet sugar factory at Brush to points within a radius of twenty-five miles of Brush.

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 necessary tariffs and 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 now or hereafter may 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

Eduard E. T. C. C. C.

W. C. Danks

Walter E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EARL O. BAIRD, STERLING, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )

APPLICATION NO. 5251-PP

-----  
January 17, 1940.  
-----

Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant, Earl O. Baird, who, on October 18, 1939, filed his application for a permit to operate as a private carrier by motor vehicle for hire, failed to appear at the time and place set for the hearing of said application, to-wit, at Sterling, on January 9, 1940, at 9:30 o'clock A. M., although served with due notice thereof.

Thereupon, at said time and place, protestants 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 motion should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the above-styled application 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

*Edward J. O'Connell*  
*W. B. Danks*  
*William E. Erisman*  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JESSE BEVERLIN, WRAY, COLORADO, FOR )  
AUTHORITY TO TRANSFER HIS PRIVATE )  
PERMIT B-1353 TO R. M. KOHLMAN, )  
VERNON, COLORADO. )

APPLICATION NO. 4712-PP-B-A

-----  
January 17, 1940.  
-----

Appearances: R. M. Kohlman, Vernon, Colorado,  
pro se;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking  
Association;  
Raymond Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Leamon Resler and Woods  
Truck Line.

S T A T E M E N T

By the Commission:

On March 3, 1936, Decision No. 7307, Jesse Beverlin was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

farm products, including livestock, and farm supplies, including used furniture, farm machinery and building materials, from point to point within a radius of 15 miles of Idalia, Colorado, and the transportation of livestock from points in said area to Wray, and feed from points in said area to Wray and Burlington,

and Permit No. B-1353 issued to him.

He was also authorized to operate as a Class "B" private carrier, in interstate commerce, for the transportation of:

feed from points within a radius of 15 miles of Idalia, Colorado, to points on the Colorado-Kansas state line where it is intersected by U. S. Highway 36 and Colorado Highway 34 respectively, and points on the Colorado-Nebraska state line where it is intersected by U. S. Highway No. 138,

subject to the provisions of the Federal Motor Carrier Act of 1935, and Permit No. B-1353-I issued to him.

On November 1, 1938, Decision No. 12541, said Permit No. B-1353

was extended to include the right to transport:

livestock from points within a radius of fifteen miles of Idalia to Denver.

He now seeks authority to transfer said permits to Raymond M.

Kohlman, Vernon, Colorado.

At the hearing, it developed that the consideration for sale of said authority is the sum of \$150.00; that said Kohlman is an experienced operator, pecuniarily able to carry on the proposed operation; that he, on April 16, 1937, was authorized to operate as a Class "B" private carrier by motor vehicle for hire (Decision No. 9821) for the transportation of:

farm products, including livestock, from point to point within a radius bounded by State Highway No. 54 (U. S. Highway No. 34) on the north, and from points in said area to markets at Wray, Eckley, Yuma, Laird and Burlington, and the transportation of used household goods from farm to farm within said area, excepting town to town movements in competition with service of scheduled line haul motor vehicle common carriers.

At the hearing, he stated that, primarily, he wanted to acquire the Beverlin permit in order to have authority to haul livestock to Denver; that Vernon is substantially fifteen miles north of Idalia, his present authority and that of Beverlin overlapping; that he does not know of any reason why the two authorities should not be combined and operated as one permit; that line haul service is not authorized under either permit, so our rule against linking operating rights so as to extend carrier's route will not apply.

Carriers appearing at the hearing did not object to the proposed transfer.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, and that said Kohlman hereafter should be authorized to unite said operating authorities under one permit, No. B-1923.

#### O R D E R

IT IS THEREFORE ORDERED, That Jesse Beverlin should be, and he hereby is, authorized to transfer Permit No. B-1353, with authority as hereinabove set forth, to R. M. Kohlman, Vernon, Colorado.

