

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 5249-PP

January 22, 1940.

Appearances: Everitt McKenzie, Nederland, Colorado,
for J. D. McKenzie;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Norman Rhyno.

S T A T E M E N T

By the Commission:

This application was called for hearing at ten o'clock on
January 5, 1940, and again at twelve o'clock, the applicant not appearing.

Those appearing for the protestants moved that the application
be dismissed for lack of prosecution. Two protestants made a trip from
Boulder to testify as to the adequacy of present service in the territory
to be served by the applicant herein.

The record shows that the applicant did hold Permit B-1007, which
was cancelled after the suspension date fixed in an order had expired.

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 for lack of prosecution.

O R D E R

IT IS THEREFORE ORDERED, That the motion interposed by protestants
to dismiss this application 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 E. O'Connell

W. C. Danks

Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 22nd day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE IUNGERICH, FORT MORGAN,)
COLORADO.)

CASE NO. 11606-AR
P.U.C. NO. 963

January 22, 1940.

S T A T E M E N T

By the Commission:

On December 14, 1939, the Commission issued an order revoking and cancelling Certificate No. 963 on account of the respondent's having failed to file his annual report covering the year 1938.

The record now shows that on December 20, 1939, the respondent filed an annual report for the year 1938, containing such information as he was able to present, and that this report has been checked by the auditor for the Commission.

After a careful consideration of the record and the report as filed, 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 entered in Case No. 11606-AR, cancelling Certificate No. 963, should be, and the same hereby is, set aside and held for naught, and said certificate restored to its original status as of December 14, 1939.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard E. O'Connell
W. L. Danks
Malcolm Epstein
Commissioners.

Dated at Denver, Colorado,
this 22nd day of January, 1940.

(Decision No. 14652)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JAMES VITULLO.)

PERMIT NO. C-10133

January 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
James Vitullo _____ of 527 W. 7th, _____ Pueblo, Colorado,
requesting that his Permit No. C-10133 _____ 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-10133 _____, heretofore issued
to _____ James Vitullo, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien
W. E. Danks
Malcolm G. Johnson
Commissioners.

Date at Denver, Colorado,
this 23rd day of January, 1940. XXXXX

R

(Decision No. 14653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
T. W. WALKER, DOING BUSINESS AS)
MRS. 'MART'S PO-FLAKES.)
)
)
)
.....)

PERMIT NO. C-10086

.....
January 23, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. W. Walker, doing
business as Mrs. Mart's Po-Flakes of 515 Walnut Sterling, Colorado,
requesting that his Permit No. C-10086 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-10086, heretofore issued
to T. W. Walker, doing business as Mrs. Mart's Po-Flakes, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene D. Thomas
W. H. Danks
Malcolm E. Erickson
Commissioners.

Date at Denver, Colorado,
this 23rd day of January, 1940, 193x.

(Decision No. 14654)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WES FLEMING.)

PERMIT NO. C-10077

Jan. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Wes Fleming of Yampa, Colorado,
requesting that his Permit No. C-10077 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-10077, heretofore issued
to Wes Fleming, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
W. D. Ash
Malcolm E. Pickett
Commissioners.

Date at Denver, Colorado,
this 23rd day of January, 1940, ~~193~~

(Decision No. 14655)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. E. ROBERTS.)

PERMIT NO. C-9858

January 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
R. E. Roberts _____ of Grand Junction, Colorado _____,
requesting that his Permit No. C-9858 _____ 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-9858 _____, heretofore issued
to _____ R. E. Roberts, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund D. O'Connell
W. H. Danks
Malcolm E. Peterson
Commissioners.

Date at Denver, Colorado,
this 23rd day of January, 1940, 193

R

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

RE MOTOR VEHICLE OPERATIONS OF)
ARCHIE ELLIS.)

PERMIT NO. C-9845

Jan. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Archie Ellis of Canon City, Colorado,
requesting that his Permit No. C-9845 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-9845
Archie Ellis,
to _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. T. Smith
McDank
Malcolm Garrison
Commissioners.

Date at Denver, Colorado,
this 23rd day of January, 1940. ~~xxx~~ 193

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

EDWIN HUFFMAN.

PERMIT NO. C-10693

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Edwin Huffman of 4122 King, Denver, Colo.,
requesting that his Permit No. C-10693 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-10693, heretofore issued
to Edwin Huffman, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. L. Danks
William E. Piskin
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 193x

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED E. MARTINEZ.)

PERMIT NO. C-9270

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Fred E. Martinez of Alamosa, Colorado,
requesting that his Permit No. C-9270 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-9270, heretofore issued
to Fred E. Martinez, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
W. C. Davis
Malcolm E. Erickson
Commissioners.

Date at Denver, Colorado,
this 24th day of Jan., 1940, 1939.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CENTRAL COAL & OIL CO.)

PERMIT NO. C-9475

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Central Coal & Oil Co., _____ of 2001 Blake St., Denver, Colo.,
requesting that his Permit No. C-9475 _____ 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-9475

IT IS THEREFORE ORDERED, That Permit No. _____, heretofore issued
to _____ Central Coal & Oil Company, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel D. Brown
W. L. Danks
Marion E. Smith
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 193xxx.

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

RE MOTOR VEHICLE OPERATIONS OF)
FRANK BUNTEN.)

PERMIT NO. C-6879

January 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Frank Buntten of Canon City, Colorado,
requesting that his Permit No. C-6879 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-6879, heretofore issued
to Frank Buntten, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel D. Danks
McDanks
Malcolm G. Green
Commissioners.

Date at Denver, Colorado,
this 24th day of Jan., 1940, 193

(Decision No. 14661)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ROYAL A. WOOD.

PERMIT NO. C-7053

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Royal A. Wood _____ of Route 1, Clifton, Colo.,
requesting that his Permit No. C-7053 _____ 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-7053 _____, heretofore issued
to Royal A. Wood, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Utter
W. D. Banks
Maureen E. Wilson
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940 ~~1939~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

William E. Jeffers.)

PERMIT NO. C-9816

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

William E. Jeffers of 214 E. B. St., McCook, Nebraska,
requesting that his Permit No. C-9816 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-9816
William E. Jeffers,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Turner
Wesley Danks
Malcolm Erickson
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
EVERETT BROWN.)

PERMIT NO. C-9537

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Everett Brown of Sunshine Star Route Gold Hill, Colo.,
requesting that his Permit No. C-9537 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-9537 heretofore issued
Everett Brown,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
Wesley R. Smith
Maxim G. Sierm
Commissioners.

Date at Denver, Colorado,
this 24th day of Jan., 1940, 193.

(Decision No. 14664)

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

RE MOTOR VEHICLE OPERATIONS OF)
E. E. HOSKIN, DOING BUSINESS)
AS HOSKIN'S IRON & METAL CO.)
)
)
.....)

PERMIT NO. C-9582

.....
Jan. 24, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. E. Hoskin, doing
business as Hoskin's Iron & Metal Co., of Burlington, Colorado,
requesting that his Permit No. C-9582 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-9582, heretofore issued
to E. E. Hoskin, doing business as Hoskin's Iron & Metal Co., be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel E. O'Connell
W. E. Danks
Malcolm E. Johnson
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 193
~~xxx~~

(Decision No. 14665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

H. R. MELDRUM.)

PERMIT NO. C-9655

January 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

H. R. Meldrum

Route 2

Delta, Colo.

of

requesting that his Permit No. C-9655 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-9655, heretofore issued

H. R. Meldrum,

to be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel E. Tucker
W. H. Danks
Malcolm E. Johnson
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 193.....

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

RE MOTOR VEHICLE OPERATIONS OF)
EARL G. SMITH.)
)
) PERMIT NO. C-9432
)
)
)
.....)

.....
Jan. 24, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Earl G. Smith of Minturn, Colorado
requesting that his Permit No. C-9432 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-9432 heretofore issued
to Earl G. Smith, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
W. C. Danks
Malcolm E. Peterson
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 193.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

FLINT MERCANTILE CO.)

PERMIT NO. C-3152

Jan. 24, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Flint Mercantile Co. of 1611 Market St., Denver, Colo.,
requesting that his Permit No. C-3152 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-3152
Flint Mercantile Co., be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dwyer
W. H. Jackson
Malcolm E. Pison
Commissioners.

Date at Denver, Colorado,
this 24th day of January 24, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM F. BINGER.)

PERMIT NO. C-5362

January 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
William F. Binger of Ordway, Colorado,
requesting that his Permit No. C-5362 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-5362, heretofore issued
to William F. Binger, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Thomas
W. E. Danks
Malcolm E. Packer
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940. ~~1935~~

(Decision No. 14669)

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

RE MOTOR VEHICLE OPERATIONS OF)
GENERAL FOOD SALES CO., INC.)
)
)
)
.....)

PERMIT NO. C-6177

.....
Jan. 24, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication fromthe General
Food Sales Co., Inc., of 1863 Wazee St., Denver, Colo.,
requesting that his Permit No.C-6177..... 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-6177
the General Food Sales Co., Inc.,
to..... be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dineen
W. C. Janks
Malcolm E. Quinn
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940. ~~XXXX~~ 1935

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

RE MOTOR VEHICLE OPERATIONS OF)
JOHN ALLGIRE.)

PERMIT NO. C-7678

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
John Allgire of 2109 Perry Denver, Colo.,
requesting that his Permit No. C-7678 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-7678, heretofore issued
John Allgire,
to _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund J. Danks
W. C. Danks
Malcolm E. Pierson
Commissioners.

Date at Denver, Colorado, Jan., 1940
this 24th day of _____, 193

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

RE MOTOR VEHICLE OPERATIONS OF)
H. L. BAILEY.)
)
)
)
)
.....)

PERMIT NO. C-7787

.....
Jan. 24, 1940.
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
H. L. Bailey of Rt 3, Box 58, Greeley, Colorado,
requesting that his Permit No. C-7787 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-7787, heretofore issued
to H. L. Bailey, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Edward D. Bailey
Wes Danks
Marion E. ...
Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1940.

(Decision No. 14672)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAKE BACA.)

PERMIT NO. C-8692

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
_____ Jake Baca _____ of 1019 Arroya _____, Pueblo, Colorado
requesting that his Permit No. C-8692 _____ 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-8692 _____, heretofore issued
to _____ Jake Baca, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
W. C. Parks
Malcolm E. Giverson
Commissioners.

Date at Denver, Colorado, this 24th day of January, 1940, 1940.

(Decision No. 14673)

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

RE MOTOR VEHICLE OPERATIONS OF)
W. S. HOWARD.)
)
)
)
-----)

PERMIT NO. C-7972

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from -----
W. S. Howard ----- of Walden, Colorado, -----,
requesting that his Permit No. C-7972 ----- 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-7972 -----, heretofore issued
to W. S. Howard, ----- be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene W. Daniels
W. S. Danks
Malcolm Epstein

Commissioners.

Date at Denver, Colorado,
this 24th day of Jan., 1940, 193.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. M. WILSON.)

PERMIT NO. C-10655

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
B. M. Wilson of 214 E 9th Ave., Winfield, Kansas,
requesting that his Permit No. C-10655 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-10655
B. M. Wilson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
Wesley Danks
Charles E. Erickson
Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 1930.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

H. A. SCHAAF.

PERMIT NO. C-10361

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
H. A. Schaaf of Rt 1, Box A-39, Durango, Colo.,
requesting that his Permit No. C-10361 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-10361, heretofore issued
to H. A. Schaaf, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker
Wes Danks
Malcolm Erickson

Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. M. HAZELBAKER.)

PERMIT NO. C-9849

Jan. 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
R. M. Hazelbaker _____ of South West City, Missouri _____,
requesting that his Permit No. C-9849 _____ 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-9849 _____, heretofore issued
to _____ R. M. Hazelbaker, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Daniels
W. C. Danks
Walter H. Hinson

Commissioners.

Date at Denver, Colorado,
this 24th day of January, 1940 XXXX
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES M. IGOU, HUGO, COLORADO)
)
)
)
.....)

PERMIT NO. C-2927

.....
January 24, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Charles M. Igou of Hugo Colorado,
requesting that his Permit No. C-2927 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-2927, heretofore issued
to Charles M. Igou, of Hugo, Colorado be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard J. W. W. W.
W. C. Danks
Walter H. H.

Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
P. J. DILLON, 418 North 11th)
Ave., Greeley, Colorado.)
_____) PERMIT NO. C-2608

January 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from P. J. Dillon,
418 N. 11th Avenue of Greeley, Colorado,
requesting that his Permit No. C-2608 be cancelled,
as of January 17, 1940.

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-2608, heretofore issued
to P. J. Dillon, 418 North 11th Ave., Greeley, Colorado, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
W. E. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
OLIVER EARNSHAW, DENVER,)
Colorado.)
PERMIT NO. C-2333

January 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Oliver Earnshaw
of Denver, Colorado,
requesting that his Permit No. C-2333 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-2333, heretofore issued
to Oliver Earnshaw, 3426 Downing, Denver, Colorado be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. McClure
Walter Danks
Walter E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 19 40.

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

RE MOTOR VEHICLE OPERATIONS OF)
E. J. ALTENREAD.)
)
)
)
)
.....)

PERMIT NO. C-1950

.....
January 24, 1940.
.....

S T A T E M E N T

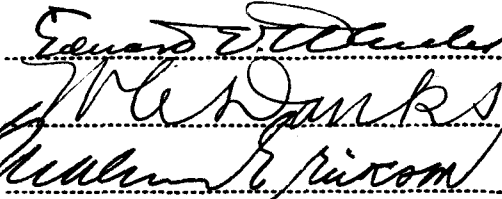
By the Commission:

The Commission is in receipt of a communication from
E. J. Altenread of Colorado Springs, Colorado
requesting that his Permit No. C-1950 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-1950, heretofore issued
to W. E. J. Altenread, 1824 Monument, Colorado Springs, Colo. 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)
ED MEINTZER, LOVELAND, COLO.) PERMIT NO. C-9395
)
)
)
.....)

.....
Jan. 24, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
..... Ed Meintzer of Loveland, Colorado
....., requesting that his Permit No. C-9395 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-9395 heretofore issued
to Ed Meintzer, 553 Harrison Ave., Loveland, Colorado, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Edward J. Meintzer
Wesley Danks
William Nixon
.....
Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
C. H. BATSON, COLORADO.) PERMIT NO. C-10210.
)
)
)
.....)

.....
January 24, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
C. H. BATSON of Fraser, Colorado,
requesting that his Permit No. C-10210 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-10210 , heretofore issued
to C. H. Batson, Fraser, Colorado, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. E. Danks
Marion Spickard
Commissioners.

Dated at Denver, Colorado,
this 24th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

ROCKY MOUNTAIN MOTOR COMPANY,)
a Corporation,)
THE ROCKY MOUNTAIN PARKS)
TRANSPORTATION COMPANY,)
a Corporation,)
THE DENVER CAB COMPANY,)
a Corporation,)

Petitioners,)

v.)

FRANK S. SNELL, JR., and)
JOSEPH G. SHABOUH, doing)
business as Pikes Peak)
Auto Livery,)

Respondents.)

CASE NO. 4722

PETITION FOR REHEARING

January 23, 1940

Appearances: Hodges, Vidal and Goree, Esqs.,
Denver, Colorado, for
Petitioners;
Worth Allen, Esq., Denver, Colo-
rado, for The Colorado Sight-
seeing Association;
Conour and Conour, Esqs., Del
Norte, Colorado, for
Respondents.

S T A T E M E N T

By the Commission:

On November 17, 1939, Decision No. 14353, the Commission made its order vacating that portion of order dated July 15, 1939, which suspended the right and privilege of Frank S. Snell, Jr., and Joseph G. Shabouh, co-partners, doing business as "Pikes Peak Auto Livery," to operate under the certificate of public convenience and necessity acquired from David Mannison, known as PUC 140, and the authority acquired from the Argonaut Garage Company, known as PUC 79, for a period of one year from and

after the effective date of said order or any supplemental orders issued herein, and further provided that the payment of \$200.00 made by said respondents on September 1, 1939, be accepted in full and complete satisfaction of the penalty imposed in said order and decision, No. 13751, dated July 15, 1939.

Thereafter, on December 7, 1939, a petition for rehearing was filed by Rocky Mountain Motor Company, Rocky Mountain Parks Transportation Company, and The Denver Cab Company, seeking a reconsideration and rehearing of the matters determined by the Commission in said Decision No. 14353, and alleging some ten specific grounds as reasons therefor.

The first ground alleged is the statement that "No fine or penalty under the provisions of Section 61 of the Public Utilities Act has been paid to the Commission by respondents herein." In response to this allegation, the Commission would call attention to a statement in said Decision No. 14353, beginning at the top of Page 2, wherein it is alleged:

"Thereafter, on September 1, 1939, said respondents exercised the election permitting the payment of said penalty and paid to the Commission the sum of \$200.00."

The further allegations allege, inter alia, that there is no evidence in the record justifying our Decision No. 14353; no findings of fact to support the same, and that said decision is against the law and the evidence. It is further alleged that respondents are seeking a review of said original decision in the instant matter, No. 13751, by filing an application for a writ of review in the District Court of El Paso County, and that said proceeding is still pending; that our Decision No. 14353 prejudices the rights of petitioners to raise the question in said review proceedings as to whether or not the Commission had authority to provide that in lieu of the suspension order, a fine or penalty could be paid, and that by the entry of said order, we have interfered with the jurisdiction of the District Court of El Paso County.

It is further alleged that we were without any authority to

change our original decision without a showing of changed conditions affecting the public, occurring since said decision was originally entered.

It is further alleged that by said Decision No. 14353, the Commission has determined that it has full power to assess a fine or penalty in Case No. 4722, which, it is alleged, is beyond the Commission's jurisdiction to determine.

As pointed out in said Decision No. 14353, the purpose of said decision was to remove the apparent possibility that respondents might suffer a dual penalty in said matter; that we consider the payment of said sum of \$200.00 to be in full satisfaction of the penalty imposed and in lieu of the suspension of said certificates. We are of the opinion that we have not exceeded our jurisdiction or infringed upon the rights of either of the parties to this action in our order of November 17, 1939. The original order which provided for the one year suspension, or in lieu thereof the payment of said penalty of \$200.00, clearly indicated the attitude of the Commission that the payment of the penalty was intended to remove the imposition of and to be in lieu of the penalty of suspension, and we are of the opinion that jurisdiction remains with the Commission to alter, amend or correct its orders to conform to the facts.

The original order providing that in lieu of suspension, a penalty of \$200.00 might be paid, is just as much a finding on the part of the Commission that we have jurisdiction to impose a penalty, as was our decision of November 17, 1939. We concede that the ultimate question as to whether or not we have authority to impose a penalty in lieu of revocation or suspension of a certificate, is a judicial question that can only be determined by a court, but we fail to see why this fact would prevent the Commission, in the first instance, from assuming that it did have such authority. The amendment of Decision No. 13751 by our Decision No. 14353, presents a somewhat analogous situation to that developed in Application 736-B, Decision No. 13846, wherein the Commission, on July 12, 1939,

denied a petition for rehearing after amending an order (Decision No. 13754) of date March 28, 1939, the only distinction between the two matters being the fact that in the instant case, it is alleged that an appeal had been taken to court before we made our order of amendment.

We might point out that our order of November 17, 1939, was only made after a hearing with due notice to all interested parties, and that Section 49 of Chapter 137, 35 C.S.A., Vol. 4, Page 522, provides:

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

and that Section 326 of Chapter 16, 35 C.S.A., Vol. 2, Page 225, provides:

"All provisions of the Public Utilities Act of the State of Colorado (Chapter 137), and all acts amendatory thereof or supplemental thereto, shall, insofar as applicable, apply to all motor vehicle carriers subject to this provision of this sub-division."

We might further point out that while it may be true that the petitioners had filed an appeal in the District Court of El Paso County from our original order of July 17, 1939, no process, writ, or summons had been served on the Commission indicating such an appeal prior to our order of November 17, 1939, nor, as a matter of fact, subsequent to said date. Certainly, service of process would at least be necessary to deprive the Commission of jurisdiction.

It is true that if our amended order stands, it may preclude petitioners from raising the question in court of the right of the Commission to impose a penalty in lieu of suspension of a certificate. However, if the court holds that we have no right to make such amendment, then petitioners' rights will be in no way prejudiced. We do not feel that petitioners' rights to review our authority to impose a penalty, which, as pointed out in Decision No. 14353, is now pending before the Supreme Court in the case of North Eastern Motor Freight, Inc., v. Oren L. McKay, is of any greater importance than the possibility of respondents

having to suffer a dual penalty, which it was not the intention of the Commission to impose.

After a careful consideration of said petition for rehearing, the Commission is of the opinion, and so finds, that no good purpose would be served by granting the same.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed by petitioners herein on December 7, 1939, should be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler

W. D. Danks

Maureen E. Eason
Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOE HUDSON.

PERMIT NO. C-7362

Jan. 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Joe Hudson of Montrose Colorado

requesting that his Permit No. C-7362 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-7362, heretofore issued
to Joe Hudson, Route 3, Montrose, Colorado be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Thomas
Wesley J. Parks
William E. Johnson
Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
E. E. SHOEMAKER.)
)
)
)
)
.....)

PERMIT NO. C-555

.....
January 26, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
E. E. Shoemaker of Grand Junction, Colorado,
requesting that his Permit No. C-555 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-555....., heretofore issued
to E. E. Shoemaker, Route 1, Grand Junction, Colorado, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniel
W. L. Danks
William E. Quinn
.....
Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1940.

(Decision No. 14686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. W. THOMPSON.

PERMIT NO. C-6262

January 26, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

W. W. Thompson of Leadville, Colorado,

requesting that his Permit No. C-6262 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-6262....., heretofore issued
to W. W. Thompson, 213 East 3rd, Leadville, Colorado be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
John A. Danks
William E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1940.

(Decision No. 14687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

Ernest and Matt Trinaistich.

PERMIT NO. C-6850

January 26, 1940.

STATEMENT

By the Commission:

The Commission is in receipt of a communication from _____
 Ernest & Matt Trinaistich _____ of Trinidad _____, Colorado _____,
 requesting that his Permit No. _____ C-6850 _____ 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. C-6850, heretofore issued to Ernest & Matt Trinaistich, Box 305, Trinidad, Colorado, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM H. REUTER.) PERMIT NO. C-9224
)
)
)
.....)

.....
January 26, 1940.
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
William H. Reuter of Kittredge, Colorado
requesting that his Permit No. C-9224 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-9224....., heretofore issued
to William H. Reuter, Box 7, Kittredge, Colorado be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Eugene E. Wheeler
Wes Danks
Arthur Nickerson
Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. L. McKAY FOR A CERTIFICATE OF) APPLICATION NO. 2487
PUBLIC CONVENIENCE AND NECESSITY.)

January 26, 1940.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for applicant;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Ray B. Danks, Esq., Denver, Colorado,
for The Colorado Transfer and Ware-
housemen's Association, North Eastern
Motor Freight, Inc., and North Eastern
Freight Company.

S T A T E M E N T

By the Commission:

The original application as filed herein, sought a certificate of
public convenience and necessity authorizing, -

"the transportation of used household furniture and
office equipment out of, into, and between points
in Logan County, Colorado, in irregular service."

On August 12, 1937, Decision No. 10482 was entered by the Commission
granting applicant the authority sought with the exception that it was provided
that applicant should not conduct any service of a competitive character
between points now authorized to be served by North Eastern Motor Freight,
Inc., except Sterling and Denver. However, said Decision 10482 was entered
prematurely and was set aside on October 20, 1939, by Decision 14189, and said
application was set for further hearing on November 2, 1939. Prior to said
further hearing, an amendment to the application was filed, seeking additional
authority to conduct a general cartage business in the city of Sterling and
within a five-mile radius thereof.

At the hearing on November 2, 1939, no objections to the proposed
amendment were interposed, and applicant testified as to the public convenience
and necessity to be served by said proposed amendment. It does not appear

that any authority now exists at Sterling for such service and there appears to be a public demand for same.

Opposition to the granting of authority to move household furniture and office equipment out of, into, and between points within Logan County, in irregular service, developed. J. R. Arnold, president of North Eastern Motor Freight, Inc., testified that his company could meet all demands for the movement of used household furniture and office equipment between Sterling and Denver, and had bought special equipment to handle this kind of business; that he had trailer arrangements with Weicker and Brooks companies and felt that any further authority was not needed.

Roy J. Robertson, who operates under common carrier certificate No. 707, Sterling to Julesburg, and intermediate points, testified that he had never refused any shipments of used household goods or office furniture; that he had ample equipment to handle any movements between Sterling and Julesburg and felt there was no need for further authority along that line.

Testimony on behalf of the Johnson Storage and Moving Company, operating out of Denver under Certificate 333, was to the effect that they had three pieces of van equipment and had never turned down any reasonable request to move used household furniture or office equipment; that they would go to Sterling and move furniture to Burlington or any other point, and while they would lose money on the shipment, nevertheless they opposed the granting of any authority to move used household furniture and office equipment in Logan County. To the same effect was the testimony of witnesses for the Bekins Moving and Storage Company, Weicker Transfer and Storage Company, and the A.B.C. Transfer Company.

We do not believe that anyone living in Logan County should be compelled to call an operator in Denver in order to have a shipment of used household goods or office equipment transported out of Logan County. As stated by Mr. Johnson, such an operation would result in a loss to the carrier, and we believe that it is unreasonable to expect that residents of a county the size of Logan and the distance same is situated from Denver, should be

compelled to call a Denver operator for transportation of that kind. Undoubtedly, ample service now exists for the movement of used household furniture and office equipment from outside points to Logan County. However, the record does show some need and public demand for this class of authority from Logan County to points outside thereof, except as between Sterling and Julesburg, and intermediate points, over the line of the North Eastern Freight Company, and from Sterling to Denver and intermediate points, over the line of North Eastern Motor Freight, Inc.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought in the original application and in the amendment thereto should be granted, save and except that no competition should be permitted with the operations of North Eastern Freight Company under Certificate No. 707 between Sterling and Julesburg and intermediate points, and the movement of used household goods and office equipment should be limited as above indicated.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of Oren L. McKay for the transportation, in irregular service, of used household furniture and office equipment to all points in the State of Colorado out of, and between points within, Logan County, Colorado, for customers residing in Logan County; provided, however, that the applicant shall not conduct any service of a competitive character between points now authorized to be served by North Eastern Freight Company under Certificate No. 707 between Sterling and Julesburg, or in competition with the North Eastern Motor Freight, Inc., between Sterling and Denver and intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of Oren L. McKay for the conduct of a general cartage business in the city of Sterling and within a

five-mile radius thereof, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That 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

Edward V. Turner
W. C. Danks
Maureen E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
MARY ELLA LANG, DOING BUSINESS AS)
LANG TRANSIT LINE, LONGMONT, COLORADO,)
FOR AN EXTENSION OF PRIVATE CARRIER)
PERMIT A-793 TO INCLUDE THE AUTHORITY)
TO PICK UP MILK AND TRANSPORT IT TO)
DENVER, COLORADO, OVER HIGHWAY U.S.)
87, BEGINNING ON U.S. 87 AT THE BOULDER)
AND LARIMER COUNTY LINE, THENCE NORTH)
TO A POINT TWO MILES NORTH OF THE CITY)
OF LOVELAND, COLORADO, WITH A RADIUS OF)
FIVE MILES ON THE WEST SIDE AND A)
RADIUS OF TEN MILES ON THE EAST SIDE)
OF HIGHWAY U. S. 87.)

APPLICATION NO. 2208-PP-A-B

January 29, 1940.

Appearances: W. L. Lang, Longmont, Colorado,
for Mary Ella Lang;
Marion F. Jones, Esq., Denver,
for Borgman Brothers;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association,
F. A. Mathews and Clyde Beeson;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, Denver-Loveland
Transportation Company, Milliken-
Johnson Truck Line and McKie
Transfer Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant in the instant case is the owner of Permit A-793,
which authorizes a milk route "running approximately three miles east from
Longmont, thence five miles south, thence west to pavement, thence to Denver,
via U. S. 285."

The instant application seeks to extend the pickup authority under
said permit to include the territory described in the caption hereof.

The evidence on the part of applicant disclosed that at the present
time applicant is buying the milk from customers living in the proposed extended
area under the guise of a Class "C" carrier and is purporting to sell the same

in Denver, and by this proposed extension seeks to remove the operation from that of a "C" carrier to that of an "A" carrier.

The agent for applicant admitted upon the stand that the applicant maintained no milk station or weighing or testing equipment, and that the transaction under the "C" permit was to all intents and purposes the same situation which the Commission passed upon in Re Brady, Case 4652, Decision No. 10768. It was further disclosed that a brother of the agent for applicant applied for similar authority several years ago and the same was denied by the Commission.

On behalf of applicant, a number of milk producers, who are now purporting to sell their milk to applicant, appeared and testified that they would like to see applicant secure the proposed extension, as they knew of no other truck that could handle their milk which they desired to ship to Denver rather than a condensery at some other point, because they received a better price for same.

On behalf of protestants, it was developed that Borgman Brothers now have authority to transport milk from practically all of the area which applicant seeks, into Denver, and are willing, able and anxious to transport the same. The authority of two other carriers who were authorized to serve the northern part of the district which applicant seeks to serve, was shown, although it was disclosed that they have no authority to come into Denver. The Federal Milk Administrator for the Denver area testified that while they had no authority to enforce any orders, they were endeavoring to keep the Denver milk supply confined to an area as close to Denver as possible, and they did not favor the bringing of milk to Denver from areas situated a considerable distance therefrom.

At the close of the case, a motion was made that the application be denied upon the ground that applicant had been operating illegally under her "C" permit by the purported buying of said milk. After considering the record as a whole, the Commission is of the opinion that in view of said illegal operations as well as the fact that adequate common carrier service now exists in a large part of the area involved, the application for an extension

will have to be denied. At the time Permit No. A-793 was transferred to its present owner, this same question concerning the legality of the operation was raised, and applicant certainly cannot plead ignorance of the fact that she has been operating under her "C" permit in an illegal manner. It is true that the Commission took no direct action to stop her operations, but this may have been due largely to the fact that at that time no direct service to Denver existed. However, since said hearing on the transfer, the authority of Borgman Brothers has been granted, which does take care of a large portion, at least, of the shippers that applicant has been serving under her "C" permit.

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

O R D E R

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

IT IS FURTHER ORDERED, That applicant, Mary Ella Lang, be, and she is hereby, directed to immediately cease and desist from her illegal operations under her "C" permit in the purported buying and selling of milk from said area.

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. L. Danks
William Erickson
Commissioners.

Dated at Denver, Colorado,
this 29th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. GARVER, FORT MORGAN, COLO-)
RADO, PRIVATE CARRIER PERMIT)
NO. B-2199.)

CASE NO. 4786
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE

January 26, 1940.

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. B-2199, 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 the operations of private carriers by motor vehicle, and the terms and provisions of his said permit in the following particulars, to-wit:

1. That during the months of July, August and September, 1939, said respondent accepted, transported and delivered numerous shipments of freight, but failed and neglected to retain copies of said bills of lading for such shipments for examination by the Commission or its representatives, as required by the provisions of Rule 21.

2. That said respondent does not have at the date hereof a tariff of schedules and rates on file with this Commission.

3. That during the months aforesaid, said respondent accepted, transported and delivered shipments of freight for numerous different shippers, without first or at all entering into a specific contract for the

rendering of said service, and without first or at all listing the names of said shippers as customers with this Commission as required by the provisions of Rule 10.

4. That during the months aforesaid, said respondent accepted, transported and delivered numerous shipments of freight for rates and charges different from, and lower than, the rates and charges 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 or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, and the provisions and said terms 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 has, by written statement filed with the Commission within ten days of the date hereof, why it should not enter an order because of the alleged violations, suspending or revoking the permit heretofore issued, 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 9th day of February, 1940, at ten o'clock A. M., at which time and place such evidence as is proper may be presented.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Clark
W. E. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 26th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. U. YEAROUS, FORT MORGAN,)
COLORADO - PRIVATE CARRIER)
PERMIT NO. B-1236.)

CASE NO. 4785
NOTICE OF HEARING AND ORDER
TO SHOW CAUSE.

January 27, 1940

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. B-1236, 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 Chapter 120, Session Laws of Colorado, 1931, as amended, the rules and regulations of this Commission governing the operations of private carriers by motor vehicle, and the terms and provisions of his said permit, in the following particulars, to-wit;

1. That during the period of June to September, 1939, both months inclusive, said respondent accepted, transported, and delivered numerous shipments of freight for which he failed and neglected to issue properly itemized bills of lading, and failed and neglected to retain copies thereof, as required by Rule 21.
2. That said respondent does not have, at the date hereof, a tariff on file with this Commission.
3. That during the period aforesaid, said respondent transported and delivered shipments of freight for various shippers without first or at all entering into a particular and specific contract with said shippers

for the rendering of such transportation, and without first or at all listing with this Commission the names of said shippers as customers, as required by the provisions of Rule 10.

4. That the said respondent has failed and neglected properly to remit all highway compensation taxes due, and to file monthly reports as required, and at the date hereof is delinquent in highway compensation taxes in the amount of \$50.00, and has failed and neglected to file monthly reports covering his operations for the months of October, November, and December, 1939.

5. That during the period aforesaid, said respondent accepted, transported, and delivered numerous 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.

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 or refused to comply with any or all of the provisions of the aforesaid statute, rules, and regulations, and the provisions of the terms 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 the date hereof, why it should not enter an order, because of the alleged violations, suspending or revoking the permit heretofore issued, 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 hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 9th day of February, 1940, at

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler

W. C. Danks

Maureen Quinn
Commissioners.

DATED at Denver, Colorado,
this 27th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD NEWBERRY, GUFFEY, COLO-)
RADO - PRIVATE CARRIER PERMIT)
NO. B-1164.)

CASE NO. 4784
NOTICE OF HEARING AND ORDER
TO SHOW CAUSE.

January 27, 1940

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 B-1164, 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 the operations of private carriers by motor vehicle, and the terms and provisions of his said permit, in the following particulars, to-wit:

1. That during the period of June to September, 1939, both months inclusive, said respondent issued bills of lading for only a part of the shipments handled by him, and that, of those shipments for which bills of lading were issued, said bills were not correctly and completely itemized, all as required by the provisions of Rule 21.
2. That said respondent does not, at the date hereof, have on file with this Commission a schedule or tariff of rates.
3. That during the period aforesaid, said respondent accepted, transported, and delivered freight for several different shippers, without first or at all entering into a particular and specific contract governing the rendering of such service, and without first or at all listing

the names of said shippers with this Commission as customers, all as required by the provisions of Rule 10.

4. That during the period aforesaid, said respondent accepted, transported, and delivered numerous 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.

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 or refused to comply with any or all of the provisions of the aforesaid statute, rules, and regulations, and the provisions of the terms 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 the date hereof, why it should not enter an order, because of the alleged violations, suspending or revoking the permit heretofore issued, 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 hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 9th day of February, 1940, at ten o'clock, at which time and place such evidence as is proper may be presented.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 27th day of January, 1940.

Edward E. DeLoach
W. C. Danks
Frank E. Swisher
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY BALLARD, DOING BUSINESS AS)
"ARRIBA-DENVER TRUCK LINE,")
PRIVATE CARRIER PERMIT NO. A-662.)

CASE NO. 4783
NOTICE OF HEARING AND ORDER
TO SHOW CAUSE.

January 27, 1940

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-662, 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 Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of this Commission governing the operations of private carriers by motor vehicle and the terms and provisions of said permit in the following particulars, to-wit:

1. That during the period of January to April, 1939, both months included, said respondent transported and delivered shipments of freight for various shippers without first or at all entering into a particular and specific contract with said shippers for the rendering of such transportation service, and without first or at all listing with the Commission the names of said shippers as customers, as required by the provisions of Rule 10.

2. That during the months aforesaid, said respondent accepted,

transported, and delivered numerous 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.

3. That for and during the period aforesaid, said respondent failed and neglected to issue properly itemized bills of lading for each and every shipment transported by him, and failed and neglected to prepare and keep manifests or load sheets for such shipments, all as required by Rules 21 and 22.

4. That for and during the period aforesaid, said respondent failed and neglected to file with the Commission properly and completely prepared monthly reports of his operations, as required by Rule 28.

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 or refused to comply with any or all of the provisions of the aforesaid statute, rules, and regulations and provisions and terms 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 (10) days from the date hereof, why it should not enter an order, because of the alleged violations, suspending or revoking permit heretofore issued, 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 hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 9th day of February, 1940,

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler

W. C. Danks

Wm. Spier
Commissioners.

DATED at Denver, Colorado,
this 27th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILTON HAWKS, MONTROSE, COLORADO,)
FOR AN EXTENSION OF PERMIT B-2359.)

APPLICATION NO. 3947-PP-B

January 29, 1940.

Appearances: Lincoln D. Coit, Esq., Grand Junction,
Colorado, for applicant;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking Association,
Fellin Brothers, Elmer Castberg,
Delbert Farra, et al.

S T A T E M E N T

By the Commission:

Applicant is now the owner of Permit No. B-2359, which authorizes
the transportation of:

"milk from a route extending seven miles north and west
of Montrose to Montrose and for the transportation of
farm produce, including livestock, from point to point
within a radius of twelve miles of Montrose, Colorado,
provided, however, that applicant shall render only a
farm service and shall not engage in the transportation
of any commodities between towns."

At the hearing, applicant, testifying in his own behalf, requested
authority to amend his application to include the right to transport coal, as
well as the other commodities mentioned in his application. Authority was
granted to so amend said application.

Applicant further testified that he would be willing to limit his
radius on livestock and farm produce to a 25-mile radius of Montrose and to
a 50-mile radius on timber, but would want 70 miles on coal.

On behalf of protestants, Delbert Farra testified that he had a
common carrier certificate authorizing service in the area which applicant is
seeking to serve; that four other common carriers, all holding certificates
from this Commission, operated out of Montrose, rendering a farm service; that
his trucks, as well as theirs, were not busy fifty per cent of the time; that

his own authority included the right to move brick, coal, timber, farm products, etc.; that any further authority to move said commodities would seriously impair his services, and that he felt the granting of any further authority in the Montrose area was not needed, as plenty of authorized truck service was available at all times, except possibly for a very short period during the harvest season for the movement of farm products.

It developed that applicant had made an illegal movement of potatoes in November, 1939, which he had transported to the Camp Bird mine operated by the "King Lease", which is located about eight miles south of Ouray, Colorado, and that he had failed to report said movement upon his road tax reports.

At the close of the hearing, the attorney for protestants offered to furnish the Commission with evidence of other violations on the part of applicant, which, however, has not been done.

It would appear that ample authority exists in the Montrose area for the transportation of livestock, brick, coal, and timber, and probably for farm products also. Certainly, during the harvest season, common carriers operating at Montrose could obtain enough additional equipment to operate under their own certificates to take care of the demands of shippers so far as we are advised.

We would not ordinarily deny the application on account of the one violation which applicant concedes that he made, yet that fact taken in conjunction with the record, which discloses five common carriers operating in the Montrose territory and rendering a farm service, is sufficient, we believe, to justify the denial of the instant application.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and 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 V. Wheeler

W. C. Dawkes

William Emerson

Commissioners.

Dated at Denver, Colorado,
this 29th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GORDON MARTIN, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5246-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

January 30, 1940.

Appearances: Gordon Martin, Denver, Colorado,
 pro se;
 A. J. Fregeau, Denver, Colorado,
 for Weicker Transportation
 Company;
 Ray B. Danks, Esq., Denver, Colorado,
 for The Motor Truck Common Carriers
 Association, William Stuart, Byers-
 Denver Truck Line, et al.;
 Charles D. Young, Denver, Colorado,
 for The Colorado Trucking Association,
 Kenneth Gahagen and Gahagen Coal
 Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport farm produce from and to points within a 50-mile radius of Denver and coal from the northern Colorado coal fields to Denver.

It appeared from the testimony of applicant that he did hold Private Permit No. B-1776, which he failed to complete for the reason that he did not receive notice of the issuance of authority nor any of the communications mailed to him by the Commission. The file discloses four letters addressed to Gordon Martin, Henderson, Colorado, all of which were returned unclaimed, one of them being a registered letter.

The applicant now desires to transport corn, wheat, and barley from farms to markets during the harvest season, and thought he might

have occasion to move corn from bins to feed lots at times other than the harvest season, and also desired authority to transport baled hay.

After some cross examination, the applicant requested that his application be amended to transportation within a 25-mile radius of Denver, which amendment was allowed.

It further appeared that the applicant wanted authority to transport coal from the northern Colorado coal fields to Denver, and that he proposed to conduct no transportation service in competition with established line haul carriers; that he would charge rates as prescribed by the Commission, and that there would be no town to town movement of anything except coal and baled hay.

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, limited as disclosed by the testimony given by the applicant.

O R D E R

IT IS THEREFORE ORDERED, That Gordon Martin, 3485 Gill Street, Denver, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of wheat, corn, barley, and baled hay, from farms located within a 25-mile radius of Denver, Colorado, to storage, elevators, and markets within said area, and coal from the northern Colorado coal fields to Denver; provided, however, that the applicant shall not engage in any transportation service between towns on the line of established scheduled common carriers now serving this territory, this limitation, however, not to apply to the transportation of coal and baled hay.

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

Edward D. O'Connell

W. H. Danks

W. H. Quinn

Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. I. BAUMAN AND WILLIAM GILL, 2727)
CURTIS STREET, DENVER, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE AS)
PRIVATE CARRIERS BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 5291-PP

January 30, 1940.

S T A T E M E N T

By the Commission:

A. I. Bauman and William Gill, Denver, Colorado, herein seek authority to operate as Class "A" private carriers by motor vehicle for hire for the transportation of coal from the northern Colorado coal fields to Denver.

Inasmuch as The Colorado Trucking Association and The Motor Truck Common Carriers' Association heretofore have indicated that they do not object 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 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 A. I. Bauman and William Gill, Denver, Colorado, should be, and they hereby are, authorized to operate as Class "A" private carriers by motor vehicle for hire for the transportation of 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 necessary insurance and tariffs, 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 D. Decker
W. H. D. Jones
William F. Quinn
Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. M. MARKS, FLEMING, COLORADO, FOR)
A CLASS "A" PERMIT TO OPERATE AS A) APPLICATION NO. 5252-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

January 30, 1940.

