

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. C. KUNKLE, DENVER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5292-PP

-----  
March 4, 1940.  
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Appearances: W. C. Kunkle, Denver, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Com-  
pany and Weicker Transfer and  
Storage Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and The Colorado Transfer  
and Warehousemen's Association.

S T A T E M E N T

By the Commission:

It appeared from the testimony given at the hearing that the applicant herein has been in the trucking business conducted wholly within the City and County of Denver for some time past; that he possesses a 1936 dump truck and has been engaged most of the time in transporting brick mortar, sand, gravel, lime, and small lots of cement from the plant of the Denver Mortar and Materials Company, located at 4600 East Virginia Avenue, Denver, to building projects within the city limits, and that, by the instant application, he seeks authority to render a similar service to points within a fifteen-mile radius of the City and County of Denver; that he desires to limit his service to one customer, only, The Denver Mortar and Materials Company, and further desires to limit his operations to the use of dump trucks; and further, that all cement not already mixed into mortar but which is moved in sacks, will be moved from the plant of the said customer at 4600 East Virginia Avenue to the point where building operations are under construction.

In connection with the transportation of sacked cement, the

applicant stated that this would involve only the movement of a few sacks to some point where it would not be used for some hours and it was not practicable to transport mixed mortar on account of its becoming dry.

Protestants offered no objection to the granting of this authority as limited by the testimony given at the hearing.

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

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority should be granted, limited by the applicant's testimony.

#### O R D E R

IT IS THEREFORE ORDERED, That W. C. Kunkle, 2425 South Adams, Denver, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of brick-mortar, sand, gravel, lime, and cement, from the plant and yards of the Denver Mortar and Materials Company, located at 4600 East Virginia Avenue, Denver, Colorado, to points within a radius of fifteen miles of the City and County of Denver, and this authority is limited as follows: (a) to the service of one customer, only, namely, The Denver Mortar and Materials Company, without the right to add additional contracts; and (b) to the 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, 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

Edmund D. O'Connell

W. C. Danks

Quinn 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 )  
STEVE MALIN, OF LEADVILLE, COLO- )  
RADO, UNDER HIS PERMIT NO. B-1976. )  
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APPLICATION NO. 5058-PP  
MODIFICATION

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March 4, 1940.  
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S T A T E M E N T

By the Commission:

On October 4, 1937, Decision No. 10676, the Commission issued an order granting authority to the applicant, the last line contained in the first paragraph of the order reading as follows:

"\* \* \* and (d) junk from mines in said mining districts  
to Leadville."

The Commission is now in receipt of a signed communication from Steve Malin, wherein he requests that the item (d) be eliminated from the authority so granted.

After a careful consideration of the record, and this request, the Commission is of the opinion, and finds, that the same should be granted and the original order modified by deleting therefrom the above item (d).

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 10676 be, and the same hereby is, modified by deleting therefrom the last clause of the first paragraph, to-wit: "and (d) junk from mines in said mining district to Leadville".

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. O'Connell  
W. E. Danks  
W. E. Danks  
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 )	
WILLIAM E. WALTERS AND J. A. BURT, )	<u>APPLICATION NO. 4517-PP-AA</u>
MEEKER, COLORADO, FOR TRANSFER OF )	
PERMIT NO. B-1710. )	
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March 4, 1940.  
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Appearances: C. P. Rigby, Esq., Meeker, Colorado,  
for applicants.

S T A T E M E N T

By the Commission:

Heretofore, Permit No. B-1710 was issued to J. A. Burt on May 4, 1938. Thereafter, on June 13, 1938, said J. A. Burt was authorized to transfer said permit to William E. Walters, and the instant application seeks authority in the said William E. Walters to transfer said permit back to its original owner, J. A. Burt.

The Commission is advised that the reason for the sale is due to the fact that Mr. Walters is leaving the State to take over the management of a farm in Virginia. We are requested to make this transfer without the formality of a hearing, and in view of the fact that transferee in the instant case was the former owner of the permit, and it does not appear that there are any outstanding obligations unpaid in connection with operations under said permit, the Commission is of the opinion, and so finds, that under all the circumstances, a formal hearing should be waived and the authority sought granted upon the record before us.

O R D E R

IT IS THEREFORE ORDERED, That William E. Walters be, and he is hereby, authorized to transfer to J. A. Burt, of Meeker, Colorado, all of his right, title and interest in and to Permit No. B-1710, which authorizes the transportation of:

" (a) farm products, including livestock, from ranches within a radius of 10 miles of Meeker, Colorado, to markets within the State; (b) salt, oil cake, grain and stock feeds from Rifle, Craig and Meeker to ranches within a 20-mile radius of Meeker; (c) wool from said ranches within a 20-mile radius of Meeker to Rifle and Craig; (d) coal from point to point within a radius of twenty miles of Meeker, and (e) oil well machinery and supplies from points in Colorado to the leases of the Maraposa Petroleum Company, only; provided, however, that applicant shall not engage in the transportation of commodities between points served by scheduled motor vehicle common carriers in competition therewith."


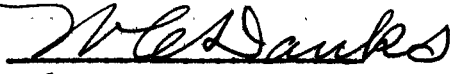

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions 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 4th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE THE MOTOR VEHICLE OPERATIONS )  
OF MELLIE ADAMS, DOING BUSINESS AS ) APPLICATIONS NOS. 255-AA-B  
ADAMS SCENIC AND TAXI COMPANY UNDER ) AND 576-AA-B  
CERTIFICATE NO. 1198. )  
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March 4, 1940.  
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S T A T E M E N T

By the Commission:

On October 15, 1939, Decision No. 14148, the Commission issued an order authorizing the suspension of all operations under Certificate No. 1198 for a period of one year from October 1, 1939.

The Commission is now in receipt of a communication signed by Nellie Adams, requesting a reinstatement of that part of the authority granted by Decision No. 13763, for the conduct of a taxicab service between points within the city of Boulder and points within a radius of five miles of the city limits, authorized to be operated as a part of Certificate No. 1198.

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that authority to resume operations under that part of the authority pertaining to the conduct of a taxicab service should be granted, leaving the sightseeing portion of this authority still under suspension, the same being seasonal only.

O R D E R

IT IS THEREFORE ORDERED, That the applicant herein be, and she hereby is, authorized to resume operations under that part of Certificate No. 1198 authorizing the conduct of a taxicab service for the transportation of one-way passengers and their baggage between points within the city of Boulder and points within a five-mile radius of the city of Boulder, upon filing the required certificate of insurance covering this

part of the operation and otherwise complying with the rules and regulations of the Commission, and this part of Certificate No. 1198 is hereby reinstated.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Dwyer

W. C. Danks

Wm. E. Simon  
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)

H. C. CARRELL.

PERMIT NO. C-5405

March 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
H. C. Carrell ..... of RT 3, BOX 344 Ft. Collins, Colo.,  
requesting that his Permit No. C-5405 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5405, heretofore issued  
to H. C. Carrell, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dames*  
*W. E. Danks*  
*Marion E. Wilson*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
TYRENA K. AND E. B. BRANNAN. )  
 )  
 )  
 )  
.....)

PERMIT NO. C-10953

.....  
March 5, 1940  
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S T A T E M E N T

By the Commission:


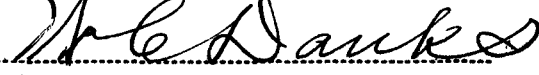

The Commission is in receipt of a communication from Tyrena K. and  
E. B. Brannan of 3416 Gaylord St., Denver, Colorado,  
requesting that his Permit No. C-10953 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10953, heretofore issued  
to Tyrena K. and E. B. Brannan, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

(Decision No. 14986 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
JESSE R. THOMPSON. )

PERMIT NO. C-9549

March 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Jesse R. Thompson \_\_\_\_\_ Wiggins \_\_\_\_\_ Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-9549 \_\_\_\_\_ be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9549 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ Jesse R. Thompson, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dineen*  
*W. C. Danks*  
*Wm. E. Eason*  
Commissioners.