IT IS FURTHER ORDERED, That Jesse Beverlin should be, and he hereby is, authorized to transfer, subject to the provisions of the Federal Motor Carrier Act of 1935, Permit No. B-1353-I, to R. M. Kohlman, Vernon, Colorado.

IT IS FURTHER ORDERED, That said R. M. Kohlman may consolidate said operations with his present permit No. B-1923, the consolidated intra-state operations to be conducted under Permit No. B-1923, and the interstate operations to be conducted under Permit No. B-1923-I.

IT IS FURTHER ORDERED, That said transfers shall become effective only if and when, but not before, said transferee and transferor, in writing, have advised the Commission that said permits have been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 is hereby, made a part of the permits 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 17th day of January, 1940.

(Decision No. 14643 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR SPUHLER. )

PERMIT NO. C-10920

January 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Arthur Spuhler of 1848 Larimer, Denver, Colo.,  
requesting that his Permit No. C-10920 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-10920  
to Arthur Spuhler, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*W. E. Danks*  
*Max E. Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 19th day of January, 1940

(Decision No. 14644 )

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

RE MOTOR VEHICLE OPERATIONS OF)

EDWARD HYATT. )

PERMIT NO. C-10117 )

January 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Edward Hyatt \_\_\_\_\_ of 1524 Lowell Blvd., Denver, Colo.,

requesting that his Permit No. C-10117 \_\_\_\_\_ 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-10117 \_\_\_\_\_, heretofore issued

to \_\_\_\_\_ Edward Hyatt, \_\_\_\_\_ be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. H. Danks*  
*Walter E. Erickson*  
Commissioners.

Date at Denver, Colorado, this 19th day of January, 1940, 193



(Decision No. 14646) ✓

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FREE OF CHARGE TRANSPORTATION BY )  
THE DENVER AND SALT LAKE RAILWAY COM- ) MISCELLANEOUS DOCKET NO. 137  
PANY FROM OAK HILLS, COLORADO, TO THE )  
DENVER COMMUNITY CHEST, DENVER, COLO. )  
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January 17, 1940.  
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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 16, 1940, requesting authority to transport one carload of coal free of charge from Oak Hills, Colorado, on account of charity.

The shipments in question have been donated by shippers on the line of The Denver and Salt Lake Railway Company to the Community Chest Office Building, an agency of 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.

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 United Fuel & Equipment Company, Denver, Colorado.

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

Edward E. Turner

W. L. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of January, 1940.

JH

M.D. 137  
Dec. 14646**THE DENVER AND SALT LAKE RAILWAY CO.**

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

January 16



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

Gentlemen:

One of the operators on our line has donated one earload of coal to the Denver Community Chest for use of the Community Chest Office Building. This car will be consigned to the Denver Community Chest in care of the United Fuel & Equipment Company, Denver.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine 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,

A handwritten signature in cursive script that reads "F. J. Toner".  
Traffic Manager.

15

E.

cc - LLP

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ADDITIONAL TRIPS TO SOUTH CHEYENNE )  
CANON AND SEVEN FALLS IN CONNECTION ) INVESTIGATION AND SUSPENSION  
WITH OTHER TRIPS OUT OF COLORADO ) DOCKET NO. 233.  
SPRINGS OR MANITOU, COLORADO. )  
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December 28, 1939.  
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APPEARANCES: J. A. Carruthers, Esq., Mining Exchange Bldg.,  
Colorado Springs, Colorado;  
J. E. Nolon, Esq., Grand and Canon Ave.,  
Manitou, Colorado;  
Conour and Conour, Attorneys-at-law,  
Del Norte, Colorado.  
Mr. J. G. Shabough, 280 Manitou Avenue,  
Manitou, Colorado.  
G. Russell Miller, Esq., Exchange National  
Bank Bldg., Colorado Springs, Colo.;  
Mr. Walter Colburn, 15 W. Bijou St.,  
Colorado Springs, Colo.  
J. C. Hungerford and J. F. Bennett, Esqs.,  
Mining Exchange Bldg., Colo. Springs, Colo.  
Mr. D. B. Snouffer, 716 W. Cucharas St.,  
Colorado Springs, Colo.  
Mr. L. E. Dicks, 3172 W. Kiowa St.,  
Colorado Springs, Colo.  
Mr. J. M. Thompson, 16 E. Pikes Peak Ave.,  
Colorado Springs, Colo.  
Marion F. Jones, Esq., Sugar Bldg.,  
Denver, Colorado.  
Mr. T. S. Wood, State Office Bldg.,  
Denver, Colorado.  
Mr. M. W. James, 322 No. Foote Ave., Colo. Springs, Colo.