Appearances: O. M. Marks, Fleming, Colorado,
 pro se;
 Raymond Danks, Esq., Denver, Colorado,
 for Brooks Transportation Company,
 North Eastern Motor Freight, and
 The Motor Truck Common Carriers'
 Association;
 Chas. D. Young, Denver, Colorado,
 for Ture Nelson, Courtright Transfer,
 Lester E. Smith and 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 turkeys between Holyoke and points in Sedgwick, Phillips and Logan counties.

The evidence disclosed that applicant proposes to haul turkeys for the Western Plains Turkeys Growers Association, which has its shipping plant at Holyoke; that said operation is a seasonal one, turkeys ordinarily moving during the three months' period, commencing October 15, and ending January 15 following; that the transportation of turkeys requires the employment of a driver who is qualified to grade turkeys at the farm, otherwise many turkeys that are picked up at the farmers' places may be hauled to Holyoke, rejected and returned the next day; that no town to town movement is contemplated under the authority here sought.

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

limited to service during period stated, applicant, without formal order, to be permitted to suspend said permit and his operations thereunder from January 15 to October 15 of each year hereafter, until further order of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That O. M. Marks, Fleming, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation, during period beginning October 15 of each year and ending January 15 of year following, of turkeys between Holyoke and points in Sedgwick, Phillips and Logan counties, said permit without formal request on part of applicant to stand suspended during period beginning January 16 and ending October 14, 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 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

Edward D. O'Connell
W. L. Marks
Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PETE SANCHEZ, 2015 PINON STREET,)
TRINIDAD, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 5273-PP

January 30, 1940.

Appearances: Pete Sanchez, Trinidad, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company;
Charles D. Young, Denver, Colorado,
for Sandoval Truck Line.

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 ashes, coal, wood and gravel from point to point within a radius of twenty-five miles of Trinidad.

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

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 Pete Sanchez, 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 ashes, coal, wood and gravel from point to point within a radius of twenty-five 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 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'Leary
W. L. Danks
Walter J. Quinn
Commissioners.

Dated at Denver, Colorado,
this 30th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 5256-PP

February 1, 1940.

Appearances: H. O. Matoush, Julesburg, Colorado,
pro se;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking Associa-
tion, Courtright Transfer, Gerald
A. Williamson, J. H. and F. V.
Hellbush, Ture Nelson and
R. E. Ensminger;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and North Eastern Motor
Freight.

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 farm products, including beets, and the transportation of wet beet pulp from point to point within the area extending fifteen miles west and twenty-five miles south of Julesburg, and to the Colorado state line on the north and east, without the right to serve between points on U. S. Highway No. 138.

The evidence disclosed that Mr. Matoush is a farmer, who also operates a threshing machine and corn sheller in the territory described in the application; that, frequently, it has been difficult for him and for farmers to get for-hire truck operators who haul grain, other farm products and beet pulp; that, primarily, he proposes to operate in the area immediately adjacent to Julesburg; that Mr. Courtright, a carrier authorized to serve in Julesburg, does not object to the granting of the authority sought.

No testimony was offered in opposition to the granting of the authority sought.

After a careful consideration of the record, it appearing therefrom that common carrier service in the area which applicant proposes to serve is inadequate, 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 H. O. Matoush, Julesburg, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, including beets, and the transportation of wet beet pulp from point to point within the area extending fifteen miles west and twenty-five south of Julesburg, and to the Colorado State Line on the north and east, without the right to serve between points on U. S. Highway No. 138.

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 E. Thomas
W. D. Danks
Maureen Smith
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EVERETT GREGORY AND G. F. MULLEN,)
CO-PARTNERS, DOING BUSINESS AS)
MULLEN AND GREGORY, 618 14th ST.,)
DENVER, COLORADO, TO TRANSFER PER-)
MIT NO. B-2342 TO EVERETT GREGORY,)
BUCKLEY HOTEL, LONGMONT, COLORADO.)

APPLICATION NO. 4979-PP-BA

-b- - - - -

- - - - -
February 1, 1940.
- - - - -

S T A T E M E N T

By the Commission:

Heretofore, Everett Gregory and G. F. Mullen were authorized to operate as Class "B" private carriers by motor vehicle for hire under the firm name and style of "Mullen and Gregory", Permit No. B-2342.

Said permittees have filed their request with the Commission to allow said G. F. Mullen to withdraw from said partnership, and to transfer said permit on the records of the Commission to said Everett Gregory, the cash deposit also to be credited to the account of said Gregory.

The Commission has examined the application for transfer and is of the opinion that no useful purpose would be served by setting said matter for formal hearing, and that said matter can be disposed of upon the application and files herein.

After a careful consideration of said application and the files of the Commission, the Commission is of the opinion, and finds, that said Mullen should be permitted to withdraw from said partnership, and that said permit should be transferred upon the records of the Commission to Everett Gregory.

O R D E R

IT IS FURTHER ORDERED, That said G. F. Mullen should be, and he hereby is, permitted to withdraw from said partnership, and that said permit be, and it hereby is, transferred upon the records of the Commission to

Everett Gregory, whose address is Buckley Hotel, Longmont, 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 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 the cash deposit paid by said Gregory and Mullen be transferred to the account of said Everett Gregory.

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. D. Danks

W. C. Danks

Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL POE, 703 DEUEL STREET, FORT)
MORGAN, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 5263-PP

February 1, 1940.

Appearances: Paul Poe, Fort Morgan, Colorado,
pro se;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking
Association and R. E. Ensminger.

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 bulk petroleum products, only, for the Gordon Refining Company, from its refinery near Fort Morgan, (1) over U. S. Highway No. 6 to Denver and Holyoke and all intermediate points, without the right to serve points served by R. E. Ensminger under his certificate of public convenience and necessity No. 571, which authorizes the transportation of:

general freight between and from and to points in the area bounded by the Phillips-Sedgwick County line on the north, the Colorado-Nebraska state line on the east, a line two miles south of Holyoke on the south, and a line thirteen miles west of Holyoke on the west;

(2) over U. S. Highway No. 6 and U. S. Highway No. 34 to Greeley and Estes Park and all intermediate points; (3) over U. S. Highway No. 6, U. S. Highway No. 34, U. S. Highway No. 85, and State Highway No. 14 or U. S. Highway No. 87 to Fort Collins, with the right to serve all intermediate points on said highways; (4) over any highway to Longmont; (5) over U. S. Highway No. 6 and U. S. Highway No. 34 and all intermediate points to Wray, Colorado; and for the Oriental Refining Company from its

refinery near Denver, Colorado, to Fort Morgan, Greeley, Wray and Sterling, over all highways between said points, with the right to serve intermediate points.

Applicant agreed that he would not transport any packaged petroleum products under said authority, and was willing to limit his service to the two customers.

As limited, there was no objection to the granting of the authority sought.

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 Poe, Fort Morgan, 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, only, for the Gordon Refinery Company from its refinery near Fort Morgan, (1) over U.S. Highway No. 6 to Denver and Holyoke and all intermediate points, without the right to serve points served by R. E. Ensminger under his certificate of public convenience and necessity No. 571; (2) over U.S. Highway No. 6 and U.S. Highway No. 34 to Greeley and Estes Park and all intermediate points; (3) over U.S. Highway No. 6, U.S. Highway No. 34, U.S. Highway No. 85, and State Highway No. 14 or U.S. Highway No. 87, to Fort Collins, with the right to serve all intermediate points on said highways; (4) over any highway to Longmont; (5) over U.S. Highway No. 6 and U.S. Highway No. 34 and all intermediate points to Wray, Colorado; and for the Oriental Refining Company from its refinery near Denver, Colorado, to Fort Morgan, Greeley, Wray and Sterling, over all highways between said points, with the right to serve intermediate points.

IT IS FURTHER ORDERED, That applicant shall not have the right to add to the number of his customers, except after hearing upon formal application and notice to all parties in interest.

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, limitation 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 E. Danks

W. E. Danks

W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. M. McMULLIN, COPE, COLORADO, FOR)
AN EXTENSION OF HIS PRIVATE PERMIT)
NO. A-546.)

APPLICATION NO. 3999-PP-A-B

February 19, 1940.

Appearances: A. Sovol, Esq., Denver, Colorado,
attorney for applicant;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Resler Truck Line.

S T A T E M E N T

By the Commission:

In the instant matter, on September 9, an order was entered denying the extension sought in part and allowing same in part. Thereafter, on March 10, 1939, by Decision No. 13199, a rehearing was granted.

It now appears from the records of the Commission that Permit No. A-546 has heretofore been cancelled by Decision No. 14086, dated September 27, 1939.

In view of the fact that said permit has been cancelled, it would appear that the instant application should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant application 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 J. [Signature]
W. D. [Signature]
Malcolm [Signature]
Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. O. GILBERT, RFD, DeBEQUE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 5134-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

February 1, 1940.

Appearances: J. P. Hillman, Esq., Grand Junction,
Colorado, for applicant;
Charles D. Young, Denver, Colorado,
for Robert G. Asher, Harp Brothers,
Lischke & Heflin, Eldon W. Wallace,
and The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The instant matter came up for further hearing in Grand Junction Colorado, on December 15, 1939. The application was denied on November 8, 1939, but further hearing was granted upon an application filed which alleged that applicant was prepared to show by additional evidence that the Roan Creek area, as defined in his application, was not adequately served by any authorized present service.

At the rehearing, on behalf of applicant, four additional witnesses testified in his behalf. Three of these witnesses are farmers and livestock men who live in the Roan Creek area. The gist of their testimony was to the effect that they felt they were entitled to a local hauler in that area and cited one or two occasions upon which they had had to wait for service from present authorized carriers. It was developed that the crops for the year 1939 were somewhat short in the Roan Creek area, due to a shortage of water, and one of the witnesses, at least, felt that the present common carriers could not handle all of the business in a normal season. One complaint was to the effect that Robert Asher did not have the proper equipment to move livestock.

S. G. McMullin, who owns and has charge of approximately 1000

acres of ranch property in this district and ships farm products and cattle by truck, testified that he had had to come to Grand Junction to obtain truck service, but admitted that he was not aware of the existing service of Robert Asher or Lischke and Heflin. It was the opinion of Mr. McMullin that in an ordinary year approximately 500 tons of grain would be grown in the Roan Creek area which would move out by truck. It was also shown that the telephone service from Roan Creek to DeBeque is somewhat irregular and is often put out of commission by heavy wind.

On behalf of protestants, it was disclosed by the testimony of Robert Asher, who holds a common carrier certificate authorizing the same service in the Roan Creek area as that which applicant seeks, that there had been no change in transportation conditions since our hearing held in October; that he had hauled only six loads out of the Roan Creek area since the October hearing; that these consisted of wheat and beans, except for one load of livestock; that he now has adequate equipment to handle livestock; that there are now over thirty farmer-owned trucks in the Roan Creek area, and that in his opinion the main trouble has been over the question of rates and not of service.

Mr. Heflin, who is one of the owners of the Lischke and Heflin common carrier certificate authorizing service in the Roan Creek area, testified that they had made only five trips from the Roan Creek territory since last September. He introduced an exhibit showing that since April 10, 1939, up to and including December 11, he had transported some 19 shipments into and out of said area. These consisted of wheat, beans, barley and livestock, out of the territory, and one tractor shipped into the area. Both Mr. Asher and Mr. Heflin asserted that the granting of any further permits in said area would materially impair the service which they are now rendering the public, and Mr. Heflin stated that his principal hauling was from that area.

Exhibit No. 2, which was introduced, is a sketch of the Roan Creek area and shows the various ranches located therein. This exhibit indicates a total of 59 ranches in said territory.

An examination of the evidence introduced at the rehearing failed to disclose any different situation than was presented at the first hearing. We realize that some inconvenience may be suffered by the shippers in the Roan Creek area by not having a so-called "local hauler", but, as pointed out in our previous decision, if every community the size of the Roan Creek area is granted local service, a good many of the common carriers now rendering general public service in Colorado would have to go out of business, and it would be unfair to those who have secured common carrier certificates and who maintain proper insurance and pay the various taxes required, to permit so much competition that they cannot continue in business. In our opinion, such procedure in the long run would react to the disadvantage of the general shipping public.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application 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

Edmund V. Wheeler

W. H. Danks

Maun Spicer
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)	
OF CHARLES W. WILSON, DOING)	CASE NO. 4787
BUSINESS AS WILSON TRUCK SER-)	
VICE, LOVELAND, COLORADO *)	NOTICE OF HEARING AND
PRIVATE CARRIER PERMIT NO. A-626.)	ORDER TO SHOW CAUSE

February 1, 1940.

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. 626, pursuant to the provisions of Chapter 120, Session Laws of 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 permit in the following particulars, to-wit:

1. That during the months of September, October and November, 1939, said respondent accepted, transported and delivered numerous shipments of freight at and for rates and charges different from and lower than the rates prescribed by this Commission for such service.

2. That said respondent does not have on file with this Commission at the date hereof a tariff of rates and charges to be assessed and collected by him.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be entered into to determine if 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 14th day of February, 1940, 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 V. Decker

W. C. Danko

Maureen Spivack

Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN D. GREEN, FOWLER, COLORADO,)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 515.)

CASE NO. 4788
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE

February 1, 1940.

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. 515, 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 during the months of June to September, 1939, both months included, said respondent accepted, transported and delivered numerous shipments of freight for which he failed and neglected to issue properly itemized bills of lading, all as required by Rule 30.

2. That said respondent does not have a tariff on file with this Commission at the date hereof, as required by Rule 36.

3. That during the months aforesaid, said respondent on several occasions exceeded the authority granted by the terms of his said certificate by accepting, transporting and delivering shipments of freight from and to points outside of, and beyond, the area authorized to be served by him by the terms of his said certificate.

4. That during the months aforesaid, said respondent accepted, transported and delivered numerous and different shipments of freight at

rates and charges different from and lower than the 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 it is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 14th day of February, 1940, 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

Eduardo D. Delaney

W. C. Danks

Wm. J. Quinn
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PELZ AND COOPER, ROGGEN, COLORADO,)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 505.)

CASE NO. 4789
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE.

February 1, 1940.

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. 505, pursuant to the provisions of Chapter 134, Session Laws of 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 said Chapter 134, Session Laws of 1927, as amended, the rules and regulations of this Commission governing common carriers by motor vehicle, and the terms and provisions of said Certificate 505, in the following particulars, to-wit:

1. That during the period June to September, 1939, both months included, said respondents accepted, transported and delivered numerous shipments of freight without first or at all issuing properly itemized bills of lading therefor, and without preparing properly itemized load sheets or manifests for said shipments, all as required by Rules 30 and 31.

2. That during the period aforesaid, said respondents accepted, transported and delivered 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; that said respondents exceeded the authority granted by their said certificate by accepting, transporting and delivering numerous shipments of freight during the period aforesaid from and to points outside of and beyond the area authorized to be served by

them by the terms and provisions of their said certificate.

3. That for the month of July, 1939, said respondents failed and neglected to file a full, correct and complete monthly report of their operations for said month.

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 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 14th day of February, 1940, 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. C. Danks
James Quinn
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL E. BURROWS, PRITCHETT,)
COLORADO, CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 922.)

CASE NO. 4790
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE.

February 1, 1940.

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. 922, pursuant to the provisions of Chapter 134, Session Laws of 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 said Chapter 134, Session laws of 1927, as amended, the rules and regulations of this Commission governing common carriers by motor vehicle, and the terms and provisions of said Certificate 922, in the following particulars, to-wit:

1. That during the period June to September, 1939, both months included, said respondent accepted, transported and delivered numerous shipments of freight without first or at all issuing properly itemized bills of lading therefor, and without first or at all preparing and retaining properly prepared load sheets or manifests, all as required by Rules 30 and 31.
2. That said respondent does not have on file with this Commission at the date hereof, a tariff as required by Rule 34.
3. That during the period aforesaid, said respondent on numerous occasions exceeded the authority granted by the terms and provisions of his said certificate by accepting, transporting and delivering shipments of freight from and to points outside of and beyond the area authorized to be served by him by the terms of his said certificate, and by accepting,

transporting and delivering shipments of commodities other than the commodities authorized to be transported and delivered by him by the terms of his said certificate.

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 it is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 14th day of February, 1940, 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. Dancy

W. L. Danks

Maureen Smith
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY MERCURE, OTIS, COLORADO,)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 776.)

CASE NO. 4791
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE.

February 1, 1940.

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. 776, pursuant to the provisions of Chapter 134, Session Laws of 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 said Chapter 134, Session Laws of 1927, as amended, the rules and regulations of this Commission governing common carriers by motor vehicle, and the terms and provisions of said Certificate 776 in the following particulars, to-wit:

1. That during the period July to October, 1939, both months included, said respondent accepted, transported and delivered numerous shipments of freight for which he failed and neglected to issue and retain properly itemized bills of lading, all as required by Rule 30; and further said respondent, during the period aforesaid, has failed to issue and keep properly prepared load sheets or manifests, as required by Rule 31.

2..That during the period aforesaid, said respondent transported and delivered numerous 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.

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 it is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 14th day of February, 1940, 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 J. O'Connell

W. C. Danks

Wm. E. Egan

Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS SANDOVAL, 803 SOUTH MAPLE)
STREET, TRINIDAD, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 5270-PP

February 2, 1940.

Appearances: Thomas Sandoval, Trinidad, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company;
Charles D. Young, Denver, Colorado,
for Sandoval Truck Line.

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, dirt and coal between points within a radius of fifty miles of (and including) Trinidad.

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

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 Thomas Sandoval, 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 sand, gravel, dirt and coal between points within a radius of fifty miles of (and including) 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 granted , said permit herein provided for 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

Eduard V. Dancy

W. C. Danks

James E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SISTO FERRI, MORLEY, COLORADO, FOR)
A CLASS "A" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 5269-PP

February 2, 1940.

Appearances: Sisto Ferri, Morley, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
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 coal and wood from the Colorado Fuel and Iron Company mine at Morley to customers residing in Morley, Starkville, Trinidad, Sopris, and intermediate points.

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

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 Sisto Ferri, Morley, 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 and wood from the Colorado Fuel and Iron Company mine at Morley, to customers residing in Morley, Starkville, Trinidad, Sopris, and intermediate points.

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

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

W. C. Danks

Wm. Quinn
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S. F. RENAUD, BOX 498, EDGEWATER,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 5278-PP
OPERATE AS A ~~PRIVATE CARRIER BY MOTOR~~)
VEHICLE FOR HIRE.)

February 2, 1940.

Appearances: S. F. Renaud, Edgewater, 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;
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 "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver and points within a radius of five miles thereof; loose hay and bulk grain between points within the area extending to Broomfield on the north, Littleton on the south, Keenesburg on the east, and Idaho Springs on the west.

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

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

O R D E R

IT IS THEREFORE ORDERED, That S. F. Renaud, Edgewater, 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 points within a radius of five miles thereof; loose hay and bulk grain between points within the area extending to Broomfield on the north, Littleton on the south, Keenesburg on the east, and Idaho Springs on the west.

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 provided for 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 V. Dineen

W. L. Danks

Mark E. Smith

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

BH

(Decision No. 14713)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JASPER M. WHEELER.

PERMIT NO. C-9384

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Jasper M. Wheeler of Box 4 Hygiene, Colo.,
requesting that his Permit No. C-9384 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-9384, heretofore issued
to Jasper M. Wheeler, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eward E. Wheeler
W. S. Danks
W. S. Danks

Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940, 19.....

(Decision No. 14714)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

REX O. LINDON.)

PERMIT NO. C-9232

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Rex O. Lindon of Haxtun Colo.,
requesting that his Permit No. C-9232 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-9232 heretofore issued
to Rex O. Lindon, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Under
W. D. Dukes
Wm. W. Zimmerman
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

R

(Decision No. 14715)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM FRANDSON.

PERMIT NO. C-9282

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
William Frandson of Route 2, Loveland, Colo.,
requesting that his Permit No. C-9282 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-9282, heretofore issued
to William Frandson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dancy
W. H. Danks
W. H. Danks
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER M. WITTMAYER.)

PERMIT NO. C-9291

.....
Feb. 1, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Walter M. Wittmeyer of 431 S 5th St., Montrose, Colo.,
requesting that his Permit No. C-9291 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-9291
Walter M. Wittmeyer,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. T. Fisher
W. B. Darr
W. B. Darr
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1940.

(Decision No. 14717)

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

RE MOTOR VEHICLE OPERATIONS OF)
W. J. KORTZ.)

PERMIT NO. C-9303

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
W. J. Kortz of Ingalls, Kansas,
requesting that his Permit No. C-9303 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-9303, heretofore issued
to W. J. Kortz, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. J. Daniels
W. J. Daniels
Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

EMITT TIDWELL)

PERMIT NO. C-10878

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Emitt Tidwell

of 220 West Pecan Cushing, Okla.

requesting that his Permit No. C-10878 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-10878, heretofore issued

to Emitt Tidwell, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Taylor
W. H. Danks
James S. Simon

Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940, 19.....

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

RE MOTOR VEHICLE OPERATIONS OF)
J. A. McCLUNG.)
)
)
)
.....)

PERMIT NO. C-10700

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. A. McClung of Perrytown, Texas,
requesting that his Permit No. 10700 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-10700, heretofore issued
to J. A. McClung, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Wheeler
W. H. Danks
Wm. E. Swick

Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940.

(Decision No. 14720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

R. B. BEWLEY.)

PERMIT NO. C-10327

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
R. B. Bewley of Fowler, Colo.,
requesting that his Permit No. C-10327 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-10327, heretofore issued
to R. B. Bewley, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
W. H. Danks
Walter S. ...

Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. J. KING AND L. W. RETTIG,)
DOING BUSINESS AS SAVE-A-)
NICKEL STORES.)
.....)

PERMIT NO. C-10064

.....
Feb. 1, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. J. King and L. W. Rettig, doing business as Save-a-Nickel Stores, of 11 East Bayaud, Denver, Colo.,
..... of,
requesting that his Permit No. C-10064 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-10064, heretofore issued
to L. J. King and L. W. Rettig, d/b/a Save-a-Nickel Stores, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. H. Danks
Wm. J. Quinn

Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940...

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

RE MOTOR VEHICLE OPERATIONS OF)
J. W. CROWLEY.)
)
)
)
)
.....)

PERMIT NO. C-6233

.....
Feb. 1, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. W. Crowley of Cortez, Colo.,
requesting that his Permit No. C-6233 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-6233 heretofore issued
to J. W. Crowley, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks
W. C. Danks
James E. Brown
.....
.....

Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940.

(Decision No. 14723)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM STUART.)

PERMIT NO. C-3266

Feb. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
William Stuart of 204 N. 6th Brighton, Colo.,
requesting that his Permit No. C-3266 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-3266, heretofore issued
to William Stuart, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
W. H. Danks
W. H. Danks

Commissioners.

Dated at Denver, Colorado,
this 1st day of Feb., 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. M. MOORE, DOING BUSINESS AS)
COLORADO-NEBRASKA TRANSPORT.)
)
)
.....)

PERMIT NO. C-471

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. M. Moore, doing
business as Colo-Nebr. Transport of 436 S. 7th, Grand Jct., Colo.,
requesting that his Permit No. C-471 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-471, heretofore issued
to W. M. Moore, d/b/a Colorado-Nebraska Transport, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Tuley
W. H. Danks
Wm. E. Simon

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

(Decision No. 14725)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

IKE GREENBERG.

PERMIT NO. C-6110

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Ike Greenberg of General Delivery, Pueblo, Colo.,
requesting that his Permit No. C-6110 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-6110 , heretofore issued
to Ike Greenberg, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. T. Tule
W. H. Banks
Max E. Simon

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940, 19.....

R

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

RE MOTOR VEHICLE OPERATIONS OF)
WALTER W. WILLIAMS.)
)
)
)
.....)

PERMIT NO. C-6332

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Walter W. Williams of Las Animas Colo.,
requesting that his Permit No. C-6332 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-6332, heretofore issued
to Walter W. Williams, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. L. Danks
M. E. Simon

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

MORRIS STEIN.)

PERMIT NO. C-9989

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Morris Stein 1839 Grove St., Denver, Colo.,
of ,
requesting that his Permit No. C-9989 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-9989, heretofore issued
to Morris Stein, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. H. Danks
Wm. H. H. H.
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

(Decision No. 14728)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

T. A. BURNS.)

PERMIT NO. C-9575

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
T. A. Burns Route 1 Clifton, Colo.
of
requesting that his Permit No. C-9575 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-9575
to T. A. Burns, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. C. Danks
Wm. E. Smith

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

R

(Decision No. 14729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ARTHUR E. RICHMOND.

PERMIT NO. C-9984

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Arthur E. Richmond of 927 N 2nd Grand Junction, Colo.
requesting that his Permit No. C-9984 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-9984, heretofore issued
to Arthur E. Richmond, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard J. Thayer
W. H. Danks
Wm. H. Nixon

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

GODFRED MARTIN, JR.)

PERMIT NO. C-10395

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Godfred Martin, Jr., of 615 Stover, Ft. Collins, Colo.,
requesting that his Permit No. C-10395 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-10395
to Godfred Martin, Jr., be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. White
W. E. Danks
Allen S. ...

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940, 19....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

RAYMOND H. MOSHER.)

PERMIT NO. C-10615

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Raymond H. Mosher of 708 Indiana Ave., Trinidad, Colo.,
requesting that his Permit No. C-10615 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-10615, heretofore issued
to Raymond H. Mosher, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. D. Dwyer
W. D. Dwyer
Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
D. W. REAVES.)
)
)
)
)
.....)

PERMIT NO. C-9187

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
D. W. Reaves Route 1 Dolores, Colo.,
..... of
requesting that his Permit No. C-9187 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-9187, heretofore issued
to D. W. Reaves, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard St. Charles
W. D. Danks
W. H. Nixon
.....
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

(Decision No. 14733)

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

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES H. GRAY.)
)
)
)
.....)

PERMIT NO. C-10438

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Charles H. Gray of 1256 S. Vine St., Denver, Colo.,
requesting that his Permit No. C-10438 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-10438, heretofore issued
to Charles H. Gray, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dineen
W. D. Dineen
W. D. Dineen

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940

(Decision No. 14734)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN K. KUHN.)

PERMIT NO. C-10285

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
John K. Kuhn of 2319 Court Place, Denver, Colo.,
requesting that his Permit No. C-10285 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-10285, heretofore issued
to John K. Kuhn, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. H. Danks
Walter E. Egan

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

R

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

RE MOTOR VEHICLE OPERATIONS OF)
A. R. LILLIE.)
)
)
)
.....)

PERMIT NO. C-10927

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
A. R. Lillie of 637 W. Cucharas, Colorado Springs,
.....
requesting that his Permit No. C-10927 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-10927
A. R. Lillie,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. D. Danks
Wesley Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

H. AARON.)

PERMIT NO. C-787

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

H. Aaron

of 1477 Lowell Blvd., Denver, Colo.,

requesting that his Permit No. C-787 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-787, heretofore issued

to H. Aaron, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. D. Danks
Wm. S. Swinson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

P. E. GRAY.)

PERMIT NO. C-9773

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
P. E. Gray of Steamboat Springs, Colorado
requesting that his Permit No. C-9773 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-9773 heretofore issued
to P. E. Gray, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Daniels
W. D. Davis
Wm. E. Givens

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE HAYS.)
)
)
)
.....)

PERMIT NO. C-9647

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
George Hays of 1015 Cheyenne Road., Colorado Springs,
requesting that his Permit No. C-9647 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-9647 heretofore issued
to George Hays, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dwyer
W. D. Parks
Walter S. Simon

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
INSUL-FLUFF CORPORATION.)
)
)
)
.....)

PERMIT NO. C-2564

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Insul-Fluff Corporation of 918 Larimer St., Denver, Colorado
requesting that his Permit No. C-2564 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-2564
Insul-Fluff Corporation, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. D. Dwyer
W. D. Dwyer
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

(Decision No. 14741)

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

RE MOTOR VEHICLE OPERATIONS OF)
LEE WOLFORD.)
)
)
)
.....)

PERMIT NO. C-2642

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Lee Wolford of General Delivery, Ft. Morgan, Colo.
requesting that his Permit No. C-2642 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-2642, heretofore issued
to Lee Wolford, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

.....
.....
.....
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

R

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

RE MOTOR VEHICLE OPERATIONS OF)
FRED EBERHARDT.)
)
)
)
.....)

PERMIT NO. C-5588

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Fred Eberhardt of 909 C. St., Greeley, Colorado,
requesting that his Permit No. C-5588 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-5588, heretofore issued
to Fred Eberhardt, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. C. Danks
Wm. E. Snider
.....
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE McMILLAN TRANSFER AND STORAGE)
COMPANY FOR AUTHORITY TO TRANSFER)
CERTIFICATE NO. 449 TO ARLES BATES,)
ALMON BATES, ROBERT BATES, ARLAN)
BATES AND EDWARD BATES, DOING)
BUSINESS AS BATES AND SONS, HYGIENE,)
COLORADO.)

APPLICATIONS NOS. 1306-AA,
1481-A and 1518-AA

February 2, 1940.

Appearances: John P. Beck, Esq., Denver, Colorado,
for the applicants;
Marion F. Jones, Esq., Denver, Colorado,
for Sorenson Truck Line and Vane
Golden;
Winston Howard, Esq., Denver, Colorado,
for Blakley Truck Line, Stockton
Truck Company, Lorrence L. Hart,
and M. A. Harsh;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common
Carriers Association and McKie
Transfer Company;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer & Storage Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer
Certificate No. 449, and to move the office headquarters from Longmont to
transferees' farm home near Hygiene, Colorado.

It appeared from the testimony of Almon Bates, eldest son of
Arles Bates, that they had made an arrangement with McMillan Transfer and
Storage Company to purchase Certificate No. 449 for \$1,000.00, and would
prefer to move the office or headquarters from Longmont, where it was fixed
by the order granting this authority, to their farm home near Hygiene, but
in the event a transfer of the office from Longmont could not be had, they
would establish some kind of an office in and operate from Longmont; that
they possessed two Ford stake body trucks with which they proposed to conduct

the operation should they acquire the certificate; that they had some experience in connection with the use of one of their trucks by the Lang Truck Line, and had in mind the conduct of a more or less local business in that part of Boulder County around Hygiene and Longmont, transporting principally farm products, including livestock, and some used furniture if called upon, but as yet had no suitable equipment such as pads, dollies, and the like, to conduct any extensive moving operations. Almon Bates further testified that he was the oldest son of Arles Bates, and his three brothers mentioned as being partners with him and his father were eighteen, fifteen, and thirteen years of age respectively, and that probably the partnership should be in the name of Arles Bates and Almon Bates, doing business as Bates and Son. However, the idea was that it would be a family enterprise or operation.

It further appeared that the applicants rented the farm on which they were now living, and in addition to the trucks mentioned had some personal property, and he thought they were able to conduct an operation if they acquired the authority sought.

It appeared from the testimony of Charles McMillan and his son, J. L. McMillan, that the McMillan Transfer and Storage Company, a corporation, held Certificates 350, 451, and 449; that since acquiring Certificate 449, or at least since November, 1936, they had regarded it more or less as inactive, did not list equipment, did not carry separate insurance under this authority, and had not maintained an office at Longmont since about 1934, but, during 1936 did lease this authority to W. W. Kitley for about a year, who operated for the Company, said lease being cancelled by the Commission; that since closing the office at Longmont they had kept in touch with business which might be had in Boulder County and stood ready to take care of the same, but had not been successful in getting much business even after contacting the prospective shippers; that the McMillan Transfer and Storage Company held two similar certificates covering the same counties, and after transferring Certificate 449, the company still would be in position to serve Larimer, Weld, Boulder, and Adams Counties under Certificates 350 and 451; that in the past

the service rendered to and from Longmont was identical with the service rendered to and from other cities and towns in Boulder County and cities and towns in the other counties, but that they had moved some household goods during the past few days under Certificate 449; that at no time was there any livestock moved under Certificate 449, as they did not maintain suitable equipment for such a movement; that in the past the three certificates had been combined in handling their business, and the lettering on some of their trucks showed the certificate numbers 350, 451 and 449, and they did not think that there was any violation of the Commission's rules and regulations in so conducting their business under these certificates; and that the sale of Certificate 449 to the transferees would in effect put another operator in the area, which service, however, transferor could have provided at any time and would have done so had business been available.

Vane Golden, George Garrett, Chris Sorenson and Alice Blakley, all holding common carrier rights to serve points in Boulder County, contended that the granting of this transfer would result in reviving a certificate which had long been dormant and afford active competition which they had not had during the past five years; that since 1934, no office had been maintained at Longmont by transferor for the conduct of business under Certificate 449, and so far as these witnesses knew, from their contact with shippers in Boulder County, no transportation service of any consequence was rendered in Boulder County under this certificate; that in addition to the service rendered by the four witnesses, there were other carriers available, particularly William Boze, J. E. Rawson, Guy Hart, and Arvel Henrikson, and that the use of this certificate for the transportation of livestock would be in direct competition with a number of these carriers, including Blakley and Sorenson.

It further appeared from the testimony of these witnesses, particularly that of Vane Golden, that he had fourteen pieces of equipment of various kinds, including vans, livestock and dump trucks, and was ready, able and willing to take care of all transportation service as contemplated to be performed by the transferees herein, and that this territory was further served by line haul and common carriers adequately equipped and ready to meet

all public demands for service in this area.

Certificates 350 and 451, as well as the file in Application No. 1518, were made parts of the record.

Protestants objected to the transfer and urged denial of the application to transfer Certificate 449, on grounds that said operation had become an integral part of McMillan's operation, was not severable, and right to operate it as a separate unit has been abandoned, it being contended, in effect, that the granting of transfer authority herein sought would authorize a new operation, and that a certificate of public convenience and necessity is not property, but merely a license or revocable permit; that such right is issued, exists, is suspended or transferred, by the Commission only as authorized by statute, under rules properly promulgated pursuant to delegated authority; and that the status of Certificate 449, as shown by the record herein, is such that nothing remains to be, or which can be, transferred.

Counsel for the applicants objected to protestants' showing an apparent abandonment of Certificate No. 449 for the reason that it was not proper in connection with a transfer of the authority, as only the interest which the transferor might have was being transferred, and for the further reason that in raising these questions pertaining to the status of Certificate 449, protestants should have filed a written protest in order that the applicants might know what testimony was to be met in connection with such alleged abandonment.

Heretofore, the Commission has held that one to whom a certificate of public convenience and necessity is issued has a duty, as well as a privilege, to furnish service, and that, if he has failed for a substantial period of time to operate under his certificate, he does not have anything to transfer. When such a situation has developed in a transfer proceeding, the Commission on several occasions has refused to authorize the transfer. However, upon the whole record, we cannot here say that the privilege of operating under Certificate No. 449, which applicant seeks to transfer, has been abandoned. It appears that McMillan asked that said certificate be allowed to remain inactive. It also appears that he had two certificates in addition to Certificate No. 449 which authorized operations in the same territory, the only difference being

that offices for the purpose of developing business could be maintained in only one place under each certificate. One prohibited an office or agent in any place other than Boulder, another enjoined maintenance of such an office in any place other than Longmont, and under PUC No. 350 (applicant's active certificate) he could not maintain an office or agent for developing business in any town other than Fort Collins. At all times, McMillan held himself out to, and was ready, able and willing to furnish service in the territory he was obligated to serve under PUC No. 449. He did not have an office in Longmont. Under the terms of his certificate, he was not required to maintain one in Longmont. He merely was required not to establish a branch office or have an agent in any town or city other than Longmont for the purpose of developing business. So far as the record disclosed, he did not use his Fort Collins office to solicit business in the immediate vicinity of Longmont, but he took care of all business in Boulder County that was tendered him. Apparently, the Commission agreed that he might suspend his operations under PUC No. 449. At least it was carried as inactive on our records, which is not at all unusual. On a number of occasions, we have allowed carriers to suspend operations under a certificate for good cause shown, and here, where the transportation needs of the public continued to be satisfied, not only by McMillan under another certificate or certificates, but by protestants and a great number of other carriers, there was no good reason to deny McMillan's request. We believe that the certificate is in good standing and can be transferred.

Also, applicants ask permission to maintain their office at their home near Hygiene, which is distant about five miles from Longmont. We think the request should be granted. On a number of occasions, we have refused to allow an applicant to establish an office at a point in a section or trade area of the state located at a great distance from the place where an office could be maintained under the certificate then under consideration. For instance, we did not permit new headquarters to be established at Snyder, instead of at Longmont, or allow a second office or place for development of business to be opened in Denver in addition to one already maintained at

Longmont/ A comparable situation is not now before us. The new office location suggested is but a few miles distant from Longmont, is in the same trade area, and at a place where less competition should be offered protestants than if the office were located in Longmont. However, if the change is permitted, we believe that transferees should be limited to one office.

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 the McMillan Transfer and Storage Company be, and it hereby is, granted authority to transfer all its right, title and interest in and to Certificate No. 449 to Arles Bates and Almon Bates, copartners, doing business as Bates and Son, Hygiene, Colorado, with authority as contained in the order dated January 24, 1930, Decision No. 2693, to-wit:

"For the conduct of a transfer, moving and general cartage business in the counties of Adams, Boulder, Larimer and Weld, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter stated, * * *;

"For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicants shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

"The applicants shall not operate on regular schedule between any points.

"The applicants shall not engage in the business of carrying parcels or packages commonly carried by carriers rendering an express service."

IT IS FURTHER ORDERED, That the condition referred to in the statement herein with respect to the establishment of an office in any town or city other than Longmont be, and the same hereby is, cancelled, revoked and set aside, and that transferees be, and they hereby are, authorized and required to maintain their office and headquarters at their ranch home near Hygiene, Colorado, and that hereafter they shall not maintain an office in

Longmont or at any place other than their ranch home near Hygiene, without authority from the Commission first had and obtained.

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 herein 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 shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Decker

W. H. Danks

Wm. E. Smith
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

(Decision No. 14744)

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

RE MOTOR VEHICLE OPERATIONS OF)
W. J. ATWATER.)
)
)
)
.....)

PERMIT NO. C-10494

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
..... W. J. Atwater of 159 Midway, Pueblo, Colo.,
requesting that his Permit No. C-10494 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-10494, heretofore issued
to W. J. Atwater, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

.....
.....
.....
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

(Decision No. 14745)

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

RE MOTOR VEHICLE OPERATIONS OF)
T. E. NOREEN.)
)
)
)
.....)

PERMIT NO. C-10535

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
T. E. Noreen of 2039 Pine Boulder, Colo.,
.....
requesting that his Permit No. C-10535 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-10535
T. E. Noreen,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard E. T. D...
W. D. ...
W. E. ...

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES BOXER.)

PERMIT NO. C-10503

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Charles Boxer of 1542 Federal Blvd., Denver, Colo.,
requesting that his Permit No. C-10503 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-10503 heretofore issued
to Charles Boxer, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Threlkeld
W. L. Danks
Wm. E. Eason

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940

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

RE MOTOR VEHICLE OPERATIONS OF)
JACK JOHNSON.)
)
)
)
)
.....)

PERMIT NO. C-10605

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Jack Johnson of Route 1 Jet, Oklahoma,
..... requesting that his Permit No. C-10605 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-10605 heretofore issued
to Jack Johnson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Thibault
W. D. Parks
Allen E. Nixon
.....
.....

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940

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

RE MOTOR VEHICLE OPERATIONS OF)
BOYD PATTERSON.)
)
)
)
.....)

PERMIT NO. C-10625

.....
Feb. 2, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Boyd Patterson of Lekin Kansas
requesting that his Permit No. C-10625 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-10625 heretofore issued
to Boyd Patterson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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.....
.....
Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 19 40.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. A. WOODEN.

PERMIT NO. C-10659

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
W. A. Wooden of Cushing, Oklahoma,
requesting that his Permit No. C-10659 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-10659, heretofore issued
to W. A. Wooden, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. L. Danks
W. A. Swanson

Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

RAYMOND HOWARD.)

PERMIT NO. C-10691

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Raymond Howard of Route 1, Galena, Kansas,
requesting that his Permit No. C-10691 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-10691 heretofore issued
to Raymond Howard, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Stuebel
W. A. Danks
Walter Emerson
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WILLIS L. BRADFELD.)

PERMIT NO. C-10723

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Willis L. Bradfield of 721 Ellis, Wichita, Kansas
requesting that his Permit No. C-10723 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-10723
Willis L. Bradfield,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Duchs
W. D. Duchs
W. D. Duchs

Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

R. M. KEELING.)

PERMIT NO. C-10738

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
R. M. Keeling of Clifton, Colorado,
requesting that his Permit No. C-10738 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-10738 heretofore issued
to R. M. Keeling, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Oliver
W. D. Danks
Walter S. Sisson
Commissioners.

Dated at Denver, Colorado,
this 2nd day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JAMES R. BROTHERS.)

PERMIT NO. C-10815

Feb. 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
James R. Brothers of 928 Tennyson, Denver, Colo.,
requesting that his Permit No. C-10815 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-10815 heretofore issued
to James. R. Brothers, 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. J. Wilson
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

DORRIS SHELTON.)
)
)
)
)
.....)

PERMIT NO. C-10825

.....
Feb. 3, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
..... Dorris Shelton of 3614 Highland, Kansas City, Mo.,
requesting that his Permit No. C-10825 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-10825
Dorris Shelton,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell
.....
W. D. Quicks
.....
Wm. Erickson
.....

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
CONRAD LAHNERT.)
)
)
)
.....)

PERMIT NO. C-10862

.....
Feb. 3, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Conrad Lahnert of 410 East 5th St., Loveland, Colo.,
.....
requesting that his Permit No. C-10862 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-10862, heretofore issued
to Conrad Lahnert, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard D. Tucker
W. D. Davis
Walter S. Wilson
.....
Commissioners.

Dated at Denver, Colorado,
this 3rd day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
E. C. OAKLEAF.)
)
)
)
)
.....)

PERMIT NO. C-10975

.....
Feb. 3, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
E. C. Oakleaf of Silvercliff, Colorado,
.....
requesting that his Permit No. C-10975 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-10975
to E. C. Oakleaf, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
E. C. Oakleaf
W. D. ...
Ma ...
Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

EDWARD McDONNELL.

PERMIT NO. C-9896

Feb. 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Edward McDonnell of 3211 S. Sherman, Englewood, Colo.,
requesting that his Permit No. C-9896 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-9896 heretofore issued
to Edward McDonnell, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. D. Danks
Richard E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 3rd day of Feb., 1940, 19.....

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

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. HARTLEY.)
)
)
)
.....)

PERMIT NO. C-7175

.....
Feb. 3, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Charles E. Hartley of LaVeta Colorado,
requesting that his Permit No. C-7175 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-7175....., heretofore issued
to Charles E. Hartley, 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.