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

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT H. WILLIAMS AND W. C. )  
WESTCOTT, DOING BUSINESS AS )  
SILVER CREEK GOLD MINES, LTD. )  
.....)

PERMIT NO. C-10404

.....  
March 5, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from ..... Robert H. Williams  
and W. C. Westcott, d/b/a Silver Creek Gold Mines, Ltd. Blackhawk Colorado  
..... of .....,  
requesting that his Permit No. C-10404 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10404 ..... heretofore issued  
to Robert H. Williams and W. C. Westcott, d/b/a Silver Creek Gold Mines, Ltd.,  
..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

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



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

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

PERMIT NO. C-4049

.....  
March 5, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. H. Schmidt ..... of Flora Vista New Mexico  
....., .....  
requesting that his Permit No. C-4049 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4049 ..... , heretofore issued  
to ..... L. H. Schmidt, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
.....  
*W. G. Danks*  
.....  
*Wm. E. Egan*  
.....  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
DAVE PIPER. )

PERMIT NO. C-10821

March 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Dave Piper ..... of 1411 East Adm Pl., Tulsa, Oklahoma,  
requesting that his Permit No. C-10821 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10821 .....  
to Dave Piper, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*

*W. C. Danks*

*Wm. E. Swenson*

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

W. E. LABERTEW. )

PERMIT NO. C-7293

March 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
W. E. Labertew ..... of P. O. Box 123, Fowler, Colo.,  
requesting that his Permit No. C-7293 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7293  
W. E. Labertew,  
to ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. E. Danks*  
*Wm. E. ...*

Commissioners.

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

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

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES W. BOWERS. )  
 )  
 )  
 )  
.....)

PERMIT NO. C-2905

.....  
March 5, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Charles W. Bowers ..... of Joes ..... Colorado  
requesting that his Permit No. C-2905 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2905 ..... heretofore issued  
to Charles W. Bowers, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dineen*  
*Wesley J. Danks*  
*Ernest E. Eison*  
Commissioners.

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

(Decision No. 14992 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
S. G. DUNGER. )  
)  
)  
)  
)  
.....)

PERMIT NO. C-4292

.....  
March 5, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
S. G. Dunger ..... of General Delivery Kline, Colorado,  
requesting that his Permit No. C-4292 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4292, heretofore issued  
to S. G. Dunger, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [unclear]*  
*W. E. Danks*  
*Ernest [unclear]*

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE RICHARD, WELLINGTON, COLORADO, )  
FOR AN EXTENSION OF HIS PRIVATE )  
PERMIT NO. B-1284. )  
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APPLICATION NO. 2456-PP-B

-----  
March 6, 1940.  
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Appearances: Joe Richard, Wellington, Colorado,  
pro se;  
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:

On February 5, 1936, Decision No. 7154, authority was granted to  
the applicant herein as follows:

"For the transportation of milk and dairy products  
for farmers living in the area described as follows:  
Beginning at Fort Collins, thence one mile west  
thereof, thence north a distance of 20 miles, thence  
east a distance of 8 miles, thence south a distance  
of 20 miles, thence west 7 miles to the point of  
beginning, to the cheese factory at Fort Collins,  
with a back haul of water and empty milk cans to  
milk customers; farm products from the above described  
area to Fort Collins; coal from the northern Colorado  
coal fields to customers living within the above  
described area; and skim milk from Fort Collins to  
the condensery at Larkspur, Colorado, for the  
Carlson-Frink Creamery Company, and salt from plant  
to plant for said firm."

By the instant application, authority is sought to transport milk  
from the present authorized territory and condenseries within 100 miles of  
Wellington, Colorado, for the Frink Dairy Company, only.

The applicant proposes to use the same equipment which he has  
been using under this permit, and anticipates that he will be called upon

by the Frink Company to transport milk from Fort Collins to the Coors factory at Golden, probably to the Frink cheese factory at Larkspur, and to plants and condenseries in Denver; that at the present time the Frink Company leases trucks and moves this milk to the various plants and condenseries; that the movements are required to be made by a continuous trip without stop on account of the character of the commodity transported; and that it is all moved on a flat rate, the loads being 100 cans to the truckload.

No objection was offered to the granting of this extension by those appearing for protestants.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit B-1284, now held by Joe Richard, should be, and the same hereby is, extended to include the transportation of milk, only, from the following described territory:



"Beginning at Fort Collins, thence one mile west thereof, thence north a distance of 20 miles, thence east a distance of 8 miles, thence south a distance of 20 miles, thence west 7 miles to the point of beginning,"

to plants and condenseries located within 100 miles of Wellington, Colorado, for the ~~Frink~~ Dairy Company, only, without the right to add to number of his customers under this extension.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROY THOMPSON AND MORRIS B. JONES, )  
DOING BUSINESS AS THOMPSON AND JONES, )  
WRAY, COLORADO, FOR AN EXTENSION OF )  
PERMIT NO. B-1095. )

APPLICATION NO. 2598-PP-BAB

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March 6, 1940.  
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Appearances: L. R. Scott, 1400 Garfield St., Denver,  
Colorado, for applicants;  
A. J. Fregean, Denver, Colorado,  
for Weicker Transportation Company  
and Weicker Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for Woods Truck Line and The Motor  
Truck Common Carriers Association;  
Marion F. Jones, Esq., Denver, Colorado,  
for Paul Hickman and Leamon Resler.

S T A T E M E N T

By the Commission:

Roy Thompson and Morris B. Jones, who are authorized to operate  
as Class "B" private carriers by motor vehicle for hire, with authority  
to transport:

farm products and livestock from point to point within  
a radius of 25 miles of Wray, Colorado, and the  
transportation of livestock from points in said area  
to markets at Denver, and the transportation of young  
livestock, cement, plaster and brick, building  
materials, prepared feed and seed from Denver, cement  
from plant near Fort Collins and plaster from factory  
near Loveland to points in said area,

now seek to extend their authority under said permit to include the right  
to haul flour from Denver to points within a radius of sixty miles of Wray.

At the hearing, it appeared that applicants propose, if the permit  
is granted, to contract his services to move flour for one M. M. Jensen,  
who is distributor for Omar Flour Mills at Denver in said area. Mr. Jensen  
was not present.

The evidence disclosed that a number of carriers are not authorized



to serve the points which applicants propose to serve; that applicants, at present, do not have a contract, verbal or otherwise, with Jensen, or with the Omar Flour Mills, although he had been told that the rate to be applied would be 27 cents per hundredweight for loads of 5,000 to 10,000 pounds. He could not say whether Omar Flour Mills would or would not pay him twenty per cent more than the prescribed rate for his service, which, by the way, is  $40\frac{1}{2}$  cents on 4,000 pounds, 53 cents on 8,000 pounds, and  $27\frac{1}{2}$  cents on 10,000 pounds.

The application was opposed by a number of carriers. Mr. Paul Hickman, testifying for protestants, stated that he serves the Yuma area; that the territory where applicants propose to serve is served by a great number of authorized line haul and call and demand common carriers; that, on account of adverse operating conditions, said operators have considerable difficulty in meeting their overhead expenses; that his services are adequate; that the granting of additional authority will impair the efficiency of their service to the public.

After a careful consideration of the record, the Commission is of the opinion, and finds, that, aside from the fact that applicants do not have a binding, definite contract to haul flour, the existing motor vehicle common carrier service in the area which applicants propose to serve under their extension is adequate; that to grant the extension here sought, if applicants could get a contract upon terms that would be approved by the Commission, would impair the efficiency of said adequate motor vehicle common carrier service, and that said application should be denied.

#### O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Green

W. C. Danks

Walter E. Green  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of March, 1940.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEAMON RESLER, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER PRIVATE PERMIT )  
NO. A-533 TO PAT BENSON, HOLYOKE, )  
COLORADO. )  
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APPLICATION NO. 5275-PP-A

-----  
March 6, 1940.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for applicants;  
C. D. Young, Denver, Colorado,  
for The Colorado Trucking Association;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
J. R. Arnold, Denver, Colorado,  
for The Northern Eastern Motor  
Freight, Inc.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer a  
part of Private Permit No. A-533 and to cancel the remaining part.