S T A T E M E N T

By the Commission:

By schedules filed to become effective on the 30th day of August, 1939, The Antlers Livery and Taxicab Company, by G. H. Krause, its Vice President, proposed certain changes in fares for sightseeing trips out of Colorado Springs and Manitou, Colorado, which had the effect of reducing the fares on certain trips.

Upon complaint, the Commission suspended the operation of the said schedules until the 28th day of December, 1939, and assigned same for hearing at the City Hall in Colorado Springs, Colorado, on October 18, 1939, which hearing was postponed until November 15, 1939.

At the hearing on November 15, 1939, Mr. Krause requested per-

mission to withdraw the suspended schedules and in lieu thereof offered a new proposal. The proposed new schedules were approved by all of the protestants, thereby eliminating any further cause of action in this proceeding:

The proposed schedules are as follows, viz.:

"Trip No. 47 - South Cheyenne Canon - Seven Falls:

(1) Except as otherwise provided for herein, when handled in connection with any scheduled trip using North Cheyenne Canon, except trip No. 43, which is described as Cheyenne Mountain, High Drive, Garden of the Gods, no additional transportation charge will be assessed.

(2) When handled in connection with the following trips,

(A) Any Pikes Peak trip by automobile

(B) Colorado Springs and Suburbs.

\$1.00 per passenger not traveling in an organized party.

\$ .50 " " traveling in any organized party.

Such fares and provisions to apply only on continuous trips."

Upon consideration of all the facts we are of the opinion, and so find, that the suspended schedules should be cancelled, and in lieu thereof the proposed schedules hereinbefore set forth should be established.

#### O R D E R

IT APPEARING, That, after consideration of all the facts, the Commission has on the date hereof made and filed a statement containing its findings of fact and conclusions thereon, which said statement is hereby referred to and made a part hereof;

IT IS THEREFORE ORDERED, That defendant, The Antlers Livery and Taxicab Company be, and it is hereby, notified and required to cancel said suspended schedules, on or before February 10, 1940, and in lieu thereof to establish the schedules set forth in the statement contained herein on or before February 10, 1940, 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, and that this  
proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. T. Dwyer

Wes Danks

Walter Epison  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1939.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION PACIFIC RAILROAD COMPANY FOR )  
AUTHORITY TO ABANDON ITS AGENCY AT )  
ORCHARD, MORGAN COUNTY, COLORADO. )

APPLICATION NO. 5260

January 17, 1940

Appearances: E. G. Knowles, Esq., Denver, Colorado,  
for Union Pacific Railroad Company;  
M. S. Richeson, C. Fox and C. D. Groves,  
Orchard, Colorado, pro se, and  
for the Town of Orchard.

S T A T E M E N T

By the Commission:

The Union Pacific Railroad Company, on December 19, 1939, filed its petition with the Commission for leave to close, on January 19, 1940, its station at Orchard, which is located 33.4 miles easterly of La Salle, 7.1 miles easterly of Masters, and 3.5 miles westerly of Goodrich, in Morgan County, Colorado. The petition recited that notice of discontinuance of all service at said station on and after January 19, 1940, had been posted on the bulletin board in its depot building at Orchard.