Dated at Denver, Colorado,
this 3rd day of Feb., 1940

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

RE MOTOR VEHICLE OPERATIONS OF)
ARCHIE J. HAND.)
)
)
)
)
.....)

PERMIT NO. C-8415

.....
Feb. 3, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Archie J. Hand of 15 E. Colorado Ave., Colorado Springs,
.....
requesting that his Permit No. C-8415 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-8415, heretofore issued
to Archie J. Hand, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. L. Danks
Wm. Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 3rd day of Feb., 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN TURNER.)

PERMIT NO. C-10326

Feb. 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
John Turner of 801 Elm St., Abilene, Texas,
requesting that his Permit No. C-10326 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-10326 heretofore issued
to John Turner, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. D. Danks
Wm. Danks
Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1940.

(Decision No. 14761)

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

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE AND ARTHUR MORRIS.)
)
)
)
)
.....)

PERMIT NO. C-10813

.....
Feb. 3, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
George and Arthur Morris of Cedaredge Colorado,
.....,
requesting that his Permit No. C-10813 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-10813, heretofore issued
to George and Arthur Morris, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Bailey
W. D. Davis
Wm. E. Nixon

Commissioners.

Dated at Denver, Colorado,
this 3rd day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

A. E. KUHNKE.)

PERMIT NO. C-2463

Feb. 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
A. E. Kuhnke of Castle Rock, Colorado
requesting that his Permit No. C-2463 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-2463 heretofore issued
to A. E. Kuhnke, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell
W. D. Danks
Rosen *Evans*
Commissioners.

Dated at Denver, Colorado,
this 3rd day of Feb., 1940.

(Decision No. 14763)

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

RE MOTOR VEHICLE OPERATIONS OF)
RUGBY COAL COMPANY.)

PERMIT NO. C-8457

Feb. 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Rugby Coal Company of 1144 - 5th St., Denver, Colo.,
requesting that his Permit No. C-8457 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-8457, heretofore issued
to the Rugby Coal Company, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eward J. Oliver
W. Danks
W. E. Emerson
Commissioners.

Dated at Denver, Colorado,
this 3rd day of Feb., 1940.

R

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

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE J. SMITH.)
)
)
)
.....)

PERMIT NO. C-1334

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
George J. Smith of Route 2, Grand Junction,
..... requesting that his Permit No. C-1334 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-1334, heretofore issued
to George J. Smith, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. H. Danks
Malcolm E. Eason
Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

E. T. VAN BRUNT.)

PERMIT NO. C-3099

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
E. T. Van Brunt 1310 S. Ogden St., Denver, Colo.
..... of,
requesting that his Permit No. C-3099 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-3099
E. T. Van Brunt,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. D. Danks
W. H. Danks
Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940

(Decision No. 14766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE R. MACK.)

PERMIT NO. C-9326

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
George R. Mack of 1114 S 1st St., Canon City, Colo.,
requesting that his Permit No. C-9326 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-9326 heretofore issued
to George R. Mack, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduardo A. Delgado
W. D. Jackson
K. E. Eason

Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

LAWRENCE BROCK.)

PERMIT NO. C-5508

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Lawrence Brock 728 Baker St., Longmont, Colo.,
_____ of _____,
requesting that his Permit No. C-5508 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-5508
to Lawrence Brock, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. Dwyer
W. C. Dwyer
Walter H. Dwyer
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

D. W. WINKLEPLECK.)

PERMIT NO. C-7785

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
D. W. Winklepleck of Cortez, Colorado,
requesting that his Permit No. C-7785 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-7785, heretofore issued
to D. W. Winklepleck, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard E. Wheeler
Wes Danks
Malcolm E. ...

Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940

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

RE MOTOR VEHICLE OPERATIONS OF)
J. W. CLINE.)
)
)
)
.....)

PERMIT NO. C-10278

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. W. Cline of Hotchkiss, Colorado
.....
requesting that his Permit No. C-10278 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-10278
to J. W. Cline, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. C. Danks
Malcolm E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

(Decision No. 14770)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

R. N. SYMONS.)

PERMIT NO. C-10405

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
R. N. Symons, _____ of Keyes, Oklahoma, _____,
requesting that his Permit No. C-10405 _____ 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-10405 _____, heretofore issued
to _____ R. N. Symons, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
W. D. Dukes
Walter S. Sisson
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

R

(Decision No. 14771)

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

RE MOTOR VEHICLE OPERATIONS OF)
CARL MARTIN.)
)
)
)
.....)

PERMIT NO. C-10611

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Carl Martin of Arkansas City, Kansas
requesting that his Permit No. C-10611 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-10611, heretofore issued
to Carl Martin, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Ouellet
W. D. Danks
Walter E. Eitzen

Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

(Decision No. 14772)

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

RE MOTOR VEHICLE OPERATIONS OF)
ROY F. GREEN.)
)
)
)
.....)

PERMIT NO. C-10915

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Roy F. Green Box 111 Lone Wolf, Okla.
..... of,
requesting that his Permit No. C-10915 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-10915, heretofore issued
to Roy F. Green, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
W. D. Danks
Walter H. Hines
.....
Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb.,, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

H. S. McGuire.)

PERMIT NO. C-5931

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
H. S. McGuire of 3809 S. Sherman St., Englewood, Colo.,
requesting that his Permit No. C-5931 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-5931
to H. S. McGuire, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Wesley Danks
Malcolm E. Iverson
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WALTER A. HARPER.)

PERMIT NO. C-10228

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Walter A. Harper of Holly, Colorado,
requesting that his Permit No. C-10228 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-10228, heretofore issued
to Walter A. Harper, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Trench
W. D. Parker
Malcolm F. ...
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

L. K. GLOVER.

PERMIT NO. C-10226

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
L. K. Glover of 306 Main Montrose, Colo.,
requesting that his Permit No. C-10226 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-10226, heretofore issued
to L. K. Glover, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Miller
W. H. Dukes
Wm. E. Smith

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

PERMIT NO. C-9833

Feb. 5, 1940

S T A T E M E N T

The Commission is in receipt of a communication from Mrs. Paul Jones,
of Ignacio, Colorado, _____ of _____,
requesting that ~~MRS~~ Permit No. C-9833 _____ be cancelled on
account of the death of Paul Jones.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9833, heretofore issued to Paul Jones, be, and the same is hereby, declared cancelled.

Edward T. Trenchard
Wesley Danks
Hiram Erickson
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

(Decision No. 14777)

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

RE MOTOR VEHICLE OPERATIONS OF)
J. C. SWAIM.)

PERMIT NO. C-9275

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
J. C. Swaim, _____ of Segundo, Colo.,
requesting that his Permit No. C-9275 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-9275, heretofore issued
to J. C. Swaim, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. C. Danks
Walter H. Hinkley
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

THOMAS E. SPURLING, JR.)
)
)
)
)
.....)

PERMIT NO. C-7693

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Thomas E. Spurling, Jr., of 1919 E. Boulder Colorado Springs, Colo.,
.....,
C-7693
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-7693
Thomas E. Spurling, Jr.,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Tuley
W. H. D. Parks
Wm. E. E. E. E.
.....
Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

C. W. FURR STORES CO.)

PERMIT NO. C-9030

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____ the
C. W. Furr Stores Co., _____ of Lubbock _____ Texas,
requesting that his Permit No. C-9030 _____ 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-9030 _____, heretofore issued
to _____ the C. W. Furr Stores Co., _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Anderson
W. C. Danks
Marion E. Evers
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JAMES E. CANTRIL.)

PERMIT NO. C-9316

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
James E. Cantril _____ of Leadville _____ Colorado
requesting that his Permit No. C-9316 _____ 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-9316 _____, heretofore issued
to _____ James E. Cantril, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. H. Danks
Marion Emerson
Commissioners.

Dated at Denver, Colorado,
this 5th _____ day of February _____, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

EARL IRWIN.)

PERMIT NO. C-9669

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Earl Irwin of 1022 Pearl St., Denver, Colo.,
requesting that his Permit No. C-9669 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-9669 heretofore issued
to Earl Irwin, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. C. Danks
Wm. Irwin

Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

CLIFFORD LANE.)

PERMIT NO. C-8894

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Clifford Lane _____ of Paonia _____ Colorado _____,
requesting that his Permit No. C-8894 _____ 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-8894 _____, heretofore issued
to _____ Clifford Lane, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward M. Tucker
W. L. Danks
Malcolm E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAN LUIS LUMBER & SUPPLY CO.)

PERMIT NO. C-7682

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the San Luis
Lumber & Supply Co., of San Luis, Colorado,
requesting that his Permit No. C-7682 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-7682, heretofore issued
to the San Luis Lumber & Supply Co., be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward H. Wacker
W. L. Davis
Marvin E. Wacker

Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 19 40.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY B. MINER, DOING BUSINESS AS)
H. B. MINER TRANSPORTATION COMPANY,)
1346 11th STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 5257

PERMIT NO. A-499

699
88

February 5, 1940.

Appearances: Raymond Danks, Esq., Denver, Colorado,
for the applicant;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Henry B. Miner, doing business as H. B. Miner Transportation Company, herein seeks authority to operate as a common carrier by motor vehicle for hire for the transportation of freight, in intrastate commerce, over U. S. Highway No. 138 and Colorado State Highway No. 113, between Sterling and a point where said State Highway No. 113 intersects the Colorado-Nebraska state line, with the right to serve intermediate points, and with the privilege of using, as an alternate route (and serving points thereon) the county highway extending northerly out of Sterling to Padroni, and thence east to said State Highway No. 113.

At the hearing, it appeared that Mr. Miner has been operating over said routes in interstate commerce; that he has a Class "A" permit, No. A-⁶⁹⁹499, to serve the towns which he now proposes to serve under common carrier intrastate authority; that, if the certificate here sought is granted, said private carrier permit may be cancelled; that there is considerable demand for common carrier service at towns (Peets and Padroni) located on said routes, especially for the movement of freight out of Denver, which he proposes to pick up on interchange arrangement with North Eastern Motor Freight at Sterling.

Mr. J. R. Arnold, manager of North Eastern Motor Freight, and Mr. A. J. Fregeau, general manager of Weicker Transportation Company, stated that they frequently had been asked to furnish the names of carriers authorized to serve over the route applicant proposes to serve; that, in their opinion, considerable freight would move by common carrier to said territory if applicant is authorized to serve it.

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 the public convenience and necessity require the proposed operation of applicant, and that a certificate of public convenience and necessity should issue therefor, and, also, that Permit No. A-499 should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed operation of applicant, Henry B. Miner, doing business as H. B. Miner Transportation Company, for the transportation of freight, in intrastate commerce, over U. S. Highway No. 138 and Colorado Highway No. 113, between Sterling and a point where said State Highway No. 113 intersects the Colorado-Nebraska state line, with the privilege of using, as an alternate route, the county highway extending northerly out of Sterling to Padroni, and thence east to said State Highway No. 113, with the right to serve all points on said routes; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That Permit No. A-499^{699 EP} should be, and the same is hereby, cancelled and revoked.

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

Edward D. White

W. C. Danks

Maar Erickson

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

(Decision No. 14785)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

OLEN R. ELLIS.

PERMIT NO. C-10049

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Olen R. Ellis of Center Colorado
requesting that his Permit No. C-10049 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-10049 heretofore issued
to Olen R. Ellis, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Oliver
W. L. Danks
Norman Erickson

Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD M. DOLPHIN.)
)
)
)
)
.....)

PERMIT NO. C-9046

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Edward M. Dolphin of Norwood, Colorado
.....
requesting that his Permit No. C-9046 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-9046
Edward M. Dolphin,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward M. Dolph
.....
W. Danks
.....
Wm. E. Eason
.....
Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
M. A. GILLILAND.)
)
)
)
)
.....)
)

PERMIT NO. C-8646

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
M. A. Gilliland of Fountain, Colorado,
.....
requesting that his Permit No. C-8646 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-8646
to M. A. Gilliland, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Edward J. O'Connell
W. H. Danks
William E. ...
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM L. THOMPSON, DOING)
BUSINESS AS WILLIAM L.)
THOMPSON COMPANY.)
.....)

PERMIT NO. C-8922

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from William L. Thompson,
d/b/a William L. Thompson Company of Fort Garland, Colorado,
requesting that his Permit No. C-8922 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-8922, heretofore issued
William L. Thompson, d/b/a William L. Thompson Company,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. D. Banks
Walter E. Eason
.....
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

L. A. BOOTH, GOLDEN, COLO.)

PERMIT NO. C-7156

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
L. A. Booth of Golden, Colorado,
requesting that his Permit No. C-7156 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-7156 heretofore issued
to L. A. Booth, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell
W. D. Danks
Malcolm E. Eason
Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

THE SUPERIOR MILLING CO., INC.)

PERMIT NO. C-9747

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Superior
Milling Co., Inc., of Superior, Nebraska,
requesting that his Permit No. C-9747 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-9747, heretofore issued
to the Superior Milling Co., Inc., be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Guler
W. H. Danks
Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE AND WILLIAM J. BRANTLEY)
)
)
)
.....)

PERMIT NO. C-9772

.....
Feb. 5, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Claude and William J. Brantley of 1309 Champa St., Denver, Colo.,
....., requesting that his Permit No. C-9772 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-9772 heretofore issued
to Claude and William J. Brantley, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Leary
.....
W. D. Davis
Wm. E. Eason
.....

Commissioners.

Dated at Denver, Colorado,
this 5th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
IMPERIAL MOTOR COMPANY.)

PERMIT NO. C-6704

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Imperial Motor Company of Imperial, Nebraska,
requesting that his Permit No. C-6704 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-6704, heretofore issued
to the Imperial Motor Company, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Leary
W. D. Banks
Wm. E. ...

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

C. & G. TRANSPORT.)

PERMIT NO. B-1597-I

Feb. 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
C. & G. Transport of Box 182, Colby, Kansas,
requesting that his Permit No. B-1597-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. B-1597-I, heretofore issued
to the C. & G. Transport, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eward E. Tucker
W. D. Davis
Wm. E. Sisson

Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.
R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. LELIA BUNYARD, OF 2828)
WEST SHORT PLACE, DENVER, COLO-)
RADO.)

PERMIT NO. B-1076

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that Permit No. B-1076 be suspended for a period of six months from January 2, 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 Mrs. Lelia Bunyard should be, and hereby is, allowed to suspend her operations under Permit No. B-1076 for a period of not to exceed six months from January 2, 1940.

IT IS FURTHER ORDERED, That unless said Mrs. Lelia Bunyard 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. T. Guler

W. Danks

Wm. E. Eason

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF P. M. RAGLAND, GROVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT)
NO. A-202 TO R. O. BROWN, GROVER,)
COLORADO.)

APPLICATION NO. 5276-PP-A

February 5, 1940.

Appearances: P. M. Ragland and R. O. Brown,
Grover, Colorado, pro se;
Chas D. Young, Denver, Colorado,
for The Colorado Trucking
Association;
Ray B. Danks, 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-202.

It appeared from the testimony given at the hearing that the
transferor had arranged to sell his truck and the permit for the sum of \$750;
that there were no outstanding unpaid obligations as a result of previous
operations under this authority; that R. O. Brown, the transferee, had paid
cash for the truck and was financially able to conduct the operation if
authority is granted to transfer the right.

After a careful consideration of the record and the testimony given
at the hearing, the Commission is of the opinion, and finds, that authority
to transfer Permit No. A-202 should be granted.

O R D E R

IT IS THEREFORE ORDERED, That P. M. Ragland, of Grover, Colorado,
be, and he hereby is, granted authority to transfer all of his right, title
and interest in and to Private Permit No. A-202 to R. O. Brown, Grover,
Colorado, with authority to serve as set forth in the original permit issued

August 20, 1931:

"From Grover Colo and vicinity to Grover,
Briggsdale, Hereford, Greeley & 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. Smith

W. H. J. J. J.

Malcolm E. Emerson
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. R. JONES, OF RAGO, COLORADO.)

PERMIT NO. B-2336

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his permit be suspended for a period of one year.

After careful consideration of the record, 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. R. Jones should be, and hereby is, allowed to suspend operations under his Permit No. B-2336 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, that unless said C. R. Jones 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. Deuel
W. D. Banks
Wm. E. Sisson

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GERALD R. KRUSE, OF 2171 SO.) PERMIT NO. B-2162
CHEROKEE ST., DENVER, COLORADO.)

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gerald R. Kruse requesting that his Permit B-2162 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 Gerald R. Kruse should be, and hereby is, allowed to suspend his operations under Permit No. B-2162 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Gerald R. Kruse 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. Wheeler

W. D. Danks

Karen E. Eason

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THE LEWIS & SON TRANSFER & STORAGE)
COMPANY, OF 3955 ALCOTT STREET,)
DENVER, COLORADO.)

PUC NO. 624

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Lewis & Son Transfer and Storage Company requesting that its Certificate, PUC No. 624, 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 the Lewis & Son Transfer & Storage Company should be, and hereby is, allowed to suspend its operations under Certificate, PUC No. 624, for a period of not to exceed six months from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard E. Weller

W. Danks

Maureen E. Simon

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. M. MOORE, DOING BUSINESS AS)
COLORADO-NEBRASKA TRANSPORT, OF)
436 S 7th, GRAND JUNCTION, COLO.)

PERMITS NOS B-2385 and B-2385-I

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permits Nos. B-2385 and B-2385-I be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That W. M. Moore, doing business as Colorado-Nebraska Transport, be, and hereby is, allowed to suspend his operations under Permits Nos. B-2385 and B-2385-I for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said W. M. Moore, doing business as Colorado-Nebraska Transport, shall, prior to expiration of said suspension period, reinstate said permits by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private and interstate carrier permits, said permits, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler

W. C. Dunkley

Wm. E. Eason

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DANIEL KELLEY AND HERBERT J.)
WINTERS, OF 226 LOWELL BLVD.,)
DENVER, COLORADO.)

PERMIT NO. B-2172

February 5, 1940.

S T A T E M E N T

By the Commission:

On June 30, 1939, Decision No. 13706, the Commission granted authority to the above named permittees to suspend operations under their permit B-2172 for a period of six months from July 25, 1939.

The Commission is now in receipt of a communication from Daniel Kelley requesting an additional suspension of said permit, until June 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 Daniel Kelley and Herbert J. Winters should be, and hereby are, allowed to suspend their operations under Permit B-2172 until June 1, 1940.

IT IS FURTHER ORDERED, That unless said Daniel Kelley and Herbert J. Winters 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. Tuley

W. D. Danks

Wm. E. Eason

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. L. SEELEY, OF 609 E. BAYAUD,) PERMIT NO. A-2051
DENVER, COLORADO.)

February 5, 1940.

S T A T E M E N T

By the Commission:

On June 30, 1939, the Commission granted the above named permittee authority to suspend his operations under Permit No. A-2051 for a period of six months.

The Commission is now in receipt of a communication from permittee requesting that his permit be suspended for an additional six months' period.

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. L. Seeley should be, and hereby is, allowed to suspend his operations under Permit No. A-2051 for a period of not to exceed six months from December 30, 1939.

IT IS FURTHER ORDERED, That unless said W. L. Seeley 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. Wheeler

W. C. Danks

Walter E. Simon

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THE STUART TRUCK LINE, OF 204)
NORTH 6th ST., BRIGHTON, COLO.)

PUC NO. 937

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named truck line requesting that its PUC No. 937 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 the Stuart Truck Line should be, and hereby is, allowed to suspend its operations under its certificate, PUC No. 937, for a period of not to exceed six months from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler

W. H. Davis

Malcolm S. Sisson

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
IRENE WILBUR, OF 9990 NORTH)
FEDERAL BLVD., DENVER, COLORADO.)

PERMIT NO. B-2341

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that her permit No. B-2341 be suspended for an additional six months' period, it formerly having been suspended by the Commission for a period of six months from July 28, 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 Irene Wilbur should be, and hereby is, allowed to suspend operations under her Permit No. B-2341 for a period of not to exceed six months from January 28, 1940.

IT IS FURTHER ORDERED, That unless said Irene Wilbur 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. Decker

W. D. Danks

Wm. E. Eason

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT A. KNIGHT, OF AGUILAR,)
COLORADO.)

PERMIT NO. B-1032

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his permit B-1032 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 Robert A. Knight should be, and hereby is, allowed to suspend his operations under Permit B-1032 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Robert A. Knight 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. Wheeler

W. C. Danks

Walter E. Simon

Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

R.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. E. MAYFIELD, RFD #2, BOX 5A ,) PERMIT NO. A-1609
LaSALLE, COLORADO.)

February 5, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his permit No. A-1609 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 R. E. Mayfield should be, and hereby is, allowed to suspend his operations under Permit No. A-1609 for a period of not to exceed one year from the date hereof.

IT IS FURTHER ORDERED, That unless said R. E. Mayfield 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. Guler
W. D. Parks
Walter Emerson
Commissioners

Dated at Denver, Colorado,
this 5th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DUNCAN H. LOWELL, CASTLE ROCK, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4949-PP

February 5, 1940.

Appearances: Duncan H. Lowell, Castle Rock, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company,
Weicker Transfer and Storage Company;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, G. O. Anderson;
Charles D. Young, Denver, Colorado,
for Mikelson Brothers, Fred Funk,
The Colorado Trucking Association,
Parker Transfer, Jess F. Sellers,
Forest Woodard, James A. Heffley
and W. G. Goodenberger.

S T A T E M E N T

By the Commission:

The Commission, on September 19, 1939, Decision No. 14004, denied the Application of Duncan H. Lowell for a Class "B" permit, said denial, primarily, being based upon showing that said Lowell had operated for hire without authority.

The matter was heard in Denver on March 15, 1939. The order further recited:

"It can be said in favor of the applicant that since this hearing, which has been held up partly on account of the record against the applicant, no reports have come to the Commission to indicate that he has committed any violations. If he now has shippers who can show inadequacy of present service, the applicant may be justified in requesting a rehearing."

Application for rehearing was filed, which was granted, and the matter was heard in Denver on December 6, 1939. At the hearing, a number of witnesses testified for applicant. William T. Lambert, Jr., who

resides three miles west of Sedalia, stated that while there was some motor vehicle carrier service available, in his judgment, it was not adequate; that, on account of the great number of livestock raised in the community, the amount of feed that had to be hauled in to ranches, and other farm service required, it was necessary to have a number of authorized truckers, otherwise people would patronize illegal carriers because the service must be performed on short notice; that, at times, he had been unable to get Mikelson or Funk's trucks, when he wanted them.

Theodore J. Webber, who operates a ranch near Larkspur, stated that Lowell's service was needed; that he had been unable to get feed hauled when his stock needed it, and had been compelled to wait several days to have stock hauled to market.

At the conclusion of the hearing, Mr. Young, appearing for a number of the carriers operating in the territory, suggested that if the applicant were limited to one piece of equipment of the type now operated by him, viz., a 1937 $1\frac{1}{2}$ -ton Dodge truck, with a $7\frac{1}{2}$ x 12 stock rack, there would be no objection to the granting of the authority sought.

No additional testimony was offered in opposition to the granting of the permit.

The authority sought by applicant is the right to transport hay, straw, feed, livestock, used farm machinery, bridge piling, lumber, wood and grain from point to point within the area extending five miles east, twelve miles south, twenty miles west and twenty miles north of Castle Rock. In other words, applicant seeks, except for the transportation of bridge piling and lumber, to render a local farm service. No in-and-out authority is requested, and it would seem desirable, upon the record, that such additional service should be provided. Apparently, at times, farmers all want service, and especially that is true of those who reside in section where Mr. Lambert and Mr. Webber reside. Farmers need hay, straw, grain and other feeds for their livestock, used farm machinery — that is, a thresher, tractor, or other

piece of farm equipment, from time to time, moved immediately. Also, at times, when the common carriers are handling livestock from and to points near Castle Rock, to and from Denver and other markets, farmers or ranchers want to move one or more cows or horses, and, perhaps, sheep, from point to point in the area.

So, after a careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay, grain, straw and livestock feeds, used farm machinery and livestock, from point to point within the area five miles east, twelve miles south, twenty miles west and twenty miles north of Castle Rock; that his request to transport bridge piling, lumber and wood should be denied, there being no evidence to support granting authority sought for such service.

O R D E R

IT IS THEREFORE ORDERED, That Duncan H. Lowell, Castle Rock, 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, grain, straw and livestock feeds, used farm machinery and livestock, from point to point within the area five miles east, twelve miles south, twenty miles west and twenty miles north of Castle Rock, Colorado.

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 insurance, and required tariffs, and has secured identification cards.

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 restriction, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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 the instant application, in all other respects, 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 D. Sine

W. C. Danks

Malcolm Sisk
Commissioners.

Dated at Denver, Colorado,
this 5th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES, PRACTICES, ETC., OF THE)	CASE NO. 4664
COLORADO UTILITIES CORPORATION.)	APPLICATION FOR REHEARING.

February 3, 1940.

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,
for Respondent.

S T A T E M E N T

By the Commission:

On December 20, 1939, the Commission entered an order in the instant case, Decision No. 14528, wherein the Commission found a certain value of respondent's property for rate making purposes, and ordered respondent to file a rate schedule in conformity with said decision. Thereafter, on January 5, 1940, respondent filed its application for rehearing, alleging some twenty-two grounds wherein it is set forth that the Commission erred in its said Decision 14528.

The first three paragraphs of said application for rehearing allege, in effect, that the hearing upon which said decision was based should have been continued to a future date for the submission and consideration of further evidence, and that said further hearing was never held, and that the inventory which was made part of the record was never made available to respondent in such manner as to allow it to make a detailed study and analysis thereof.

In regard to the first allegation, we believe that respondent is in error in the statement that a further hearing was to be held, in any event. At the close of the hearing which was held at Steamboat Springs on April 11, 1939, a request was made by the attorney for the Towns of

Hayden and Yampa that a further audit of respondent's accounts be made by an auditor to be paid for by said towns, but acting under the supervision and direction of the Commission. The recollection of the Commission is to the effect that when said audit was completed and respondent received a copy thereof, if it then desired a further hearing to introduce evidence in connection with any report submitted by said auditor, they would be granted such an opportunity. However, the record discloses that the report of Auditor Wilkins dated August 7, 1939, was filed with the Commission on August 11, 1939, and we assume that respondent received copy thereof on or about said date. As heretofore pointed out, the Commission did not write its decision until December 20, or about four months after the receipt of said Wilkins report, and during that period no communication of any kind was received from respondent to the effect that it desired any further hearing in the matter.

In connection with the second statement that respondent was not given ample opportunity to examine the inventory, we believe same to be misleading, as at all times said inventory was available for the inspection of respondent or its agents at the office of the Commission's engineer in Denver, and it is not our understanding that respondent was promised a copy of said inventory, but merely that the same was to be available to respondent, which it was, and no complaint was made by respondent at the time of the hearing to the introduction of said inventory and appraisal by our engineer.

Paragraph 4 alleges that the reduction in the engineer's estimate on overheads in the amount of \$30,000 was not supported by the evidence and is contrary thereto, In this connection, we must point out that Mr. Mueller testified that the total allowance for said overheads was 34.35 per cent, and that when comparing the same with the overheads allowed by the Commission in two other cases, we found they were approximately five per cent higher. These overheads were broken down by Mr. Mueller as follows:

Legal administration	1.81%
Engineering & Superintendence . . .	3.84%
Interest during construction . . .	3.54%
Miscellaneous and direct overheads	16.04%
Organization62%
Going concern	5.47%
Working Capital	1.35%
Miscellaneous general overheads .	.59%
Cost of financing	1.9%

Mr. Mueller made it quite plain in his testimony that these overheads totaled approximately five per cent more than those that are ordinarily allowed. The \$30,000 deducted by the Commission does not equal five per cent of the reproduction cost of the property by approximately \$2,100. However, an analysis of the breakdown of these costs, and considering the record as a whole, amply justifies the position of the Commission that the deduction made by the Commission is proper.

Paragraph 5 stated that the Mt. Harris substation should have been included and considered as a part of respondent's used and useful property. We believe the record discloses that the value of the substation at Mt. Harris was included in the original inventory, except that the estimated cost of labor and dismantling was deducted. The record discloses that the engineer estimated the total value of the property that should be deducted as no longer used and useful amounted to \$15,194, and this figure includes the substation at Mt. Harris with the deductions above set forth. This figure of \$15,194 was undepreciated and gave a net figure of \$9,705 when depreciated, which answers the allegation contained in Paragraph 6 of the application for rehearing.

In Paragraph 7, respondent objects to the insufficient allowance for going concern value. The question of an allowance for going concern value today is somewhat of a controversial one, and is not always allowed as a specific item. However, we believe the allowance given to respondent to be fair and reasonable under all the facts as disclosed in the instant record.

Paragraph 8 alleges that the Commission has not given due heed to the actual and complete cost to respondent of the properties of respondent

which it purchased in 1926, nor to the actual cost of the new machinery and equipment acquired and installed for the purpose of carrying on its business, and winds up with the allegation that we have apparently been guided solely by the engineer's estimates of reproduction cost new, less depreciation.

An examination of our order discloses that all factors which may be considered by the Commission in arriving at a value, were taken into consideration. The fact that this figure may closely coincide with the engineer's estimates of reconstruction cost new, less depreciation, does not, in our opinion, work an injustice upon respondent. We might point out in this connection that the property which respondent purchased from predecessor companies for the sum of \$255,000, which included approximately \$13,000 preliminary expense, were immediately capitalized and securities issued upon a figure of \$381,000, which amount did include the sum of \$3,867 for materials and supplies.

In Paragraph 9, it is alleged that due to the fact that the Commission was attempting to hurry the proceedings to a conclusion, respondent did not submit independent proof of the matters contained in Exhibit 11, and that in our decision, we, in effect, alleged that the matters and things contained in respondent's Exhibit No. 11 were not sufficiently proven. The only question raised in our decision about evidence not furnished to the Commission by respondent, was in regard to the actual value of the property abandoned and destroyed by fire. We believe that Mr. Hofstetter, a witness for respondent, who was explaining Exhibit No. 11, had covered the question of property lost by fire and abandoned before it was suggested that the hearing might be expedited by not giving too much detail in connection with said exhibit. However that fact may be, the Commission is still of the opinion the figure arrived at in its original decision as to the value of the property destroyed by fire and abandoned, is fair and equitable to respondent based upon the record as a whole. Exhibit No. 11 does set forth the respondent's position in regard to the value of said property which, as pointed out in our original decision, is based somewhat on the statement of

our then engineer, Mr. Dwight, that "he guessed that the value of this property was in the neighborhood of \$175,000." Respondent alleges that the Commission, in accepting reports of predecessor companies as to the value and amount of abandoned property, did so without an opportunity to respondent to examine and explain the same and offer evidence, if so advised, that such reports were inaccurate. However, this statement is not correct, as said reports and figures mentioned are contained in the report of Mr. Loss, our auditor, which was introduced as an exhibit in the case, and concerning which Mr. Loss could have been cross-examined at the time of the hearing, or direct testimony could have been offered by respondents if they so desired.

We believe the allegations contained in Paragraphs 11, 12, 13 and 14, have been sufficiently covered by our discussion of allegations contained in the preceding paragraphs.

In Paragraph 15, it is alleged that the Commission erred in disallowing loss to respondent occasioned by the forced abandonment of service at Oak Creek in the amount of \$32,290.79. In this connection, as pointed out in our original order, this item was charged to operating expense in the year 1933. It may be true that respondent did not make sufficient return in said year to reimburse itself for this charge, and if this is the condition, then our statement concerning the customers again paying the bill, may be incorrect to the extent that it falls short of meeting the actual loss. However, we might also point out in this connection that in the value of \$133,437.77, which we allowed as "losses caused by fire and abandoned property", the value of the Oak Creek property as shown by assignor's books is included, and we have permitted respondent to amortize the net balance of said losses after deduction for salvage, to-wit, \$31,567.19, over a period of twenty years, it having already amortized to December 31, 1937, the sum of \$56,037.22. We believe respondent has little to complain of in connection with this account.

Paragraph 16 alleges that the Commission was in error in excluding

the so-called "Cassidy Judgment" from the rate base. As pointed out in our original order, said amount was actually charged by respondent to operating expenses in the year 1931, and the same statement relative to the question of whether or not respondent actually received sufficient money to reimburse itself for said amount that we made in connection with the Oak Creek property, would apply in regard to this item. We are still of the opinion that such an item cannot properly be included in the rate base of respondent.

Paragraph 17 alleges that the amount we have allowed respondent for annual expenses is wholly inadequate and is not based on any evidence offered in the case. We might point out that the Commission's allowance is approximately \$6,000 larger than the recommendation of Auditor Wilkins, as shown by his report, and only \$1,000 less than the five-year average operating expenses of respondent for the years 1934 to 1938, inclusive. The record amply supports the fact that the 1938 operating expenses included many items which will not be necessary in future years, and we believe all allowances are ample to permit respondent to conduct its business in an efficient, as well as an economical manner.

Paragraph 18 alleges that the Commission is in error in disallowing the 25-cent service charge in the Town of Hayden, and alleges that such charge was tentatively authorized by the Commission's engineer, C. L. Flower. We might call attention to the fact that Mr. Flower's report was made a part of the record, and while indicating that said charge might technically be sustained, due to the difference in volume of business, yet it was his position that same was not justified on the ground of "public relationship". The feeling of the Commission in regard to this item is that the small amount of revenue involved, to-wit, approximately \$300 does not justify itself from a public relationship standpoint, due to the feeling of customers at Hayden that they are being discriminated against by the imposition of such charge.

After a careful consideration of all the allegations contained in said application for rehearing, the Commission is of the opinion, and so

finds, that no good purpose would be served by granting the same.

O R D E R

IT IS THEREFORE ORDERED, That the application for rehearing filed herein on January 5, 1940, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Trencher

W. D. Danks

Malcolm Epstein

Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN RE MOTOR VEHICLE OPERATIONS OF)
HARRY LOWELL AND S. L. EVANS,)
DOING BUSINESS AS "GRAND JUNCTION)
TRUCK LINE," PRIVATE PERMIT NO.)
A-409.)

CASE NO. 4767

February 3, 1940

Appearances: James J. Patterson, Esq., Denver,
Colorado, for the Commission;
Marion F. Jones, Esq., Denver,
Colorado, for the respondents;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation
Company.

S T A T E M E N T

By the Commission:

On November 28, 1939, the Commission issued a Show Cause Order against the above-named respondents, charging violation of the provisions of Chapter 130, Session Laws of 1931, as amended, in connection with their operations under Private Permit No. A-409; that during the month of April, 1939, the respondents accepted, transported, and delivered shipments of freight at and for rates and charges lower than those prescribed by the Commission for such service; that during the month of April, 1939, the respondents accepted, transported, and delivered shipments of freight for persons or firms without first having them listed as customers or entering into contracts with such persons or firms, contrary to the provisions of Rule 10 of the Rules and Regulations Governing Private Carriers by Motor Vehicle; and that, during the month of April, 1939, the respondents accepted shipments of freight for delivery to points outside of and beyond the territory and route authorized to be served under their Permit A-409, by

interlining with both common and private carriers.

The respondents, answering the charges, deny that they knowingly accepted, transported and delivered shipments of freight for rates lower than the prescribed rates of the Commission; deny that they transported freight for persons and firms who were not listed by them with the Commission as customers; and that they did not deliver shipments of freight to points outside of and beyond the territory and routes authorized to be served under their permit in violation of the Rules and Regulations of the Commission; and respondents further allege that there may have been errors in the billing of freight which they thereafter tried to correct and make the proper charge therefor, and that, if they served customers who were not listed, as required by the rules of the Commission, the same was due to inadvertence and mistake on the part of respondents' employees.

It appeared from Exhibit No. 1, received in evidence, which was supported by the testimony of the Commission's Inspector, John Juliano, and the records of the Commission, that Permit A-409 authorizes a service:

"Denver to Grand Junction and all intermediate points, via Tennessee Pass or Monarch Pass;"

that while operating under this authority on April 18, 1939, a shipment of 404 empty containers from Frank Zaitz, Leadville, consigned to Adolph Coors at Golden, was transported by the respondents, and that, in this operation, service was rendered to Golden, Colorado, which is not an intermediate point between Denver and Grand Junction; that on April 13, 1939, respondents moved a shipment from the Dillon Hardware Company, Denver, consigned to Lewis Tompkins, Aspen, Colorado, by interline with the Roaring Fork Transportation Company at Aspen, which operation was a violation of the Rules Governing Private Carriers by Motor Vehicle; that on April 25, 1939, a shipment from the Joslin Dry Goods Company, Denver, Colorado, consigned to Irene E. Cobb, of Carbondale, Colorado, was handled in the same manner, in violation

of the Rules Governing Private Carriers by Motor Vehicle; that on April 23, 1939, a shipment of glassware from the Carson Crockery Company, Denver, was transported to the C.C.C. Camp at Paradox, Colorado, the same being interlined by use of the Theobald Truck Line at Pueblo; that on April 27, 1939, a shipment of five vending machines was accepted at Leadville by the respondents, consigned to Larry A. Crider, Cripple Creek, Colorado, which point is not an intermediate point between Denver and Grand Junction; and that the bills of lading of the respondents covering their operations during the month of April, 1939, disclose that they had served a total of 55 customers whose names did not appear on the customers' list on file with the Commission.

It further appeared, from Exhibit No. 2 received in evidence, being the report of O. E. Mayer, of the Commission's Rate Department, that a check of bills which had been produced by respondents upon request of the Enforcement Division, covering the month of April, 1939, showed the assessing of rates as follows:

A shipment of 23 empty beer cases from L. C. Sharp, Eagle, Colorado, to the Model Distributing Company, Denver, was not covered by the proper certification required by the rules of the Commission; the shipment of 404 empty containers from Frank Zaitz, Leadville, to Adolph Coors, Golden, did not show the rate or the charges assessed.

On shipments of cigars, Denver to Grand Junction, a rate of 90 cents per hundredweight was charged, while the prescribed rate of the Commission is \$1.16 per hundredweight. However, the difference was later collected.

On April 25, 1939, empty cases were moved by the respondents from L. C. Sharp, Eagle, Colorado, to the Model Distributing Company, Denver, and the charges assessed were one-half of the Column 2 rate, and no certification was carried as required by the rules of the Commission.

The bills checked also disclose that, on April 13, 1939, a shipment of hardware from the Dillon Hardware Company, Denver, was in-

terlined with the Roaring Fork Transportation Company at Glenwood Springs to a point off of the route authorized by Permit A-409; that these bills further showed a shipment on April 28, 1939, from the Carson Crockery Company, Denver, consigned to the C.C.C. Camp at Paradox, Colorado, interlined with the Theobald Truck Line at Grand Junction; and that, on April 27, respondents transported freight from the Union Storage and Transfer, Leadville, consigned to L. A. Crider, Cripple Creek, by interlining said shipment with carriers who were not disclosed on the bills.

This report further shows that a check of the bills produced by respondents covering some operations during the month of April, 1939, disclosed a transportation service rendered for 55 customers whose names do not appear on the customer lists on file with the Commission.

Exhibit No. 3, being a number of freight bills checked by the Commission's Rate Department, discloses the facts as above testified to by Oscar Mayer.

S. E. Evans, one of the respondents herein, testified that the shipment of empty containers from L. C. Sharp, Eagle, Colorado, no rate being shown on the bill, was transported at the Commission's prescribed rate, and that the billing clerk did not know about the requirement of a certification covering such empty containers; and that, in connection with another shipment for the same customer, Mr. Evans stated that the load sheet was missing; however, he was certain that these containers were transported full by the respondents; that shipments were accepted to be delivered at Aspen, and were turned over to the Roaring Fork Transportation Company at Glenwood Springs, and he believed that Aspen was an intermediate point between Denver and Grand Junction, at least from his interpretation of the authority granted by Permit A-409, and that the rates charged on such shipments were a combination of locals; that with respect to the Carson Crockery Company item of freight, which was consigned to the C.C.C. Camp at

Paradox, they did interline with the Theobald Truck Line at Grand Junction, but did not know that this was in violation of any of the rules of the Commission, and, further, did not know about the transportation service being rendered until after the same had been accomplished, and they were dividing the charges made with the Theobald Truck Line; that as to the transportation of freight from the Union Storage and Transfer, Leadville, Colorado, to L. A. Crider, Cripple Creek, this was accomplished on a combination of locals; that with respect to the delivery of freight to Golden, the respondents had always regarded Golden as an intermediate point between Denver and Grand Junction; that the customers' list furnished about May 11th or 12th, with which Mr. Evans was not entirely familiar, did not show the names of quite a number of customers which the bills disclose were served during the month of April, 1939, and that he did not know about prior lists filed with the Commission, but that a large number of shipments were accepted inadvertently and later found to be from and for parties who were not listed with the Commission as their customers. However, Mr. Evans called attention to the fact that they issued some 300 different bills during the month of April, 1939, and felt that the number of shipments made for those who were not listed as customers was small in comparison with the month's business; that, so far as he knew, all interlined business was handled on a combination of local rates, and that those points, such as Aspen, Carbondale, Golden, and other points between Denver and Grand Junction, were, so far as he knew, proper intermediate points; however, with respect to the bill which showed Fruita as the delivery point, he stated that he did not consider this as being an intermediate point or within the authority covered by Permit A-409. Mr. Evans further stated that some service had been rendered to Hotchkiss and Paonia, and that they had regarded these two points as being intermediate between Denver and Grand Junction when traveling via Monarch Pass.

Harry Lowell, one of the respondents herein, testified that

the item of freight destined to Fruita, Colorado, was delivered to the Miller Company, and that the respondents collected the local rate to Grand Junction, which corresponds to the bill of lading marked "Exhibit No. 4," showing the shipment to have been from the Herman A. Heiser Sad. Co., Denver, and the consignee, Mike Fromin, Fruita, Colorado.

From the foregoing, it is evident that respondents habitually have engaged in a great number of practices which not only are in violation of our rules and regulations and the laws of the State of Colorado, but are beyond the terms of their permit. They extended their territory by serving, personally, towns not on their route, and by transporting and accepting for transportation shipments destined to points not on their route, and by accepting, on interchange, freight from carriers with whom they were not authorized to interchange, such shipments, in many instances, being handled through to destination on through rates. Thus they served Golden, Aspen, Carbondale, Paradox, Cripple Creek, Fruita, Hotchkiss and Paonia. It is true that, in most instances, the interchanged freight received at Denver was interstate freight. If it was, they do not have an interstate permit from us, and, besides, freight was handled to many points that they are not authorized to serve under interstate authority from the Interstate Commerce Commission. They handled freight for the public, indiscriminately, serving at least fifty-five customers who were not listed, and with whom, so far as the records and files of the Commission disclose, they did not have contracts to serve as private carriers. They, apparently, held themselves out as willing to serve anyone, or the freight would not have been tendered to them in such volume. In this connection, Mr. Evans, as heretofore pointed out, thought that the serving of fifty-five customers, "inadvertently," as he said, should not be held against them, because they had so many more customers, and had issued three hundred bills during the month of April. Many of these shipments were handled for less than the prescribed rates of the Commission. In addition, they, in other ways, failed to comply with the rules and regulations of the Commission

-- for instance, by making proper certification on their bills of lading, when transporting empty containers.