This permit originally was issued to F. E. Haislett, Yuma,  
Colorado, September 29, 1933, and transferred to Leamon Resler February  
13, 1935, the routes being described as follows:

"Between Denver, Colorado, and Wray, Colorado, and  
intermediate points - between Denver, Colorado, and  
Holyoke, and intermediate points. Includes short  
cut between Denver and Wiggins via Colo. 81."

It appeared from the testimony given at the hearing that the  
applicants seek authority to transfer that part of Permit A-533 authorizing  
service between Denver and Holyoke and intermediate points via U. S.  
Highway No. 6, and wish to cancel that portion of the authority under  
said permit pertaining to service between Denver and Wray; that the  
consideration paid for the part of the permit to be transferred is  
\$1,000; that there are no outstanding unpaid obligations as a result of  
previous operations under this authority; that the transferee is at the

present time the holder of Permit A-505, which authorizes a service between Denver and Sterling and towns on U. S. Highway No. 6 east to Sterling, including Amherst on Colo. Highway 176, but that the transferee had never served Sterling and points this side thereof and wished the use of the two permits in order to be in a position to better serve his customers; that he contemplates operating over U. S. Highway No. 6, as it now is designated, and wanted to be in a position to take care of Fort Morgan and points east thereof as far as Holyoke; that he possessed a 1937 International and a 1939 Ford truck, with another truck leased, all of which equipment he proposed to use in the conduct of this operation, which he is financially able to conduct.

The file covering Permit A-533 was made a part of the record.

At this stage of the hearing, J. R. Arnold requested a further hearing for the reason that he found, during the morning, that he did not have a lawyer to represent him, the attorney for the Motor Truck Common Carriers' Association being eliminated for the reason that Resler also was a member of that association, and he thought he should introduce some testimony regarding the status of Permit No. 533.

On being advised that the file covering the granting, transfer, and other steps taken in connection with Permit A-533 had been made a part of the record and would be carefully considered by the Commission, it was decided that a further hearing would not be necessary, and that if some important item had been overlooked, it would be presented in a petition for rehearing.

The file herein discloses the following:

1. Private Permit No. A-533 was issued September 29, 1933, to F. E. Haislett.
2. May 19, 1934, Decision No. 5785, an order was issued cancelling from this authority the right to serve Eckley and Yuma.
3. October 1, 1934, F. E. Haislett requested authority to discontinue service under Permit A-533 for a period of two months.

4. October 8, 1934, Decision No. 5910, the Commission issued an order authorizing the holder thereof to suspend operations for a period of two months.
5. September 23, 1935, Decision No. 6682, the Commission issued an order cancelling Permit A-533, which order was supposed to be issued upon request of the holder, but it was later developed that the request was for a suspension and not a cancellation.
6. January 8, 1937, Decision No. 9221, the Commission issued an order amending the order contained in Decision No. 6682 to read as follows:

IT IS THEREFORE ORDERED, That Private Permit No. A-533, heretofore issued to F. E. Haislett and now held by Leamon Resler be, and the same hereby is, suspended indefinitely, pending further order of the Commission.

Nothing further appears of record affecting Private Permit A-533 except the request for reinstatement and this application to transfer, and from a reading of the amended order, this authority has been under suspension since the date of the suspension order.

After a careful consideration of the record and the testimony given at the hearing, particular attention having been given to the file A-533, the Commission is of the opinion, and finds, that this permit should be reinstated; authority granted to Leamon Resler to transfer that part thereof authorizing service over the route between Denver and Holyoke, Colorado, and intermediate points between Fort Morgan and Holyoke, both inclusive, via U. S. Highway No. 6, to Pat Benson, Holyoke, Colorado; and that part of the permit granting authority between Denver and Wray, Colorado, and intermediate points, should be cancelled.

#### O R D E R

IT IS THEREFORE ORDERED, That Permit A-533, heretofore suspended indefinitely by order of the Commission on January 8, 1937, be, and the same hereby is, reinstated.

IT IS FURTHER ORDERED, That Leamon Resler be, and he hereby is, granted authority to transfer that part of Permit A-533 authorizing service as follows:

Between Denver, Colorado, and Holyoke, Colorado,  
and intermediate points between Fort Morgan and  
Holyoke, both inclusive, via U. S. Highway No. 6,

to Pat Benson, Holyoke, Colorado.

IT IS FURTHER ORDERED, That all operating rights under this permit  
No. A-533 not hereinbefore permitted to be transferred to said Pat Benson  
be, and the same hereby are, cancelled and revoked.

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 6th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. S. BEMENDERFER, CENTER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
----- )

APPLICATION NO. 5504-PP

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March 6, 1940.  
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Appearances: Conour and Conour, Esqs., Del Norte,  
Colorado, for James E. Ashton and  
Faus Transportation Company;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Alamosa, Colorado, on February 27, 1940, at 9:30 o'clock A. M., due notice thereof being forwarded to applicant.

Notwithstanding said setting and notice thereof, applicant failed to appear.

Thereupon, at the time and place appointed for hearing, protestants moved that said application be dismissed for lack of prosecution.

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

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. McQuinn

W. C. Danks

James E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of March, 1940.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BARNETT BAUER, DEL NORTE, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 5305-PP

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March 6, 1940.  
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Appearances: Conour and Conour, Esqs., Del Norte,  
Colorado, for James E. Ashten and  
Faus Transportation Company;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at Alamosa, Colorado, on February 27, 1940, at 9:30 o'clock A. M., due notice thereof being forwarded to applicant. Notwithstanding said setting and notice thereof, applicant failed to appear.

Thereupon, at the time and place appointed for hearing, protestants moved that said application be dismissed for lack of prosecution.

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

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*Ray B. Danks*  
*Allen Fregeau*

Commissioners.

Dated at Denver, Colorado,  
this 6th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE STATE HIGHWAY DEPARTMENT OF THE )  
STATE OF COLORADO FOR THE ABOLITION )  
OF HIGHWAY GRADE CROSSINGS OF )  
RICKELS ROAD OVER THE C. B. & Q. )  
RAILROAD AND THE UNION PACIFIC )  
RAILROAD, IN ADAMS COUNTY. )

APPLICATION NO. 5268

March 6, 1940

Appearances: Byron G. Rogers, Esq., Attorney General,  
Philip A. Dergance, Esq., and  
Oliver Dean, Esq., Denver, Colorado,  
for the Applicant;  
O. Otto Moore, Esq. and A. T. Frantz, Esq.,  
Denver, Colorado, for W. L. Clark,  
Kenneth Cahagen, and Adams County  
Commissioners;  
E. G. Knowles, Esq. and Montgomery Dorsey,  
Esq., for the Union Pacific Railroad Co.;  
J. W. Wheeler, Chicago, Illinois, for  
Chicago, Burlington & Quincy R. R. Co.;  
Oscar L. Malo, Harold Roth, and L. H.  
Connell, for the Intermountain Elevator  
Company and Omar Mills;  
T. A. Hutt, Derby, Colorado, for South Adams  
County Boosters' Association;  
George S. Kemp, Brighton, Colorado, for  
Board of County Commissioners of  
Adams County, Colorado;  
Berman and Holland, Attorneys at Law,  
Denver, Colorado, for J. A. Goldman  
and H. J. Reidy, D/b/a Reidy Coal &  
Oil Company.

S T A T E M E N T

By the Commission:

By the instant application, the State Highway Department seeks  
an order abolishing the grade crossing of Rickels Road (State Highway No.  
220), over the tracks and right of way of the Chicago, Burlington & Quincy  
Railroad Company, which crossing is at M. P. 536.68; and abolishing the  
grade crossing of Rickels Road over the tracks of the Union Pacific Rail-  
road Company, which crossing is at M. P. 5.43; both crossings being  
located on the section line between Sections 6 and 7, Township 3 South,  
Range 67 West, in Adams County, Colorado.