Notice of the proposed action by the Railroad was forwarded by the Commission to the Board of County Commissioners of Morgan County, G. C. Card, General Chairman, O. R. T., Overton, Nebraska, James J. Rae, Chief Clerk, Railway Mail Service, Denver, H. M. Peyton, Railway Express Agency, Omaha, Nebraska, and proprietors of eight business establishments in Orchard, the matter being set for hearing in Denver on January 15, 1940.

The proposed discontinuance of station service was protested, in writing, by M. S. Richeson, Orchard Power, Light, Water & Gas Company, G. D. Groves and Son, Foster Lumber Company, Fox Garage, J. G. Overman,

C. A. Carlson, and H. J. Gearhart. The Railway Express Agency and Railway Mail Service consented, in writing, to the closing of said station.

At the hearing, it appeared that Orchard is a small town of one hundred to two hundred people; that it is the center of a somewhat extensive farming and livestock community; that, at one time, it furnished considerable freight business, but in recent years, on account of drouth conditions, very little farm freight has been moving. It also appeared that most of the l. c. l. freight into and out of Orchard is being handled by trucks, the total l. c. l. business for 1939 at Orchard amounting to the sum of \$185.84, there also being twenty-eight carloads of freight handled during same period; that the North Eastern Motor Freight furnishes a daily l. c. l. freight service, which, although Railroad also furnishes daily l. c. l. freight service, seems to be patronized by most shippers because delivery of freight by Railroad pickup and delivery agent in Orchard is delayed a few hours.

It also appeared that Orchard is not an agency station; that it is handled by an operator, who is on duty from 1:00 o'clock P. M. until 10:00 o'clock P. M.; that the operator does not handle tickets, bill freight, or collect freight charges; that the discontinuance of the station will not change the method of handling freight or passengers; that outgoing freight now must be billed at Goodrich or Masters, incoming freight being prepaid; that about the only additional inconvenience to the patrons of the railroad will be the absence of a heated station in winter, although coal and wood will be left in the station so that patrons desiring to remain there may build a fire; that keys for stockyards will be in the custody of section foreman; that, in the opinion of the Railroad, too many agencies are maintained in the immediate vicinity of Orchard to justify maintenance of agency or telegraph station at Orchard; that Railroad will restore agency station at Orchard if sufficient business develops; that Masters, which, as heretofore stated, is located 7.1 miles west of Goodrich, at this time is handled by a student agent; that the Railroad, if Orchard station is closed, proposes to re-

place student at Masters by operator at Orchard, Masters being more centrally located between LaSalle and Fort Morgan where night offices now are maintained, and will more conveniently serve the requirements of the Railroad for movement of trains, telegraph stations also being maintained at Kersey, Harden, and Walden; that the actual saving in money to be effected is small, but expense would be increased considerably if an operator were placed at Masters without discontinuing operator service at Orchard.

Witnesses testifying in opposition to the discontinuance of said operator service at Orchard conceded that most of the l. c. l. freight is being handled by truck, and that probably the business handled in and out of Orchard is not large enough in volume to cover the cost of agency service, but thought that the Railroad was discriminating against Orchard in favor of other communities, one witness stating that Orchard citizens would have no objection to the proposed action of the Railroad if all the stations between Fort Morgan and LaSalle were discontinued.

This position, of course, presents clearly the proposition that, after all, the closing or maintenance of Orchard station is a matter for managerial discretion. While the Commission, if it were controlled by its feeling in the matter, might say that some other station or stations should be closed, and may sympathize with the people of Orchard in their desire to have Orchard continue to be maintained by the Railroad as a station point, still the management believes, after careful consideration from a train-operating standpoint, the requirements of the Railroad will be better served by having an operator at Masters instead of at Orchard. We cannot say, upon the record, that such decision or proposed action is arbitrary, and unless we can so find under the law, we are required to allow the Railroad to make the change. This conclusion also seems to be necessary in view of the decision of the Railroad management since the hearing to provide custodian service at Orchard.