We think the excuse or explanation is not sufficient, and, in fact, is specious.

They suggested that they were not familiar with the rules and regulations of the Commission or the laws of the State of Colorado. It was suggested that Mr. Evans had not been engaged in the business long enough to know the limits of their authority or what a private carrier is required to do to stay within the law and the terms of his permit. This position, of course, if well-founded, in fact, could not be approved, because operators are required to familiarize themselves with the law and the rules and regulations of the Commission. We fail to understand how anyone could, in good faith, contend that Aspen, Carbondale, Cripple Creek, Hotchkiss or Paonia are points intermediate on a route described as:

"Denver to Grand Junction and all intermediate points via either Tennessee or Monarch Passes."

In some instances, where freight was interlined, shipment was handled on combination of two locals, which indicates that respondents knew that freight must be so handled if the shipment otherwise could be moved by respondents.

The suggestion that volume of business may be so great that transporting shipments for fifty-five non-listed customers in one month cannot be seriously advanced, as we heretofore have suggested.

Upon the whole record, we are of the opinion, and find, that the allegations of the complaint are true; that the respondents have violated the terms of their permit and the orders, rules and regulations of the Commission by accepting, transporting and delivering shipments of freight to points off the route authorized to be served by them under their permit, No. A-409; by interlining freight with other carriers, both receiving and delivering interlined shipments for non-listed customers, and transporting the same upon rates less than those prescribed by the Commission; by accepting, transporting and delivering shipments

of freight at and for rates different from and lower than the rates prescribed by the Commission for such service; by accepting, transporting from, transporting for, and delivering shipments of freight to persons, firms and corporations, without first listing their names as customers with the Commission, and without first entering into bilateral contracts for cartage of freight with such persons, firms or corporations; by failing to show proper certification on their bills of lading when transporting empty containers; all in violation of the rules and regulations of the Commission governing private carriers for hire by motor vehicle, and in violation of the law of the State of Colorado; and that, by so doing, said respondents, within the rule announced by the Supreme Court of the State of Colorado, in McKay v. Utilities Commission, 104 Colo. 402, have conducted a motor vehicle operation as a common carrier, instead of a private carrier, without first obtaining a certificate of public convenience and necessity, as required by law, and that the authority of said respondents to operate as private carriers by motor vehicle, and said Permit A-409, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That Permit A-409, and the authority of said respondents, Harry Lowell and S. L. Evans, to operate thereunder as private carriers by motor vehicle for hire should be, and the same hereby is, cancelled and revoked.

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. Atwater

W. B. Danks

William J. Quinn
Commissioners

Dated at Denver, Colorado,
this 3rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLEN O. KELLOGG, AGATE, COLORADO,)
FOR AN EXTENSION OF PERMIT NO. A-448.)

APPLICATION NO. 3175-PP-AB

February 6, 1940.

Appearances: Glen O. Kellogg, Agate, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Raymond Danks, Esq., Denver, Colorado,
for Hartsel Truck Line and
Byers-Denver Truck Line;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking
Association, G. Barnhill, Gray
Land and Livestock Company,
Arnold Anderson, W. C. Deich
(Limon Transfer Company);
Frank W. Miller, Denver, Colorado,
for Denver-Limon-Burlington
Transportation Company.

S T A T E M E N T

By the Commission:

On May 3, 1933, H. S. Kellogg was authorized to operate as a
Class "A" private carrier by motor vehicle for hire between Denver, Colorado
and Agate, Colorado, he having been engaged in conducting a similar service
for many years prior thereto.

Upon the death of said Kellogg, said permit was transferred on
May 19, 1936, to his son, Glen O. Kellogg, who, ever since, has been conducting
the operation.

On December 20, 1939, said Kellogg filed his application for
extension of his permit to include the right to transport:

freight from point to point within the area
extending north to the county line, east to the
east county line, south to State Highway No. 86,
west to West Bijou Creek, and between points
in said area and Denver.

At the hearing, he stated that Agate was an unincorporated town;

that the area described in his application is the trade area of Agate; that farmers residing in said area reside on rural mail routes operated out of Agate; that, ever since the permit was issued, he and his father had moved freight from point to point in said area and between points in said area and Denver, and thought that they had the right to so do, his father having conducted such operation for many years prior to the issuance of said permit; that, locally, when the term "Agate" is used, people think of the trade area; that immediately prior to the filing of the application for extension, he had been informed by the Commission that he did not have authority to perform service in said area, or from and to points in said area, but was limited to service to and from the village of Agate, from and to Denver.

It further developed that, chiefly, he had hauled livestock, bulk grain and beans for farmers and ranchers from points in the area to Denver, and coal, farm machinery and farm supplies, including lumber, from Denver to farms in said area and to Agate; that within the area, he has handled farm products, chiefly bulk grain, beans, livestock and feeds; that he had not been serving any towns along the line served by Denver-Limon-Burlington Transportation Company, except Agate, which, of course, he has authority to serve, but thought he might want to haul freight to Buick out of Denver at some time in the future; that Arnold Anderson, who resides at Byers, and the Gray Land and Livestock Company at Limon, may be authorized to serve in the territory, but he has never seen their trucks performing any service in said district, and so far as he knows, they do not solicit or seek business in said area; that Gray is a trader in land and livestock, and apparently is not particularly interested in conducting a for-hire operation.

In reply to Mr. Miller's question, he stated that his proposed operation, in his opinion, would not "nick these fellows", because they had never served people whom he would serve; that he has the only permit in the Agate trade area.

Mr. R. C. Lowe, of Agate, grain buyer, stated that a resident trucker was absolutely necessary at Agate; that it would be very inconvenient to go to Byers or Limon to get a trucker; that he was engaged in the grain and feed business at Agate; that he did not have enough business to justify buying a truck; that it had been his experience, when truckers came to Agate territory from outside points, they try to persuade the farmers to allow them to haul grain to elevators located at their respective places of residence because it is more convenient for them, and that, in his opinion, if he were compelled to depend upon outside truckers, eventually it would mean that his elevator would not get any business.

Mr. H. R. Scott of Agate stated that a neighborhood farm service was absolutely essential at Agate; that his ranch contained 53,000 acres of fee and leased lands; that, frequently, he wanted cattle, hides, sheep, pelts, lumber, coal, grain, cake, seed and implements moved from place to place on his ranch, or from Agate or Buick to his ranch; that he would pay the rates prescribed by the Commission for the service.

Frank W. Miller, who operates a line haul service under the name "Denver-Limon-Burlington Transportation Company", between Denver and Limon, through Buick, Agate and River Bend, opposed the extension. He stated that he handled only a very small volume of freight out of Denver to Buick and River Bend, and that business, on account of drouth, over his lines, had been very limited; that he was operating on a very small margin; that he needed all the business he could get, and that the loss of any revenue would impair the efficiency of his operation, and might require a discontinuance thereof. Mr. Miller, of course, does not handle livestock or bulk farm products in his line haul service.

No evidence was offered by Gray Land and Livestock Company, Arnold Anderson, or other carriers, in opposition to the granting of the extension sought, and it did not appear that their respective operations are adequate or that the efficiency of their respective services to public will be impaired by the granting of this extension.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the extension sought should be granted, with the proviso that applicant shall not transport freight of the type ordinarily handled by line haul carriers between points served by Denver-Limon-Burlington Transportation Company, except Agate, he already being authorized to serve Agate under his Permit No. A-448.

O R D E R

IT IS THEREFORE ORDERED, That the authority of Glen O. Kellogg, Agate, Colorado, to operate as a private carrier by motor vehicle for hire under this Permit No. A-448, should be, and the same hereby is, extended to include the right to transport freight from point to point within the area extending north to the south line of Arapahoe County, south to State Highway No. 86, east to the west line of Washington County, and west to West Bijou Creek, and between points in said area and Denver, without the right to transport freight under this extension of the type ordinarily handled by line haul common carriers between points, except Agate, served by Denver-Limon-Burlington Transportation Company on U. S. 40.

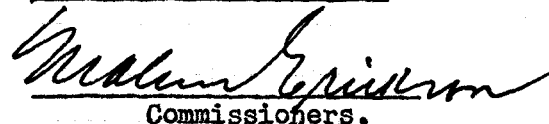
IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

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





N 
Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. M. ALDERSON, DOING BUSINESS AS)
DAILY TRUCK LINE, LEADVILLE, COLO-) APPLICATION NO. 4472.
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

February 6, 1940.

Appearances: W. M. Alderson, Leadville, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc. and
The Denver and Rio Grande Western
Railroad Company;
John C. Street, Denver, Colorado,
for The Colorado and Southern Rail-
way Company;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Denver, Colorado,
for Schaefer Truck Line.
A. J. Fregeau, Denver, Colorado.
for Weicker Transfer & Storage Company.

S T A T E M E N T

By the Commission:

The above numbered application was filed December 3, 1937, and set for hearing at Leadville on March 10, 1938, at which time the applicant appeared, and on his request the hearing was vacated.

On December 27, 1939, the applicant filed another application, purporting to be a duplicate of the previous application, which was given the same number and set for hearing on January 17, 1940, at Leadville, Colorado.

To each of the above applications, protests were filed by The Colorado and Southern Railway Company and Climax Molybdenum Company.

The applicant testified that he wanted to establish a service between Malta and Kokomo and intermediate points; that he contemplated daily truck service; that Zeitz Mercantile Company and the Bottling Works were using their own trucks, and if he had authority he felt that he could

take care of their freight along the Malta-Kokomo route.

The applicant stated that he did not arrange for shippers to appear and had no witnesses to support his application; that he did not know that witnesses would be necessary, and when advised that in order properly to support an application for a certificate of public convenience and necessity it was necessary to show a public need for the services proposed, applicant stated that he desired to rely upon the testimony given by C. J. Abrams, general manager of the Climax Molybdenum Company, who had testified during the morning session in connection with Application No. 5266. The testimony of C. J. Abrams was thereupon made a part of the record in the instant application, it being substantially as follows: That the transportation needs of the Climax Molybdenum Company were taken care of very nicely by the Colorado and Southern Railway Company and the Schaefer Truck Line, supplemented by the Company's own trucks which took care of the small shipments; that the only transportation which was needed between Leadville and Climax would be emergency items in connection with the movement of heavy machinery between Climax and Leadville, to be repaired and returned, and an occasional shipment of household goods for employes of the Climax Molybdenum Company moving from and returning to Climax in the event of a lay-off or reemployment, such household goods moving between Climax and storage at the warehouse of William Payne at Leadville.

At this stage of the hearing in the instant application, the applicant was again advised that as yet there was no showing, either by himself or a witness, that a public need existed for his services as sought, and that the public convenience and necessity should be shown before the Commission would be in a position to grant authority to him, and that it was not practicable for the Commission to prepare a case and present it, or to arrange for the appearance of witnesses; that such matters should be attended to by the applicant himself, or, usually, by an attorney. To this comment, the applicant replied that the application might be dismissed as he was in no position to present any further testimony

in support thereof; that he was under the impression that he was promised a certificate at the time his former hearing was vacated, and that it would not be necessary to have witnesses appear in support of his present application.

Protestants moved that the application be dismissed for the reason that the application did not meet the requirements of the rules of the Commission in many respects, and that the applicant has failed to show any public demand for his services.

After a careful consideration of the record, and particularly the repeated statement of the applicant that the application might be dismissed, 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 instant 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 J. Weech
W. D. Danks
Malcolm Epick
Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOE INTERMILL, ECKLEY, COLORADO,)	
FOR A CLASS "B" PERMIT TO OPERATE)	APPLICATION NO. 5253-PP
AS A PRIVATE CARRIER BY MOTOR)	
VEHICLE FOR HIRE.)	

February 6, 1940.

Appearances: Joe Intermill, Eckley, Colorado,
pro se;
Raymond Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, Resler Truck Line and
Woods Truck Line;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking Asso-
ciation, J. W. McFarland, O. C.
Barth, Yuma County Transfer
Company, Otto J. Speth and Ray Mercure.

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 farm products from point to point within the area bounded by U. S. Highway No. 34 on the north and a line drawn east and west through a point ten miles south of Eckley on the south, Yuma on the west, and the Kansas-Colorado state line on the east, and the transportation of livestock between points within the area extending to the State Line on the east, a point five miles west of Yuma on the west, a point twenty miles north of Eckley on the north, and U. S. Highway No. 36 on the south, and from and to points in said area to and from Denver and Sterling and points within a radius of fifty miles of Eckley.

Applicant stated that, while there was some authorized common carrier service in the area, in his opinion, it was wholly inadequate, and that frequently he had been asked to haul corn and other grains and livestock. However, it appeared that the demand for transportation of livestock grew out

of the fact that he was engaged in buying and selling livestock as a Commercial Carrier; that occasionally he was unable to buy the farmers' stock, or at least buy all of it, and that, on such occasions, frequently he had been asked to haul one or more animals to Yuma or Wray to the sales barns; that he did not intend to engage in the business of transporting livestock.

Mr. Bowen, testifying in support of the application, said he thought another truck was needed in the territory for movement of livestock because it would be more convenient. He admitted Woolery and McFarland, authorized common carriers, were providing service, and that their trucks were engaged only part of the time, and that some business would be lost by said carriers if the application were granted, although for the most part, he believed that applicant would get business that was now being handled by the farmers, personally, or by his neighbors with trailers, the farmers using trailers because they did not want to pay the charges demanded by the carriers. When informed that applicant, if he procured a permit, would be compelled to charge the rates prescribed by the Commission, he stated that then he did not believe there would be any advantage accruing to the community if applicant were granted a permit.

Another witness, testifying for applicant, a Mr. Kenneman, stated that "cheaper service is what we need", and he thought that Mr. Intermill, with light equipment, could haul cheaper than the authorized carriers with their heavy trucks.

Protestants stated that they had no objection to the authority sought to haul farm products. Mr. Young, testifying for protestants, stated that a great number of now-authorized carriers, located at Yuma, Wray, Eckley and Akron, were "sitting idle much of the time"; that their equipment was becoming obsolete; that they were unable to get enough money, on account of lack of business, to renew it or to keep it in first class condition or pay the insurance or other overhead charges necessary; that the service is adequate, and that the granting of additional authority to haul livestock would impair the efficiency of said carriers' operations.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the granting of the authority to applicant to haul livestock would impair the efficiency of adequate common carriers now operating in the same territory applicant proposes to serve, and that application for said authority should be denied; that permit should issue limited to the transportation of farm products in the territory sought to be served by applicant.

O R D E R

IT IS THEREFORE ORDERED, That Joe Intermill, Eckley, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products from point to point within the area bounded by U. S. Highway No. 34 on the north, a line drawn east and west through a point ten miles south of Eckley on the south, Yuma on the west, and the Kansas-Colorado state line on the east.

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 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 days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. [Signature]

W. L. Danks

Maam [Signature]
Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. H. STARR.

PERMIT NO. C-9479

Feb. 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. H. Starr of 262 N 4th, Laramie, Wyoming,
requesting that his Permit No. C-9479 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-9479
to J. H. Starr, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
McDanks
Wm. E. Sisson
Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. H. STARR.

PERMIT NO. B-2453-I

Feb. 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. H. Starr of 262 N 4th Laramie, Wyoming,
requesting that his Permit No. B-2453-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. B-2453-I heretofore issued
to J. H. Starr, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. D. Danks
Walter E. Eason

Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940.

(Decision No. 14814)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

HENRY PHELPS.)

PERMIT NO. C-4047

Feb. 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Henry Phelps of Mancos, Colorado,
requesting that his Permit No. C-4047 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-4047 heretofore issued
to Henry Phelps, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. D. Banks
Walter E. Grist

Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940.

(Decision No. 14815)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY PHELPS.)

PERMIT NO. B-2214

Feb. 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Henry Phelps _____ of Mancos _____ Colorado
requesting that his Permit No. B-2214 _____ 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. B-2214 _____, heretofore issued
to _____ Henry Phelps, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard V. Mueller
W. D. Banks
Maureen Erickson
Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1940.

R

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

RE MOTOR VEHICLE OPERATIONS OF)
RAY E. WARREN.)
)
)
)
.....)

PERMIT NO. B-2229

.....
Feb. 6, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Ray E. Warren of Box 133 Red Cliff, Colo.,
.....
requesting that his Permit No. B-2229 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. B-2229, heretofore issued
Ray E. Warren,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
W. D. Danks
Walter E. Eason
.....
Commissioners.

Dated at Denver, Colorado,
this6th..... day ofFeb.,....., 19.....40

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

RE MOTOR VEHICLE OPERATIONS OF)
HENRY NARDINE.)
)
)
)
)
.....)

PERMIT NO. B-2425

.....
Feb. 6, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Henry Nardine of 922 Nickerson, Trinidad, Colo.,
requesting that his Permit No. B-2425 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. B-2425
Henry Nardine,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. D. Parks
Walter E. Eason
.....
Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940.

(Decision No. 14818)

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

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM B. ROBERTS.)
)
)
)
.....)

PERMIT NO. B-2457

.....
Feb. 6, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
William B. Roberts 2119 W 29th Ave., Denver, Colo.,
..... of,
requesting that his Permit No. B-2457 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. B-2457 heretofore issued
to William B. Roberts, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. D. Danks
Walter Emerson
.....
Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. K. BURCHFIELD.)

PERMIT NO. B-740 and

PERMIT NO. B-740-I

Feb. 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
W. K. Burchfield of Walsh Colorado,
requesting that his Permit No.s. B-740 and B-740-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 Nos B-740 and B-740-I, heretofore issued
to W. K. Burchfield, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. H. Danks
Malcolm S. Hirsch
Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

E. A. BAILEY.

PERMIT NO. A-898

Feb. 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
E. A. Bailey of 416 W. San Rafael, Colorado Springs,
requesting that his Permit No. A-898 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-898 , heretofore issued
to E. A. Bailey, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. D. Danks
W. A. Erickson
Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ADOLPH GONZALES.

PERMIT NO. B-2253

Feb. 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Adolph Gonzales of LaJara Colorado,
requesting that his Permit No. B-2253 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. B-2253, heretofore issued
to Adolph Gonzales, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 6th day of Feb., 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THE H. B. MINER TRANSPORTATION)
COMPANY, OF 1346 - 11th STREET,)
DENVER, COLORADO.)

PERMIT NO. A-699
APPLICATION NO. 5200-PP-A

February 6, 1940.

S T A T E M E N T

By the Commission:

On December 19, 1939, in Application No. 5200-PP-A, Decision No. 14500, the Commission granted authority to L. J. Windsheimer to transfer all his right, title, and interest in Permit No. A-699 to the H. B. Miner Transportation Company.

The Commission is now in receipt of a communication from said H. B. Miner Transportation Company requesting that the authority granted in the transfer of Permit A-699, in Application No. 5200-PP-A, 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 the H. B. Miner Transportation Company should be, and hereby is, allowed to suspend its operations under the authority granted it by the Commission in Application No. 5200-PP-A, under date of December 19, 1939, Decision No. 14500 (Permit A-699), for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said H. B. Miner Transportation Company shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit,

Without further action by the Commission, shall stand revoked without right to
reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

W. D. Danks

Malcolm E. Erickson
Commissioners

Dated at Denver, Colorado,
this 6th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EDITH J. WATTS AND WILL WATTS.) P.U.C. No. 876
)

Feb. 6, 1940

S T A T E M E N T

By the Commission:

On August 18 1939, by order of the Commission, Decision
No. 13883, Edith J. Watts and Will Watts of Route 1, Box 4-4,
Montrose, Colorado was given authority to suspend operations under
PUC No. 876 from July 25, 1939
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 common 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. 876 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

Edward J. Dineen

W. L. Danks

Malcolm E. Erickson

Commissioners

Dated at Denver, Colorado,
this 6th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
NELS AND DON HOCKISON.)
)
)
)
)
.....)

PERMIT NO. A-2459

.....
Feb. 6, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Nels and Don Hockison of Route 3, Box 171, Greeley, Colo.,
.....
requesting that his Permit No. A-2459 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-2459 heretofore issued
to Nels and Don Hockison, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
.....
W. L. Davis
.....
Marion Harrison
.....
Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 19 40.

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 OAK HILLS AND MT. HARRIS,) MISCELLANEOUS DOCKET NO. 138
COLORADO, TO THE DENVER COMMUNITY CHEST,)
DENVER, COLORADO.)

February 3, 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 24, 1940, requesting authority to transport one carload of coal free of charge from Oak Hills, Colorado, and one carload of coal free of charge from Mt. Harris, 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 Denver Community Chest, a charitable institution, and are to be used for charity.

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

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

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 and Equipment Company, Denver, Colorado, and one carload of coal from Mt. Harris, Colo., to Denver, Colorado, consigned to the Denver Community Chest in care of the Colorado & Utah Coal 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 J. W. Jones

W. L. Banks

Wm. E. E. E.
Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1940.

JH

THE DENVER AND SALT LAKE RAILWAY CO.

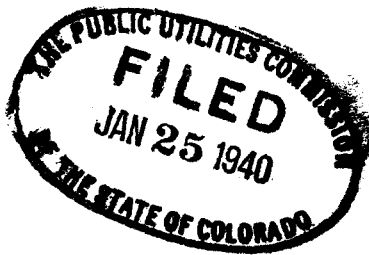
OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

January 24, 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 Community Chest Office Building. This car will be consigned to the Denver Community Chest in care of the Colorado & Utah Coal Company, Denver.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, 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.

Dec 14 825
M.O. 138
2/3/40

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

January 24, 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 and 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.

Done - Put both requests in our order book 1/25/40

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN SEWELL, NEDERLAND, COLORADO,)
FOR AN EXTENSION OF PRIVATE CARRIER)
PERMIT NO. A1078.)

APPLICATION NO. 2506-PP-BB

February 6, 1940.

Appearances: John Sewell, Nederland, Colorado,
pro se;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Norman Rhyno.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to extend Permit No. A-1078 to include the transportation of ore and concentrates from mines around Nederland to Colorado Springs and Leadville.

It appeared from the testimony given at the hearing that the mines which the applicant proposes to serve are at the present time shut down and doing little or no work except development, so that the need for this authority is only slight at present, and inasmuch as Norman Rhyno and other authorized carriers have a right to render this service, the applicant's principal transportation service being that of loading cars, he believed that he could make arrangements with Norman Rhyno and others to take care of these occasional trips, and that the instant application for an extension might be dismissed.

After a careful consideration of the record and the testimony of the applicant wherein he felt conditions to be such at the present time that he would not need this extension, the Commission is of the opinion, and finds, that said application should be dismissed.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Weaver

W. H. Danks

Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
J. C. HANSEN, LOVELAND, COLORADO,)	APPLICATION NO. 4378-PP
FOR A MODIFICATION OF HIS PRIVATE)	(Amended Order)
PERMIT NO. B-2059.)	

February 7, 1940.

S T A T E M E N T

By the Commission:

On January 19, 1938, Decision No. 11260, the Commission issued an order granting certain authority to J. C. Hansen, the same being Permit No. B-2059.

The Commission is now in receipt of a communication dated January 17, 1940, signed by J. C. Hansen, wherein he requests that this permit be amended so as to eliminate from this authority the right to transport brick and tile.

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

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 11260, dated January 19, 1938, be, and the same hereby is, amended by deleting therefrom the following clause, beginning with the ninth word in the fourth line of said order: "Including such brick and tile as may be used in connection with highway projects", so that the first paragraph of said order will read as follows:

IT IS THEREFORE ORDERED, That J. C. Hansen, of Loveland, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, rock, oil mix and like road surfacing materials, beets from fields to dump and factory, and wet beet pulp from factory to feed lots, all of which services are to be rendered from point to point within a radius of fifty miles of Loveland, Colorado.

IT IS FURTHER ORDERED, That 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 D. Wheeler

W. L. Danks

Walter E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 7th day of January, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. J. GALLAGHER, BOULDER, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHI-)
CLE FOR HIRE.)

APPLICATION NO. 5279-PP

February 7, 1940.

Appearances: J. J. Gallagher, Boulder, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association;
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:

As limited by the testimony given at the hearing, the applicant seeks authority to transport fuel oil, using tank trucks only, between Ward, Colorado, and Adams City, Colorado, and the Bay Petroleum Company's plant near Adams City; between Ward and Berthoud, Colorado; between Boulder and Ward, Colorado; and between Adams City and Nederland, Colorado; via U. S. Highways 87 and 85 and Colorado Highways 185, 7, 66, 160 and 119.

It appeared from the testimony that the applicant has a 1940 Chevrolet truck and a 1931 Chevrolet truck, on which he uses a one thousand gallon tank, and a 300-gallon tank; that he has, at the present time, but one customer, namely, Kissel & Company, and proposes to transport the one commodity, fuel oil; that he intends to charge such rates as may be proposed by the Commission for such service, and is financially able to conduct the operation if given authority.

Protestants offered no objection to the granting of authority to transport fuel oil only, moved in bulk or tank trucks, as indicated by the testimony.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority should be granted, limited as indicated by the above record.

O R D E R

IT IS THEREFORE ORDERED, That J. J. Gallagher, Boulder, 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 fuel oil, only, moved in tank trucks only, between Ward, Colorado and Adams City, Colorado, and the Bay Petroleum Company's plant near Adams City; between Ward and Berthoud, Colorado; between Boulder and Ward, Colorado; and between Adams City and Nederland, Colorado, via U.S. Highways 87 and 85 and Colorado Highways 185, 7, 66, 160 and 119.

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'Brien
W. H. Jones
Walter H. ...
Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE RICHARD, WELLINGTON, COLORADO,) APPLICATION NO. 2436-PP-B
FOR AN EXTENSION OF PRIVATE CARRIER)
PERMIT NO. B-1284.)

February 7, 1940.

Appearances: Charles D. Young, Denver, Colorado,
for Frank Pless, A. A. Bethke,
Clyde Beeson, Boardman Brothers,
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. No appearance was entered by applicant, and a motion was made that the application be dismissed for lack of prosecution. Therefore, on January 5, 1940, by Decision No. 14601, said application was dismissed for lack of prosecution.

We are now in receipt of a letter from applicant stating that his failure to appear at the hearing was due to illness, and requesting that the application be reinstated and set down for hearing at some future date.

The Commission has communicated with those who appeared on behalf of protestants, and no objections have been interposed to the granting of a new hearing upon the old application.

In view of the position taken by protestants, and after a careful consideration of the record, the Commission is of the opinion, and so finds, that said order of January 5, 1940, Decision No. 14601, should be set aside and the application be set down for hearing, with notice only to those who

appeared at the original hearing on December 28, 1939.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 14601, dated January 5, 1940, be, and the same is hereby, set aside.

IT IS FURTHER ORDERED, That the instant application be, and the same is hereby, set down for hearing at Denver, Colorado, in the Hearing Room of the Commission, 330 State Office Building, on the 16th day of February, A. D. 1940, at the hour of 10:00 A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Weir

W. L. Danks

Maun E. Swain
Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN A. ORR AND WALTER SCHMIDT,)
IDAHO SPRINGS, COLORADO,)
Respondents.)

CASE NO. 12058-Ins.

February 7, 1940.

S T A T E M E N T

By the Commission:

On November 27, 1939, in the above-numbered case, the Commission issued an order revoking and cancelling Permit A-751 on account of the respondents having failed to keep on file the required certificate of insurance.

It has now been brought to the attention of the Commission, by A. A. Von Egidy and Charles S. Crabill, that through some oversight the insurance policy was written for the assured as individuals, and not as a partnership; that the certificate was returned to the agency, and, through no fault of the respondents herein, a proper certificate of insurance did not reach the office of the Commission until after the revocation order above mentioned had been issued. It now appears that the insurance was in effect and the premium was paid at the time the show cause order was issued, but the record had not been perfected in the office of the Commission, and request is made for a reinstatement. This request is joined in by both Von Egidy and Crabill, who are familiar with the facts.

After a careful consideration of the foregoing, the Commission is of the opinion, and finds, that the revocation order should be set aside and Permit A-751 restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order contained in Decision No. 10258-Ins., dated November 27, 1939, be, and the same hereby

is, set aside and held for naught, and Permit A-751 restored to its original status as of November 27, 1939.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Ure

W. H. Danks

Wm. J. Quinn

Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD NEWBY, BOX 85, LONGMONT,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 5280-PP

February 9, 1940.

Appearances: Harold Newby, Box 85, Longmont, Colorado,
pro se;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association,
J. J. Schaefer, Florence Hart,
William A. Boze, Chris Sorenson,
E. J. and O. Rawson, Harry Mattison,
and Mead Transfer.
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and McKie Transfer.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport beets from fields within a ten-mile radius of Mead, Colorado, to dumps in this area; grain from threshing machines operating within said area to storage and loading points therein; loose hay, water and rock from point to point within a radius of 25 miles of Mead, Colorado, and coal from the northern Colorado coal fields to customers within a ten-mile radius of Mead, Colorado.

It appeared that the applicant had been engaged in moving rock to the Sandborn reservoir located some four miles south of Mead, and wanted to be in a position to transport coal from mines in the northern Colorado coal fields to customers within a ten-mile radius of Mead, Colorado, which area would include the residences of his customers; that he wanted to move the farm products here mentioned only during the harvest season, and would eliminate any movement of livestock.

As limited by the testimony above referred to, there was no objection to the granting of authority to the applicant as sought.

It appeared that the applicant had a Ford truck; that he lived on a farm one mile north and ten miles east of Longmont, where he had some farm equipment; and that he was financially able to conduct this operation if given authority.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority should be granted to the applicant, limited by the testimony above referred to.

O R D E R

IT IS THEREFORE ORDERED, That Harold Newby, Box 85, Longmont, 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 beets from farms within a radius of ten miles of Mead, Colorado, to dumps in this area; grain from threshing machines operating on farms within a radius of ten miles of Mead, Colorado, to storage and loading points in said area; loose hay, water, and rock from point to point within a radius of twenty-five miles of Mead, Colorado; and coal from the northern Colorado coal fields to customers residing within a ten-mile radius of Mead, 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 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. L. Danks

Wm. E. Simon
Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED A. MUHME, ROUTE 1, LONGMONT,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 5281-PP

February 9, 1940.

Appearances: Alfred A. Muhme, Route 1, Longmont,
Colorado, pro se;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common
Carriers Association;
C. D. Young, Denver, Colorado,
for The Colorado Trucking
Association, Mead Transfer and
Vane Golden.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport rock, coal, and water between points within a twenty-five mile radius of Mead, Colorado.

It appeared that the applicant possessed an International truck valued at approximately \$900.00; that he had been transporting rock from the Lyons area to the Sandborn reservoir and had in contemplation a similar service to be rendered for another reservoir in that vicinity; that he desired to be in a position to transport coal from the northern Colorado coal fields to users within a twenty-five-mile radius of Mead, Colorado, Colorado, and to transport water to farmer customers who might need such service.

As thus limited, there was no objection on the part of protestants 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 limited by the testimony above referred to.

O R D E R

IT IS THEREFORE ORDERED, That Alfred A. Muhme, Route 1, Longmont, 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 rock, coal and water between points within a twenty-five mile radius of Mead, 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 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

Eduard V. O'Connell

Wes Danks

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

February 9, 1940.

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, Inc., 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 19, 1939, by Decision No. 14503, the Commission denied protestants' petition for a rehearing on the above application, wherein an extension was granted, the petition for rehearing, as filed by the protestants, assigning errors in a general way only.

Immediately after the denial of the petition for rehearing, it was brought to the attention of the Commission that there was some variance between the testimony given at the hearing on November 17, 1939, most of which was mentioned in the statement contained in Decision No. 14407, and the order as contained in said decision, particularly the following:

- (a) The applicant's testimony shows that his authority might be limited to one one-half ton truck.

The order, however, limited his equipment to "the use of one piece of equipment."

- (b) The applicant testified that the extension, if granted, might be limited to "no competition with established scheduled line haul carriers," within a 50-mile radius of Greeley, and particularly called attention to Eaton, Ault, Kersey, and Platteville on U. S. Highways 85 and 34.

The order fails to carry any such limitation.

- (c) The testimony and the statement contained in Decision No. 14407 shows that the applicant did not operate south of Fort Lupton and had no

intention of operating between Greeley and Denver.

The order as set forth in said decision authorizes an operation 50 miles air line south of Greeley, which would include Denver.

After a careful reconsideration of the foregoing items, the Commission is of the opinion, and finds, that there is a discrepancy or variance between the testimony and statement as contained in said decision and the order contained therein, and that the same should be corrected so as to include the limitations as above set forth.

O R D E R -

IT IS THEREFORE ORDERED, That the order contained in Decision No. 14407 should be, and the same hereby is, corrected to read as follows:

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 extension here granted is subject to limitations and conditions as follows:

(a) Limited to one customer only, namely, Montgomery Ward & Company, and the use of one one-half ton truck only.

(b) The authority granted by this extension shall not include the right to serve between towns on the lines of established motor vehicle common carriers now serving out of Greeley.

IT IS FURTHER ORDERED, That in all other respects, said order of December 19, 1939, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Tuley
W. C. Danks
Walter E. Nelson
Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
TO TRANSFER CERTIFICATE NO. 900)
FROM MRS. I. B. YOCKEY TO RALPH)
E. YOCKEY, AND FOR AN EXTENSION)
OF THE SAME.)

APPLICATION NO. 3269-A-B

February 9, 1940.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for the applicants;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, Harold Swena, Overland
Motor Express, Colorado Rapid Transit
and The Colorado Transfer and Ware-
housemen's Association;
Winston S. Howard, Esq., Denver, Colorado,
for Blakley Trucking Company, George
Stockton, M. A. Harsh, Guy Hart,
W. A. Boze and Oliver Klinks;
Joe Hepberger, Central City, Colorado,
for Gilpin County Freight Line;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage Co.;
J. C. Street, Denver, Colorado,
for The Colorado and Southern
Railway Company;
J. H. Shepherd, Esq., Denver, Colorado,
for The Denver and Salt Lake Railway
Company;
J. G. Hodges, Esq., Denver, Colorado,
for Rocky Mountain Parks Transportation
Company.

S T A T E M E N T

By the Commission:

The applicants herein seek authority to transfer Certificate No. 900, and transferee desires an extension of the same.

Ralph Yockey, Boulder, Colorado, son of I. B. Yockey, the holder of Certificate No. 900, testified that he had arranged to purchase the right from his mother for the sum of \$200.00; that he was an experienced truck operator and had been handling the business for his mother in the past; that there were no unpaid, outstanding obligations as a result of previous business conducted under this authority; that he possessed two 1937 Fords and

a semi-trailer, and was financially able to conduct the operation if authority were given to take it over.

On July 16, 1936, Decision No. 8001, authority was granted to Mrs. I. B. Yockey, doing business as Yockey Trucking Company, to transport farm products, including livestock, farm supplies and farm equipment, also used furniture when moving farmers into, out of, and between points within the south half of Boulder County.

The extension sought is to include:

"the transportation of livestock, only, between points within and into and out of a strip twelve miles wide, adjoining the south line of Boulder County, and further, the transportation of general commodities (excepting ore and hard rock mining machinery equipment and supplies) between points within and into and out of applicant's present area ***."

Protests were filed by Overland Motor Express Company, Inc., and Colorado Rapid Transit, and The Colorado and Southern Railway Company.

It appeared from the testimony given at the hearing that Ralph E. Yockey, while in charge of his mother's business under Certificate No. 900, had found a demand for this service coming from farmers and livestock feeders residing in the territory immediately south of the south Boulder County line, and that this movement would involve the transportation of livestock from farms and feed lots in the area to points outside, and the transportation of livestock from points outside back into the twelve mile strip immediately south of Boulder County; that a part of the movement of livestock from this territory sought to be served would involve the transfer of livestock from farms to pastures, and return, and that these demands come from Arvada, Edgewater, and all parts of the twelve-mile strip immediately south of Boulder County; that a further extension was needed in order to take care of the demands coming from, not only ranchers, but resort owners at Nederland, Eldora and other points, for general commodities (excepting mining machinery, heavy equipment and supplies); that service had been sought in connection with the transportation of cement and lumber from Greeley, Loveland and other points in connection with construction work going forward in the

south half of Boulder County; and that he wanted to be in a position to render this service as and when sought. The witness further stated that his extension of authority might be limited as follows:

No transportation of commodities other than livestock into and out of Denver. No town to town movement between points served by scheduled common carriers.

All of his service would be less than carload lots.

Protestants objected to the movement of livestock to and from any point within fifteen miles of Golden, building material out of Denver, livestock out of the 12-mile extension as sought, all competition with the Rocky Mountain Parks Transportation Company, and contended that none of the extended service sought was required by public convenience and necessity.

On request of counsel for the applicant, the hearing was postponed indefinitely, with the understanding that when set for further hearing, notices would be sent to all parties appearing at the hearing and to those carriers represented by Zene D. Bohrer.

The instant application was set for further hearing at Boulder, Colorado, January 25, 1940, appearances being as follows:

Marion F. Jones, Esq., Denver, Colorado,
for the applicant;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, Harold Swena, Overland Motor
Express, Colorado Rapid Transit, The
Colorado Transfer and Warehousemen's
Association, McKie Transfer, and Union
Delivery Company;
Winston S. Howard, Esq., Denver, Colorado,
for Blakley Trucking Company, George
Stockton, M. A. Harsh and Guy Hart;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage Company;
J. C. Street, Denver, Colorado,
for The Colorado and Southern Railway Company;
J. H. Shepherd, Esq., Denver, Colorado,
for The Denver and Salt Lake Railway Company;
J. G. Hodges, Esq., Denver, Colorado,
for Rocky Mountain Parks Transportation
Company.

The applicant testified that he desired to eliminate from his application the area mentioned as a strip twelve miles wide, adjoining the south line of Boulder County; also desired to eliminate commodities where

the destination was in the south one-half of Boulder County wherever such point was already served by scheduled truck or rail service, with the exception of cement and rock to Boulder in less than carload lots, and particularly intended to eliminate Lafayette, Louisville, Broomfield, Niwot, Valmont, Rollinsville and East Portal; and further desired to eliminate household goods and movement of any kind in and out of Greeley under this extended authority.

Mr. Marion Jones, representing the applicant, stated as follows:

"The present application (for extension) calls now, as restricted, for the transportation of general commodities between points in the south half of Boulder County to and from other points in the State, except no movement of household goods, no movement of ore, hard rock mining machinery equipment and supplies, no movement to or from Greeley, no movement between towns served by line haul common carriers, or any movement between towns served by the rail lines, and with the exception that the application does include the movement of cement and rock in less than carload shipments into Boulder, which is served by a rail line."

With the modifications above mentioned, limiting the extension as indicated by the statement made by Mr. Jones, protestants withdrew objections to the granting of the remaining 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 Mrs. I. B. Yockey to transfer all of her right, title and interest in and to Certificate No. 900 to Ralph E. Yockey; and that the extension sought by the applicant, limited as indicated by his own testimony and the statement of counsel, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Mrs. I. B. Yockey be, and she hereby is, granted authority to transfer all of her right, title and interest in and to Certificate No. 900 to Ralph E. Yockey, Boulder, Colorado, with authority as granted by Decision No. 8001, dated July 16, 1936, as follows:

"For the transportation, not on schedule, of farm products (including livestock), farm supplies and farm equipment (including used furniture when moved with farmer's equipment), into, out of and between points within the south half of Boulder County, Colorado, for customers residing in said area; provided, however, that applicant hereby is expressly denied authority to transport new equipment or furniture from Denver to Boulder and to engage in any transportation

service of a competitive character between points along the line haul of scheduled common carriers now serving this area;"

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 the public convenience and necessity require the extended motor vehicle transportation service of Ralph E. Yockey to include the following:

"the transportation, not on schedule, of general commodities between points in the south half of Boulder County, Colorado, and from and to points in said county, to and from other points in the State; EXCEPT, no movement of household goods; no movement of ore, hard rock mining machinery equipment and supplies; no movement between towns served by line haul common carriers; and no movement between towns served by the rail lines with the exception of cement and rock in less than carload shipments into Boulder" -

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity for such extended authority, and shall be made a part of and operated under Certificate No. 900.

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

Edward D. Decker

W. L. Danks

Marion Swanson
Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ARKANSAS VALLEY NATURAL GAS)
COMPANY AND CITIZENS UTILITIES COM-)
PANY FOR AUTHORITY TO THE FORMER TO)
TRANSFER AND TO THE LATTER TO AC-)
QUIRE, OPERATE, AND EXERCISE CERTAIN)
NATURAL GAS DISTRIBUTION SYSTEMS,)
FRANCHISES, AND CERTIFICATES OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 5290

February 7, 1940

Appearances: R. J. Andrus, Minneapolis, Minnesota,
for Citizens Utilities Company;
E. L. Brock, Esq., Denver, Colorado,
for Arkansas Valley Natural
Gas Company.

S T A T E M E N T

By the Commission:

This is an application by The Arkansas Valley Natural Gas Company and Citizens Utilities Company for authority to the former to transfer and to the latter to acquire the gas distribution systems in and about the city of Las Animas, Colorado, and towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, and the community lying outside of and adjacent to the United States Government Hospital at Fort Lyon, Colorado, the gas franchises granted by the city of Las Animas, Colorado, and the towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, the certificates of public convenience and necessity authorizing the operation of said gas distribution systems and the exercise of the rights and privileges conferred by said franchises for the distribution of natural gas for light, heat, power and all other purposes to which natural gas may be applied, and all other property and rights incident to the foregoing.

No protests were filed against the granting of authority to make the transfer sought.

The evidence shows that The Arkansas Valley Natural Gas Company is a corporation organized, created and existing under and by virtue of the laws of the State of Colorado, and is now lawfully transacting a public utility business in the State of Colorado. It owns and operates the following gas distribution systems in the Counties of Bent, Otero, and Crowley, State of Colorado, for the distribution of natural gas, and holds the following franchises and certificates of public convenience and necessity in connection therewith, to-wit:

The gas distribution systems in and about the incorporated City of Las Animas, Colorado, and Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, and the unincorporated community lying outside of and adjacent to the United States Government Hospital at Fort Lyon, Colorado, which systems distribute natural gas to said city, towns, and community, and the inhabitants thereof and vicinity for light, heat, power, and all other purposes to which natural gas may be applied.