This application was heard in part on January 18, 1940, and continued for a further hearing to February 15, 1940. A written protest was filed on behalf of W. L. Clark, whose business interests are located immediately west of the crossings here involved, and attached thereto is a petition signed by some ninety-five persons, most of whom reside east of said crossings, wherein they express the belief that the closing of Rickels Road will greatly inconvenience them. Also, a written protest was filed on behalf of Kenneth Gahagen, who has a business establishment immediately west of the crossings here involved.

C. F. McCormack, manager of the Colorado State Highway Traffic Survey, testified concerning the flow of traffic into and out of Denver by way of U. S. Highways 6 and 85, together with the movements by way of Rickels Road, all of which is shown on Exhibit No. 1, being a map indicating the same; and, in addition thereto, went into more or less detail as to the number of vehicles moving over each of these highways during a twenty-four-hour period, and describing the character of business establishments located immediately west of the crossings involved and along U. S. Highway 85, being a combination filling station, camp, and grocery store, a restaurant and filling station, a coal yard, and two elevators, crossing also being located at points respectively two and a quarter miles north and one mile south of said crossings.

J. S. Marshall, chief draftsman for the State Highway Department, testified as to the construction of a proposed four-lane highway paralleling the railroads and crossing Rickels Road 336.3 feet east of the present C. B. & Q.-Rickels Road grade crossing, and described the so-called "Clover Leaf" structure to be constructed to eliminate the two grade railroad crossings and to handle or serve traffic now moving on said highways, it being necessary for travelers from Wiggins and points east to travel 3200 feet farther under new system than under present system, from point where new U. S. Highway 85 will intersect Rickels Road, to elevators, road, however, being "much faster". Travel from north would be better handled under new plan. Clark and Gahagen customers from east and from Wiggins would be compelled to travel about one-half mile

farther. He stated that the structure proposed to be installed by the Highway Department would cost in the neighborhood of a million dollars, and would take care of all traffic now moving to and from Denver by way of U. S. Highways 6 and 85, as well as opposing traffic over Rickels Road; that this structure was intended to take care of two and a half times the volume of traffic which now moves over the highways mentioned; that similar plans of this kind were in use at various points throughout the United States and it was not an experiment; that it has been approved by the P. R. A. as planned and disclosed on the map, marked Applicant's Exhibit No. 2, introduced at the hearing; that this improvement was being made in connection with a comprehensive plan involving the new four-lane highway, as proposed, to carry traffic between Denver and points north of Denver, the Rickels Road opposing traffic from the east and west, the elimination of the grade crossing at a point where Rickels Road crosses the C. B. & Q. Railroad, and the grade crossing where this same Rickels Road crosses the Union Pacific Railroad, as well as affording ingress and egress to industrial establishments located between the two railroad rights of way; and that the "Clover Leaf" plan, as disclosed by Exhibit No. 2, had been adopted after careful consideration of various other proposals as being the best and most practicable way of handling the traffic at this particular point and promoting the safety of the traveling public.

B. R. Creighton, Safety Engineer for the State of Colorado, testified as to accidents which had occurred on October 17, 1936, and March 3, 1937, at the Union Pacific-Rickels Road crossing.

L. E. Caldwell, Division Superintendent of the Chicago, Burlington & Quincy Railroad Company, testified as to the number of trains passing over this road, both passenger and freight, stating that he did not regard the Rickels Road crossing as being unusually hazardous.

Elmer Davis, Office Engineer of the Union Pacific Railroad, testified as to the schedule of train operations over this road as being approximately thirty-seven each twenty-four hours, and with the signals now installed he did not believe the Rickels Road-Union Pacific crossing

to be unusually hazardous.

Oscar L. Malo, President of The Intermountain Elevator Company, representing his own company and the Omar Mills, spoke at length of what he regarded as the net result of closing these two grade crossings and constructing in place thereof the "Clover Leaf" plan, insofar as the Intermountain Elevator Company and the Omar Mills were concerned; that their position was somewhat different from the business establishments west of the rights of way inasmuch as the so-called "Clover Leaf" plan would require patrons of these two companies to travel a greater distance in order to reach the Intermountain and the Omar locations than is now required, and that he thought it might result in keeping some business away from these two establishments; that it was a fact that most of their grain moved by rail, but they had many customers residing east of the railroads, and particularly along Rickels Road, who patronized their places of business by delivering grain to and purchasing flour and feed from them, and he was fearful that this new construction would not be found satisfactory for those establishments which were near the Rickels Road and between the Union Pacific and the Burlington Railroads.

On February 15, 1940, a further hearing was held, at which time C. D. Vail, Chief Engineer for the State Highway Department, appeared and testified that before submitting this plan a careful study was made covering a period of about three years; that the plan was intended to eliminate objectionable features, such as the U. P. grade crossing at 46th and Vine and another at 47th and York, the U. P. grade crossing of the Rickels Road, the C. B. & Q. grade crossing of this same road, the narrow Sand Creek bridge, the narrow underpass at Riverside and sharp curves at each end, and the cemetery approach to U. S. Highway 85; that in order to get away from such objectionable features as above mentioned, and others, it was found necessary to construct a four-lane highway from Denver to the north, which was planned to cross Rickels Road a short distance east of the C. B. & Q.-Rickels Road grade crossing, and in order to handle the traffic which would then be moving east and west across the two railroads and the four-lane highway; that this study had covered and considered various plans, with the final result that the so-called "Clover Leaf",

as disclosed by applicant's Exhibit No. 2, was regarded as the most practicable and best way to solve the problems here involved; that before undertaking this plan,-- which was part of the general scheme to handle traffic moving between Denver and points north, as well as cross traffic on Rickels Road,-- he had called in representatives of the Union Pacific, the Burlington, the Omar Mills, and the Intermountain Elevator Company, and on March 23, 1939, after a conference with the representatives of these concerns, a trip was made over the ground where the grade crossings were to be eliminated and the "Clover Leaf" structure installed; that the party took into consideration various means of separating the grade crossings by overpass or underpass and, he thought, had finally agreed that the most practicable plan was the so-called "Clover Leaf" structure; that this trip to view the grounds was made with John Marshall and A. F. Hewitt, representing the Highway Department, J. W. Wheeler of the C. B. & Q., Mr. Adamson of the Union Pacific, and L. H. Connell and Harold Roth for the Intermountain and Omar Mills, and, after returning from the proposed site of the "Clover Leaf" structure, it was agreed that L. H. Connell and Harold Roth, representing the Intermountain Elevator Company and the Omar Mills, would confer with the management of these concerns and report back; that within a day or so following, the conference was resumed by the representatives of the two railroads and the two industrial plants mentioned, together with the two engineers for the Highway Department and Mr. Vail, at which time it was agreed that the "Clover Leaf" plan probably was the least objectionable. Mr. Wheeler, representative of the C. B. & Q. Railroad, stated that it was his impression that the Intermountain and Omar representatives approved the plan, especially in view of the fact that he, for the Railroad, had stated that in event the proposed structure did not work out as well as anticipated, the Burlington Railroad would be willing to open a private grade crossing for traffic from U. S. Highway No. 6 to the mills.

Harold Roth, manager of the Omar Mills, testified that he was with the party which viewed the location of the present grade crossings on Rickels Road, and heard explanations with respect to the new proposed

structure to eliminate grade crossings where the Rickels Road intersects the Union Pacific and Burlington rights of way; that he examined the blue-print which disclosed the "Clover Leaf" plan, and agreed "that it was the least objectionable if the Rickels Road had to be closed." Mr. Roth further stated that he was not quite sure whether the blue-print which he examined was identical with applicant's Exhibit No. 2, for the reason that he remembered discussing some plan which would afford a means of ingress and egress for the Omar Mills directly from U. S. Highway No. 6; that at least this and other plans were discussed.

Mr. L. H. Connell agreed in substance with the version of Mr. Roth that while they may have felt that the "Clover Leaf" structure was the least objectionable, they thought some means of ingress and egress should be provided for industries such as the Intermountain Elevator and the Omar Mills, located between the two rights of way of the Railroads, other than following the longer distance provided by the "Clover Leaf" structure.