After a careful consideration of the record, the Commission

is of the opinion, and finds, that Union Pacific Railroad Company should be authorized to close its station at Orchard, Colorado, on and after January 19, 1940.

O R D E R

IT IS THEREFORE ORDERED, That the Union Pacific Railroad Company be, and it hereby is, authorized to discontinue its operator or agency service at Orchard, Colorado, and to close said station on and after January 19, 1940.

IT IS FURTHER ORDERED, That this order be, and it hereby is, made effective as of date January 17, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Daniels

W. C. Danks

Wm. E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 17th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF WILLIAM M. MATHEWS, DENVER,  
COLORADO, FOR AUTHORITY TO TRANSFER  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY NO. 464 TO FRED REIN  
TRUCK LINE.

APPLICATION NO. 1537-A

January 20, 1940

Appearances: Albert E. Sherlock, Esq., Denver, Colorado,  
for the Applicants;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado, for  
The Motor Truck Common Carriers'  
Association;  
Chas. D. Young, Denver, Colorado, for  
The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
certificate of public convenience and necessity No. 464.

It appeared from the testimony given at the hearing that the  
transferor and transferee had entered into an agreement whereby the  
latter is to take over the authority now held by the transferor, said  
authority to be consolidated with the transferee's present authority,  
Certificate No. 527, in case the transfer is approved by the Commission,  
and operated under the name of Fred Rein Truck Line; that the considera-  
tion to be paid for this authority and a 1½ ton Dodge truck is \$1500.00;  
that there are no outstanding unpaid obligations as a result of previous  
operations under Certificate No. 464, and that the transferee is finan-  
cially able to conduct the operation along with his present authority  
if this transfer is consummated.

It further appeared that the transferor is at the present time  
serving a dozen very substantial customers along the route described in

Exhibit "D" attached to the original application, wherein Certificate No. 464 was granted, and that the transferee has made arrangements to take care of all of these customers and conduct a similar business as heretofore rendered by the transferor.

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

#### O R D E R

IT IS THEREFORE ORDERED, That William M. Mathews, Denver, Colorado, should be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to Certificate No. 464 to Fred Rein, Sr., doing business as Fred Rein Truck Line, Denver, Colorado, with authority to transport milk and cream from a certain territory located in Adams County, Colorado, more particularly described in Exhibit "D" attached to the original application, to Denver, Colorado, and for the transportation of grain, seeds, and farmers' supplies from Denver to farmers located within said territory, the territory or route being described in the instant application for authority to transfer as follows:

Beginning at the "center of Section 18, Tp. 2 S., R. 67 W., North  $5\frac{1}{2}$  miles through the center of Sections 7 and 6, Tp. 2 S., R. 67 W., Sections 31, 30, and 19, Tp. 1 S., R. 67 W., East 1 mile, South  $2\frac{1}{2}$  miles, East  $1\frac{1}{4}$  miles, thence Northeast on River Road  $\frac{1}{4}$  mile to the Southwest corner of the Denver Farm; East  $\frac{1}{2}$  mile, Southeast  $\frac{1}{4}$  mile, Southwesterly along West side of South Platte River to the Southeast corner of the NE  $\frac{1}{4}$  of Sec. 25, Tp. 2 S., R. 68 W., South 1 mile, West  $\frac{1}{4}$  mile, Northwest  $\frac{1}{2}$  mile, North 1 mile, East  $\frac{1}{2}$  mile, North  $\frac{1}{4}$  mile, Northeast to the North center line of Sec. 19, Tp. 2 S., R. 67 W., North  $\frac{1}{2}$  mile to point of beginning;" —

the authority, when so transferred, to be consolidated with and operated as a part of Certificate No. 527, the number "464" to be abandoned.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Taylor

W. L. Danks

Wm. Episkop  
Commissioners.

DATED at Denver, Colorado,  
this 20th day of January, 1940.