The following franchises:

Franchise granted by Ordinance No. 267, City of Las Animas, January 7, 1929;

Franchise granted by Ordinance No. 161, Town of Ordway, dated October 5, 1931;

Franchise granted by Ordinance No. 124, Town of Sugar City, dated October 12, 1931;

Franchise granted by Ordinance No. 98, Town of Manzanola, dated October 5, 1931;

Franchise granted by Ordinance No. 118, Town of Fowler, dated October 27, 1931.

The following Certificates of Public Convenience and Necessity:

Certificate granted by order of the Public Utilities Commission, State of Colorado, 16th day of December, 1929, to construct and operate a plant at Las Animas and to exercise right granted under franchise ordinance No. 267 of January 7, 1929, subject to certain conditions, which conditions were later, by order of the Commission, eliminated on the 8th day of August, 1930.

Certificate granted by order of the Public Utilities Commission, State of Colorado, dated November 9, 1931, for the construction of plant and distribution of gas in the Towns of Ordway, Sugar City, and Manzanola for the exercise of franchise rights granted in Ordinance No. 161 of October 5, 1931, Town of Ordway, Ordinance No. 124 of October 12, 1931, of Sugar City; and

Ordinance No. 98 of October 5, 1931, of Manzanola.

Certificate granted by order of the Public Utilities Commission, dated November 28, 1931, for the construction of plant and distribution of natural gas to the Town of Fowler and the exercise of franchise rights granted by Ordinance No. 118 of October 6, 1931, (approved by the Mayor October 27, 1931).

Certificate granted by order of the Public Utilities Commission, State of Colorado, 9th day of April, 1931, for construction of a pipe line and distribution of gas to consumers in the vicinity of Fort Lyon, Colorado.

The Arkansas Valley Natural Gas Company purchases its supply of natural gas for distribution throughout said systems from Colorado Interstate Gas Company at the pipe line of Colorado Interstate Gas Company which runs adjacent to said gas distribution systems of The Arkansas Valley Natural Gas Company.

The evidence further shows that Citizens Utilities Company is a corporation organized, created and existing under and by virtue of the laws of the State of Delaware, is empowered by its Certificate of Incorporation to transact a public utility business in the State of Colorado, has qualified to exercise its corporate powers, rights and privileges as a foreign corporation in the State of Colorado, and is now lawfully transacting the public utility business of distributing natural gas in and about the incorporated cities of La Junta and Rocky Ford, Colorado, and Town of Swink, Colorado, all in the county of Otero, Colorado. It owns the gas distribution systems in and about said cities and town and operates the same under authority of franchises granted by said cities and town and the Board of County Commissioners of the County of Otero, Colorado, and also under authority of the certificate of public convenience and necessity granted to Public Utilities Consolidated Corporation by order of this Commission dated July 5, 1929, Decision No. 2348, and thereafter lawfully transferred to Citizens Utilities Company as evidenced by order of this Commission dated November 26, 1935, Decision No. 1356-A. Citizens Utilities Company purchases its supply of natural gas for dis-

tribution throughout its said gas distribution systems from Colorado Interstate Gas Company at the pipe line of Colorado Interstate Gas Company which runs adjacent to said gas distribution systems now owned by Citizens Utilities Company, being the same pipe line from which The Arkansas Valley Natural Gas Company purchases its supply of natural gas for its gas distribution systems hereinabove described.

The evidence further shows that The Arkansas Valley Natural Gas Company and Citizens Utilities Company have entered into an agreement dated January 15, 1940, pursuant to which The Arkansas Valley Natural Gas Company has agreed to sell and transfer to Citizens Utilities Company and Citizens Utilities Company has agreed to purchase and acquire from The Arkansas Valley Natural Gas Company, for a cash price of \$35,000., all of the aforesaid gas distribution systems, franchises, and certificates of public convenience and necessity of The Arkansas Valley Natural Gas Company, and all other property and rights incident to the foregoing, all as more fully described in said agreement of January 15, 1940. A true and correct copy of said agreement of January 15, 1940, is attached to the application herein, identified as Exhibit "A", and is now on file with the Commission herein. As appears from the terms of said agreement of January 15, 1940, said transfer and acquisition are to be consummated and Citizens Utilities Company will take over the ownership and operation of said properties of The Arkansas Valley Natural Gas Company as soon as the approval of all governmental bodies or agencies having jurisdiction over the same is obtained or granted. As further appears from the terms of said agreement of January 15, 1940, Citizens Utilities Company will take over and acquire all subsisting contracts of The Arkansas Valley Natural Gas Company for the purchase from Colorado Interstate Gas Company of natural gas for said gas distribution systems. Citizens Utilities Company will continue the purchase of natural gas under such contracts for the purpose of supplying natural gas to the distribution systems so to be acquired

The evidence further shows that the territory and inhabitants

thereof now served by the aforesaid gas distribution systems of The Arkansas Valley Natural Gas Company, namely, the gas distribution systems in and about the City of Las Animas, Colorado, and the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, and the community lying outside of and adjacent to the United States Government Hospital at Fort Lyon, Colorado, are dependent upon and require the operation of said gas distribution systems for the distribution of natural gas for light, heat, power, and all other purposes to which natural gas may be applied. The public convenience and necessity does require and will require, immediately upon the acquisition thereof by Citizens Utilities Company, the operation of said gas distribution systems and the exercise of the rights and privileges conferred by the franchises granted by the City of Las Animas, Colorado, and the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, for the distribution of natural gas for light, heat, power and all other purposes to which natural gas may be applied.

The evidence further shows that the gas distribution systems so to be acquired by Citizens Utilities Company from The Arkansas Valley Natural Gas Company are situated in territory contiguous and adjacent to the aforesaid gas distribution systems now owned by Citizens Utilities Company, and Citizens Utilities Company will own and operate its said present gas distribution systems and the gas distribution systems so to be acquired as an integrated and coordinated unit.

Exhibit No. 2, offered in evidence and received, is a resolution authorizing the officers of the Citizens Utilities Company to purchase the assets of The Arkansas Valley Natural Gas Company for \$35,000., and enter into such contracts as may be necessary to acquire title to the same.

The consideration mentioned as the price of the assets involved, \$35,000., shall not be binding on this Commission in any valuation hearing held for the purpose of determining reasonable rates.

A signed copy of the minutes of a special meeting of the stockholders of The Arkansas Valley Natural Gas Company held January 22, 1940, in Denver, Colorado, pursuant to a signed waiver duly executed, showing

the adoption of resolutions ratifying and approving the sale of the Company's assets to the Citizens Utilities Company as provided in the contract of January 15, 1940, and authorizing the officers of the company to execute and deliver on the part of the company such additional instruments and conveyances as might be required to fully complete said sale, the same being marked Exhibit No. 5, was introduced in evidence.

The items mentioned by Mayor F. H. Vandiver, of Las Animas, Colorado, pertaining to map and distribution system for this city, were explained, and a new map presented, together with an exhibit, No. 4, which was received, showing desired information concerning the system.

The evidence further shows that The Arkansas Valley Natural Gas Company also owns and operates a gas distribution pipe line in the County of El Paso, State of Colorado, for the distribution of natural gas to Fountain Valley School in El Paso County, and holds a certificate of public convenience and necessity therefor granted by order of this Commission dated September 11, 1931. Said gas distribution pipe line in El Paso County and said certificate of public convenience and necessity therefor are not included in the aforesaid sale and acquisition but are to be retained by The Arkansas Valley Natural Gas Company.

As to the financial standing of the Citizens Utilities Company, reference was made to the annual report of this company filed with the Commission on April 26, 1939, and it appeared that the present standing is substantially the same, said report disclosing a net balance of approximately \$328,675.00.

F I N D I N G S

After considering the evidence adduced, and upon all the files, records, and proceedings herein, this Commission is of the opinion, and finds as follows:

1. That this Commission has jurisdiction over, and with respect to, the sale and transfer by The Arkansas Valley Natural Gas Company to Citizens Utilities Company and the purchase and acquisition by Citizens

Utilities Company from The Arkansas Valley Natural Gas Company of the aforesaid gas distribution systems of The Arkansas Valley Natural Gas Company in and about the City of Las Animas, Colorado, the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, and the community lying outside of and adjacent to the United States Government Hospital at Fort Lyon, Colorado, the aforesaid franchises granted by the City of Las Animas, Colorado, and the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, the aforesaid four certificates of public convenience and necessity authorizing the operation of said gas distribution systems and the exercise of the rights and privileges conferred by said franchises for the distribution of natural gas for light, heat, power, and all other purposes to which natural gas may be applied, and all other property and rights incident to the foregoing; also over and with respect to the aforesaid agreement of January 15, 1940, providing for such transfer and acquisition;

2. That it is consistent with the public interest that The Arkansas Valley Natural Gas Company sell and transfer to Citizens Utilities Company, for a cash price of \$35,000., the aforesaid gas distribution systems, franchises, certificates of public convenience and necessity, and other property and rights incident to the foregoing;

3. That it is consistent with the public interest that Citizens Utilities Company purchase and acquire from The Arkansas Valley Natural Gas Company, for a cash price of \$35,000., the aforesaid gas distribution systems, franchises, certificates of public convenience and necessity, and other property and rights incident to the foregoing;

4. That the public convenience and necessity does require and will require, immediately upon acquisition by Citizens Utilities Company, the operation of the aforesaid gas distribution systems and the exercise of the rights and privileges conferred by the aforesaid franchises for the distribution of natural gas for light, heat, power, and all other purposes to which natural gas may be applied.

O R D E R

IT IS, THEREFORE, BY THIS COMMISSION ORDERED:

1. That the agreement dated January 15, 1940, between The Arkansas Valley Natural Gas Company and Citizens Utilities Company, providing for the sale and transfer by the former and the purchase and acquisition by the latter, for a cash price of \$35,000., of the aforesaid gas distribution systems of The Arkansas Valley Natural Gas Company in and about the City of Las Animas, Colorado, the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, and the community lying outside of and adjacent to the United States Government Hospital at Fort Lyon, Colorado, the aforesaid franchises granted by the City of Las Animas, Colorado, and the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, the aforesaid four certificates of public convenience and necessity authorizing the operation of said gas distribution systems and the exercise of the rights and privileges conferred by said franchises for the distribution of natural gas for light, heat, power, and all other purposes to which natural gas may be applied, and all other property and rights incident to the foregoing, be, and the said agreement hereby is, approved;
2. That the sale and transfer by The Arkansas Valley Natural Gas Company to Citizens Utilities Company of the aforesaid gas distribution systems, franchises, certificates of public convenience and necessity, and other property and rights incident to the foregoing, be, and the same hereby is, authorized and approved;
3. That the purchase and acquisition by Citizens Utilities Company from The Arkansas Valley Natural Gas Company of the aforesaid gas distribution systems, franchises, certificates of public convenience and necessity, and other property and rights incident to the foregoing, be, and the same hereby is, authorized and approved;
4. That the public convenience and necessity does require that Citizens Utilities Company, immediately upon acquisition, operate the gas

distribution systems in and about the City of Las Animas, Colorado, the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, and the community lying outside of and adjacent to the United States Government Hospital at Fort Lyon, Colorado, and exercise the rights and privileges conferred by the franchises granted by the City of Las Animas, Colorado, and the Towns of Ordway, Sugar City, Manzanola, and Fowler, Colorado, for the distribution of natural gas for light, heat, power, and all other purposes to which natural gas may be applied, and the said Citizens Utilities Company is hereby authorized to so operate said gas distribution systems and exercise the rights and privileges conferred by said franchises.

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. Atchley

W. D. Mikes

Paul Erickson
Commissioners

DATED at Denver, Colorado,
this 7th day of February, 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.)

February 9, 1940.

Appearances: James J. Patterson, Esq., Denver,
Colorado, for the Commission;
R. L. Wood, Esq., Denver, Colorado,
for the Respondent.

S T A T E M E N T

By the Commission:

In the above-styled matter, the Commission, on the 14th day of December, 1939, issued its Show Cause Order, directed to R. J. Horn, to show cause why his certificate of public convenience and necessity should not be suspended or revoked on account of certain violations of our rules and regulations and the law governing operation of motor vehicle carriers for hire therein alleged, said matter being set for hearing in Denver, on December 26, 1939.

At the time and place appointed for hearing, respondent failed to appear. Thereupon, the matter was heard by the Commission, and subsequently an order, Decision No. 14609, was issued, finding the allegations in the complaint to be true, and revoking said certificate of respondent, P.U.C. No. 774.

Subsequently, and within the time required to suspend the effective date thereof, respondent filed his petition to set aside said order, upon the ground that he had not been served with notice of the hearing in the manner required by law, in that the notice of said hearing forwarded to him by registered mail was not delivered until 1:30 o'clock P. M. on December 26, 1939; that, at said hour, his son signed receipt therefor, respondent receiving the notice on the following day. Duplicate

copy of receipt was filed with the application for rehearing.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said order and decision No. 14609, should be set aside and vacated, and that said respondent should be required to answer said order to show cause within ten days from the date of receipt by his attorney of this decision, and that said matter should be set for hearing, and heard, on February 29, 1940, at 10:00 o'clock A. M., in the Hearing Room of the Commission in Denver, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 14609 be, and the same hereby is, set aside, vacated and held for naught.

IT IS FURTHER ORDERED, That said respondent answer the complaint herein, as required in said order to show cause, within ten days from the date of receipt by his attorney of this order.

IT IS FURTHER ORDERED, That said complaint, Case No. 4779, be, and the same hereby is, set for hearing, Room 330 State Office Building, Denver, Colorado, on the 29th day of February, 1940, at 10:00 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks

W. D. Danks

Walter L. Linn
Commissioners.

Dated at Denver, Colorado,
this 9th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. W. SCHIERMEYER, DOING BUSINESS)
AS LEADVILLE TRANSFER, FOR A CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 5267

* - - - - -

- - - - -
February 13, 1940.
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Appearances: Chas. R. Casey, Esq., Leadville, Colorado,
for the applicant;
T. A. White, Esq., Denver, Colorado,
for The Denver & Rio Grande Western
Railroad Company and Rio Grande Motor
Way, Inc.;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and The Colorado Transfer
and Warehousemen's Association;
Claude H. Medley, Leadville, Colorado,
pro se;
J. C. Street, Denver, Colorado,
for The Colorado and Southern
Railway Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage Co.;
Marion F. Jones, Esq., Denver, Colorado,
for James A. Schaefer and Gately
Motor Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to establish a transfer and delivery freight and express service in the city of Leadville and the area of Lake County, Colorado, and between points in Lake County and points within the State of Colorado.

It appeared from the testimony given at the hearing that the applicant conducts a garage in Leadville, and possesses five trucks, which he uses in connection with a transfer business continued for about twenty-eight years; that he holds a contract with the Denver and Rio Grande Western Railroad Company to look after their pickup and delivery service in Leadville and points within a radius of seven miles of the city of Leadville, and that many firms, in addition to the D & R G W Railroad and the Colorado and Southern

Railway, consign large shipments to him for distribution in the Leadville area, some of such firms being the Holly Sugar Company, H. A. Marr Grocery Company, Swift Packing Company, Nuckolls Packing Company, Cudahy Packing Company, Armour & Company, Proctor & Gamble, Kuner-Empson Company, and that this authority was sought in order that he might be in a position to take care of a large public demand for such service, all of which would be rendered on call and demand; that in addition to his equipment he owned and conducted a warehouse at 301 Harrison Street, Leadville, and possessed other property of the aggregate value of \$50,000, with no encumbrance of any kind.

It further appeared from the testimony of William Martin, agent for the D&RGW, that the applicant was dependable, his services very satisfactory, his equipment good, and that there was a public demand for his services, particularly in connection with this services for the Railroad Company; but that should the applicant insist upon an in-and-out service to points in the State of Colorado, thereby becoming a competitor of the Railroad Company, and this authority be granted, it would be necessary for the Railroad Company to cancel his pickup and delivery contract.

At this point in the hearing, counsel for the applicant moved to amend the application by striking the area of Lake County and between points therein and points in the State of Colorado, and inserting, in lieu thereof, an area within seven miles of Leadville, Colorado. This amendment was granted.

Following the amendment as above authorized, J. C. Street, representing the Colorado and Southern Railway Company, withdrew objections to the granting of authority if limited to a five-mile radius of Leadville; A. J. Fregeau withdrew objections; Marion F. Jones withdrew objections insofar as his clients were concerned, and Claude G. Medley, holder of certificate No. 1316, withdrew objections to service for the Denver and Rio Grande Western Railroad Company.

The financial standing and reliability of the applicant were established to the satisfaction of the Commission, and after his application

was amended by limiting the area to a seven-mile radius of Leadville, and protestants withdrew objections as above indicated, provided the radius be made five instead of seven miles, Claude G. Medley did not care to testify or support objections to the granting of a general transfer and cartage certificate to 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 the public convenience and necessity requires the motor vehicle transportation service of the applicant, limited as indicated by the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle transportation service of H. W. Schiermeyer, doing business as Leadville Transfer, Leadville, Colorado, for the conduct of a general transfer and cartage business for the transportation of freight, on call and demand, between all points within a radius of five miles of, and including, the city of Leadville; 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

Edward D. O'Connell

W. H. Danks

Walter E. Brown

Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
J. I. VIALPANDO, WESTON, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 5274
PERMIT NO. A-1568

February 9, 1940

Appearances: J. I. Vialpando, Weston, Colo-
rado, pro se;
Charles D. Young, Denver, Colo-
rado, for Sandoval Truck
Line;
W. L. Couey, Trinidad, Colorado,
for Couey Transfer and Stor-
age Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company, Weicker
Transportation Company;
Raymond B. Danks, Esq., Denver,
Colorado, for The Motor Truck
Common Carriers' Association,
Colorado Transfer and Ware-
housemen's 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 a certificate of public convenience and necessity to operate a motor vehicle system for the transportation, on call and demand, in intrastate commerce, of: (a) farm products (specifically including cattle, sheep, hogs and horses, and the products thereof) between points within a radius of twenty miles of Weston, Colorado, and from and to farms and markets in said area, to and from farms and markets in the State of Colorado; (b) farm supplies, farm machinery and equipment, and used household goods and furniture and timber camp and saw-mill camp supplies and equipment from point to point in said area, without the right to transport household goods and furniture within or to or from

the City of Trinidad, or to haul farm supplies, farm machinery and equipment or household goods or furniture in competition with line haul motor vehicle service of Sandoval Truck Line; (c) timber and timber products from points in said twenty-mile area to points within a radius of one hundred miles of Weston, Colorado; (d) coal from point to point in said area, and from points in Las Animas County to points in said area.

The evidence disclosed that, primarily, applicant contemplates a service for the ranches, farms and timber camps located in the area he proposes to serve; that a great number of ranches are located in said area; that hay, grain and cotton seed cake must be moved from farm to farm, and from supply points and rail heads of Tercio and Weston in said area to the ranches located therein; that farm products, including livestock, and the products thereof, must be moved to markets in and out of said area, and, occasionally, livestock is moved from ranch to ranch; that a number of timber, tie and prop camps are located in said area; that logs are hauled to the mills at Weston, Segundo and other points in said area, and that ties, props and rough lumber are moved from said timber camps and said mills to railroad shipping points in the area, and to mining camps and other market points in Las Animas County; that supplies and equipment for said timber camps and saw-mills must be moved from rail heads to said camps, and from camp to camp, and, occasionally, camp locations are moved; that, occasionally, it is necessary for an employee of said timber camp or lumber mill to be moved to a new location in said area, and, at times, tenant farmers move from farm to farm, most of the farm and ranch lands in said area being owned by the Colorado Fuel and Iron Corporation, or its subsidiaries; that applicant does not propose to compete with the line haul service of Sandoval Truck Line, which operates on schedule daily between Trinidad and Tercio and all intermediate points; that Trinidad is more than twenty miles distant from Weston, and is not included in the area which applicant seeks to serve, so that he will not haul furniture, household goods, farm supplies, farm machinery

and equipment in, to or from Trinidad in competition with call and demand carriers located in Trinidad.

It also appeared that applicant is the owner of Private Permit No. A-1568, and that said permit should be cancelled, if certificate of public convenience and necessity herein sought is granted, his cash deposit to be transferred to his common carrier account.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed motor vehicle common carrier service of applicant, as hereafter set forth.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle common carrier service of J. I. Vialpando, on call and demand, in intrastate commerce, for the transportation of: (a) farm products (specifically including cattle, sheep, hogs and horses, and the products thereof) between points within a radius of twenty miles of Weston, Colorado, and from and to farms and markets in said area, to and from farms and markets in the State of Colorado; (b) farm supplies, farm machinery and equipment, used household goods and furniture, and timber camp and saw-mill camp supplies and equipment from point to point in said twenty-mile area, without the right to transport household goods and furniture within or to or from the City of Trinidad, or to haul farm supplies, farm machinery and equipment or household goods or furniture in competition with the line haul motor vehicle service of Sandoval Truck Line; (c) timber and timber products from points in said twenty-mile area to points in Las Animas County; (d) coal from point to point in said area, and from points in Las Animas County to points in said area, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules, as required by the rules and regulations of this Commission governing motor vehicle

carriers, within a period not to exceed twenty (20) 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 Permit No. A-1568, heretofore issued to said J. I. Vialpando, should be, and the same hereby is, cancelled and revoked.

IT IS FURTHER ORDERED, That the cash deposit made by J. I. Vialpando (Permit No. A-1568) should be transferred on the records of the Commission to the common carrier account of said J. I. Vialpando.

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. Decker
W. L. Danks

Walter E. Smith
Commissioners

Dated at Denver, Colorado,
this 9th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. E. BEALS, COLORADO SPRINGS,)
COLORADO, CERTIFICATE OF PUB-)
LIC CONVENIENCE AND MECESSITY)
NO. 164.)

CASE NO. 4757

February 13, 1940.

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for Respondent;
J. J. Patterson, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On January 22, 1940, respondent herein filed his petition with the Commission for a rehearing in the above-styled matter, and, in fact, to set aside decision of the Commission No. 14496, cancelling and revoking certificate of public convenience and necessity No. 164, under which said respondent conducted a sightseeing operation.

The Commission has examined each and every alleged assignment of error, and is of the opinion that no error was committed.

The matter alleged in Assignment No. 3 was fully considered by the Commission in arriving at its decision in said matter.

We do not believe that the Commission is not permitted to consider the operating history and record of respondent in determining what penalty should be imposed. It is obvious that the sole interest of the Commission in such matters is to insure satisfactory, dependable common carrier operations within the rules and regulations of the Commission and the law of the State of Colorado. When certificate holder, by conduct, demonstrates that he will not obey the law, and will not conduct his operations in the proper manner, the only recourse is to cancel his operating right, in order to protect the public, and to remove an unfair competitor from the field which he and others are serving.

After a careful consideration of the record, the Commission is

is of the opinion, and finds, that said application for rehearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That said application for rehearing be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dineen

W. L. Danks

Max E. Smith
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED MELONEY, STERLING, COLORADO,) CASE NO. 4778
PERMIT NUMBER B-1492.)

February 13, 1940.

Appearances: James J. Patterson, Esq., Denver,
Colorado, for the Commission;
Fred Meloney, Sterling, Colorado,
pro se;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking
Association.

S T A T E M E N T

By the Commission:

On December 14, 1939, the Commission issued its order, directed to said Fred Meloney, to show cause, Decision No. 14492, why his permit No. B-1492 should not be suspended or revoked, on account of respondent's failure to file tariff of his rates and charges with the Commission, and on account of his having, during the months of June, July and September, accepted, transported and delivered shipments of freight for numerous and different shippers with whom he did not have contracts for said service, at and for rates and charges different from and lower than the rates and charges prescribed by the Commission for such service, without issuing proper bills of lading or, in some instances, issuing any bills of lading for said shipments, it being also alleged that he had exceeded the authority granted by said permit in that shipments were transported and delivered at points outside of and beyond the fifteen-mile radius of Sterling.

At the hearing, respondent admitted that the allegations of the complaint were true, although he sought to justify some of the hauls for non-contract customers upon the theory that the cattle hauled for them were condemned, and moving on Government order. He said he did not know

anything about rates, and thought the rates he charged were fair; that he would file a tariff; that he knew he was going out of his territory, but was trying to take care of the requirements of a customer by the name of "Smith", who owned a number of ranches, both in and out of Meloney's territory.

The report and check of our Rate Department showed that an audit of said operator's bills was made in July, 1939; that subsequently a number of conferences were had by our rate clerks with Mr. Meloney; that, notwithstanding such conferences, he continued to ignore the requirements of our rate order, and other rules and regulations of the Commission; that, on October 1, 1939, he moved three shipments from Sterling consigned to a farm, for which he charged a rate of ten cents per cwt., the bills of lading not showing species of livestock hauled or the distance; that on October 22, 1939, he moved a shipment of nine calves from Denver to Sterling at a rate of twenty-eight cents per cwt., and did not assess the proper rate that should have been figured on less than truckload movement. On November 21, 1939, he moved sixteen cattle from Sterling to a point which was not disclosed by his bill of lading. On December 4, he moved four shipments from Sterling to Denver, consisting of four head of cattle, on which he assessed a six thousand pound rate of twenty-eight cents per cwt. The rate should have been thirty-three cents. On December 9, 1939, Mr. T. S. Wood, our Rate Expert, wrote Mr. Meloney, informing him what charge should be made for movement of various types of livestock. On December 17, 1939, he moved a shipment from Denver to Sterling. The bill of lading did not contain description or species of livestock hauled or statement of weight, and on which he assessed a rate of twenty-eight cents. If 6,000 pounds or more, the rate should have been 85 per cent of twenty-eight cents; otherwise, 85 per cent of thirty-three cents. It thus appears that respondent continued practice complained of up to time of hearing. While respondent claimed ignorance of law and our rules and regulations, we cannot recognize such claim as a defense, especially so in view of fact that he was convicted in Justice Court in Morgan County in 1938 for hauling out of territory.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the charges contained in the complaint are true, and the right of said Fred Meloney to operate under said permit No. B-1492, and said permit, should be suspended for a period of sixty days from the effective date of this order.

O R D E R

IT IS THEREFORE ORDERED, That the right of said Fred Meloney to operate under Permit No. B-1492, and said Permit No. B-1492, be, and the same hereby are, suspended for a period of sixty days 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. Under

W. L. Danks

Max Smith
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOWARD C. ASHLOCK (SUBSTITUTE APPLI-)
CANT FOR WILLIAM PAYNE), LEADVILLE,) APPLICATION NO. 5266
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

February 13, 1940.

Appearances: John W. Clarke, Esq., Leadville, Colorado,
for the applicant;
T. A. White, Esq., Denver, Colorado,
for The Denver & Rio Grande Western
Railroad Company and Rio Grande
Motor Way, Inc.;
Ray B. Dankes, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and The Colorado Transfer
and Warehousemen's Association;
J. C. Street, Denver, Colorado,
for The Colorado and Southern
Railway Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company;
Marion F. Jones, Esq., Denver, Colorado,
for James A. Schaefer and Gately
Motor Company.

S T A T E M E N T

By the Commission:

On December 5, 1939, William Payne filed the original application for a certificate of public convenience and necessity to operate as a motor vehicle carrier in and around the city of Leadville, Colorado. On December 30, 1939, William Payne and Howard C. Ashlock filed a petition, requesting the substitution of Howard C. Ashlock for William Payne.

It appeared from the testimony given at the hearing that William Payne has, for the past two years, held a contract from Rio Grande Motor Way, Inc., to take care of the Motor Way's pickup and transfer service in the city of Leadville; that in the conduct of this service, together with the transfer service rendered for others, he is required to go to points within a five-mile radius of Leadville; that during the same period of time, applicant had been

called upon to render service to the T. L. Welch Mine, situated seven miles from Leadville; and that the employees of the Climax Molybdenum Company at Climax, which is approximately fourteen miles north of Leadville, had sought the services of the applicant in moving household goods from his warehouse in Leadville where the same were stored, to Climax, in cases of reemployment of such employees.

William Payne further testified that he had been rendering this service for the Motor Way, not knowing that it was necessary for him to have a certificate from the Public Utilities Commission, and that the only service rendered to Climax was for a few employees returning after a period of time, and an occasional trip for the Climax Company in case of a movement of machinery to be repaired, or, having been repaired, moved from Leadville to the Climax property; that about September, 1939, Clyde G. Medley, who renders a transportation service in the Leadville area, told Payne that he had no right to conduct a transfer business in the city of Leadville without first obtaining authority from the Public Utilities Commission, and that shortly thereafter he conferred with T. A. White and Robert Coleman, representatives of Rio Grande Motor Way, for whom he was rendering a monthly delivery service aggregating some 200,000 pounds per month, bringing him in a revenue of approximately \$250.00 per month, and was advised to make application for a certificate of public convenience and necessity, which he did; that he had been using a 1½-ton Ford truck and intended to comply with all regulations; that he had left no outstanding unpaid obligations, and wanted to substitute Howard C. Ashlock as the applicant, to whom he already had arranged to sell his truck and who would take over the Rio Grande Motor Way contract.

Howard C. Ashlock, the substitute applicant herein, testified that he had arranged to take over the Payne business; that he was familiar with the same, having had charge as manager for William Payne, and had leased a storage building in order to be able to meet all requirements of Rio Grande Motor Way, and, in addition, had talked the matter over with Robert Coleman, division manager for the Motor Way. Ashlock stated that

he was financially able to conduct the operation if given authority to perform the same; that in addition to the truck which he was purchasing from William Payne, he had personal property worth approximately \$500.00, the same being clear.

Robert Coleman, division manager for Rio Grande Motor Way, Inc., testified that his company needed the service of Howard C. Ashlock in connection with their pickup and delivery of freight within a radius of five miles of Leadville, and that he was quite satisfied that Ashlock was able to continue the pickup and delivery service for them if granted authority so to do.

It appeared from the testimony of C. J. Abrams, representing the Climax Molybdenum Company, that while the transportation needs of the Climax Company were taken care of by the Colorado and Southern Railway and the Schaefer Truck Line, supplemented by their own trucks insofar as the equipment was suitable, the employees of the Climax Molybdenum Company who occupied houses at Climax, when being temporarily relieved, had their household goods stored in Leadville, usually with this applicant, and on returning to take up employment with the Company, required the services of some one with authority to move their household goods between Climax and Leadville, and, in addition to this, when the Climax Company was required to move machinery to Leadville for repairs, or, machinery having been repaired at other points, was moved to Leadville, it was necessary that they use their own equipment to return their machinery from Leadville, or, in the event of the item being something heavy, they needed the services of the applicant to haul the same from Leadville to Climax. Mr. Abrams stated that this movement of machinery was of an emergency character, inasmuch as they utilized the Schaefer Truck Line in all cases where a scheduled operation could take care of the same.

Those representing the protestants appearing at this hearing offered no objection to the granting of authority to render a transfer and cartage service between points within a five-mile radius of Leadville, to and from the Welch Mine situated some seven miles from Leadville, the transportation of used household goods between Climax and Leadville for employees of the Climax Molybdenum

Company, and no objection to the transportation of machinery between Leadville and Climax for the Climax Molybdenum Company when the same was moved in connection with repair work, so long as the same could not be taken care of by the Schaefer Truck Line on its scheduled operation. Clyde G. Medley, holder of Certificate No. 1316, with authority to serve this same territory, entered his protest against granting authority except as aforesaid, but did not care to testify in support of his protest.

The financial standing and reliability of Howard C. Ashlock 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 Howard C. Ashlock should be substituted as the applicant in lieu of William Payne, and that the public convenience and necessity require the proposed motor vehicle transportation service as sought by the applicant, limited as indicated by the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the call and demand motor vehicle transportation service of Howard C. Ashlock, Leadville, Colorado, to conduct a transfer and cartage business from point to point within a radius of five miles of Leadville, Colorado, and the transportation of ore and mine supplies between the Welch Mine located seven miles from Leadville, and Leadville, Colorado, and smelter near Malta, Colorado; the transportation of used household goods between Climax, Colorado, and Leadville, Colorado, for employes of the Climax Molybdenum Company, only, and the transportation of machinery between Climax, Colorado, and Leadville, Colorado, in connection with emergency repairs of the same, and on such machinery movements and for the transportation of other commodities, if any, in competition with and between points served by line haul motor vehicle carriers, the applicant shall charge rates at least twenty per cent in excess of the prescribed rates of scheduled carriers operating between these points, and this order shall be taken, deemed and held

to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and 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

Edward D. U. Tucker

W. H. Danks

Walter E. Eason
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
BARNES TRUCK COMPANY, INC., RIVERTON,)
WYOMING, TO TRANSFER INTERSTATE CER-)
TIFICATE NO. 745-I TO C. E. AND C. C.) INTERSTATE CERTIFICATE 745-I
BARNES, COPARTNERS, DOING BUSINESS AS)
BARNES TRUCK COMPANY, RIVERTON,)
WYOMING.)

February 13, 1940.

S T A T E M E N T

By the Commission:

Heretofore, the Barnes Truck Company, Inc., a corporation, 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. 745-I issued to it.

Said certificate-holder now seeks authority to transfer said certificate to C. E. and C. C. Barnes, copartners, doing business as "Barnes Truck Company", Riverton, Wyoming, said transfer to be made effective as of December 23, 1939.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Barnes Truck Company, Inc., a corporation, Riverton, Wyoming, should be, and it hereby is, authorized to transfer Interstate Certificate No. 745-I to C. E. Barnes and C. C. Barnes, copartners, doing business as "Barnes Truck Company, Riverton, Wyoming, subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That said transfer shall be made

effective as of December 23, 1939.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler

W. L. Danks

James E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY L. HARRISON, FORT COLLINS,)
COLORADO, PERMIT NO. B-2119.)

CASE NO. 4765

February 13, 1940.

Appearances: J. J. Patterson, Esq., Denver, Colorado,
for the Commission:
Guy L. Harrison, Fort Collins, Colorado,
pro se;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On November 25, 1939, the Commission issued its Notice of Hearing and order to show cause directed to Guy L. Harrison, he therein being required to show cause why his permit No. B-2119 should not be revoked or cancelled, it being alleged that he had exceeded his authority by transporting two shipments of livestock, one from Greeley to Denver, the other from Denver to a point near Livermore, and that during the months of May and June, 1939, he had accepted and transported shipments of livestock at and for rates and charges different from and lower than the rates and charges prescribed by the Commission for such service, and in the transportation of said shipments had failed, refused and neglected to issue properly itemized bills of lading therefor; that he had failed to file a tariff and schedules of rates to be charged by him for service rendered as required by the rules and regulations of the Commission and had advertised his transportation service by inserting an "ad" in the Fort Collins Express Courier during the month of September, contrary to Rule 19 of the Rules and Regulations Governing Private Carriers.

Respondent's Permit B-2119 authorizes 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 area extending south of Fort Collins to a line drawn east

and west one mile south of said city, west of Fort Collins a distance of fifteen miles, north to the Colorado-Wyoming state line, and east to the east Larimer County line; 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, and livestock from Denver Union Stock Yards at Denver to said area,

At the hearing in Denver, it appeared from the testimony of our Inspector Julianio and Rate Clerk Mayer that respondent did not issue bills of lading and apparently had little, if any, knowledge as to the proper manner of billing or the rates prescribed by the Commission; that he failed to file tariffs, does not classify shipments, and during the months of May and June handled seven shipments at less than the prescribed rate; that on a number of other occasions, he transported livestock at rates in excess of those prescribed by the Commission.

The advertisement which appeared in the Fort Collins Express Courier was as follows:

*LIVESTOCK TRUCKING
Our Men Know How to Handle
Livestock.
GUY L. HARRISON
Phone 1191 303 N. Shields.*

Respondent admitted that he hauled a load of livestock from Denver to Livermore instead of Wellington, which last mentioned point he told the Port of Entry was the destination of the livestock. In explanation, he stated that the destination of livestock was changed after the cattle were loaded, and that he did not want to unload them, the customer having two ranches, one at Wellington, the other near Livermore.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the allegations contained in the complaint, and each of them, are true, and that as a penalty for the violations complained of, the authority of said Guy L. Harrison to operate under said Permit No. B-2119 and said permit should be suspended for a period of sixty days from the effective date of this order.

O R D E R

IT IS THEREFORE ORDERED, That the right of the said Guy L. Harrison

to operate under said Permit No. B-2119, and said permit, should be, and hereby are, suspended for a period of sixty days 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. Woods,

W. C. Danks

Mark E. ...
Commissioners.

Dated at Denver, Colorado,
this 13th day of February, 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 MT. HARRIS,) MISCELLANEOUS DOCKET NO. 139
COLORADO, TO THE DENVER COMMUNITY)
CHEST, DENVER, COLORADO.)

February 14, 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 February 8th and 10th, 1940, requesting authority to transport one carload of coal free of charge from Pinnacle, Colorado, and one carload of coal free of charge from Mt. Harris, 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 Denver Community Chest, a charitable institution, and are to be used for charity.

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

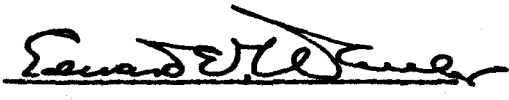
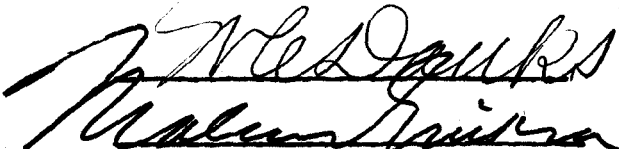

After full consideration of the facts as set forth, the Commission finds that the requests should be authorized.

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 Pikes Peak Fuel Company, Denver, Colorado, and one carload of coal from Mt. Harris, Colo. to Denver, Colorado, consigned to the Denver Community Chest in care of the Colorado & Utah Coal 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 14th day of February, 1940.

JH

Mrs. Hockett 139
2/14/40
Dec. 14844

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

February 8, 1940.

6
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 Men's Christian Association. This car will be consigned to the Denver Community Chest in care of the Pikes Peak 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

February 10, 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 Colorado & Utah Coal Company.

In view of the above we shall be pleased to haul this car of coal free of charge from the mine at Mt. Harris, 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.

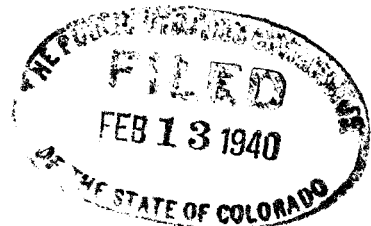
Yours truly,

F. J. Toner
Traffic Manager.

K

E

cc - Agent, Denver



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
UNION RENDERING COMPANY.)

PERMIT NO. C-8203

Feb. 19, 1940

S T A T E M E N T

By the Commission:

the

The Commission is in receipt of a communication from
Union Rendering Company of Stockyards Sta., Denver, Colorado,
requesting that his Permit No. C-8203 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-8203, heretofore issued
to the Union Rendering Company, be,
and the same is hereby, declared cancelled. .

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. D. Danko
Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN W. WHITE, DOING BUSINESS)
AS JACK WHITE TRANSFER.)
)
)
.....)

PERMIT NO. C-6910

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John W. White,
doing business as Jack White Transfer of Box 353 Sutherland, Nebraska,
requesting that his Permit No. C-6910 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-6910, heretofore issued
to John W. White, d/b/a Jack White Transfer, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. McQuinn
W. C. Danko
Maec E. Giverson
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
MARK WOMBACHER.)
)
)
)
.....)

PERMIT NO. C-5984

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Mark Wombacher of 1623 - 12th St., Greeley, Colorado,
requesting that his Permit No. C-5984 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-5984
Mark Wombacher,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Tuley
W. C. Danks
Maes E. Egan
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

OSCAR ZAMANIAN.

PERMIT NO. C-3628

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Oscar Zamanian
of 1324 - 18th St., Denver, Colo.,
requesting that his Permit No. C-3628 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3628, heretofore issued
to Oscar Zamanian, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Gueley
W. D. Danko
Wm. E. Spis

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940, 19.....

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

RE MOTOR VEHICLE OPERATIONS OF)
F. A. NEWELL.)
)
)
)
)
.....)

PERMIT NO. C-2141

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
F. A. Newell of Niwot, Colorado
.....
requesting that his Permit No. C-2141 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-2141, heretofore issued
to F. A. Newell, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
.....
W. L. Danks
.....
Maureen Spickard
.....
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940, 19.....

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

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE E. DEERING.)
)
)
)
.....)

PERMIT NO. C-503

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Claude E. Deering of 1371 Green, Silverton, Colo.,
requesting that his Permit No. C-503 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-503 heretofore issued
to Claude E. Deering, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard St. Paul
W. H. Danks
Max Guiraud
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

(Decision No. 14851)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JESUS MIRELES.

PERMIT NO. C-11028

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Jesus Mireles of Box 125 El Paso, Texas,
requesting that his Permit No. C-11028 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-11028, heretofore issued
to Jesus Mireles, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Gould
W. D. Danks
Maureen E. Spivey

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

R

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

RE MOTOR VEHICLE OPERATIONS OF)
FELIX MEDINA.)
)
)
)
.....)

PERMIT NO. C-9852

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Felix Medina of Box 325, San Pablo, Colorado,
requesting that his Permit No. C-9852 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-9852, heretofore issued
to Felix Medina, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
W. L. Danks
Marion E. ...
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
NEWCOMER-WEBBER MEAT CO.)
)
)
)
.....)

PERMIT NO. C-4299

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Newcomer-Webber Meat Company of 915 East Platte Ave., Colorado Springs,
requesting that his Permit No. C-4299 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-4299, heretofore issued
to the Newcomer-Webber Meat Company, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell
W. B. Danks
Wm. E. Spitzer
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
JESS BEVERLIN.)
)
)
)
)
.....)

PERMIT NO. C-1120

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Jess Beverlin of Wray Colorado
.....
requesting that his Permit No. C-1120 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-1120 heretofore issued
to Jess Beverlin, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

.....
.....
.....
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

M. G. GOLDSMITH.)

PERMIT NO. C-2122

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

M. G. Goldsmith

of 1102 Pine St., Abilene, Texas,

requesting that his Permit No. C-2122 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-2122, heretofore issued

to M. G. Goldsmith, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Daniel
W. D. Danks
Walter Spischn

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

A. S. HORNER.

PERMIT NO. C-7623

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
A. S. Horner of 575 So. Downing St., Denver, Colo.,
requesting that his Permit No. C-7623 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-7623
to A. S. Horner, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Hanks
W. D. Hanks
Maureen E. Hanks

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
WALTER FROST.)
)
)
)
.....)