Mr. Vail further testified that, pursuant to the agreement or understanding reached between the Highway Department, the two railroads, and the two industrial plants mentioned, he proceeded to acquire rights of way, arrange for new routing over certain streets in Denver, the closing of certain grade crossings in Denver, and expended a large amount of money; that after presenting the entire plan to the Bureau of Public Roads, and upon the showing that it would mean the elimination of at least four grade crossings, the Bureau had approved the entire plan and Federal funds necessary to meet the Government's portion had been arranged for.

Mr. Vail further stated that insofar as the Sahagen and Clark interests were concerned, as well as any other industries in the community along U. S. Highway No. 85 as now traveled, there would be no change, as that road would remain just as it is, but the through traffic in particular would follow the four-lane highway to be constructed east of the railroads; and that the new "Clover Leaf" plan was intended to take care

of local traffic as well as the through traffic, and, in his opinion, after a short trial, would meet the approval of all those who were now apprehensive of its practicability, it being a much faster and safer arrangement than the present one; that the Highway Department would not oppose opening a private crossing to serve the mills across railroad tracks, the private road leading thereto to enter highway at some convenient point south of the new structures, if it should develop, after trial, that elevators were unduly damaged by the change.

On cross-examination, Mr. Vail was positive in the statement that all grade crossings where vehicular traffic was moving over a railroad, regardless of the location, were dangerous, and that, with streamlined trains moving at high speed, as well as the usual traffic on the C. B. & Q. and the U. P. Railroads at the points where they cross Rickels Road, these crossings were rendered hazardous; that at a conference within the past year, persons residing east of the point where Rickels Road crosses the C. B. & Q. Railroad represented to the Highway Department that the situation at these two crossings was dangerous, and the Railroads were required to install automatic signals in order to make it safe for traffic to move along Rickels Road, and that he was quite sure there was no question about the hazard involved at these two crossings; also that the plan contemplated would promote safety and insure the greatest benefits for the largest number.

Kenneth Gahagen, who has a coal and trucking business with headquarters near the junction of Rickels Road and the present U. S. Highway No. 85, which is immediately west of the Rickels Road-U. P. grade crossing, testified that he had established his business at this point and drew a great deal of trade from those customers residing immediately east of the two grade crossings here involved, and that, should the proposed structure be installed as planned, it would cause his customers to travel a much greater distance from the point where Rickels Road is to be closed, in order to reach his establishment, and that, in making deliveries of coal to points east of the two railroads, it would cause him to travel a much greater distance in making these



deliveries than he is required to travel now by making use of the Rickels Road and the grade crossings. He makes approximately 210 coal deliveries east of the crossing per annum. He also stated that the revenue from farmers patronizing his scales amounted to about five dollars per month. He also testified that seventy per cent. of his total business came from 162 customers who lived east of crossing.

W. L. Clark, who has a store, filling station, and cottage camp business immediately west of the Rickels Road-Union Pacific grade crossing, and near U. S. Highway No. 85, testified that seventy-five per cent. of his total business, which grosses about \$400.00 per month, came from points east of the two railroads; that he had been in business there for the past seventeen years and it would be a material inconvenience for his customers to reach his place of business after the new proposed structure was installed and the Rickels Road at grade closed.

It appears from the testimony and exhibits herein that as part of a comprehensive plan designed to meet traffic demands between Denver and points north, the Highway Department proposes to construct a new four-lane highway, for the present extending north as far as Adams City, and in order to take care of local and opposing traffic proposes a structure which will eliminate grade crossings on Rickels Road. The improvement, costing a million dollars or more, overcomes a number of obstacles affecting traffic movements, two of the more serious being the grade crossings on Rickels Road. It further appears that this entire plan was carefully considered by at least the Union Pacific Railroad representatives, the Chicago, Burlington & Quincy Railroad representatives, and representatives of two of the more important industrial establishments located near the Rickels Road grade crossings above mentioned, and by these representatives apparently approved after they viewed the location of the improvement on March 23, 1939; and that since that date the State Highway Department has been acquiring rights of way and proposes to execute the plan substantially as shown on applicant's Exhibit No. 2; that W. L. Clark, Kenneth Gahagen, the South Adams County Boosters'

Association, and J. A. Goldman and H. J. Reidy, since becoming acquainted with the proposed new four-lane highway and the improvement which would call for the closing of crossings on Rickels Road, have become apprehensive as to the effect of the proposed improvement, inasmuch as the plans indicate that their farm customers residing east of the railroad tracks and along Rickels Road would be required to travel a greater distance to reach the establishments of these protestants, who have places of business immediately west of said railroad crossings.

Attached to the protest filed by W. L. Clark is a petition signed by ninety-five Adams County residents who use the Rickels Road in traveling to and from places of business near the junction of U. S. Highway No. 85 and Rickels Road. However, none of those whose names appear on the petition was present to testify at the hearing.

T. A. Hutt appeared for the South Adams County Boosters' Association but offered no testimony for or against the granting of the instant application. In short, the only showing made by protestants was that they felt the closing of Rickels Road, as proposed, would result in inconvenience to their patrons by requiring them to travel a greater distance in order to reach the several places of business located west of the railroads and near the junction of Rickels Road with U. S. 85.

It would seem that protestants' apprehensions,-- in view of the positive statement of C. D. Vail, Chief Engineer for the State Highway Department, concurred in by two assistant highway engineers, that the proposed plan was designed to provide, and would result in, "the greatest benefit to the greatest number," together with the showing that public safety would be definitely promoted by this proposed improvement,-- are not justified. At least, upon this record as a whole, we cannot say that anyone will be unduly inconvenienced by the proposed changes.




After careful consideration of the record, and the testimony offered at the hearing, the Commission is of the opinion, and finds, that the grade crossings of Rickels Road over the tracks of the Chicago, Burlington & Quincy Railroad Company and the Union Pacific Railroad Company are hazardous to the traveling public and would, if permitted to

remain, continue to be hazardous after the construction of the four-lane highway; and that the public interest requires that these crossings should be closed.

O R D E R

IT IS THEREFORE ORDERED, That the grade crossings of Rickels Road over the tracks and right of way of the Chicago, Burlington & Quincy Railroad Company at M. P. 536.86, and the grade crossing of Rickels Road over the tracks and right of way of the Union Pacific Railroad Company at M. P. 5.43, are hazardous, and that the State Highway Department be, and it hereby is, authorized, when the said four-lane highway located 356.3 feet east of the Rickels Road-C. B. & Q. crossing is constructed and ready for use, to abandon and close said crossings, and each of them.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

DATED at Denver, Colorado,  
this 6th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO FREIGHTWAYS, INC., DENVER, )  
COLORADO, FOR AUTHORITY TO HANDLE )  
BOTH COMMON CARRIER AND PRIVATE )  
CARRIER FREIGHT IN THE SAME TRUCK. )

APPLICATIONS NOS. 1261-AAAA-AAAA  
2907-PP-AAA

March 6, 1940.

Appearances: D. C. Stone, Denver, Colorado,  
for Colorado Freightways, Inc.;  
Frank Miller, Denver, Colorado,  
for Denver-Limon-Burlington  
Transportation Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Wm. V. Hodges, Jr., Esq., Denver, Colorado,  
for The Chicago, Rock Island and  
Pacific Railway Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Colorado Trucking Association  
and The Motor Truck Common Carriers  
Association.