PERMIT NO. C-8705

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Walter Frost of 853 3rd Ave., Grand Junction, Colo.,
requesting that his Permit No. C-8705 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-8705 heretofore issued
to Walter Frost, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

.....
.....
.....
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
REYNOLD UGOLINI.)

PERMIT NO. C-9512

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Reynold Ugolini of LaVeta Colorado,
requesting that his Permit No. C-9512 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-9512, heretofore issued
to Reynold Ugolini, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
W. L. Danks
Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ROBERT G. CRAIG.)

PERMIT NO. C-10047

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Robert G. Craig of Lazear Colorado,
C-10047
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-10047, heretofore issued
to Robert G. Craig, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. D. Danks
Walter E. Evers
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940

(Decision No. 14860))

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

CLINTON S. SMITH.)

PERMIT NO. C-10099

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Clinton S. Smith of Route 2, Box 137, Eaton, Colo.,
requesting that his Permit No. C-10099 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-10099, heretofore issued
to Clinton S. Smith, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Davis
W. L. Danks
Walter H. ...
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE OVERMAN.)

PERMIT NO. C-10621

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Clyde Overman of Hallowell, Kansas,
requesting that his Permit No. C-10621 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-10621, heretofore issued
to Clyde Overman, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard J. O'Brien
W. D. Oakes
Walter S. Smith
Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK BATES AND GEORGE MOORE.)

PERMIT NO. C-10951

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Bates
and George Moore of Box 521, Borger, Texas,
requesting that his Permit No. C-10951 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-10951
to Frank Bates and George Moore, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund D. Daniel
W. H. Danks
Allen E. Eason

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

(Decision No. 14863)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. F. PETERSON.)

PERMIT NO. C-10820

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
G. F. Peterson of 229 No. Loomis, Ft. Collins, Colo.,
requesting that his Permit No. C-10820 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-10820 heretofore issued
to G. F. Peterson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. D. D. D.
W. D. D. D.
W. D. D. D.

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KENNETH C. RAINS, DOING BUSI-)
NESS AS CENTRAL NEBRASKA SALES)
COMPANY.)
.....)

PERMIT NO. C-9679

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Kenneth C. Rains,
doing business as Nebraska Sales Co., of North Platte, Nebraska,
requesting that his Permit No. C-9679 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-9679, heretofore issued
to Kenneth C. Rains, d/b/a Nebraska Sales Company, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. E. Danks
Malcolm E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

PATRICK C. LAWLER.)

PERMIT NO. C-7091

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Patrick C. Lawler

of 587 So. Pearl St., Denver, Colo.,

requesting that his Permit No. C-7091 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-7091, heretofore issued

to Patrick C. Lawler, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
W. E. Danks
Allen Simpson

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

THE B. F. SALZER LUMBER CO.)

PERMIT NO. C-1325

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the B. F.
Salzer Lumber Company of 595 S. Bannock St., Denver, Colo.,
requesting that his Permit No. C-1325 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-1325 heretofore issued
to the B. F. Salzer Lumber Company, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. E. Danks
Robert W. Nixon
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE MATTICE.)

PERMIT NO. C-10530

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Eugene Mattice of Hasty Colorado,
requesting that his Permit No. C-10530 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-10530, heretofore issued
to Eugene Mattice, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene D. ...
W. D. ...
... Ep ...
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

(Decision No. 14868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. KIRKHAM.)

PERMIT NO. C-7335

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
C. C. Kirkham of Box 163 Ralls, Texas,
requesting that his Permit No. C-7335 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-7335, heretofore issued
to C. C. Kirkham, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wines
W. H. Danks
Wm. E. Smith

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. C. GILCHRIST.

PERMIT NO. C-10912

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
W. C. Gilchrist of Julesburg, Colorado
requesting that his Permit No. C-10912 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-10912 heretofore issued
to W. C. Gilchrist, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien
W. C. Danks
Malcolm F. Faison

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

(Decision No. 14870)

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

RE MOTOR VEHICLE OPERATIONS OF)
JIM YOUNG.)
)
)
)
.....)

PERMIT NO. C-10843

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Jim Young of Rt 1, Box 296 Boulder, Colorado,
requesting that his Permit No. C-10843 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-10843, heretofore issued
to Jim Young, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Thomas
Wes Danks
Wm. E. ...
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

FRANK PRECHTL.

PERMIT NO. C-705

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Frank Prechtl of 3048 North Speer Denver, Colo.,
requesting that his Permit No. C-705 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-705 heretofore issued
to Frank Prechtl, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. C. Parks
Maer Finner

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

(Decision No. 14872)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEON L. DAVIS.)

PERMIT NO. C-4756

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Leon L. Davis of Route 1, Grand Junction, Colo.,
requesting that his Permit No. C-4756 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-4756 , heretofore issued
to Leon L. Davis, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell
W. S. Danks
James H. ...

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

(Decision No. 14873)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE WILLIAMS.)

PERMIT NO. C-10919

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Lee Williams of Route 3, Bowles Ave., Littleton, Colo.
requesting that his Permit No. C-10919 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-10919
to Lee Williams, 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. Hinson
Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BAZZEL TIPPS AND GLENN)
WHICKER, DOING BUSINESS AS)
SULPHUR GARAGE, HOT SULPHUR)
SPRINGS, COLORADO.)
.....)

PERMIT NO. C-9661

.....
Feb. 19, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Bazzel Tipps and
Glenn Whicker, d/b/a Sulphur Garage of Hot Sulphur Springs, Colorado,
requesting that his Permit No. C-9661 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-9661, heretofore issued
to Bazzel Tipps & Glenn Whicker, d/b/a Sulphur Garage, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell
W. H. Danks
Walter E. Simon

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

DEWEY GROVE.)

PERMIT NO. C-9226

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Dewey Grove of C/o Albany Hotel, Boulder, Colo.,
C-9226
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-9226, heretofore issued
to Dewey Grove, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Oliver
W. D. Parks
Malcolm H. Hirsch

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. D. THOMPSON, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 5259-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

February 17, 1940.

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;
Stanley Blunt, Canon City, Colorado,
for Southwestern Transportation
Company.

S T A T E M E N T

By the Commission:

The above-styled application was set for hearing in Denver, on
January 19, 1940, at 10:00 o'clock A. M.

At the time and place appointed for hearing, applicant failed to
appear.

Subsequent to the hearing, applicant asked that said matter be
again set for hearing, he stating that prior to the time of hearing, he had
informed a clerk in the Commission's office that he could not be present
and requested a continuance. Investigation disclosed that his statement
is true.

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

O R D E R

IT IS THEREFORE ORDERED, That the above-styled matter should be,
and the same hereby is, set for hearing in Denver, Colorado, at Room 330

State Office Building, on the 29th day of February, 1940, at 10:00 o'clock
A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Leary

W. L. Danks

Wm. E. Egan
Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLYDE AND VERNON WILLIAMS, DOING)
BUSINESS AS WILLIAMS AND SON, HAYDEN,)
COLORADO, FOR A CLASS "A" PERMIT TO)
OPERATE AS PRIVATE CARRIERS BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 5294-PP

February 19, 1940.

S T A T E M E N T

By the Commission:

Applicants, Clyde and Vernon Williams, doing business as "Williams and Son", Hayden, Colorado, herein seek authority to operate as Class "A" private carriers by motor vehicle for hire for the transportation of coal from Grassy Creek Mine to Mount Harris, 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 authority limited to the service herein sought to be performed 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 Clyde and Vernon Williams, co-partners, doing business as Williams and Son, Hayden, Colorado, should be, and they hereby are, authorized to operate as Class "A" private carriers by motor vehicle for hire for the transportation of coal from Grassy Creek Mine to Mount Harris, 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 necessary tariffs and 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

Edward D. Welch

W. L. Gault

Marion E. Simon
Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN RE MOTOR VEHICLE OPERATIONS OF)
A. D. GARRIOTT AND A. S. GARRIOTT,) CASE NO. 4780
MATHESON, COLORADO, PERMIT A-434.)

February 20, 1940.

Appearances: James J. Patterson, Esq., 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 December 14, 1939, the Commission issued its Notice of Hearing and Order to Show Cause, directed to A. D. Garriott and A. S. Garriott, co-partners, to show cause why their Permit No. A-434 should not be cancelled and revoked, it being alleged in said order that respondents did not have a tariff on file with the Commission; that, during the period from June to September, 1939, both months included, said respondents had accepted, transported and delivered numerous shipments of freight at rates lower than those prescribed by the Commission; that he failed to assess a pickup charge for a number of truckload shipments, which represented a consolidation of shipments, and had charged a flat rate of fifteen dollars for moving truckloads, instead of assessing and collecting the prescribed rate of the Commission; that he had failed to issue properly itemized bills of lading, as required by Rule No. 21; that he had transported and delivered a number of shipments for fifteen different shippers without first, or at all, listing the names of said customers with the Commission, or filing a contract or memorandum of the terms of contract covering the transportation of such shipments with the Commission as required by Rule No. 10.

Respondent answered, admitting that he had accepted, transported and delivered numerous shipments of freight, which had been improperly

consolidated, and at times had failed to assess and collect a pickup charge, and had improperly handled some shipments on a flat charge of \$15.00. He also admitted that he had handled shipments for non-listed customers, but averred that he had verbal contracts with such customers for cartage. While he did not, in terms, deny that he had not issued proper bills of lading, he stated that, to the best of his knowledge, he had issued bills of lading for transportation of freight, and if they failed to comply with the requirements, it had been on account of lack of knowledge by respondent of the rules and regulations governing issuance of bills of lading.

At the hearing in Denver, on December 26, 1939, respondent stated that, in most instances, he had received more than the prescribed rate for moving of livestock; that he, at all times, tried to get the prescribed rate, or more, which rate is $23\frac{1}{2}$ cents for cattle, and $25\frac{1}{2}$ cents for sheep, from Matheson to Denver; that at times he handled 10,000 pounds or more in a load for two or three good customers at 22 cents per hundredweight, the 12,000 pound rate being 19 cents; that his failure to list customers had been due to procrastination on his part; that he now had a complete list on file; that he had been trucking since 1923; that, at all times, he had tried to comply with the law, and to be fair with the other truckers — no cutting; that he had been subjected to a lot of unfair competition; that a great number of commercial carriers operated in the territory southeast of Matheson, where he picked up his livestock, they hauling for hire.

During the discussion, it developed that, as a matter of fact, respondents, like the commercial carriers he complained of, did not have authority to serve the territory southeast of Matheson; that their permit is limited to a line haul service described as:

*Limon & Matheson to Denver & intermediate points.
Limon and Matheson to Colorado Springs and intermediate points.*

The records and files of the Commission also disclose that, on July 1, 1936, the Commission entered its order, requiring respondents

to show cause why their permit should not be revoked or suspended for failure to file list of customers with the Commission, and that, subsequent to the serving of the order to show cause, respondents filed their list of customers. Thereupon, said case was dismissed, Decision No. 8046, with a "warning to respondents that in the future they must be more prompt in complying with the law and our rules and regulations."

After a careful consideration of the record, the Commission is of the opinion, and finds, that the charges contained in the complaint are true, and the right of said A. D. Garriott and A. S. Garriott to operate under said permit No. A-434, and said permit, should be suspended for a period of sixty days from the effective date of this order, and that the said respondents should be required to cease and desist from operating between points, and from and to points not authorized under their Permit No. A-434.

O R D E R

IT IS THEREFORE ORDERED, That the right of said A. D. Garriott and A. S. Garriott to operate under said Permit No. A-434, and said permit No. A-434, be, and the same hereby are, suspended for a period of sixty days from the effective date of this order.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

IT IS FURTHER ORDERED, That said A. D. and A. S. Garriott be, and they hereby are, required to cease and desist from operating between points, and from and to points not included within the authority covered by their Permit No. A-434.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler

W. D. Danks

Walter E. Smith

Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. D. AND A. S. GARRIOTT,) PRIVATE PERMIT NO. A-434
MATHESON, COLORADO, PRIVATE)
PERMIT NO. A-434.)

February 20, 1940.

S T A T E M E N T

By the Commission:

Heretofore, Private Carrier Permit No. A-434 issued to A. D. and A. S. Garriott to operate as private carriers by motor vehicle for hire.

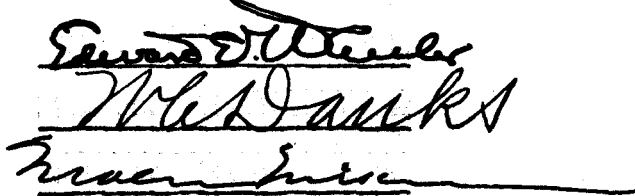
The Commission has been informed by respondents that said A. S. Garriott withdrew from said co-partnership more than two years ago, and that the records and files of the Commission should be corrected to show that A. D. Garriott is the sole owners of and operator under said permit.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the records and files of the Commission should be amended and corrected as suggested.

O R D E R

IT IS THEREFORE ORDERED, That the records and files of the Commission be amended and corrected to show that A. S. Garriott has withdrawn from said operation under Permit No. A-434, and that A. D. Garriott is the sole owner thereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE SCHMIDT, ROUTE 4, BOX 17,)
FORT COLLINS, COLORADO, FOR A CLASS * APPLICATION NO. 5296-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

February 20, 1940.

S T A T E M E N T

By the Commission:

Applicant, George Schmidt, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for the transportation of wet beet pulp from pulp pit near Fort Collins to Fort Collins and points within a radius of six miles thereof.

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 Schmidt, Fort Collins, 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 pulp pit near Fort Collins to Fort Collins and points within a radius of six 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 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. Wheeler

W. C. Danks

Wm. E. Sullivan

Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)	
M. B. WILSON, 1422 WEST MAPLE AVE.,)	
DENVER, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 5295-PP</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

February 20, 1940.

S T A T E M E N T

By the Commission:

Applicant, M. B. Wilson, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from point to point within a radius of fifty miles of Denver, Colorado, 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 of 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 M. B. Wilson, 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 and gravel from point to point within a radius of fifty miles of Denver, Colorado, 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 the 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. Guel

W. H. Danks

Walter E. Smith

Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 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" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 5236-PP

February 20, 1940.

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, no appearance being made by applicant. On January 4, 1940, an order was issued dismissing said application for failure to prosecute. Since the entry of said order, the Commission is in receipt of a letter from applicant to the effect that he was "sick in bed" at the time of the hearing, and, therefore, unable to be present, and requesting that the matter be set down at some future time.

Since the receipt of said request from applicant, the Commission has contacted the attorney for protestants who appeared at the hearing in Grand Junction, who advised the Commission that said protestants had no objection to applicant receiving the same authority that he formerly had under the Class "B" permit which had been cancelled. We are now in receipt of a communication from applicant stating that he will be entirely satisfied to receive the same authority as he formerly held, and it therefore appears that there is no need for a further hearing herein.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that applicant should be granted the same authority as heretofore held by him under Permit B-2077, and the order dismissing this application should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That Patricio Ynfante, Grand Junction, 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 from fields and orchards only, to railroad loading points, all operations to be confined within a radius of twenty-five miles of Loma, Colorado, and no service to be rendered in competition with established carriers in the so-called "DeBeque area".

IT IS FURTHER ORDERED, That the order of January 4, 1940, dismissing the instant application, be, and the same is hereby, cancelled.

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 J. Dineen
W. D. Danks
Francis E. Egan
Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TED P. BROWNLEY, BRUSH, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 5255-PP

February 17, 1940.

Appearances: Ted P. Brownley, Brush, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Raymond Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Colorado Transfer
and Warehousemen's Association,
North Eastern Motor Freight,
Woods Truck Line, Brooks Trans-
portation Company, Resler Truck Line;
Chas D. Young, Denver, Colorado,
for The Colorado Trucking Association,
Frank Kronkow, William F. Ackley,
and Marion J. Martin, and Courtright
Transfer.

S T A T E M E N T

By the Commission:

As limited or modified by the testimony offered at the hearing, applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) dry beet pulp from Ovid to points within a radius of five miles of, but not including, Brush; (b) wet beet pulp from Fort Morgan and Brush sugar factories to points within a radius of five miles of, and, including Brush; (c) loose and ground hay and grain from points within the area extending nine miles east, nine miles west, nine miles south, and three miles north of Brush, to feed lots and elevators in said area, excepting service from town to town; (d) Building materials from Brush and rough lumber from mountain saw mills to farms in said last mentioned area; (e) livestock from points in said area to sales yard at Brush, and from points in said area and said sales yard to Denver.

The application was opposed by William F. Ackley, one Keith C. Bailey, a driver employed by Mr. Ackley, appearing for him as a witness. Mr. Bailey stated that Ackley has common carrier authority to serve between points within and from and to points in the area proposed to be served by applicant; that he has sixteen trucks; that in his opinion the service of Ackley, especially for movement of livestock to and from Denver, is adequate; that Ackley's trucks are not busy all the time; that approximately six or seven trucks were not in use at the time of the hearing; that witness "feels that the granting of the permit would impair his (Ackley's) service."

Although he did not show any basis for his opinion or conclusion, Brownley, replying to Bailey's testimony, stated that he believed that Ackley's trucks, generally, were busy all the time; that last fall, during the harvest season, people were unable to get truck service from Ackley or other carriers; that his operation, if authorized, would not affect Ackley's service in any way, although it did not appear that livestock service to or from Denver, in any respect, is inadequate.

The statute provides that a private carrier permit should not be granted where the area sought to be served by applicant is being adequately served by authorized motor vehicle common carriers, and it further appears that the proposed operation will impair the efficiency of said motor vehicle common carrier operations. Brownley contends that the service is not adequate. Probably, as we heretofore have held, the burden is upon him to show that the service is inadequate. Perhaps, except as to movement of livestock to and from Denver, he sustained that burden. However, if it be conceded he did not, nevertheless, the burden was upon the protestants, in the first instance, to show that the efficiency of their service to the public would be impaired by the granting of the permit sought by applicant. This they failed to do by competent testimony.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the application, as limited, should be granted, except for movement of livestock to and from Denver.

O R D E R

IT IS THEREFORE ORDERED, That Ted P. Brownley, 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; (a) dry beet pulp from Ovid to points within a radius of five miles of, but not including, Brush or other towns served by line haul motor vehicle carriers on schedule; (b) wet beet pulp from Fort Morgan and Brush sugar factories to points within a radius of five miles of, and including, Brush; (c) loose and ground hay and grain from points within the area extending nine miles east, nine miles west, nine miles south, and three miles north of Brush, to feed lots and elevators in said area, excepting service from town to town; (d) building materials from Brush and rough lumber from mountain saw mills to farms in said last-mentioned area; (e) livestock from and to points in said area to and from sales yard at 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 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. Allen

W. H. Jank

James E. Egan
Commissioners.

Dated at Denver, Colorado,
this 17th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

MIKE PECORARO.

PERMIT NO. C-11018

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Mike Pecoraro of Route 2 Trinidad, Colorado,
requesting that his Permit No. C-11018 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-11018, heretofore issued
to Mike Pecoraro, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard D. Daniel
W. D. Danks
Richard E. Eason
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940

(Decision No. ¹⁴⁸⁸⁵~~C-10685~~)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WALTER HARDY.

PERMIT NO. C-10685

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Walter Hardy of Rt 2, Box 132 Pueblo, Colorado
requesting that his Permit No. C-10685 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-10685, heretofore issued
to Walter Hardy, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. O'Connell
W. E. Danks
Wm. E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

(Decision No. 14886)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

FRANCIS KELLER.)

PERMIT NO. C-9465

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Francis Keller _____ of Keenesburg, Colorado _____,
requesting that his Permit No. C-9465 _____ 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-9465 _____, heretofore issued
to Francis Keller, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Davis
W. L. Danks
Wm. E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940, 19.....

(Decision No. 14887)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

SPERRY FLOUR CO.)

PERMIT NO. C-5643

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Sperry Flour Company of 2024 Blake Denver, Colorado,
requesting that his Permit No. C-5643 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-5643, heretofore issued
to Sperry Flour Company, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danko
James E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. H. FRAME.

PERMIT NO. C-10855

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
W. H. Frame of Checotah, Oklahoma,
requesting that his Permit No. C-10855 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-10855
W. H. Frame,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. L. Danks
Maclain Quinn

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940.

(Decision No. 14889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ED McCONNELL.

PERMIT NO. C-10746

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Ed McConnell of Shawnee, Oklahoma,
requesting that his Permit No. C-10746 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-10746
to Ed McConnell, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. W. VAN HORN.)

PERMIT NO. C-10710

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. W. Van Horn of 1260 Vine St., Denver, Colorado
.....
requesting that his Permit No. C-10710 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-10710 heretofore issued
to J. W. Van Horn, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Field
W. L. Danks
Maen E. ...

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN C. CHEVARRIA.)

PERMIT NOC-9763

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
John C. Chevarria of 401 W Cedar Walsenburg, Colo.,
requesting that his Permit No. C-9763 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-9763, heretofore issued
to John C. Chevarria, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduardo D. Delgado
W. D. Dank
Wm. E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ROY I. DIFFENDAFFER.

PERMIT NO. C-9094

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Roy I. Diffendaffer of Cortez, Colorado,
requesting that his Permit No. C-9094 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-9094, heretofore issued
to Roy I. Diffendaffer, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
McDauks
Ernest Episk

Commissioners.

Dated at Denver, Colorado,
this 19th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

K. C. PETERSON.)

PERMIT NO. C-7768

Feb. 19, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
K. C. Peterson of Box 134 Bennett, Colorado
.....
C-7768
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-7768, heretofore issued
to K. C. Peterson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell
W. C. Danko
Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 19th day of Feb., 1940

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

RE MOTOR VEHICLE OPERATIONS OF)
OSCAR C. BELL.)
)
)
)
)
.....)

PERMIT NO. C-3321

.....
Feb. 20, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Oscar C. Bell Durango Colorado
..... of,
requesting that his Permit No. C-3321 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-3321, heretofore issued
to Oscar C. Bell, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. C. Danks
W. C. Danks
.....
Commissioners.

Dated at Denver, Colorado,
this 20th day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OSCAR C. BELL, OF DURANGO, COLO.) PERMIT NO. B-1922

February 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Oscar C. Bell, of Durango, Colorado, requesting that his Permit No. B-1922 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 Oscar C. Bell should be, and hereby is, allowed to suspend his operations under Permit No. B-1922 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Oscar C. Bell 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. Dwyer

W. C. Danks

Walter S. Quinn

Commissioners

Dated at Denver, Colorado,
this 20th day of February, 1940

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE CASTAGNA, OF BOX 141, HIGHLAND) PERMIT NO. B-2232
STATION, DENVER, COLORADO.)

February 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-2232 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 Joe Castagna should be, and hereby is, allowed to suspend his operations under Permit No. B-2232 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Joe Castagna 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. Daniels
W. C. Danks
Hubert Spierman
Commissioners

Dated at Denver, Colorado,
this 20th day of February, 1940

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

HARRY M. SHUNK AND GEORGE
E. MACKEY.

PERMIT NO. C-10755

Feb. 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry M. Shunk
and George E. Mackey of 1923 Ogden St., Denver, Colo.,
requesting that his Permit No. C-10755 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-10755, heretofore issued
to Harry M. Shunk and George E. Mackey, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dancy
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

(Decision No. 14898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

HARRY M. SHUNK AND GEORGE)
E. MACKEY.)
)
)
)
.....)

PERMIT NO. B-2458

.....
Feb. 20, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry M. Shunk
and George E. Mackey of 1923 Ogden St., Denver, Colo.,
requesting that his Permit No. B-2458 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. B-2458, heretofore issued
to Harry M. Shunk and George E. Mackey, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. L. Danks
Walter E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 20th day of Feb., 1940.

(Decision No. 14899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. M. CARNEY.

PERMIT NO. C-2103

Feb. 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
W. M. Carney of Holtville, California,
requesting that his Permit No. C-2103 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-2103,
to W. M. Carney, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward H. H. H.
W. M. Carney
Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
W. M. Carney.)
)
)
)
.....)

PERMIT NO. B-2371

.....
Feb. 20, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
W. M. Carney of Holtville, California
requesting that his Permit No. B-2371 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. B-2371 heretofore issued
to W. M. Carney, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. McLaughlin
W. M. Carney
W. M. Carney
Commissioners.

Dated at Denver, Colorado,
this 20th day of Feb., 19 40.

(Decision No. 14901)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

E. R. ALLEN.

PERMIT NO. C-264

Feb. 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

✓ E. R. Allen of Rt 1 Ft. Collins, Colorado,
requesting that his Permit No. C-264 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-264, heretofore issued
to E. R. Allen, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard H. Duesch
W. D. Smith
W. E. Smith
Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940

R

RE MOTOR VEHICLE OPERATIONS OF)
E. R. ALLEN, OF ROUTE 1, FORT) PERMIT NO. B-1020
COLLINS, COLORADO.)

February 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. R. Allen, of Route 1, Fort Collins, Colorado, requesting that his Permit B-1020 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 E. R. Allen should be, and hereby is, allowed to suspend his operations under Permit No. B-1020 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said E. R. Allen 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. O'Connell

W. C. Danks

W. C. Quinn

Commissioners

Dated at Denver, Colorado,
this 20th day of February, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LESLIE GILDER.)
) P.U.C. No. B-963
)

Feb. 20, 1940

S T A T E M E N T

By the Commission:

On November 25 1940, by order of the Commission, Decision
No. 14384, Leslie Gilder of Center,
Colorado was given authority to suspend operations under
PUC No. B-963 ninety days from November 9, 1939
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. B-963 be, and the same hereby is,
restored to its active status as of the date of this order February 9, 1940.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Gault

McDank

Robert E. Simon

Commissioners

Dated at Denver, Colorado,
this 20th day of February, 1940.

(Decision No. 14904)

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 HAYBRO, COLORADO, TO THE) MISCELLANEOUS DOCKET NO. 140
DENVER COMMUNITY CHEST, DENVER, COLO.)

February 20, 1940.

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 February 16, 1940, requesting authority to transport one carload of coal free of charge from Haybro, Colorado, on account of charity.

The shipment in question has been donated by a shipper on the line of The Denver and Salt Lake Railway Company to the Young Men's Christian Association, 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 Haybro, Colorado, to Denver, Colorado, consigned to the Denver Community Chest, in care of the Goody Courter Coal 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

Samuel D. Dinkel

W. L. Danks

Walter E. Smith

Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

JH

Misc. *check* 14904.
2/20/40.

THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

February 16, 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 Men's Christian Association. This car will be consigned to the Denver Community Chest in care of the Goody Courter Coal Company.

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

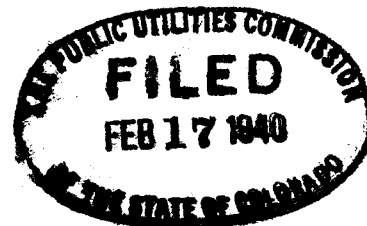
If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

F. J. Toner
Traffic Manager.

E

cc - Agent, Denver.



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DORSEY E. HALL, OF 4065 SOUTH) P. U. C. 337
DELAWARE, ENGLEWOOD, COLORADO.)

February 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named certificate holder requesting that his certificate, PUC 337, 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 Dorsey E. Hall should be, and hereby is, allowed to suspend his operations under common carrier certificate, PUC 337, for a period of not to exceed six months from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. O'Connell

W. C. Danks

William E. Brown
Commissioners

Dated at Denver, Colorado,
this 23rd day of February, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

CHARLES E. SAMUELSON.

PERMIT NO. B-2333

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Charles E. Samuelson of 1148 Center St., Evanston, Wyoming,
requesting that his Permit No. B-2333 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. B-2333, heretofore issued
to Charles E. Samuelson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. C. Danks
Marion Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of Feb., 1940, 19.....

(Decision No. 14907 ✓)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

FRANK RICHTER.)

PERMIT NO. B-2226

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Frank Richter of Wiggins Colorado,
requesting that his Permit No. B-2226 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. B-2226
Frank Richter,
to _____ be,
and the same is hereby, declared cancelled. as of February 1, 1940.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene D. Tamm
W. H. Rank
Malcolm E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of Feb., 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEONARD FINLAYSON.)

PERMIT NO. B-1382

Feb. 23, 1940

S T A T E M E N T

By the Commission:

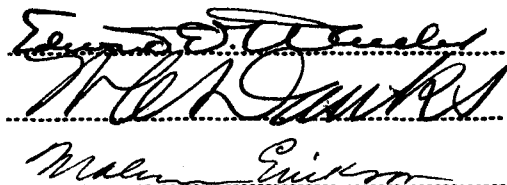
The Commission is in receipt of a communication from _____
Leonard Finlayson _____ of LaPorte, Colorado _____,
requesting that his Permit No. B-1382 _____ be cancelled.

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. B-1382 _____, heretofore issued
to _____ Leonard Finlayson, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940

(Decision No. 14909 /)

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

RE MOTOR VEHICLE OPERATIONS OF)
DOW PIERCE.)

PERMIT NO. C-4980

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Dow Pierce of Bushnell, Nebraska,
requesting that his Permit No. C-4980 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-4980
to Dow Pierce, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
W. H. Danks
Malcolm [Signature]
Commissioners.

Dated at Denver, Colorado,
this 23rd day of Feb., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

DOW PIERCE.)

PERMIT NO. B-1673-I

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Dow Pierce

of Bushnell

Nebraska

requesting that his Permit No. B-1673-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. B-1673-I, heretofore issued
to Dow Pierce, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. R. Danks
William E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940

(Decision No. 14911 /)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

HENRY SHORE.)

~~PERMIT NO.~~ PUC 1298

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Henry Shore _____ of Grand Junction, Colorado _____,
requesting that his ~~Permit No.~~ Certificate, PUC 1298 _____ 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.~~ PUC No. 1298, heretofore issued
to _____ Henry Shore, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel D. Jones
W. C. Danks
Wm. E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 19 40.

R

(Decision No. 14912 ✓)

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

RE MOTOR VEHICLE OPERATIONS OF)

GLEN T. HUBBIRD.

PERMIT NO. C-5470

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Glen T. Hubbard of Simpson Colorado,
requesting that his Permit No. C-5470 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-5470
Glen T. Hubbard, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel T. Hubbard
J. H. Danks
Wm. E. Eickes
Commissioners.

Dated at Denver, Colorado,
this 23rd day of Feb., 1940.

(Decision No. 14913 ✓)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GLEN T. HUBBIRD.)

PERMIT NO. B-1752

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Glen T. Hubbard of Simpson, Colorado,
requesting that his Permit No. B-1752 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. B-1752, heretofore issued
to Glen T. Hubbard, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. H. Danks
William Simpson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of Feb., 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. N. WINSKOM, OF WALDEN,) PUC NO. 857
COLORADO.)

February 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. N. Winscom, requesting that his certificate, PUC 857, 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 E. N. Winscom should be, and hereby is, allowed to suspend his operations under PUC No. 857 for a period of not to exceed six months from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wilson
W. D. Danks
W. E. Quinn
Commissioners

Dated at Denver, Colorado,
this 23rd day of February, 1940.

(Decision No. 14915 /)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ROBERT WEIDERSPON.)

PERMIT NO. C-9190

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Robert Weiderspon of Winter Park Colorado
.....
requesting that his Permit No. C-9190 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-9190, heretofore issued
to Robert Weiderspon, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Green
W. H. Danks
William E. Eisco
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940

R

(Decision No. 14916 ✓)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ROBERT WEIDERSPON.)

PERMIT NO. B-2281

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Robert Weiderspon

of Winter Park Colorado,

requesting that his Permit No. B-2281 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. B-2281, heretofore issued

to Robert Weiderspon, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Oliver
W. R. Parks
Walter J. Quinn

Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

R

(Decision No. 14917/)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

E. H. BARD.

PERMIT NO. C-9535

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

E. H. Bard

Walsenburg

Colorado

of

requesting that his Permit No. C-9535 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-9535, heretofore issued

to E. H. Bard, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Davis
W. H. Banks
W. H. Banks
Commissioners.

Date at Denver, Colorado,
this 23rd day of Feb., 1934.

(Decision No. 14918 ✓)

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

RE MOTOR VEHICLE OPERATIONS OF)

RUTH I. WILEY.)

PERMIT NO. C-7155

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Ruth I. Wiley _____ of Haigler _____, Nebraska _____,
requesting that his Permit No. C-7155 _____ 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-7155 _____, heretofore issued
to Ruth I. Wiley, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. H. Banks
Marion Guinn
Commissioners.

Date at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY BOULDIN AND J. R. WALPOLE)
)
)
)
.....)

PERMIT NO. C-10303

.....
Feb. 28, 1940
.....

S T A T E M E N T

By the Commission:



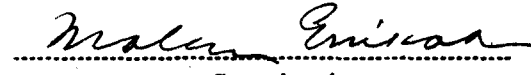
The Commission is in receipt of a communication from Roy Bouldin
and J. R. Walpole of 311 S. Ellison St., Oklahoma City, Okla.
..... their
requesting that ~~their~~ Permit No. C-10303 be cancelled .

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-10303, heretofore issued
to Roy Bouldin and J. R. Walpole, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1940.

R

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

RE MOTOR VEHICLE OPERATIONS OF)
RALPH LANE.)
)
)
)
.....)

PERMIT NO. C-2345

.....
Feb. 28, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Ralph Lane of Atwood Colorado,
.....
requesting that his Permit No. C-2345 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-2345, heretofore issued
to Ralph Lane, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. H. Banks
Wm. E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 28th day of Feb., 1940.

(Decision No. 14921)

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

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM BERGREN.)

PERMIT NO. C-7701

Feb. 28, 1940.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
William Bergren of Alma Colorado
requesting that his Permit No. C-7701 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-7701 heretofore issued
to William Bergren, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
McQuinn
Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. W. ANDERSON.

PERMIT NO. C-8374

Feb. 28, 1940

S T A T E M E N T

By the Commission:

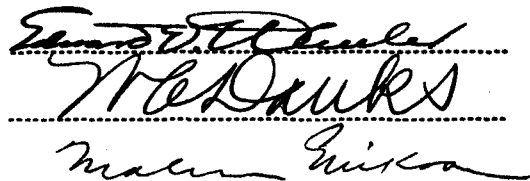
The Commission is in receipt of a communication from _____
W. W. Anderson of Walden, Colorado,
requesting that his Permit No. C-8374 be cancelled.

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-8374, heretofore issued
to W. W. Anderson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 28th day of Feb., 1940

(Decision No. 14925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. W. WALLACE)

PERMIT NO. C-8499

Feb. 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
J. W. Wallace of Fruita, Colorado,
requesting that his Permit No. C-8499 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-8499, heretofore issued
to J. W. Wallace, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deneen
W. H. Danks
Malcolm E. Eason
Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

MOSE BAMBINO.

PERMIT NO. C-9313

Feb. 28. 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Mose Bambino

123 White Ave., Grand Junction, Colo.

of

requesting that his Permit No. C-9313 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-9313, heretofore issued

to Mose Bambino, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dineen

W. E. Danks

Wm. E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

EVAN MELONEY.)

PERMIT NO. C-10181

Feb. 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Evan Meloney of Box 1046 Sterling, Colo.,
requesting that his Permit No. C-10181 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-10181, heretofore issued
to Evan Meloney, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene F. McClure
Walter Danks
Walter Erickson
Commissioners.

Dated at Denver, Colorado,
this 28th day of Feb., 1940.

(Decision No. 14926)

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

RE MOTOR VEHICLE OPERATIONS OF)
TONY ABILA.)

PERMIT NO. C-10206

Feb. 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Tony Abila of Granada, Colorado,
requesting that his Permit No. C-10206 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-10206, heretofore issued
to Tony Abila, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dineley
W. C. Danks
W. C. Nixon
Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1940.

(Decision No. 14927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN CARMONY.)

PERMIT NO. C-10216

Feb. 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
John Carmony _____ of 219 N 6th St., Manhattan, Kansas,
requesting that his Permit No. C-10216 _____ 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-10216 _____, heretofore issued
to John Carmony, _____ be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Thomas
W. L. Danks

Walter E. Givens
Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1940

(Decision No. 14928)

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

RE MOTOR VEHICLE OPERATIONS OF)
HARRY M. WATTS.)
)
) PERMIT NO. C-10653
)
)
)
.....)

.....
Feb. 28, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Harry M. Watts of Vici Oklahoma.
..... of
requesting that his Permit No. C-10653 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-10653, heretofore issued
to Harry M. Watts, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. [unclear]
W. C. [unclear]
W. C. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 19 40.

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

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD EASTERDAY.)
)
)
)
)
.....)

PERMIT NO. C-10147

.....
Feb. 28, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Harold Easterday of 529 Bannock Denver, Colorado,
.....
requesting that his Permit No. C-10147 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-10147 heretofore issued
to Harold Easterday, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Charles
.....
W. L. Oakes
.....
William E. Garrison
.....
Commissioners.

Dated at Denver, Colorado,
this 28th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. GREENFIELD.) P.U.C. No. A-735
-----)

Feb. 28, 1940

S T A T E M E N T

By the Commission:

On May 10, 193 9, by order of the Commission, Decision
No. 15491, L. Greenfield of Brighton,
Colorado was given authority to suspend operations under
PUC No. A-735 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-735 be, and the same hereby is,
restored to its active status as ~~by order of the Commission~~ January 24, 1940.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dwyer
W. H. Danks
R. M. S. S. S. S. S.

Commissioners

Dated at Denver, Colorado,
this 28th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS)
OF HARRY LOWELL AND S. L. EVANS,)
DOING BUSINESS AS GRAND JUNCTION) CASE NO. 4767
TRUCK LINE, PRIVATE PERMIT NO.)
A-409.)

February 20, 1940.

Appearances: James J. Patterson, Esq., Denver,
Colorado, for the Commission;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado,
for Respondents.

S T A T E M E N T

By the Commission:

On February 3, 1940, the Commission entered its decision No. 14808, in the above-styled matter, finding that the allegations contained in the complaint herein were true, and cancelling and revoking Permit No. A-409 of respondents.

Thereafter, respondents filed their petition for rehearing, alleging, among other things, that some of the findings of the Commission were not supported by the evidence, and that in making its aforesaid findings, the Commission had taken into consideration some matters that were not formally made part of the record.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said statement is true; that some findings of the Commission were based upon matters that were not formally made part of the record herein; that said Decision No. 14808 should be set aside, vacated and held for naught, and that said matter should be set for further hearing upon the complaint herein, and such amendments thereto, if any, that may hereafter be allowed.

O R D E R

IT IS THEREFORE ORDERED, That said Decision No. 14808 be, and the same hereby is, vacated, set aside and held for naught.

IT IS FURTHER ORDERED, That further hearing be held herein at such time as hereafter may be determined by the Commission, said hearing to be upon the allegations contained in the complaint herein and such amendments or additions thereto as hereafter may be allowed by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer

W. E. Dwyer

Walter E. Dwyer

Commissioners.

Dated at Denver, Colorado,
this 20th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEWIS HINTON, DOING BUSINESS AS)
HINTON MOTOR SERVICE, 1308 CHESTNUT)
STREET, QUINCY, ILLINOIS, TO TRANSFER)
INTERSTATE PERMIT 790-I TO HINTON)
MOTOR SERVICE, INC., 1624 JERSEY)
STREET, QUINCY, ILLINOIS.)

INTERSTATE PERMIT NO. 790-I

February 23, 1940.

S T A T E M E N T

By the Commission:

On November 1, 1935, Walter Mennekin and Merle Lane, co-partners, doing business as Mennekin and Lane, were granted authority (Permit 790-I) subject to the provisions of the Federal Motor Carrier Act of 1935, to transport freight by motor vehicle as a common carrier, in interstate commerce only, between Denver and the Colorado-Kansas state boundary line, where U. S. Highway No. 40 crosses the same.

Subsequently, said Walter Mennekin and Merle Lane, doing business as Mennekin and Lane, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to transfer said interstate permit No. 790-I to Lewis Hinton, doing business as Hinton Motor Service.

Said Lewis Hinton, doing business as Hinton Motor Service, now seeks authority to transfer said interstate permit No. 790-I to Hinton Motor Service, Inc., a corporation.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Lewis Hinton, doing business as

Hinton Motor Service, Quincy, Illinois, should be, and he hereby is, authorized to transfer Interstate Permit No. 790-I to Hinton Motor Service, Inc., a corporation, 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 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

Edward D. Oliver
W. H. Tanks
Malcolm S. Siver
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. U. YEAROUS, FORT MORGAN,) CASE NO. 4785
COLORADO, PRIVATE CARRIER PER-)
MIT NO. B-1236.)

February 23, 1940.

Appearances: G. U. Yearous, Fort Morgan, Colorado,
pro se;
James J. Patterson, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On January 27, 1940, the Commission issued its Show Cause Order and Notice of Hearing, directed to respondent, requiring him to show cause on or before the 9th day of February, 1940, that being the day appointed for the hearing, why his permit should not be revoked on account of violations of law and our rules and regulations, in that, during the period of June to September, 1939, both months inclusive, he had failed to issue properly itemized bills of lading and to keep copies thereof on file, as required by our Rule 21; had handled numerous shipments of freight without first, or at all, entering into a contract for the rendering of such transportation service, and without first, or at all, listing with the Commission the names of such shippers as customers, as required by our Rule 10; that he had failed and neglected to remit highway compensation taxes when due, or to file monthly reports, as required by our rules and regulations, and had handled numerous shipments of freight at and for rates and charges different from and lower than the rates and charges prescribed by the Commission for such service.

Respondent failed to file written answer. However, at the hearing, he admitted that at times he had failed to issue bills of lading and had failed to keep copies of bills of lading on file; that he had

handled some shipments of freight for customers whom he had not listed, he not having formal contracts with them, although he had tried to list everyone in his territory whom he thought he might want to serve, he having more than five hundred customers listed; that it was very inconvenient to list new customers and perform the transportation service required promptly; that his wife had failed to make reports promptly because she got behind, and also the Commission had failed to send blanks when requested; that he is indebted to the Commission at this time on account of delinquent ton-mile tax in the sum of \$65.93; that it was true that he had charged less than the prescribed rate at times, but that was due to the fact that he had been unable to get the prescribed rate; that most hogs are purchased in his territory by Denver buyers, who will pay within 25 cents of the Denver market, so shippers will not pay more than 25 cents to have them hauled into Denver; that, in his opinion, he should have a common carrier certificate, because that is the only way in which he can satisfactorily serve the people in his territory; that he intended to apply for a certificate when he procured the permit, but had been advised by Mr. Reid and Mr. Headlee to get a private carrier permit, they stating that he could add as many customers as he might desire at any time that he wanted to do so.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the allegations in the complaint are true; that said permit of G. U. Yearous, No. B-1236, and his right to operate thereunder should be suspended for a period of sixty (60) days from the effective date of this order.