S T A T E M E N T

By the Commission:

Petitioner herein heretofore acquired certain operating rights,  
by transfer, from one D. C. Stone, doing business as Plains Freight Lines,  
being certificate of public convenience and necessity known as PUC 1102,  
which authorizes a line haul service -

"between Denver and points, First View to Cheyenne  
Wells, inclusive, by way of Limon, Colorado, over  
U. S. Highway No. 40,"

and a private carrier permit No. A-711, which authorizes certain contract  
carrier operations for the transportation of,-

"freight between Denver and Arena, Colorado; and  
intermediate points via U. S. Highway No. 40 and  
U. S. Highway No. 40-South, and between Limon and  
the Colorado-Kansas state line and intermediate  
points, via U. S. Highways Nos. 40 and 40-North,"

said permit having issued to one George Switzer, on January 1, 1934,  
said operating rights having been acquired, subject to certain conditions,  
that is, that:

"Colorado Freightways, Inc. shall conduct the operations under said certificate and said permit in accordance with the rules and regulations of the Public Utilities Commission and the laws of the State of Colorado applicable to common carrier and private carrier operations, and that said transferee shall not, directly or indirectly, combine its operations under said certificate and said private carrier permit, and shall not engage in the business of a common carrier and a private carrier over the same route at the same time with the same equipment, and shall not interline freight with other operations (permit or certificate) whether such operations are owned by the transferee or others."

The same provision was contained in the order authorizing said Stone to acquire said permit and certificate from Roy E. Barner.

On November 20, 1939, Colorado Freightways, Inc., filed its petition with the Commission, asking that it be authorized to handle common carrier freight and private carrier freight in the same equipment from point of origin to destination, it being alleged in said petition, among other things, that:

"At the present time all freight received at Denver for Burlington, Cheyenne Wells and intermediate points is loaded on one truck at Denver and the portion destined to points on Highway 24 is transferred to another truck at Limon, Colorado for delivery. Trucks are operated three times a week, namely, Mondays, Wednesdays and Fridays, and unless the authority herein requested is granted it will be impossible to continue the operation to any of the territory."

"It is the view of your petitioner that the authority sought is needed not only by the petitioner who has vested property rights in the service but also by the public."

At the hearing, Frank Miller, who operates Denver-Limon-Burlington Transportation Company, appeared in opposition, it appearing that he operates a common carrier service to most of the points which applicant serves under its private carrier permit.

Mr. Haines, president of applicant, at the hearing, testified that distance, Denver to Cheyenne Wells, is 174 miles; that distance,

Limon to Burlington, is 78 miles; that the service furnished for a long period of time prior to the hearing under the permit and common carrier certificates is practically the same; that about one hundred customers are listed under Permit No. A-711, they constituting about fifty per cent of the shippers in the territory; that company would effect, if the application were granted, certain operating economies; that there is not enough business beyond Limon for two lines, although about sixty per cent of the freight handled out of Denver goes to points on Highway No. 40 beyond Limon; that Denver-Limon Burlington, a common carrier, serves Burlington, which applicant serves under its private carrier authority.

Frank W. Miller testified that formerly he operated under a private carrier permit and a common carrier certificate, but disposed of his private authority on account of Commission's rule that he could not operate in a dual capacity; that, as a common carrier, he serves the points which applicant seeks to serve under its private carrier authority; that his operation always has been conducted at a loss, he being able to meet expenses and continue his public service through revenue derived from his commercial carrier operations; that the public interest will not be served by granting application to serve in a dual capacity, although it will serve the personal interests of applicant; that if applicant abandons its service, said Miller is ready, able and willing to carry on and satisfy all requirements of petitioner's customers; also, that petitioner's private carrier permit, until about five months prior to the hearing, for a long period of time, had been dormant, no operations being carried on thereunder.

The record seems to support protestants' position for practical purposes, petitioner's operations under Permit A-711 have been that of a common carrier, and it seeks to continue to carry on in said capacity, and, by indirection, obtain the benefits of a certificate of public convenience and necessity. After all, to grant the petition herein, we would be compelled to find that public convenience and necessity require the granting

thereof. There is no showing by applicant that such service is necessary or convenient for the public. There is no showing that common carrier service to the points served by applicant under its private carrier permit is inadequate. Petitioner suggests that it has vested rights to carry on the service. With this, we cannot agree. In the first place, according to Miller, private carrier authority was not being operated by Stone's predecessor in interest. Secondly, he took the permit, knowing that he could not do what he (it being our understanding that Mr. Stone is principal stockholder of Colorado Freightways, Inc.) now seeks to do. Besides, the Supreme Court, in the McKay case, 104 Colorado, 402, held that the fact that an operator has been permitted by the Commission or its employees to violate the law and the rules and regulations of the Commission (assuming that situation here exists -- which did not appear) does not give him vested right to continue to do so.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the granting of the authority here sought would not be in the public interest, and that said application should be denied.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Smith

W. C. Danks

William E. Green  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN MARTIN AND MARY MARTIN, DOING )  
BUSINESS AS MARTIN COAL AND TRANS- )  
FER COMPANY, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY. )

APPLICATION NO. 5287

-----  
March 7, 1940.  
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Appearances: John Martin, Leadville, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
T. A. White, Esq., Denver, Colorado,  
for The Denver and Rio Grande  
Western Railroad Company and Rio  
Grande Motor Way, Inc.;  
Marion F. Jones, Esq., Denver, Colorado,  
for Schaefer Truck Line and Gately  
Motor Company;  
Ray B. Danks, 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.

S T A T E M E N T

By the Commissio:

As limited by the testimony given at the hearing, the applicants  
herein seek authority to conduct a general transfer and cartage business  
in the city of Leadville and within a radius of five miles thereof.

Written protests were filed by The Denver and Rio Grande Western  
Railroad Company, Rio Grande Motor Way, Inc., Clyde G. Medley, and The  
Colorado and Southern Railway Company.

Protestants, with the exception of Clyde G. Medley, withdrew  
objections after lengthy cross-examination and upon the applicant's  
statement that his operations would be confined to the city of Leadville  
and a radius of five miles thereof.

It appeared from the testimony of John Martin that he had been



in the coal business in Leadville, most of the time in partnership with his mother, Mary Martin, for the past thirty years, and for the past ten years they had been moving machinery and mining supplies, as well as conducting a general cartage business, and had hoped to be given authority to continue this same character of operations; that the equipment used was an International dump truck and a Studebaker express, also two Chevrolet trucks which were seldom used; that he had his coal moved into Leadville by the railroad and used his trucks to make the distribution; that the demand for his service was almost entirely from customers in the city of Leadville, but that some calls came from outside; that he served at least seventy-five customers, including the Zaitz Mercantile Company, but was unable to give the name of any person or firm outside of Leadville who desired his service; that it was true he had a little business outside of the city of Leadville and in the immediate vicinity, but was asking for an in-and-out service so that should anyone desire to pay the twenty per cent more for his service, he could accommodate them; that this usually would be moving of household goods, machinery, and repair parts; that he had made no reports of freight moved during the past ten years, and during this time very little of it was moved outside of the city of Leadville, except that he did recall making deliveries in September, 1939, to Twin Lakes, and while he did keep some books, he did not think he would be able to make an authentic report of his trucking operations during past years; that he knew nothing about the present authorized carrier service in and out of Leadville, but did know that Claude Medley had a right to serve within a five-mile radius of Leadville and some kind of authority in and out of Lake County; also that the Denver and Rio Grande Western Railroad, Rio Grande Motor Way, Mr. Schiermeier and Schaefer, all rendered transportation service in or through Leadville.

On cross-examination, it was developed that in view of the fact that railroad and scheduled common carrier truck service was available, the applicant, in seeking an in and out authority, was obliged to show a

need for such service, whereupon he agreed that any authority granted to him might be limited to Lake County, and stated that his only reason for asking for all of Lake County was to enable him to render transportation service to Twin Lakes and a few other points outside of the five-mile limit. However, since the applicant was unable to show a public demand for his services outside of a five-mile radius of Leadville, he agreed that his certificate, if issued, might be limited entirely to Leadville and a five-mile radius thereof.

The applicant admitted that like other transfer and cartage delivery operators in Leadville, he was operating without authority; that he had not been stopped by the Patrol, and recognized that his operations in the past, both in and out of Leadville, had been without proper authority from the Public Utilities Commission, as required by law.

A representative of at least one common carrier objected to the issuance of a certificate to the applicant on account of his operations in defiance of the law during past years.

The financial standing and reliability of the applicants were established to the satisfaction of the Commission, his assets being shown to be over \$12,000.00 net.

The record herein is similar to the record made in two other applications heard in Leadville of late, each disclosing that the applicants had been conducting a general cartage and storage business in Leadville and within the five-mile radius thereof for many years past; that each had built up a substantial business, made rather large investments, and served a substantial number of business firms in the city; that the transportation needs of the city and vicinity were being taken care of by these operators, working in conjunction with the line haul carriers serving to and through Leadville, and on account of the general satisfaction of the service, the fact that most of the service was confined to movements within the city of Leadville, a strict enforcement of the carrier laws requiring these operators to have certificates was

not reached until these applications were filed.

From the record, it appears that this application should have been acted upon at the same time and accorded the same consideration as Applications Nos. 5267, Schiermeier, and 5266, Ashlock.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed motor vehicle service of these applicants, limited as shown by the testimony of John Martin.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the "motor vehicle carrier" transportation service of the applicants, John Martin and Mary Martin, doing business as Martin Coal and Transfer Company, in the conduct of a transfer and cartage business, upon call and demand, in the city of Leadville 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 applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers within a period not to exceed twenty days from the date hereof.

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

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. L. Danks*

*Wm. E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of March, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK BLASI, JANSEN, COLORADO, FOR ) APPLICATION NO. 5190-PP-B  
AN EXTENSION OF PERMIT NO. A-2464. )  
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-----  
March 7, 1940.  
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Appearances: Frank Blasi, Jansen, 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, Angelo Baudine and  
                  Sandoval Truck Line.

S T A T E M E N T

By the Commission:

Heretofore, Frank Blasi was authorized to operate as a Class  
"A" private carrier by motor vehicle for hire, Permit No. A-2464, Decision  
No. 14455, for the transportation of:

water from Trinidad to points along the road con-  
struction job of George W. Condon, on U. S. High-  
way No. 85 between Ludlow and Trinidad.

He now seeks to extend said operation to include the right  
to transport coke from coke ovens near Jansen to railroad cars at Jansen  
and to foundry near Trinidad; timber and timber products from timber  
camps and saw mills in the Stonewall Valley to Monarch Mines at Sarcillo;  
used fire brick from Segundo coke ovens to said coke oven site in or near  
Jansen; coal from said Sarcillo mine of Monarch Company to its tipple  
near Segundo.

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 Frank Blasi, Jansen, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. A-2464 to include the right to transport coke from coke ovens near Jansen to Railroad cars at Jansen and to foundry near Trinidad; timber and timber products from timber camps and saw-mills in the Stonewall Valley to Monarch Mines at Sarcillo; used fire brick from Segundo coke ovens to said coke oven site in or near Jansen; coal from said Sarcillo mines of Monarch Company to its tipple near Segundo.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Brien

W. A. Danks

Wm. E. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
COLORADO FREIGHTWAYS, INC., )  
1947 ARAPAHOE STREET, DENVER, )  
COLORADO. )  
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APPLICATION NO. 1261-AAAA-AAAA

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March 7, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of application of Colorado Freightways, Inc., which operates under Certificate No. 1102, to suspend its operations under said certificate.

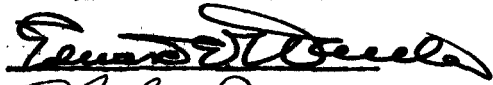


After a careful consideration of the record, the Commission being fully advised in the premises, is of the opinion, and finds, that said request should be granted, and that said Colorado Freightways, Inc., should be permitted to suspend operations under said certificate for a period of not to exceed one year from the date hereof.

O R D E R

IT IS THEREFORE ORDERED, That Colorado Freightways, Inc., be, and it hereby is, authorized to suspend operations under Certificate No. 1102 for a period of not to exceed one year from the date hereof.

IT IS FURTHER ORDERED, That, during said suspension period, said Colorado Freightways, Inc., may reinstate said certificate and resume active operations thereunder by filing proper insurance and otherwise complying with our rules and regulations.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DORA DAVIDSON, THATCHER, COLORADO, )  
FOR AUTHORITY TO TRANSFER CERTIFI- )  
GATE OF PUBLIC CONVENIENCE AND )  
NECESSITY NO. 641 TO EARL H. KEITH, )  
THATCHER, COLORADO. )

APPLICATION NO. 1951-AAA

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March 7, 1940.  
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Appearances: Dora Davidson, Thatcher, Colorado,  
pro se;  
Earl H. Keith, Thatcher, 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.

S T A T E M E N T

By the Commission:

On January 20, 1937, Dora Davidson, doing business as Davidson Truck Line, by Decision No. 9312, was authorized to acquire certificate of public convenience and necessity No. 641, with authority as set forth in Decision No. 4295, from Earl H. Keith.

Thereafter, said transfer was duly consummated.

She now seeks authority to transfer said authority to said Earl H. Keith.

At the hearing, it appeared that the consideration for transfer of said operating authority is the sum of \$300.00; that there are no outstanding unpaid obligations against said operation; that said Keith is able, ready and willing to take over said operation.

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 Dora Davidson, doing business



as Davidson Truck Line, be, and she hereby is, authorized to transfer the authority granted in Decision No. 4295, which was acquired by her under authority granted in our Decision No. 9512, to Earl H. Keith.

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 operations 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. U. U. U.

W. S. Danks

W. S. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of March, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
FELZ AND COOPER, ROGGEN, COLORADO, )	<u>CASE NO. 4789</u>
CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY NO. 505. )	
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March 7, 1940.  
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Appearances: J. J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
Donald Cooper, Roggen, Colorado,  
for the respondents.

S T A T E M E N T

By the Commission:

On February 1, 1940, the Commission issued an order charging that the operations of the respondents under their certificate No. 505 violated the provisions of Chapter 134, Session Laws of 1927, as amended, and the rules and regulations of the Commission, and particularly, that during the period June to September, 1939, both months included, the respondents transported numerous shipments of freight without first or at all issuing properly itemized bills of lading therefor, and without preparing itemized load sheets or manifests for said shipments, as required by Rules 30 and 31; that during this same period, the respondents transported numerous shipments of freight at and for rates and charges different from and lower than the prescribed rates of the Commission, and that during this same period, the respondents accepted, transported, and delivered shipments of freight from and to points outside of the authority as granted by their Certificate No. 505.

It appeared from the testimony given by one of the Commission's inspectors and by the Commission's rate clerk, that after a careful investigation they found that during the period June to September, 1939, both months included, the respondents handled approximately forty-nine shipments, and rendered all of this service without issuing any bills of

lading, load sheets or manifests; that during the same period, as disclosed by the records, the respondents delivered numerous shipments, charging incorrect rates, and neglected to report a shipment of seventeen head of cattle for W. S. Johnson at Roggen, Colorado, to a commission firm in Denver, on July 3, 1939, and during this same period the respondents rendered service outside of the territory authorized to be served under their Certificate No. 505, as follows:

July 5, 1939	28,290 pounds,	farm to Byers	12 miles
July 7, "	10,260 "	" " "	12 "
July 8 "	9,620 "	" " "	12 "
July 10, "	17,920 "	" " "	12 "
July 12, "	11,420 "	" " "	12 "
July 12, "	10,270 "	" " "	12 "
July 14, "	8,300 "	" " "	12 "
Sept. 12, "	4,500 "	Strasburg to Denver	50 "

It appears from the record that the territory authorized to be served by the respondents under Certificate No. 505 is as follows:

All that territory embraced in Townships 1, 2, and 3 North of Ranges 59, 60, 61, 62, 63, and 64 West, and Township 2 North of Range 58 West, all in Weld County, Colorado; and the territory embraced in Township 1, South of Ranges 59, 60, 61, 62, 63, and 64 West, all in Adams County, Colorado.

Respondent Cooper testified that they had conducted the operation substantially as charged in the complaint, and made out no bills; also, that the rate which they charged was mostly a flat rate; and that the Strasburg and Byers movements were outside of their authority. This respondent further stated that at the present time they were arranging for bills of lading and load sheets so that they could have a complete record of all freight moved.