O R D E R

IT IS THEREFORE ORDERED, That the allegations in the complaint are true, and that, as a penalty for said violations, Permit No. B-1236, and the right of G. U. Yearous to operate thereunder, should be suspended for a period of ~~sixty~~ (60) days 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. O'Connell

W. L. Danks

Walter S. Smith
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. GARVER, FORT MORGAN,)
COLORADO, PRIVATE CARRIER PER-) CASE NO. 4786.
MIT NO. B-2199.)

February 23, 1940.

Appearances: C. D. Garver, Fort Morgan, Colorado,
pro se;
James J. Patterson, Esq., Denver,
for the Commission.

S T A T E M E N T

By the Commission:

On January 26, 1940, the Commission issued its Notice of Hearing and Order to Show Cause in the above-styled matter, directed to respondent to show cause why his permit should not be revoked on account of violations of the Private Carrier Act and our rules and regulations, in that during the months of July, August and September, 1939, he had accepted, transported and delivered numerous shipments of freight, but failed and neglected to retain copies of bills of lading, as required by Rule 21; that, during said months aforesaid, he had handled freight for numerous shippers without first, or at all, entering into a specific contract for the rendering of said service, and without first, ~~or~~ at all, listing the names of said shippers as customers with the Commission, as required by our Rule 10; that he handled many of said shipments for rates and charges different from and lower than the rates and charges prescribed by the Commission for such service, the matter being set for hearing in Denver, on February 9, 1940.

At the hearing, respondent admitted that he failed to keep copies of bills of lading; that he hauled for some customers not listed, but had reported such hauls on his monthly reports to the Commission, and had charged and collected rates, in some instances, less than those prescribed for the service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the allegations of the complaint are true, and that, as a penalty for the violations of said rules and regulations and the law of the State of Colorado, said Permit No. B-2199, and the right of respondent to operate thereunder should be suspended for a period of thirty (30) days from the effective date of this order.

O R D E R

IT IS THEREFORE ORDERED, That the allegations in the complaint are true, and that, as a penalty for the violations of our rules and regulations and the law of the State of Colorado, Permit No. B-2199 and the right of C. D. Garver to operate thereunder, should be suspended for a period of thirty (30) days 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 E. Atwell

W. L. Danks

Walter E. Smith
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH SENSENEY, DOING BUSINESS)
AS ARNOLD TRANSFER, FORT MORGAN,)
COLORADO, CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY No. 563.)

CASE NO. 4794
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE

February 23, 1940.

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. 563, pursuant to the provisions of Chapter 134, Session Laws of 1927, as amended, and has at all times since operated, and is operating, as 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 and the terms and conditions of the said certificate and the rules and regulations of this Commission governing common carriers by motor vehicle in the following particulars, to-wit:

1. That during the period of July to December, 1939, both months included, said respondent accepted, transported and delivered approximately one hundred separate shipments of freight, but failed and neglected to issue a bill of lading for each of said shipments, and that for the shipments for which bills of lading were issued, said bills were improperly and incompletely itemized, contrary to the provisions of Rule 30.

2. That said respondent failed and neglected to make a full, complete and correct monthly report of his operations for the month of August, 1939, in that he failed and neglected to report the transportation of two separate shipments, and failed and neglected to remit highway compensation tax therefor.

3. That said respondent does not, at the date hereof, have filed with this Commission a tariff, as required by Rule 36.

4. That, during the period aforesaid, said respondent, on numerous and different occasions, exceeded the authority conferred by his said certificate by accepting, transporting and delivering numerous shipments of freight, consisting of commodities other than the commodities authorized to be handled under the provisions of his said certificate.

5. That, during the period aforesaid, said respondent accepted, transported and delivered 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.

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 this said respondent 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 certificate, and if so, whether 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 (10) days from this date, why it should not enter an order because of the aforesaid alleged delinquencies, 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 it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 8th day of March, 1940, at 10:00 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 J. O'Connell
W. C. Danks
Allen Smith
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
B. L. SPINDLE, COMO, COLORADO,)
PRIVATE CARRIER PERMIT NUMBER)
B-2268.)

CASE NO. 4793
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE

February 23, 1940.

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. B-2268, 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 for hire, and said respondent is now, and has, at all times since issuance of said permit, operated as 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, and the rules and regulations of this Commission governing private carriers by motor vehicle and the terms and provisions of said Permit No. B-2268 in the following particulars, to-wit:

1. That during the period July to September, 1939, both months included, said respondent accepted, transported and delivered numerous separate shipments of freight, but failed and neglected to issue bills of lading for each of said shipments, and that for those shipments for which bills of lading were issued, said bills were incompletely and improperly itemized, contrary to the provisions of Rule 21.

2. That said respondent does not have on file, at the date hereof, a tariff, as required by order of this Commission.

3. That, during the period aforesaid, said respondent accepted, transported and delivered shipments of freight for numerous and different shippers without first, or at all, entering into a specific contract with said shippers for such service, and without first, or at all, listing the names of said shippers as customers, as required by Rule 10.

4. That said respondent does not prepare and keep load sheets or manifests, as required by Rule 22.

5. That during the period aforesaid, respondent accepted, transported and delivered numerous 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.

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 this said respondent 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 (10) days from this date, why it should not enter an order because of the aforesaid alleged 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 hereby is set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 8th day of March, 1940, at 10:00 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. Owens

W. C. Danks

Malcolm S. Evans

Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. TAGUE, LOVELAND, COLORADO,)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 909.)

CASE NO. 4792
NOTICE OF HEARING AND
ORDER TO SHOW CAUSE

February 23, 1940.

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. 909, pursuant to the provisions of Chapter 134, Session Laws of 1927, as amended, and has, at all times since, operated and is now operating as 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 and the terms and conditions of the said certificate and the rules and regulations of this Commission governing common carriers by motor vehicle in the following particulars, to-wit:

1. That, during the period July to September, 1939, both months included, said respondent accepted, transported and delivered numerous shipments of freight, but failed and neglected to issue bills of lading for each of said shipments, and for those shipments for which bills of lading were issued, said bills were not properly and completely itemized, as required by Rule 30.

2. That said respondent has failed and neglected to issue and keep load sheets or manifests covering shipments handled during the aforesaid period, as required by Rule 31.

3. That, during the period aforesaid, said respondent accepted, transported and delivered several shipments of freight at and for rates and

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

4. That, during the period aforesaid, said respondent exceeded the authority granted under the terms and provisions of his said certificate by accepting, transporting and delivering shipments of freight from and to points outside of and beyond the area or route authorized to be served under the terms of his said certificate.

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 this said respondent 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 certificate, and if so, whether 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 (10) days from this date, why it should not enter an order because of the aforesaid alleged delinquencies, 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 it hereby is, set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 8th day of March, 1940, at 10:00 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. Gulev
W. D. Danks
Malcolm E. Spies
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE McMILLAN TRANSFER AND STORAGE)
COMPANY FOR AUTHORITY TO TRANSFER)
CERTIFICATE NO. 449 TO ARLES BATES,)
ALMON BATES, ROBERT BATES, ARLAN)
BATES AND EDWARD BATES, DOING)
BUSINESS AS BATES AND SONS, HYGIENE,)
COLORADO.)

APPLICATIONS NOS. 1306-AA,
1481-A AND 1518-AA

February 23, 1940.

Appearances: John P. Beck, Esq., Denver, Colorado,
for the applicants;
Marion F. Jones, Esq., Denver, Colorado,
for Sorenson Truck Line and Vane
Golden;
Winston Howard, Esq., Denver, Colorado,
for Blakley Truck Line, Stockton
Truck Company, Lorrence L. Hart,
and M. A. Harsh;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and McKie Transfer
Company;
C. D. Young, Denver, Colorado,
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:

On February 5, 1940, Sorenson Truck Service and Vane Golden,
protestants, filed a petition for rehearing, assigning errors in Decision
No. 14743.

After a careful review of the record, including said Decision
No. 14743, and each and every assignment as set forth in the petition for
rehearing, the Commission is of the opinion, and finds, that no error was
committed and that no useful purpose would be served by the granting of a
rehearing on this application, and that same should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed

on behalf of the Sorenson Truck Service and Vane Golden should be, and
the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
McDanks

Walter E. Evers
Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OREN L. MCKAY, STERLING, COLORADO,)
FOR AUTHORITY TO TRANSFER CERTIFICATE) APPLICATION NO. 2487-A
NO. 1146 TO NORTH EASTERN MOTOR)
FREIGHT, INC., DENVER, COLORADO.)

February 23, 1940.

Appearances: Ray B. Danks, Esq., Denver, Colorado,
for the applicants;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for Welcker Transportation Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer all right, title and interest in and to Certificate No. 1146, Decision No. 14689, the consideration for this transfer being \$3,250.00, of which amount \$600.00 was paid in cash, \$1,400.00 being utilized by the transferee, North Eastern Motor Freight, Inc., to liquidate certain accounts agreed upon by the transferor and transferee, and the balance of the purchase price to be paid at the rate of \$150.00 per month. This would take care of the outstanding obligations.

It further appeared that the financial statement on file in connection with Certificate No. 374, to which reference was made, discloses that the transferee is financially able to conduct the operation. It is proposed to consolidate the authority to be transferred with the authority now held under Certificate No. 374 and to operate the same under this certificate.

The financial standing and reliability of the transferee were established to the satisfaction of the Commission. It was also the statement of the president of the transferee company and the transferor herein that

that accounts with creditors of the latter had been agreed upon and were taken care of, including an item of \$20.50 due The Colorado Trucking Association.

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

O R D E R

IT IS THEREFORE ORDERED, That Oren L. McKay, Sterling, Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to Certificate No. 1146, with authority as granted by Decision No. 14689, to the North Eastern Motor Freight, Inc. The order contained in Decision No. 14689 grants authority as follows:

"For the transportation, in irregular service, of used household furniture and office equipment to all points in the State of Colorado out of, and between points within, Logan County, Colorado, for customers residing in Logan County;"

and

"for the conduct of a general cartage business in the city of Sterling and within a five-mile radius thereof;"

IT IS FURTHER ORDERED, That the authority so transferred shall be consolidated with, and become a part of, the authority now held under Certificate No. 374.

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. Danks

W. D. Danks

Walter E. Danks

Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. B. JURGENS, DOING BUSINESS AS)
BLACK DIAMOND COAL COMPANY, DENVER,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 5283-PP

February 23, 1940.

Appearances: J. B. Jurgens, Denver, Colorado,
pro se;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and The Colorado Rapid
Transit Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport coal, including slack coal, from mines in the northern Colorado coal fields to Denver and Valmont, and sand, gravel, rock and timber, from Denver to Boulder, Valmont, and coal mines in the northern Colorado coal fields.

It appeared from the testimony of the applicant that he conducts a coal yard in Denver, has nine Ford trucks, and, in addition to the movement of coal from mines, desires to be in a position to move mine ties and mine props, but no lumber, from Denver to mines in the northern Colorado coal fields and to Valmont; that he has a contract with the Black Diamond coal mine near Lafayette and wants to be in a position to move slack coal to Valmont as well as coal of all description from mines to his yards in Denver; that most of his transportation service, particularly to and from his own yard, is moved under his "C" permit, but that he has found it necessary to have "for hire" authority to take care of the movement of ties and mine props back to the mines, and for the movement of some coal.

The financial standing and reliability of the applicant was

established to the satisfaction of the Commission.

No protests were interposed to the authority sought.

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 substantially as sought in the application and limited by the applicant's testimony.

O R D E R

IT IS THEREFORE ORDERED, That J. B. Jurgens, doing business as Black Diamond Coal Company, 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, including slack, from mines in the northern Colorado coal fields to Denver and to Valmont, and for the transportation of mine ties and mine props, sand, gravel and rock, from Denver to mines in the northern Colorado coal fields and to Valmont.

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, 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. Oliver

W. C. Danks

Wm. E. Egan

Commissioners.

Dated at Denver, Colorado,
this 23rd day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIM YOUNG, ROUTE 1, BOULDER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 5286-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

February 27, 1940.

Appearances: Jim Young, Route 1, Boulder, Colorado,
pro se;
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 coal from mines in the northern Colorado coal fields to Denver, and, by amendment, which is not objected to, to transport slack from coal mines to Valmont, and sand, gravel and like road construction materials from pits and supply points to construction jobs within a radius of fifty miles of such pits and and supply points.

The applicant testified that he had a truck suitable for the transportation of coal, and sand, gravel, rock and like materials, and, in addition to moving coal from mines in the northern Colorado coal fields to Denver, he would like to have permission to amend his application to include slack coal from said mines to Valmont, which amendment was allowed on account of no objection being offered; that at the present time he had one customer, The American Coal and Ice Company, but had in mind a few more customers whom he thought he would be able to get.

No objection was offered 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 the applicant as sought, including the movement of slack coal to Valmont.

O R D E R

IT IS THEREFORE ORDERED, That Jim Young, Route 1, Boulder, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver, and slack coal from coal mines to Valmont; and sand, gravel and like road surfacing materials from pits and supply points to construction jobs within a radius of fifty miles of such pits and supply points in all counties of the state except Boulder, Clear Creek and Gilpin.

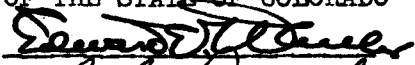


IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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, 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




Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOMONICK AND GERALDINE DI TIRRO FOR)
AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 4885-PP-A
B-2285 TO MICHAEL DI TIRRO, 6400)
NORTH BROADWAY, DENVER, COLORADO.)

February 27, 1940.

Appearances: Michael Di Tirro, 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
Permit No. B-2285.

It appears from the testimony given at the hearing that the
transferors have been depending upon the transferee to operate under this
authority, and in order to simplify the same have decided to transfer the
permit to the transferee.

There appeared to be no outstanding unpaid obligations as a
result of previous operations under this authority, and that the transferee
has a Chevrolet truck and is financially able to continue this operation as
his own if the transfer is authorized.

There was no objection offered to the granting of authority to
make the transfer.

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. The cash deposit of transferor is to
transferred herewith.

O R D E R

IT IS THEREFORE ORDERED, That Domonick and Geraldine Di Tirro be, and they hereby are, authorized to transfer all of their right, title and interest in and to Private Permit No. B-2285 to Michael Di Tirro, of Denver, Colorado, with authority as follows:

"the transportation of coal from the Northern Colorado coal fields to Denver, and mine timbers from Denver to said mines in the Northern Colorado coal fields."

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with all 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





Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. J. AND RONALD SLATER, CENTER,)
COLORADO, FOR AUTHORITY TO TRANSFER) APPLICATION NO. 5285-PP-A
PERMIT NO. A-881 TO HENRY GOSCH,)
DENVER, COLORADO.)

February 27, 1940.

Appearances: John P. Beck, Esq., Denver, Colorado,
for the applicants;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Stanley Blunt, Canon City, Colorado,
for Southwestern Transportation
Company;
A. J. Frégeau, Denver, Colorado,
for Weicker Transportation 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 Private Permit No. A-881, the consideration being \$3,500.00 for the permit alone. However, it appears that Herbert A. Gray and the transferors entered into a lease and option agreement, and that before this finally was consummated, Gray incurred a number of obligations, and, in connection with the handling of this authority under the lease and option, had arranged to take the present transferee into a partnership with him, whereby they both could operate under this permit and probably exercise the option later; that the transferee is familiar with, and is assuming and agreeing to pay, the outstanding obligations, which may run as high as \$1,600.00, and that this amount is to be deducted from the \$3,500.00 mentioned above as the consideration for this permit (some \$500 or \$600 of this \$1,600 having already been paid); that after the transferee withdrew from the Gray partnership, and after Gray's disappearance, he made an arrangement with the transferors, and then and there agreed to take care of these obligations above referred to and to pay approximately \$100.00 additional

which they knew to be outstanding, the balance of the \$3,500.00, after deducting cash payments already agreed upon and the payment of accounts which the parties understand to be outstanding, to be paid to the transferors herein.

It appeared that the transferee has been connected with truck operations and is an experienced operator; that he possesses three pieces of motor equipment and improved farm, the aggregate value of these being upwards of \$13,000.00, his only liabilities amounting to \$265.00.

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 authority should be granted to the transferors herein to transfer this permit as sought, and that a verified statement be filed with the Commission showing settlement of outstanding obligations incurred in connection with operations under this permit.

O R D E R

IT IS THEREFORE ORDERED, That C. J. Slater and Ronald Slater, doing business as C. J. Slater and Son, Center, Colorado, be, and they hereby are, granted authority to transfer all of their right, title and interest in and to Private Permit No. A-881 to Henry Gosch, of Denver, Colorado. The authority, as disclosed by Permit No. A-881, issued December 15, 1934, reads as follows:

"Between Center Colo & Denver and all intermediate points via Colo 112 - Colo 15 - Monte Vista
U. S. 450 Walsenburg U.S. 85 or via Colo 112 - Colo 15 - Salida and U.S. 50 Pueblo & U. S. 85 to Denver."

IT IS FURTHER ORDERED, That applicants file with the Commission a verified statement showing settlement or payment of outstanding obligations heretofore incurred through operations under this permit.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply

with the conditions and requirements of this order to be by them, 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 J. Deneen

W. D. Danks

Nelson Erickson
Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON DOTSON, EATON, COLORADO,) CASE NO. 4776
PRIVATE CARRIER PERMIT NO.)
A-838.)

February 27, 1940.

Appearances: James J. Patterson, Esq., Denver,
Colorado, for the Commission;
Marion F. Jones, Esq., Denver, Colorado,
for the respondent;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Winston S. Howard, Esq., Denver, Colorado,
for Blakley Truck Line.

S T A T E M E N T

By the Commission:

On December 9, 1939, the Commission issued its Show Cause Order, Decision No. 14454, directed to Vernon Dotson, to show cause why his permit should not be revoked on account of his alleged violation of Chapter 120, Session Laws of Colorado, 1931, as amended, the rules and regulations of the Commission governing private carriers by motor vehicle, and the terms and provisions of said Permit No. A-838, by accepting, transporting and delivering numerous shipments of freight for approximately thirty persons during the months of June, July, August and September, 1939, without having contracted with said persons for his service, or listing their names as customers with the Commission, or filing a contract or memorandum of the terms of contract entered into with such persons, with the Commission, and by failing to issue bills of lading for shipments transported by him during said months, as required by Rule 21 of the rules and regulations governing private carriers, and by transporting livestock from points outside his authorized territory, to-wit, from Hereford to Denver.

At the hearing, it appeared that applicant, under his permit, which issued October 3, 1934, was authorized to operate:

between Eaton, vicinity, and Denver and intermediate points, and also Wyoming State Line and intermediate points, all over Highway 85.

His customer list, filed in June, 1937, lists forty-seven customers, their addresses, with the exception of Austin Sale Yards at Greeley, being Eaton, Colorado.

Respondent admitted that he regularly had been serving 25 or thirty people, or more, not listed; that he did not have contracts with them, although their names had been shown from time to time on his road tax reports; that, generally speaking, he served in Eaton and vicinity, but had operated in a much larger territory, including the Briggsdale, Grover and Hereford areas; that he had not used bills of lading prior to October 1, when he talked with Mr. Beck of The Colorado Trucking Association; that his business, chiefly, had been the handling of livestock, used furniture and dried pulp; that he was visiting in Georgia from about the last of June to the first of October, 1939; that during his absence, his brother operated the truck line, and may have made the haul from Hereford mentioned; that on account of the absence of an authorized common carrier in the Town of Eaton (although there are many common carriers authorized to serve the area), he had been called upon to serve people, generally; that he is familiar with the rules and knows that he was required to list customers and have contracts with them before serving them; that it is impossible for him to operate as a private carrier successfully in said area; that on account of that situation, he is applying for a common carrier certificate in order that he may, in the future, "legally conduct what he has illegally conducted in the past".

While Mr. Dotson did not attempt to conceal the nature of his past operations or to deceive the Commission, we cannot ignore the conditions here existing. Ordinarily, the permit probably would be revoked, but in view of Mr. Dotson's frankness and his apparent willingness to "get in line", we will not impose such a drastic penalty herein.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the allegations contained in the complaint are true; that said respondent has extended his authority under said permit without the consent of the Commission; that he has been operating as a common

carrier for hire; that said permit No. A-838, and the right of said Vernon Dotson to operate thereunder, should be suspended for a period of ninety (90) days from the effective date of this order as a penalty for said violations.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-838, and the right of Vernon Dotson to operate thereunder, be, and the same hereby is, suspended for a period of ninety (90) days from the effective date of this order as a penalty for violations of law and our rules and regulations as alleged in the complaint.

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. Ueber

W. L. Danks

Wm. E. Spiverson
Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE WOLFE, FLORENCE, COLORADO,) PERMIT NO. B-1846-I
FOR AN EXTENSION OF PERMIT NO.)
B-1846-I.)
-----)

February 27, 1940.

S T A T E M E N T

By the Commission:

Heretofore, George Wolfe was authorized to operate as a Class "B" private carrier by motor vehicle for hire in interstate commerce between all points in Colorado east of the Continental Divide and the Colorado-Kansas State Boundary Line, where all highways cross the same.

He now asks for authority to operate as a private carrier by motor vehicle for hire for the transportation of coal, only, from Florence-Canon City coal fields to Pueblo, and from Florence-Canon City coal fields to Colorado Springs.

The extension sought probably is that of an "A" carrier. However, in view of the fact that we do not prescribe rates for the movement of coal, and said Wolfe already has been authorized to operate in interstate commerce as a Class "B" private carrier, it would appear that the permit hereinafter granted should be a Class "B" permit.

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 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 extension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That George Wolfe should be, and he hereby is, authorized to operate as an intrastate private carrier for the transportation of coal, only, from the Florence-Canon City coal fields to Pueblo, and from Florence-Canon City coal fields to Colorado Springs, said permit to be numbered B-1846.



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, 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 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


Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES O. PARKER AND FLOYD CRAIN,)	
CO-PARTNERS, DOING BUSINESS AS)	
PARKER AND CRAIN, COLORADO SPRINGS,)	<u>APPLICATION NO. 3852-PP-AA</u>
COLORADO, FOR AUTHORITY TO TRANSFER)	
PERMIT NO. B-2298 TO FLOYD CRAIN,)	
COLORADO SPRINGS, COLORADO.)	

February 27, 1940.

S T A T E M E N T

By the Commission:

Heretofore, James O. Parker and Floyd Crain, doing business as Parker and Crain, by authority of the Commission, Decision No. 12768, acquired Permit No. B-2298 by transfer.

Said Parker has withdrawn from said partnership, and said partners have filed their request with the Commission, asking that said Permit B-2298 be transferred on our records to Floyd Crain, he, said Craig, assuming the liabilities of said co-partnership, if any, the ton-mile deposit made with the Commission to be transferred to the account of said Crain.

After a careful consideration of the record and the files herein, the Commission is of the opinion, and finds, that no useful purpose will be served by setting said matter for hearing, and that transfer should be authorized without a formal hearing.

O R D E R

IT IS THEREFORE ORDERED, That James O. Parker should be, and hereby is, allowed to withdraw from the partnership of Parker and Crain in the operation of Permit B-2298, and that the records and files of the Commission should be amended to show that Floyd Crain is the sole owner of said Permit No. B-2298.

IT IS FURTHER ORDERED, That the ton-mile deposit be transferred from the account of Parker and Crain to Floyd Crain.

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

William E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. E. WALTERS, CORTEZ, COLORADO,)
UNDER PRIVATE PERMIT NO. A-1708.)

CASE NO. 4771

February 27, 1940.

Appearances: James J. Patterson, Esq., Denver,
Colorado, for the Commission;
S. A. Schaefer, Esq., Cortez, Colorado,
for the respondent;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On December 2, 1939, the Commission issued a show cause order against the respondent herein, on account of his operations under Permit No. A-1708; that during the months of June, July, August and September, 1939, the respondent accepted, transported and delivered different shipments of freight without first issuing the proper itemized bills of lading covering the same, contrary to the provisions of Rule 21 of the Rules and Regulations of the Commission; that during this same period, the respondent transported shipments of freight without having entered into contracts with such shippers covering this service, and without listing the names of such customers with the Commission as required by the provisions of Rule 10, and that said respondent has not placed on file with the Commission a tariff or schedule of rates and charges governing the service rendered by him, in violation of Section 10, Chapter 120, Session Laws of 1931, as amended, and the rules and regulations of the Commission.

From the testimony of A. E. Murchie, inspector for the Commission, it appeared that during the four months of June, July, August and September, the reports at the Stock Yards covering shipments transported by the respondent showed that 19 out of 31 of the bills of lading checked were

short of some data required by the Rules and Regulations of the Commission, were not properly filled out, and no rate was mentioned on the bills; that approximately 26 customers served by the respondent during these four months were not listed as such customers with the Commission as required; and that to the present time the respondent has no tariff on file as required.

D. E. Walters testified that during the four months in question, he did not make 31 trips to Denver, and was unable to see how the inspector's report showed discrepancies on 31 shipments, when he knew that he came to Denver three times in June, four times in July, three times in August, and twice in September. However, after an explanation, it was revealed that on these trips he had been in the habit of making out several bills of lading and that this accounted for the 31 shipments found by the inspector.

It appeared that insofar as the bills of lading were concerned, the respondent, in compliance with a request from the inspectors, turned the same over to the Commission; that he failed to put in the distance from the point where stock was picked up to Cortez, and also failed to put in the weight of the shipment, for the reason that he had no way of ascertaining the weight until arriving in Denver and having the stock weighed at the Stock Yards; that so far as his listing of customers was concerned, he had listed four commission firms in Denver to whom he had made deliveries, and understood that this was a sufficient listing inasmuch as the stock was consigned to these firms, and this accounted for his not having the names of the farmers on his customers' list; that his listing of the commission firms, and not the farmers who owned the stock, was done upon the advice of Patrolman Lackey. However, the respondent stated that he had talked with each of the 45 customers listed and had an arrangement to render service for them; that he had no tariff on file for the reason that he did not know such was required, but would have a tariff filed and in the future would comply with all Rules and Regulations 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

this respondent is guilty of the violations charged herein, has been negligent in not familiarizing himself with the Rules and Regulations governing private carriers for hire, and should be assessed a penalty on account of such violations of suspension of his authority for a period of sixty (60) days, no operations to be conducted thereunder during the suspension period.

O R D E R

IT IS THEREFORE ORDERED, That as a penalty for and on account of the violations aforesaid, Private Permit A-1708 should be, and the same hereby is, suspended for a period of sixty (60) days from and after the date hereof, and D. E. Walters cease and desist from operating under this permit during the suspension period.

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. Walters

W. L. Danks

Malcolm G. Hinson
Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DALE SIMMONS, MERINO, COLORADO,)
UNDER HIS PRIVATE CARRIER PERMIT)
NO. B-1346.)

CASE NO. 4773

February 27, 1940.

Appearances: E. J. Montague and C. A. Magnuson,
Denver, Colorado, for Respondent;
James J. Patterson, Esq., Denver,
Colorado, for the Commission.

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, charging that he had accepted and delivered freight for numerous and different shippers without first having these shippers listed as his customers or having on file with the Commission a contract for such service, contrary to the provisions of Rule 10 of the Rules and Regulations of the Commission; and that the respondent has failed to place on file a tariff or schedule of rates and charges, as required by Section 10, Chapter 120, Session Laws of 1931, as amended, and the Rules and Regulations of the Commission Governing Private Carriers for Hire by Motor Vehicle.

Mr. Magnuson, representing the respondent, answered the charge by admitting the violations as charged and admitted that the respondent had not as yet filed a tariff. He stated, however, that the respondent had acquainted himself with the requirements of the Commission and was now arranging to file a tariff, and would in the future comply with all requirements of the Commission.

Exhibit No. 1, being a report of Oscar Mayer, of the Commission's Rate Department, discloses that when the respondent was called upon for bills of lading covering his transportation of livestock for the period of June, July, August and September, 1939, he sent, in lieu thereof, the

invoices from various commission firms, and when being further advised of the Commission's desire, stated that his bills of lading had been destroyed. This exhibit further shows that on June 19, 1939, two shipments were consolidated at a 27-cent rate on a total weight of 18,160 pounds, but that one of the shipments apparently was for only 2850 pounds, which would have taken less than the truckload rate, or 32 cents. On one bill of lading, it was disclosed that a shipment consisting of nine hogs, was moved a distance of 110 miles at a 27-cent rate, while the correct rate is 28 cents on 6000 pounds, or 33 cents on less than a truckload.

On August 14, 1939, five invoices were consolidated, apparently for the purpose of using a 6000 pound rate, but in this instance there was nothing to indicate that a pick-up charge had been assessed.

The respondent, Dale Simmons, testified that he did not know about the rules of the Commission requiring the filing of a tariff, admitted that he had hauled 15 cattle at one time for a customer, who was not listed, but had done so at the solicitation of another trucker, and that the 16 heifers hauled for Witherall, who was not one of his customers, were moved upon the request of Marion Martin in order to help out on an emergency movement; that he did haul one cow and five hogs for Charles Akins and five cattle for F. W. Pence, thinking that these customers appeared on his list of customers filed with the Commission; that he had relied upon his wife to prepare the list and sign it, and did not have a copy with him at the time; that he hauled one cow for Mrs. L. E. Marquette, thinking she was a customer, but on referring to the list later he found that her son's name appeared on the customer list and not the name of Mrs. L. E. Marquette; that he did haul two head of cattle for one Garvan at the request of two common carriers who did not care to haul them, and later discovered that this name was not on his list; that he had at times failed to charge the 50 cents pickup charge, but since learning of this requirement, he had made a practice of collecting this charge; that he did charge a flat rate at times where the farmers brought the cattle to his place, but about

33-0000

October, upon learning of the Rules and Regulations of the Commission, he had tried to comply with each and every one of them, so far as he knew the same, and in response to the question as to how he came to sign up so many customers, the respondent frankly stated that 35 were placed on his list at a community meeting when the secretary called upon those who had not signed up to indicate that fact.

This respondent appeared to have nothing to cover up, and undoubtedly committed these violations without knowing he was doing so, even expressing surprise to find that it was irregular to sign customers up en masse at a community meeting. He did state, however, that he had talked with all of these people and understood that they might need his services some time, which, in effect, he being willing to serve when and if requested, amounts to holding himself out to serve as a common carrier. This he cannot do.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that respondent herein has been operating without any attempt to comply with the rules and regulations prescribed by the Commission for the reason that he had not familiarized himself with, and was not advised, until he was apprehended by the Commission's inspector and apprised of the various rules and regulations. He is now having his tariff prepared, and, from all appearances, intends to comply with all rules and regulations of the Commission. While ignorance of law or the provisions of our rules and regulations is not a legal excuse, respondent's good faith is a matter to be considered in determining what, if any, penalty should be imposed. In view of the fact that it does not appear that respondent, knowingly, violated the law or our rules and regulations, we will not revoke his permit, but believe that the respondent should be required to suffer a penalty of suspension on account of these violations, and cease and desist from operation thereunder during the suspension period.

O R D E R

IT IS THEREFORE ORDERED, That, as a penalty for, and on account of,

the aforesaid violations, Private Permit No. B-1346 should be, and the same hereby is, suspended for a period of sixty (60) days, commencing twenty (20) days after the date hereof, and that Dale Simmons cease and desist from operating under this permit during the suspension period.

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. Dineen

W. D. Danks

Wm. E. Egan
Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF DUNCAN H. LOWELL, CASTLE ROCK,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4949-PP
SUPPLEMENTAL ORDER

February 27, 1940.

Appearances: Duncan H. Lowell, Castle Rock,
Colorado, pro se;
A. J. Frégeau, 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;
Chas. D. Young, Denver, Colorado,
for Mikelson Brothers, Fred Funk,
The Colorado Trucking Association,
Parker Transfer, Jesse F. Sellers,
Forest Woodard, James A. Hefley and
W. C. Goodenburg.

S T A T E M E N T

By the Commission:

On February 5, 1940, the Commission, in the above-styled matter,
entered its order and decision, No. 14806.

On February 8, 1940, Mr. Charles D. Young, who appeared for a
number of carriers operating in the territory which applicant proposes to
serve as a private carrier, by letter, asked the Commission to specifically
incorporate in its order a provision covering the stipulation set forth
in the statement in the following language:

"At the conclusion of the hearing, Mr. Young
appearing for a number of the carriers operating
in the territory, suggested that if the applicant
were limited to one piece of equipment of the
type now operated by him, viz., a 1937 Dodge truck,
with a 7½ x 12 stock rack, there would be no
objection to the granting of the authority sought."

After a careful consideration of the record, the Commission
is of the opinion, and finds, that the request of Mr. Young is well taken

and that said order should be amended by incorporating at the end of the first paragraph of said order, the following provision:

Provided that said Lowell, in furnishing the contract carrier service aforesaid, shall restrict his equipment to one $1\frac{1}{2}$ ton truck with stock rack not to exceed $7\frac{1}{2}$ x 12 feet in size,

and that said order in all other respects should remain in full force and effect.

O R D E R

IT IS THEREFORE ORDERED, That the order and decision contained Decision No. 14806 be, and the same hereby is, amended, by adding to the first paragraph of said order on Page 3 thereof, immediately after the words "Castle Rock, Colorado", the following:

provided that said Lowell, in furnishing the contract carrier service aforesaid, shall restrict his equipment to one $1\frac{1}{2}$ -ton truck with stock rack not to exceed $7\frac{1}{2}$ x 12 feet in size.

IT IS FURTHER ORDERED, That said Decision No. 14806, in all other respects, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD NEWBERRY, GUFFEY, COLO-)
RADO, PRIVATE CARRIER PERMIT)
NO. B-1164.)

CASE NO. 4784

February 28, 1940

Appearances: Howard Newberry, Guffey, Colo-
rado, pro se;
James J. Patterson, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On January 27, 1940, the Commission entered its decision and order, requiring respondent, Howard Newberry, to show cause why his Private Carrier Permit No. B-1164 should not be revoked on account of violations by him of the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of the Commission, in that, during the period of June to September, 1939, both months inclusive, he had failed to issue proper bills of lading for shipments handled by him; had failed to file tariff; had served some shippers without listing them as customers with the Commission or obtaining contracts with them prior to furnishing said service, and had failed to charge the prescribed rates.

The matter was set for hearing in Denver, on February 9, 1940, due notice of the time and place of hearing being served on respondent.

At the hearing, it appeared that respondent failed to file tariff. However, the Commission allowed time, and until March 1, 1940, to comply with our order requiring private carriers to file tariff; that bills of lading were not complete; that he had not charged the prescribed

rates of the Commission, although, in every instance, the rate was more than our prescribed rate, which is, of course, permissible, inasmuch as our prescribed rates are minimum, and not maximum, rates for private carriers, and that he had hauled some hay for a non-listed customer and some lumber for Park County without listing county as customers. However, the charges in both instances were in excess of our prescribed rates.

Mr. Newberry explained that he had prepared the bills of lading to the best of his knowledge; that, if they were not complete in every detail, it was on account of ignorance on his part as to requirements; that he lives in an isolated section, far removed from railroad or line haul carrier service; that while he had attempted to file a complete list of customers, he had hauled the hay and the lumber without first listing the shippers. He showed the hauling and the names of the customers on his monthly reports, Inspector Murchie securing his information from said reports.

Respondent appeared to be desirous of complying with the law in every respect. While the rates charged were not our prescribed rates, as pointed out by Mr. Mayer, our Rate Clerk, in every instance, the charge was in excess of the prescribed rate, which is not a violation of our rate order or the law. Apparently, he made an honest effort to comply with the requirements as to bills of lading, but, not being an experienced traffic man, or rate clerk, he failed to conform with all the requirements. While he hauled some hay and some lumber without obtaining formal contracts and filing them with the Commission, the hauls were emergency hauls, and, in handling the business, he did not charge less than the prescribed rate, and did not take the business away from other carriers. He furnished a service that was required by the shipper to be furnished at the time the work was done. We do not want to be understood as approving such practice, but, in this instance, in view of the circumstances, we believe that his action does not require the imposition of a penalty.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the above-styled case should be dismissed.

O R D E R

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

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

Samuel D. Jones

W. L. Danks

Malcolm E. Gibson
Commissioners

Dated at Denver, Colorado,
this 28th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE F. MILLER, 1007 JULIAN ST.,)
DENVER, COLORADO, FOR A CLASS "A")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 5288-PP

February 28, 1940

Appearances: George F. Miller, Denver, Colo-
rado, pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Raymond Danks, Esq., Denver,
Colorado, for The Motor Truck
Common Carriers' Association,
Gurnow Livery and Transfer;
Joe Hepberger, Blackhawk, Colo-
rado, for Gilpin County Freight
Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from the Black Jack Mining Company mine, located about one and one-half miles southeast of Ward, to Boulder and to Rollinsville, and mine supplies from points within a radius of fifty miles of said mine to the mine.

The evidence disclosed that the Black Jack operation is comparatively new; that applicant expects to get \$1.50 per ton for handling the ore, and proposes to move supplies for \$10.00 a day and expenses, expenses to include gas, oil, meals, etc.; that he has a one and one-half ton dump truck, and is willing to limit his equipment to dump trucks; that he does not expect to haul heavy machinery; that he wants to be able to move air compressors, small motors, tables for mill, and fuel oil, props, lumber, etc., from any point within said fifty-mile radius, including

Central City, to said mine. He, however, admitted that most of the supplies would be hauled a distance of about five miles. He also agreed to charge our prescribed rates, instead of the per diem charge, if the permit is granted.

For protestants, it appeared that a great number of common carriers, line haul and call and demand, serve out of Denver to Boulder and the mining territory adjacent; that said service is adequate; that more business is needed to maintain said adequate service, and that the efficiency of their respective services will be impaired by the granting of the authority sought to haul mine equipment, supplies and machinery, etc. out of Denver, Boulder, or other towns to said mine.

Joe Hepberger, for Gilpin County Freight Line, testified that he serves between all points within a radius of twenty miles of Central City, and has an in and out service; that Stroehle Machine Shops maintain a warehouse at Blackhawk and Central City, and he is in a position, and willing, to move equipment from said points to the Black Jack property; that his service is adequate; that he needs the business; that he has three men employed as drivers, whom he pays by the month, two of them receiving eighty dollars per month, and expenses, the other receiving ninety dollars per month, and expenses; that he has four trucks (he drives the fourth one) which he must maintain and have ready for service during peak demands; that, for a considerable period of time, only two trucks had been in use; that his overhead expense and wage expense must be met, whether trucks are or are not busy; that the efficiency of his operation will be impaired if he loses business to the applicant herein.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said applicant should be authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from Black Jack Mining Company mine to Boulder and to Rollinsville, and the transportation of mining supplies to said mine from points within a radius of five miles thereof, only, equipment of applicant to be limited to dump trucks, and that said application,

in all other respects, should be denied.

O R D E R

IT IS THEREFORE ORDERED, That George F. Miller, 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 ore from the Black Jack Mining Company mine, located about one and one-half miles southeast of Ward, to Boulder and to Rollinsville, and the transportation of mine supplies to said mine from points within a radius of five miles thereof.

IT IS FURTHER ORDERED, That, in performing the transportation service under this permit, applicant should be, and hereby is, restricted to use of dump trucks, only.

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

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

W. H. Danks

Malcolm E. Grinnon
Commissioners

Dated at Denver, Colorado,
this 28th day of February, 1940.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF CHARLES W. BOWERS, JOES, COLORADO,))
FOR AUTHORITY TO TRANSFER PERMIT)
NO. B-1288 TO JESS V. McKINSTER, OF)
WATKINS, COLORADO.)

APPLICATION NO. 2747-PP-A

February 27, 1940.

Appearances: Charles W. Bowers, Joes, Colorado,
pro se;
Jess V. McKinster, Watkins, Colorado,
pro se;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Asso-
ciation;
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. B-1288.

It appeared from the testimony given at the hearing that the
consideration for the authority and the three trucks was \$475.00; that there
were no outstanding unpaid obligations as a result of previous operations
under this authority.

It further appeared that Jess V. McKinster is an experienced
operator, having been the holder of an authority granted by this Commission
which was disposed of by transfer, and he now proposes to conduct the
operation as authorized under Permit B-1288.

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

After careful consideration of the record and the testimony
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 Charles W. Bowers, Joes, Colorado, be, and he hereby is, granted authority to transfer all of his right, title and interest in and to Private Permit No. B-1288 to Jess V. McKinster, Watkins, Colorado.

The authority granted by Decision No. 7027, being Permit B-1288, is as follows:

"The transportation of farm products, including livestock, poultry, and dairy products, from point to point within a radius of ten miles of Joes, Colorado; grain in bulk, and livestock, from points in said area to Yuma, Seibert, Stratton, Burlington and Denver, with back haul of coal, only, from Denver to points in said area."




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 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 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF W. H. RAY, NUCLA, COLORADO, FOR)
AN EXTENSION OF HIS PRIVATE PERMIT)
NO. A-1179)

APPLICATION NO. 5001-PP-B

IN THE MATTER OF THE APPLICATION)
OF W. H. RAY, NUCLE, COLORADO, TO)
TRANSFER SAID PRIVATE PERMIT NO.)
A-1179 TO J. H. SHACKELFORD, OF)
NORWOOD, COLORADO.)

APPLICATION NO. 5001-PP-B-A

February 27, 1940.

Appearances: Moynihan and Hughes, Esqs., Montrose,
Colorado, for W. H. Ray and
J. H. Shackelford;
Marion F. Jones, Esq., Denver, Colorado, for
Theobald Truck Line, et al.

S T A T E M E N T

By the Commission:

The original Permit No. A-1179 was issued to W. H. Ray, authorizing the transportation of freight between Nucla and Grand Junction, via Norwood, Ridgway, Montrose and Delta. However, said permit was silent on the question of service to the intermediate points. The instant application seeks to extend the authority under said permit to include the right to serve intermediate points, and also to transfer permit as extended to one J. H. Shackelford.

At the time of the hearing in Montrose, Colorado, on May 12, 1939, an application was made by the attorneys for applicant to amend the application for extension, and said amendment was permitted, provided, however, that the hearing be vacated so that proper notice of the new extension sought could be sent to interested parties, and a further hearing held.

Thereafter, it developed that the applicant made a contract with one L. A. Theobald for the transfer of said permit, and Mr. Shackelford withdrew as the transferee. We are now advised that Mr. Theobald has completed the purchase of said permit and desires to be substituted as the

transferee in the instant case.

Mr. Theobold operates under a common carrier certificate between Grand Junction and Paradox, via Norwood, with the right to serve intermediate points between Ridgway and Paradox, and apparently would not need the authority contained in Permit A-1179, but undoubtedly is buying the same to reduce his competition.

In view of all the facts and circumstances, the Commission sees no reason why Mr. Theobold may not be substituted as transferee in the instant case and the order of transfer be made without the formality of any further hearing, as all question concerning extension under said permit, as we view the situation, is waived.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the substitution of L. A. Theobold as transferee in lieu of J. H. Shackelford, should be permitted in the instant case, and that W. H. Ray should be authorized to convey said permit No. A-1179 to the said L. A. Theobold.

O R D E R

IT IS THEREFORE ORDERED, That L. A. Theobold be, and he is hereby, substituted as transferee in lieu J. H. Shackelford, and that W. H. Ray be, and he is hereby, authorized to transfer all of his right, title and interest in and to Permit No. A-1179 to the said L. A. Theobold.

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. Wheeler

W. C. Danks

Walter E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. HAYZLIP, LONGMONT, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-1192 TO STEVE MAUCK AND ERNEST)
McMILLAN, ROUTE 4, LONGMONT, COLORADO.)

APPLICATION NO. 2729-PP-B-A

February 29, 1940.

Appearances: John P. Beck, Esq., 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. B-1192.

It appeared from the testimony given at the hearing that the
transferor had arranged to sell his interest in this permit to the trans-
ferees, the consideration being \$150.00; that there were no outstanding
unpaid obligations as a result of previous operations under this authority,
except the January tax, which the transferor agreed to take care of.

It further appeared that the transferees are partners and propose
to conduct a similar operation to that heretofore performed by the transferor;
that as yet they were not familiar with the rules and regulations of the
Commission but agreed to acquaint themselves with all rules and conduct
their operation strictly in accordance therewith. The transferees possess
a 1936 Dodge, with which they propose to conduct this operation.

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

After a careful consideration of the record and the testimony
given at the hearing, the Commission is of the opinion, and finds, that
authority should be granted to make the transfer as indicated by the

application.

O R D E R

IT IS THEREFORE ORDERED, That E. Hayzlip, Longmont, Colorado, be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to Private Permit No. B-1192 to Steve Mauck and Ernest McMillan, Route 4, Longmont, Colorado, the original authority granted to the transferor (Permit B-1192) being as follows:

"For the transportation of coal, only, from mines in the Northern Colorado coal fields to customers within a radius of fifteen miles of Longmont";

Extension granted October 5, 1937, Decision No. 10664:

"To include the right to transport farm products (excluding milk and dairy products) from farms within a radius of twenty miles of Longmont, to markets, loading points and storage points in said area."

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in 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 transferees 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 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

Samuel D. Dyer

W. L. Danks

Walter Emerson
Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN R. DOWTY, BOULDER, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT)
NO. B-752 TO JOHN E. ANDERSON AND)
SON, FORT COLLINS, COLORADO.)

APPLICATION NO. 5289-PP-A

February 29, 1940.

Appearances: John O. Anderson, Fort Collins,
Colorado, for transferees;
John R. Dowty, Boulder, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company
and Weicker Transfer and Storage
Company;
Raymond B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

John R. Dowty herein seeks authority to transfer his unrestricted Class "B" permit, No. B-752, which issued to him on June 26, 1934, to John E. Anderson and John O. Anderson, co-partners, doing business as "John E. Anderson and Son."

At the hearing, it appeared that the consideration for the transfer of said permit is the sum of \$700.00; that said transferees now have a permit, No. B-964; that they propose to suspend operations under said B-964 for a period of six months, if the Commission will agree to so do, and to sell said permit, if possible, prior to the expiration of the six months' period of suspension, and, if they are unable to procure a purchaser therefor prior to the expiration of said suspension period, to permit said permit to be cancelled; that they do not propose to adopt customer list of said Dowty, but expect to serve their customers now listed under Permit No. B-964, under Permit No. B-752.

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 said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That John R. Dowty, Boulder, Colorado, should be, and he hereby is, authorized to transfer Permit No. B-752 to John E. Anderson and John O. Anderson, co-partners, doing business as John E. Anderson and Son".

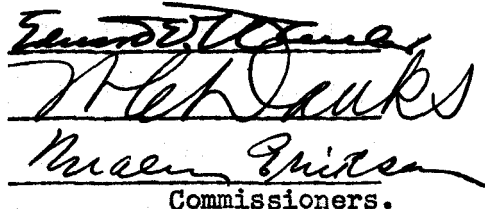
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions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


Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
J. W. CROWLEY, CORTEZ, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT)
NO. B-1622 TO J. D. SIMMONS, DOLORES,)
COLORADO.)

APPLICATION NO. 2720-PP-AA

February 29, 1940.

Appearances: J. D. Simmons, Dolores, Colorado,
pro se;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common
Carriers Association and
E. E. Williams.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer
Private Permit No. B-1622.

It appeared from the testimony given at the hearing that the
consideration was \$50.00; that there were no outstanding unpaid obligations
as a result of previous operations under this authority; that the transferee
is an experienced truck operator, having confined his operations, however,
to such business as he could conduct under his "C" permit; that he possesses
a 1937 GMC truck, and is financially able to conduct the operation.

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 J. W. Crowley, Cortez, Colorado,
be, and he hereby is, granted authority to transfer all of his right, title
and interest in and to Private Permit B-1622 to J. D. Simmons, of Dolores,
Colorado.

The authority as granted by Decision No. 7097, being Permit No. B-1622, is as follows:

"The transportation of gravel, cement, steel, and other highway materials, from point to point within a radius of fifty miles of Mancos, Colorado, for highway construction projects, only."

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, have advised the Commission 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. Atwood

W. L. Danks

Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. H. McMULLEN, COPE, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT)
NO. B-1712 TO E. E. HARPER, COPE,)
COLORADO.)

APPLICATION NO. 3454-PP-A

February 29, 1940.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for 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. B-1712.

It appeared from the testimony given at the hearing that the
consideration for this permit is \$250.00 cash; that there are no outstanding
unpaid obligations as a result of this operation except current road taxes,
and that these would be taken care of by the transferor.

It further appeared that the transferee is an experienced
truck operator; that he has been leasing a right to operate; that he has a
1938 truck and other property valued at approximately \$3500.00, and is
financially able to conduct this operation should the transfer be authorized.

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 W. H. McMullen, Cope, Colorado,
be, and he hereby is, granted authority to transfer all of his right, title,

and interest in and to Private Permit No. B-1712 to E. E. Harper, Cope, Colorado.

The authority granted by Decision No. 8410, being Permit No. B-1712, is as follows:

"The transportation of farm products, including livestock, from point to point within the following area; Three miles east, five miles north, fourteen miles south and fifteen miles west of Cope, Colorado, and from said area to and from other points in the State of 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 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




Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE R. HINKLE, WHEATRIDGE,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 5258-PP

February 29, 1940.

Appearances: Clarence R. Hinkle, Wheatridge, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Harold Swena;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association
and Tiller Cash Coal & Feed Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport coal from the Northern Colorado coal fields to Denver and Wheatridge, and the transportation of household goods between points within ten miles of applicant's home at Wheatridge, Colorado.

It appeared from the testimony given at the hearing that applicant resides at a point known as Wheatridge, which is seven blocks west of the Denver city limits; that he had in mind the transportation of coal and furniture, serving principally the Wheatridge and Lakewood districts, which would be a ten-mile radius around his home, and, in connection therewith, agreed to leave out Denver and Golden insofar as the transportation of furniture was concerned. This would leave him a local moving business in addition to the movement of coal. When asked to describe the area more definitely, the applicant stated that he desired to cover the area extending four miles west of his residence, north to Arvada, east to the West Denver city limits, and south to Lakewood; that so far as he knew at the present

time, this local moving was taken care of by the Tiller Cash Coal and Feed Company of Arvada, Harold Swena of Golden, and Denver operators; that he was equipped with a 1930 Reo truck, but had no pads, dollies, or other moving equipment; that he was not familiar with rules of the Commission covering the moving business, and had not looked into the item of rates or hourly charges, and finally expressed himself as being doubtful whether or not he could qualify as a mover of household goods and, if the Commission so considered, it might be eliminated.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and so finds, that authority should be granted to the applicant herein to transport coal from the northern Colorado coal fields to Denver and to customers residing around his home located seven blocks west of the Denver city limits, which area extends four miles west of his home, north to Arvada, south to Lakewood, and east to the West Denver city limits, and that all of the remaining parts of his said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That Clarence R. Hinkle, Wheatridge, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from the northern Colorado coal fields to Denver and to that area around his home, the location of which is at 3975 West 38th Avenue, described as follows: Extending west of said home a distance of four miles, north thereof to Arvada, East to the West Denver city limits, and south to Lakewood, and that that part of his application pertaining to furniture and household goods should be, and the same hereby is, denied.

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, 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. Oliver

W. C. Danks

Harold E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ELMER McFEE, CENTER, COLORADO,)
Respondent.)

CASE NO. 12253-Ins.
P.U.C. 1272

February 29, 1940.

S T A T E M E N T

By the Commission:

On December 26, 1939, the Commission issued an order in the above numbered case, revoking and cancelling Certificate No. 1272 on account of the respondent having failed to keep on file the required certificate of insurance covering cargo liability.

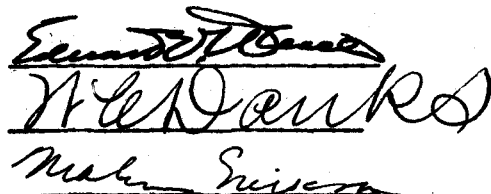
It has now been brought to the attention of the Commission that an application is pending for the transfer of this certificate; that no operation is being conducted under the same at the present time; and that it was an error to enter the above revocation order.

After careful consideration of this record, the Commission is of the opinion, and finds, that the order revoking said certificate should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 12253, dated December 26, 1939, should be, and the same hereby is, set aside and held for naught, and Certificate No. 1272 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM B. WEBB, DOING BUSINESS AS)
ANDERSON TRUCK LINE, DENVER, COLO-)
RADO, TO TRANSFER PERMIT NO. 485-I)
TO DALBY MOTOR FREIGHT LINES, INC.,)
DENVER, COLORADO.)

INTERSTATE PERMIT NO. 485-I

February 29, 1940.

S T A T E M E N T

By the Commission:

Heretofore, Interstate Permit No. 485-I was issued to William B. Webb, doing business as Anderson Truck Line, Denver, Colorado.

Said William B. Webb now seeks authority to transfer said permit to Dalby Motor Freight Lines, Incorporated.

Said Dalby Motor Freight Lines is now the holder of Interstate Permit No. 639-I, and requests that they be granted authority, if the instant transfer be authorized, to consolidate said transferred authority and conduct said operations under Permit No. 639-I.

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

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

O R D E R

IT IS THEREFORE ORDERED, That William B. Webb, doing business as Anderson Truck Line, Denver, Colorado, should be, and he hereby is, authorized to transfer Interstate Permit No. 485-I to Dalby Motor Freight Lines, Incorporated, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That said transferred authority should

be, and it hereby is, consolidated with Interstate Permit No. 639-I,
heretofore issued to Dalby Motor Freight Lines, Inc.

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

Edward T. O'Brien

W. L. Danks

Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM A. BOZE, LONGMONT, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 509 TO FRED WEISS,)
DOING BUSINESS AS W. A. BOZE TRUCK)
LINE, LONGMONT, COLORADO.)

APPLICATION NO. 1600-A

February 29, 1940.

Appearances: William A. Boze, Longmont, Colorado,
pro se;
Fred Weiss, Longmont, Colorado,
pro se;
Raymond 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:

On October 27, 1930, William A. Boze, doing business as William A. Boze Truck Service, was authorized (Decision No. 3115) to operate as a common carrier by motor vehicle for hire for the conduct of a transfer, moving and general cartage business in the city of Longmont and in the County of Boulder, and for occasional service throughout the State of Colorado, and each of the counties thereof, with the proviso that:

- (a) for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, he should charge rates which, in all cases, should be at least twenty per cent in excess of those charged by the scheduled carriers;
- (b) he should not operate on schedule between any points;
- (c) he should not, without further authority from the Commission, establish a branch office or have an agent employed in any town or city other than Longmont for the purpose of developing business.

Said Boze now seeks authority to transfer the authority granted to him in said Decision No. 3115 (PUC 509) to Fred Weiss, doing business as W. A. Boze Truck Service.

At the hearing, it appeared that there is no unpaid outstanding indebtedness against said operation; that transferee has agreed to pay the sum of \$3,700.00 for certain equipment, the certificate herein mentioned, and the good will of said transferor.

The operating experience and pecuniary responsibility of transferee were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That William A. Boze, doing business as William A. Boze Truck Service, should be, and hereby is, authorized to transfer the call and demand common carrier motor vehicle authority granted him in Decision No. 3115 (PUC 509) to Fred Weiss, doing business as W. A. Boze Truck Service, Longmont, 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 D. O'Connell

W. L. Danks

Walter E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ED HAINES, TRINIDAD, COLORADO, FOR)
AUTHORITY TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
NO. 1006 TO WES V. MCKAUGHAN, RYE,)
COLORADO.)

APPLICATION NO. 3220-A

IN RE MOTOR VEHICLE OPERATIONS OF)
WES V. MCKAUGHAN, UNDER CERTIFICATE)
NUMBER 589.)

APPLICATION 1637-AA

February 29, 1940.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for the applicants;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Chas. D. Young, Denver, Colorado,
for The Colorado Trucking Ass'n.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer
Certificate No. 1006 to Wes V. McKaughan and to consolidate the same with
Certificate No. 589.

It appeared that there were no outstanding unpaid obligations
as a result of previous operations under this authority, and that the sum
of \$85.00 is the consideration; also, that McKaughan is at the present time
the holder of Certificate No. 589, possesses four pieces of equipment, three
being straight jobs and one a semi-trailer with stock rack; and that,
should authority be granted to take over the Haines authority, the transferee
proposes to abandon the number "1006" and consolidate this authority with
what he now has and operate under Certificate No. 589.

Attached to and made a part of the application, wherein Certificate
No. 589 was granted, is a financial statement of the transferee herein.
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 authority to transfer should be given as sought.

O R D E R

IT IS THEREFORE ORDERED, That Ed Haines be, and he hereby is, authorized to transfer all of his right, title and interest in and to Certificate No. 1006 to Wes V. McKaughan, the holder of Certificate No. 589, and that said transferee be, and he hereby is, authorized to abandon the number "1006" and consolidate the authority which it represents with his Certificate No. 589, to be operated as Wes V. McKaughan, the authority to be transferred being as follows:



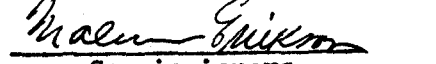
"The transportation of livestock from point to point within the counties of Las Animas, Baca and Huerfano, and from and to points in said counties to and from other points in the State of Colorado."

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 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




Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF EDWARD MARTIN, GRAND JUNCTION,)
COLORADO, FOR AUTHORITY TO TRANS-)
FER PRIVATE PERMIT A-494 TO E. B.)
HARDENBURGH, GRAND JUNCTION,)
COLORADO.)

APPLICATION NO. 3854-PP-A

February 29, 1940.

Appearances: C. S. Haynie, Esq., Grand Junction,
Colorado, for applicants;
Eugene H. Mast, Esq., Grand Junction,
Colorado, for Mary Della Goldsworthy;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Ray B. Danks, Esq., by A. J. Fregeau,
Denver, for The ~~Moton~~ Truck Common
Carriers Association;
Charles D. Young, by A. J. Fregeau,
Denver, for The Colorado Trucking
Association.

S T A T E M E N T

By the Commission:

The instant application seeks authority to transfer Private Permit No. A-494 from Edward Martin to E. B. Hardenburgh, of Grand Junction, Colorado.

Prior to the hearing, a written protest was filed on behalf of Mary Della Goldsworthy. However, at the hearing, counsel for the said Mary Della Goldsworthy stated that she desired to withdraw her protest, and consented to the transfer being made.

The evidence disclosed that Permit A-494 was originally issued to Edward Martin and Ernest E. Martin and authorized the transportation of freight between Denver and Grand Junction. Thereafter, the said Ernest E. Martin retired from said partnership and the permit became the sole property of Edward Martin under Decision No. 6922. In the caption of the order permitting said transfer, the statement is made that "said permit covering operations between Grand Junction and Denver over Highways 40 and 50 South." The application for said transfer also states that the routes are Highways 50 and 40 between Grand Junction and Denver.

In the instant case, the evidence disclosed that Edward Martin had entered into a contract with one Kirk Goldsworthy to purchase said permit for the sum of \$3,000, and that later the said purchase price had been paid. It was further disclosed that the said Kirk Goldsworthy had told the said Edward Martin that he desired the transfer made to his step-grandmother, Mrs. E. B. Hardenburgh, who appears as transferee herein, as she had advanced most of the money to him to pay for said permit.

It was further developed that the same Mrs. Hardenburgh is now conducting the operations under the management of Joe King of Grand Junction. Mrs. Hardenburgh testified to the effect that in October, 1939, Mr. Kirk Goldsworthy advised her that he had requested Martin to transfer the permit to her and she had made most of the payments upon the purchase price thereof. Her financial standing was established to the satisfaction of the Commission. It was further disclosed that the said Kirk Goldsworthy is now deceased.

No objections were interposed to the granting of the authority sought.

Since the hearing upon said transfer, a claim for \$60.00 has been filed with the Commission by one Tom McHugh, Jr., against the Martin Truck Line for wages and expenses. The Commission has written to the attorney for applicants in regard to same and has received a reply to the effect that said claim is disputed, but that if the same McHugh does obtain any judgment in the matter, transferee will pay the same.

As we cannot litigate claims of indebtedness, we have determined to permit the transfer, with the proviso that transferee agrees to assume and pay any lawful judgment the said McHugh may obtain on account of his alleged indebtedness.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be permitted.

O R D E R

IT IS THEREFORE ORDERED, That Edward Martin, of Grand Junction,

Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to Permit A-494 to E. B. Hardenburgh, of Grand Junction, Colorado; provided, however, that transferee shall assume and pay any legal judgment obtained by one Tom McHugh, Jr., upon his claim for wages and expenses against the Martin Truck Line.

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 her compliance at all times with all the laws, rules and regulations pertaining to her 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






Commissioners.

Dated at Denver, Colorado,
this 29th day of February, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM ACKERMAN.)
)
)
)
)
.....)

PERMIT NO. C-9534

.....
March 1, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
William Ackerman 440 E. 13th Loveland, Colo.,
..... of ,
C-9534
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-9534 heretofore issued
to William Ackerman, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

.....
McDank
.....
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940, 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

RALPH JOHNSON.)

PERMIT NO. C-10803

Mar. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Ralph Johnson of Rt 4, Box 313-A Greeley, Colorado
requesting that his Permit No. C-10803 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-10803, heretofore issued
to Ralph Johnson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
W. C. Danks
Walter S. Swanson

Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. L. LIGON AND J. S. McAFEE,)
DOING BUSINESS AS LIGON AND)
McAFEE.)
.....)

PERMIT NO. C-10288

.....
March 1, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. L. Ligon and
J. S. McAfee, d/b/a Ligon and McAfee of 109 So. Leona, San Antonio, Texas,
requesting that his Permit No. C-10288 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-10288, heretofore issued
to H. L. Ligon and J. S. McAfee, doing business as Ligon and McAfee, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell
W. D. O'Connell
Walter E. O'Connell

Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
HOLLY TURKEY MARKETING)
ASSOCIATION.) PERMIT NO. C-10737
)
)
)
.....)

.....
March 1, 1940
.....

S T A T E M E N T

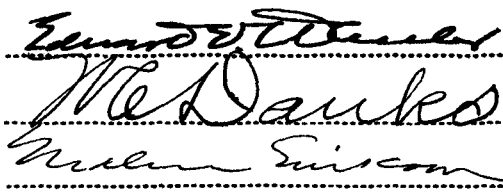
By the Commission:

The Commission is in receipt of a communication from the Holly
Turkey Marketing Association of Holly Colorado,
requesting that his Permit No. C-10737 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-10737, heretofore issued
to the Holly Turkey Marketing Association, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM C. MILLER.)

PERMIT NO. C-10702

March 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Sam C. Miller of Henderson Colorado,
requesting that his Permit No. C-10702 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-10702, heretofore issued
to Sam C. Miller, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Daniels
W. C. Danks
Walter L. Harrison
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

D. W. KENNEDY.)
)
)
)
)
.....)

PERMIT NO. C-10171

.....
March 1, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
D. W. Kennedy of Alamosa, Colorado,
.....
requesting that his Permit No. C-10171 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-10171, heretofore issued
to D. W. Kennedy, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
William E. Spivey
.....
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)
PHILLIP SCHLAGEL.)
)
)
)
)
.....)

PERMIT NO. C-3311

.....
March 1, 1940
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Phillip Schlagel Route 2 Longmont, Colo.,
..... of,
C-3311
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-3311
Phillip Schlagel,
to be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel D. Dancy
.....
W. C. Danks
.....
Wm. E. Eason
.....
Commissioners.

Dated at Denver, Colorado,
this 1st day of March 19..... 40

(Decision No. 14971)

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

RE MOTOR VEHICLE OPERATIONS OF)
SID COOK.)

PERMIT NO. C-6189

March 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Sid Cook of 663 Logan St., Denver, Colorado,
requesting that his Permit No. C-6189 be cancelled.
as of January 13, 1940.

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-6189
Sid Cook,
to be,
and the same is hereby, declared cancelled as of January 13, 1940.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel D. Daniel
W. C. Danko
Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

C. A. HEINLEN.)

PERMIT NO. C-10311

March 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
C. A. Heinlen Phippsburg Colorado
..... of,
requesting that his Permit No. C-10311 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-10311, heretofore issued
to C. A. Heinlen, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Emmett D. ...
W. L. ...
W. A. ...
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED H. BISCHOFF.)

PERMIT NO. C-10151

Mar. 1, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Fred H. Bischoff of Rt 2, Box 116A, Loveland, Colo.,
requesting that his Permit No. C-10151 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-10151 heretofore issued
to Fred H. Bischoff, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
W. C. Dankes
Walter H. ...
Commissioners.

Dated at Denver, Colorado,
this 1st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE F. WOODY, 607 UTE STREET,)
GRAND JUNCTION, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 5282-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

March 4, 1940.

Appearances: George F. Woody, Grand Junction,
Colorado, pro se;
Ray B. Danks, Esq., Denver, Colorado,
by A. J. Fregeau, for Uintah Stage
Lines and The Motor Truck Common
Carriers Association;
Charles D. Young, Denver, Colorado,
by A. J. Fregeau, for Plateau
Valley Stage Line;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he was seeking authority to serve Montgomery Ward & Company store in Grand Junction, only, and desired to serve within a radius of five miles north and south of Grand Junction, as well as over U. S. Highway 24 Grand Junction to Palisade, and over U. S. 50, Grand Junction to Fruita.

He further testified that this service consisted, not only of the delivery of freight, but also the incidental service of installing some of the merchandise which he transported, to-wit, refrigerators, stoves, etc. Applicant stated that he was willing to limit his service in his operations between Grand Junction and Fruita, and Grand Junction and Palisade, to such freight as required such installation service.

In view of this statement, all objections to the granting of the authority sought were withdrawn.

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

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

O R D E R

IT IS THEREFORE ORDERED, That George F. Woody, of Grand Junction, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of general freight for Montgomery Ward & Company, only, between points within a radius of five miles north and south of Grand Junction, Colorado, and from Grand Junction to Palisade over U. S. Highway No. 24, and from Grand Junction to Fruita over U. S. Highways 6 and 50; provided, however, that no freight shall be transported between Grand Junction and Palisade or Fruita except such freight as may require installation service by applicant.

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 E. Wheeler

W. C. Danks

Wm. E. Egan
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. E. DOWNEY, LOMA, COLORADO,)
FOR AN EXTENSION OF PERMIT B-1573.)

APPLICATION NO. 3275-PP-B

March 4, 1940.

Appearances: W. E. Downey, Loma, Colorado,
 pro se;
 A. J. Fregeau, Denver, Colorado,
 for Weicker Transportation Company;
 Ray B. Danks, Esq., Denver, Colorado,
 by A. J. Fregeau, for Uintah Stage
 Lines and The Motor Truck Common
 Carriers Association;
 Marion F. Jones, Esq., Denver, Colorado,
 for Telluride Transfer;
 T. A. White, Esq., Denver, Colorado,
 for Rio Grande Motor Way, Inc.;
 Charles D. Young, Denver, Colorado,
 for William Wagner, et al.

S T A T E M E N T

By the Commission:

Applicant is now authorized under Permit B-1573 to transport farm products from farms within a radius of 50 miles of Loma, Colorado, to loading points in said area; livestock from point to point in said area, and used furniture, farm machinery and farm equipment, from farm to farm in said area, and coal from mines north of Fruita to Loma, Mack and Fruita.

In the instant application, he seeks authority to make so-called "occasional trips" for the transportation of farm produce, livestock, household goods and farm equipment within a radius of 125 miles of Loma.

At the hearing, applicant stated that he would be willing to limit his pickup area to points within a radius of 25 miles of Loma, and further, would eliminate any town to town service.

Loma is located in Mesa County between Mack on the west and Fruita on the east, and has a population of approximately 100 people.

It was disclosed by the evidence of Mr. Milne, representing the

Milne Transfer & Storage Company, and Mr. Terrill, representing E. W. Terrill Transfer and Storage Company, that they are operating in the city of Grand Junction under common carriers certificates and have authority to serve the territory involved in the instant application. However, Mr. Terrill testified that while they were prepared to handle farm machinery and equipment, they did not go into long distance hauling to any great extent, and Mr. Milne testified that while they were equipped to handle household goods and farm equipment, their trucks were kept busy nearly one hundred per cent of the time and they did not go out of their way to take care of any business outside of Mesa County. He did not feel that the granting of the instant application would take much, if any, business away from his firm.

Applicant conceded that said common carriers could handle the household goods movement if they so desired, but enumerated several instances in which he had been called upon to perform the service which he is seeking under this application.

It was also developed that the operations of the Terrill Transfer and Storage Company had not been profitable during the past year. It was further developed that the Milne Transfer and Storage Company had turned down one job which consisted of the transportation of heavy steel from Carbonera, which is located in Garfield County. Neither of the Grand Junction common carriers referred to handle livestock.

Considering the testimony as a whole, it is rather difficult to determine that the granting of the authority sought by applicant, as limited by his testimony, would in any way impair the service now being rendered to the public by the common carriers in question.

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. E. Downey, of Loma, Colorado,

be, and he is hereby, authorized to extend his operations under Permit No. B-1573 to include the transportation of farm produce, livestock, household goods, and farm equipment between points in a pickup area not to exceed 25 miles of Loma, Colorado, and to and from points in said area on the one hand, to and from points in the State of Colorado on the other hand; provided, however, that no freight shall be transported between towns on any highways now served by established line haul carriers.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and 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'Connell

W. C. Danks

William E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAN KELLY, DENVER, COLORADO, FOR AN) APPLICATION NO. 4899-PP-B
EXTENSION OF PERMIT NO. B-2310.)

March 4, 1940.

Appearances: Dan Kelly, Denver, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer & Storage Co.;
Ray B. Danks, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Curnow Livery and
Transfer Company;
Joe Heppberger, Blackhawk, Colorado,
for Gilpin County Freight Line;
J. C. Street, Denver, Colorado,
for The Colorado & Southern Railway
Company.

S T A T E M E N T

By the Commission:

The applicant herein is the holder of Private Permit No. B-2310,
with authority as follows:

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

By the instant application, authority is sought to include the
transportation of ore from mines within a ten-mile radius of Idaho Springs
to smelter at Leadville, Colorado.

The applicant testified that he had been working for the Castleton
Mining Company, which company is developing mining property on Chicago
Creek some two miles from Idaho Springs and at another location up Virginia
Canon, and that this company had requested the applicant to haul occasional
loads of ore from these mines to the mill at Idaho Springs; that he had
secured temporary authority to render such service but had made a business
of working in the mine during the day and then hauling a load down in the

evening, and that while he had but the one customer at the present time, he might have more in the future. He stated further that there is at the present time authorized transportation service available for this work.

It appeared from the testimony of E. J. Curnow, president of the Curnow Livery and Transfer Company, holder of Certificate No. 49, that his company at the present time had authority to render the identical service sought to be taken care of by the applicant; that they had seventeen trucks, two being new, and that they were trying to improve their equipment and service in order to be in a position to take care of just such items of transportation as the applicant here sought to render; that this equipment was necessary in order to take care of the public demands but that their dump trucks, particularly, were not busy except a portion of the time; that they took care of all of the requests for transportation, were in need of the ore hauling movements, and the granting of additional authority would lessen their ability to maintain the dump trucks which they were required to have on hand to meet public demand; that the granting of additional authority to smelter operators resulted in destructive competition for the common carriers in the Idaho Springs district.

Joe Heppberger, holder of Certificate No. 1127, testified that he had four trucks, some of which were idle most of the time, and that during 1939 his transportation operations were conducted at a loss; that he has dump truck equipment and is ready, able, and willing to take care of the same business which the applicant now seeks authority to render; that the granting of additional authority will add to the destructive competition which is now present in the Idaho Springs district, and this applied particularly to the granting of authority to the applicant; that he had been taking care of some transportation needs of the Castleton Mining Company, but since the applicant herein had been moving some of their ore from the mines to the mill at Idaho Springs, he was unable to get any business from this mining company; that so far as he knew, there were no complaints about the service he had heretofore rendered the Castleton

Mining Company, or any other mining company, and that at no time did he turn down any applications for service but always made a business of meeting demands promptly.

After a careful consideration of the record, and the testimony given at the hearing, taking into consideration the other existing transportation facilities in the Idaho Springs district having authority to transport concentrates to Leadville, being the same service sought to be rendered by the applicant, it appears that the service furnished by such existing carriers is reasonably adequate to take care of the transportation needs in the Idaho Springs district; that to grant authority to the applicant will tend to impair the efficiency of the service now furnished by common carriers, and that the instant application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same 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 V. Wheeler

W. C. Danks

Maximilian Simon
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PETERSON TRUCK LINE, TELLURIDE, COLO-) APPLICATION NO. 2416-PP-AA-B
RADO, FOR AN EXTENSION OF PERMIT)
NUMBER A-452.)

March 4, 1940.

Appearances: C. S. Haynie, Esq., Grand Junction,
Colorado, for Peterson Truck Line;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Cass Herrington, Esq., Denver, Colorado,
by T. A. White, Esq., Denver, for
Rio Grande Southern Railroad Company;
Marion F. Jones, Esq., Denver, Colorado,
for Telluride Transfer and Theobald
Truck Line;
Ray B. Danks, Esq., Denver, Colorado,
by A. J. Frageau, for The Motor
Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Permit No. A-452 originally was issued to W. J. Waterman, of Ophir, Colorado, on May 9, 1933. The application for said permit stated that the operation was to be from Grand Junction to Rico. Thereafter, on July 25, 1935, Decision 6581, said permit was authorized to be transferred from the said W. J. Waterman to C. O. Waterman, and thereafter on October 5, 1936, Decision 8486, permit was transferred from C. O. Waterman to Richard Luebbert and Kirk Goldsworthy, and on October 19, 1939, Decision 14184, was transferred to Carl E. Peterson and Arthur Peterson, of Telluride, Colorado, applicants herein.

In said order of October 19, 1939, it is provided that the transferees shall not operate under said permit No. A-452 between any points except from Grand Junction to Rico and from Rico to Grand Junction, without the right to serve any intermediate points.

The instant application seeks an extension of said permit to serve the intermediate points between Grand Junction and Rico of Montrose,

Ridgway, Placerville and Telluride. However, at the hearing, applicant testified that he was not seeking any authority to serve the intermediate points of Montrose or Ridgway, although he would desire authority to unload freight from Telluride at Montrose.

It was further disclosed by applicants that prior to the order of transfer to them, they had secured temporary authority to serve intermediate points, subject to any complaint by competing common carriers; that complaint had been made and they had ceased such operations. They further testified that at the time Waterman owned said permit, he was serving intermediate points between Grand Junction and Rico, and that the first they knew of the fact that they had no such authority was when they found it necessary to secure temporary authority from the Commission (subject to complaint by competing carriers) to serve intermediate points, and discovered that the permit only authorized service between the two terminals of Grand Junction and Rico.

It was further disclosed on the part of applicants that Telluride now has a population of between 1000 and 1200 people; that it is being served from Grand Junction by the Telluride Transfer and from Ridgway and Durango by the Rio Grande Southern Railroad Company; that Rico has a population of approximately 500; that they have had no trips to Rico since taking over the operation and the only point they served while operating under their temporary authority from Grand Junction, was Telluride; that they proposed two trips a week; that Placerville and immediate vicinity has a population of around 100 and is also served by the Theobald Truck Line; that they have talked to some eight merchants in Telluride, besides the agent for the Texas Company in Placerville, all of whom are willing to give them at least a part of their business if the extension sought is granted.

It was further brought out that applicants have two trucks of 1½-ton and 1-3/4-ton capacity; that in their opinion, not over two or three full truckloads of freight a year would be available between Grand Junction and Rico; that the last operation under said permit A-452 prior

to their own operations in the fall of 1939, was in 1937. It was conceded that any freight that might be obtained would come from other carriers.

The operator of a grocery store at Telluride, who had lived there some forty years, testified that conditions in Telluride had improved materially since 1935, and that more freight was now moving in and out than formerly; that two truck lines were operating into Telluride when business was bad, while only one is operating there now. He stated that he received some shipments by rail and some by the Telluride Transfer at the present time and was getting good service from the Telluride Transfer Company.

The operator of a cafe and bar at Telluride testified to the same situation so far as business conditions were concerned. He also stated that he was now getting most of his shipments by the Telluride Transfer Company, which was rendering good service.

Mr. Joe Oberto, who has lived in Telluride some 51 years and is in the mining and farming business, felt that business conditions had improved over one hundred per cent over what they were in 1935; that some 400 to 500 men were working in mines around Telluride where formerly only 150 to 200 were employed; that he felt there was sufficient freight shipped into Telluride to justify two truck lines.

The agent for the Texas Company at Placerville testified that his company shipped in some 50 to 60 tons of oil and grease in 1939; that his gas was brought in by transport; that he felt another line was desirable, although the Theobald Truck Line also served Placerville and he found its services to be satisfactory.

On behalf of applicants, the fact was also brought out that in our order of October 5, 1936, when the permit was transferred from Waterman to Luebbert and Goldsworthy, Decision 8486, the Commission stated:

"The evidence disclosed that Mr. Waterman has been operating once a week between Grand Junction and Ridgway, Colona, Placerville, Fall Creek, Telluride and Ophir, with occasional trips from and to Rico when full loads are available."

On behalf of protestants, Mr. Theobald, who operates under common carrier certificate No. 888, stated that he serves Leonard and Placerville, as well as Norwood, and has authority to serve Telluride; that he is not serving Telluride because there is not sufficient business to justify the operation; that, in his opinion, merchants in Telluride have been getting good service from both the railroad and the Telluride Transfer; that there has been no particular gain in business conditions in his territory, and that another carrier serving Placerville would materially injure his operation; that he is willing and able to resume operations to Telluride when business conditions justify.

A representative of the Telluride Transfer Company testified that his company started operations in 1930 under a Class A permit and later applied to the Commission and received a common carrier certificate authorizing operations from Grand Junction to Telluride; he conceded that business conditions in Telluride had improved in the years 1937, 1938 and 1939. However, it was their position that, with the exception of a movement of mining machinery to the Veta mines from Montrose last summer (which is now over), the general amount of freight moving by truck into and out of Telluride had not increased to any material extent, and that their average amount of freight moved was approximately five tons per trip which had been more or less constant during the last two or three years; that they have eight International trucks, five small and three large ones, and use one truck for their line haul operations. He stated they would be willing to put on additional service whenever the same was needed, but that the merchants in Telluride had advised them that twice a week was sufficient.

It was further stated that if Peterson secured enough business to enable him to operate at a profit, they would have to quit or sell out to them, as there was not sufficient business to justify two lines into Telluride.

It was further pointed out that the railroad was handling more freight than the Telluride Transfer into Telluride, and that Theobald,

Waterman and Luebbert & Goldsworthy had all quit operating into Telluride on account of lack of business.

The evidence further disclosed that some nine shipper-owned trucks are now operating into Telluride, hauling their own products. These consist of beer, Kraft cheese, bread, films, etc.

At the time this permit was originally issued in 1933, no hearings were held by the Commission before such permits were issued, and it was not until 1935 that the law was passed by the Legislature which provides that:

"No application for a permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes." Section 3, H. B. 173, 1935 Session Laws.

Undoubtedly, when Waterman first secured the instant permit, he rendered service to intermediate points, as the Commission found in its order of October 5, 1936, Decision No. 8486. However, in the instant case, we are not concerned with the question of the authority granted under the original permit, but the sole issue to be determined is whether or not the granting of the proposed extension would impair the efficient public service of any established motor vehicle common carriers. It would appear from an examination of the record as a whole that such a condition would exist if applicants were given authority to serve Placerville and Telluride. The Telluride Transfer Company apparently is rendering satisfactory service. This is conceded by witnesses for applicants. They are prepared to put on additional service whenever the demand requires the same, and if their shipments do not exceed five tons per trip for average loads, we feel that the granting of any further permits might diminish this amount of tonnage and probably would result in the impairment of their service. The fact that the Theobald Truck Line also has authority to serve Telluride, but is not exercising such right, due to lack of business, is strongly indicative of the fact that two common carrier truck lines into Telluride are not justified.

The Commission has considerable sympathy with applicants, who

undoubtedly were laboring under the impression that the permit which they were buying authorized service to Telluride. However, some three years ago, the Commission did advise all holders of such permits who were serving intermediate points not mentioned in their original permits, that they should come in and have the same clarified, but the then holders of said Permit A-452 never took any action in regard to clarifying their rights, and the Commission pointed out in the order authorizing the transfer of the permit to applicants that such service could not be carried on.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application 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 T. Wheeler

W. C. Danks

Wm. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)	
EARL SILVERTHORNE, ROLLINSVILLE,)	CASE NO. 12130-Ins.
COLORADO,)	<u>Permit A-260</u>
Respondent.)	

March 4, 1940.

S T A T E M E N T

By the Commission:

On December 11, 1939, the Commission issued an order in the above-numbered case, revoking Permits A-260 and C-5727, on account of the failure of the respondent to keep on file the required certificate of insurance.

On February 23, 1940, the respondent appeared at the office of the Commission and made the following statements: That during the months when his operations were not covered with insurance, he did not operate; that through a misunderstanding with his insurance agent, the certificate of insurance was cancelled, and knowing this fact he ceased to render any transportation service until the insurance was again restored; that conditions have been bad in the Rollinsville section and he had not been able to arrange for paying his insurance premium until the latter part of January, 1940, when the policy was written and made effective. The respondent stated that he had received the notices but did not realize that it was necessary for him to take any affirmative steps so long as he was not appearing on the highways, and requests that Permit A-260 be reinstated as of January 26, 1940, the effective date of the insurance which he now has on file.

The record shows that the respondent has paid his highway compensation taxes, and that the above case is the first to be brought against him.

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that that portion of the revocation

order which refers to Permit A-260 should be revoked and this authority restored to its original status.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order contained in Decision No. 12130 be, and the same hereby is, set aside and held for naught, insofar as it affects Permit A-260, and that said private permit be, and the same hereby is, restored to its original status as of January 26, 1940.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund T. Danks

W. L. Danks

Madison E. Gibson
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES, PRACTICES, ETC., OF)
THE GRAND COUNTY LIGHT, HEAT AND)
POWER COMPANY.)

CASE NO. 4795

March 4, 1940.

S T A T E M E N T _

By the Commission:

The Commission is in receipt of a petition signed by some forty-one customers of The Grand County Light, Heat and Power Company, in words and figures as follows, to-wit:

"To the Public Utilities Commission of the State of Colorado.

"The undersigned users of current supplied by the Grand County Light, Heat and Power Company hereby present the following charges against the said Company for your consideration:

"1. Interruption of Service.

The service is interrupted apparently at the will of the Company, without notice; stopping the operation of all electrical appliances, such as washing machines, sweepers, refrigerators, radios, etc.; frequently causing loss of time, temper and in the case of refrigerators, financial loss as well.

"2. Variation of Current Strength.

The current drops so low at times that it is impossible to toast bread on an electrical toaster; and at other times it goes high enough to burn out light bulbs, radio Tubes, etc.

"3. Rates.

We believe that the rates could be substantially lowered from the rate of 15¢ per kilowatt hour, basic rate; to more nearly conform to the rates prevailing in other towns served by the same Company, which have a basic rate of 10¢ per kilowatt hour."

Wherefore, the Commission is of the opinion, and so finds, that it should, on its own motion, institute and make complaint as to the reasonableness of the rates and charges of the Grand County Light, Heat and Power Company to all of the customers served by it in the towns of Fraser, Winter Park and Hideaway Park.

The Commission is further of the opinion, and so finds, that it should, on its own motion institute a complaint as to the nature and character of service rendered by said respondent to its customers in said towns, particularly in connection with interruption of service and variance of current.

The Commission is further of the opinion, and so finds, that it should, on its own motion, investigate the sources of supply of current of respondent, the feasibility of other line connection, and in general make a complete investigation of the operations of respondent in all particulars in connection with the service rendered to the above-named towns.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint be, and the same is hereby, instituted as to the reasonableness of the rates and charges of respondent, The Grand County Light, Heat and Power Company, to its customers in the towns and settlements of Fraser, Winter Park and Hideaway Park and adjacent territory.

IT IS FURTHER ORDERED, By the Commission, on its own motion, that a complaint be, and the same is hereby, instituted and made by it as to the nature and character of service rendered by said respondent to its customers in said towns, particularly in connection with interruption of service and variance of current.

IT IS FURTHER ORDERED, By the Commission, on its own motion, that an investigation be instituted as to the sources of supply of current of respondent, the feasibility of other line connections, and in general make a complete investigation of the operations of respondent in all particulars in connection with the service rendered to the above-named towns.

IT IS FURTHER ORDERED, That The Grand County Light, Heat and Power Company be, and the same is hereby, required to file, within thirty days of the date of the service hereof, its answer setting forth such grounds

of defense as it may deem necessary to the complaint herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler

W. L. Danks

William E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1940.