It is apparent from the foregoing record that these respondents have heretofore made no effort whatsoever to comply with the rules and regulations of the Commission, but that they are now endeavoring to prepare bills of lading and intend to comply with all of the 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 the allegations contained in the complaint are true, and that, on account of said violations committed by these respondents, the authority under which they operate should be suspended for a period of sixty days.

O R D E R

IT IS THEREFORE ORDERED, That as a penalty for and on account of the aforesaid violations, Certificate No. 505, and the right of Pelz and Cooper to operate thereunder, should be, and the same hereby are, suspended for a period of sixty days from and after the effective date of this order.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*

*W. L. Danks*

*Max S. Silver*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RUTH L. GOODMAN, DEL NORTE, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PER- )  
MIT NO. B-1514 TO PETE GONZALES, )  
GUILLERMO GONZALES AND JOE GONZALES, )  
CO-PARTNERS, DOING BUSINESS AS )  
GONZALES BROTHERS, DEL NORTE, COLORADO. )  
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APPLICATION NO. 5206-PP-AB-AA

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March 9, 1940.  
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Appearances: Conour and Conour, Esqs., Del Norte,  
Colorado, for the applicants;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Ruth L. Goodman herein seeks authority to transfer to Pete  
Gonzales, Guillermo Gonzales and Joe Gonzales, co-partners, doing business  
as Gonzales Brothers, her Permit No. B-1514, which authorizes the trans-  
portation of:

milk and dairy products, only, from point to  
point within a radius of fifty miles of Del  
Norte, Colorado; potatoes and lettuce from farms  
within an area extending twenty-five miles north,  
twenty-five miles west, twenty-five miles south  
of Del Norte, and five miles east thereof, to  
storage and loading points at Del Norte, Colo-  
rado, without the right to transport potatoes  
and lettuce between towns served by scheduled  
motor vehicle common carriers.

It appeared at the hearing that consideration for the transfer  
of said permit and one 1937 Chevrolet, is the sum of \$650.00, and that  
there is no outstanding unpaid operating indebtedness against said permit.

The pecuniary responsibility and operating experience of  
transferees 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 Ruth L. Goodman, Del Norte, Colorado, should be, and she hereby is, authorized to transfer Permit No. B-1514 to Pete Gonzales, Guillermo Gonzales and Joe Gonzales, co-partners, doing business as Gonzales Brothers, Del Norte, Colorado.


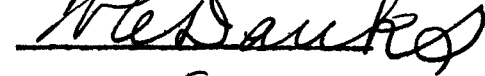
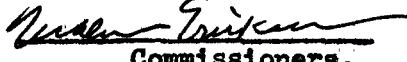
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions 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 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 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE COLORADO RAPID TRANSIT COMPANY )  
UNDER ITS CERTIFICATE NO. 26. )  
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P. U. C. NO. 26

RE MOTOR VEHICLE OPERATIONS OF )  
FRED AUSTIN AND LINTON AUSTIN, )  
DOING BUSINESS AS AUSTIN BROTHERS, )  
UNDER CERTIFICATE NO. 375. )  
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P. U. C. NO. 375

-----  
March 9, 1940.  
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S T A T E M E N T

By the Commission:

On December 26, 1939, the applicants herein filed with the Commission a lease dated September 16, 1939, wherein it appears that the Colorado Rapid Transit Company is the lessor and has authority under its certificate No. 26 to serve the following territory:

Sections 22 and 26 in Township 1 South, Range  
69 West, Boulder County, Colorado;

that said lessor has leased that part of said certificate No. 26 which applies to said Sections 22 and 26 to Austin Brothers, who are now the holders of Certificate No. 375, for a period of one year beginning September 16, 1939, and that, under the terms of this lease, the lessees will transport milk and dairy products, only, from the described sections to Denver. Applicants request approval of said lease.

The record shows that the lessor has authority to serve the territory described in said lease, and that the lessees have a certificate authorizing the transportation of milk and dairy products from a territory in Weld and Boulder counties to Denver, Colorado, and, in the conduct of this operation, pass along U.S. Highway No. 87, which highway divides the two sections described in said lease.

After a careful consideration of the authorities held by each

of the parties hereto, and the terms and conditions as set forth in the lease, the Commission is of the opinion, and finds, that it is in the public interest to approve the same.

O R D E R

IT IS THEREFORE ORDERED, That the lease of territory dated September 16, 1939, entered into by and between the Colorado Rapid Transit Company, as lessor, and Austin Brothers, as lessees, filed with the Commission under date of December 26, 1939, should be, and the same hereby is, approved as of September 16, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Wheeler

W. L. Danks

Wm. E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.



(Decision No. 15007 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

J. L. HOUSE. )

PERMIT NO. A-2325-I

March 11, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
J. L. House ..... of Rt 1, Box 126 Laramie, Wyoming  
requesting that his Permit No. A-2325-I ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-2325-I, heretofore issued  
to J. L. House, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. O'Connell*  
*W. A. Danks*  
*Walter S. Sisk*

Commissioners.

Dated at Denver, Colorado,  
this 11th day of March, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
OLIVER HELMS, OF 3020 FRANKLIN ST., )  
DENVER, COLORADO. )  
-----

PERMIT NO. B-1850

-----  
March 11, 1940.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Oliver Helms requesting that his Permit No. B-1850 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 Oliver Helms should be, and hereby is, allowed to suspend his operations under private permit No. B-1850 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Oliver Helms 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. Danks

W. C. Danks

Malcolm E. Eason

Commissioners

Dated at Denver, Colorado,  
this 11th day of March, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE LEADVILLE-CLIMAX DISTRICT BUS, ) P.U.C. 948  
OF LEADVILLE, COLORADO. )  
-----

-----  
March 11, 1940.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. Cooper Young, attorney for the above named certificate holder, requesting that Certificate No. 948 be suspended for a period of six months.

After careful consideration, the Commission is of the opinion, and so finds, that said certificate PUC 948, should be suspended for a period of one year from November 20, 1939.

O R D E R

IT IS THEREFORE ORDERED, That the Leadville-Climax District Bus Co. should be, and hereby is, allowed to suspend its operations under certificate No. 948 for a period of not to exceed one year from November 20, 1939.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Deane

W. L. Danks

Malcolm G. Wilson

Commissioners

Dated at Denver, Colorado,  
this 11th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

R. B. HEUETT.

PERMIT NO. B-1683

March 11, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
R. B. Heuett ..... of Box 5 ..... Pierce, Colorado,  
requesting that his Permit No. B-1683 ..... be cancelled .

After careful consideration, the Commission is 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-1683, heretofore issued  
to R. B. Heuett, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. O'Donoghue*  
*W. L. Danks*  
*Malcolm W. Wisco*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
E. H. GENTRY, OF GARDEN CITY, )  
KANSAS. )  
-----

PERMIT NO. A-1056-I

-----  
March 11, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above named permittee requesting that his Permit A-1056-I 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. H. Gentry should be, and hereby is, allowed to suspend his operations under interstate permit No. A-1056-I for a period of not to exceed six months from the date hereof.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Thaler

W. D. Danks

William E. Smith

Commissioners

Dated at Denver, Colorado,  
this 11th day of March, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. H. GIFFORD, OF 801 BAKER, ) PERMIT NO. B-2357  
LONGMONT, COLORADO. )  
-----

-----  
March 11, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a request to suspend operations under the above numbered permit.

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

O R D E R

IT IS THEREFORE ORDERED, That W. H. Gifford should be, and hereby is, allowed to suspend his operations under private carrier permit No. B-2357 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said W. H. Gifford 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. L. Danks*

*Walter E. Evers*

Commissioners

Dated at Denver, Colorado,  
this 11th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN FRANCH, TRINIDAD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
-----

APPLICATION NO. 5301-PP

-----  
March 9, 1940.  
-----

Appearances: John Franch, Trinidad, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Angelo Baudino and  
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 coal from Las Animas County coal mines to gas plant of Trinidad Railway Gas and Transmission Company in Trinidad; coke from said plant to customers of said company and to railroad loading points in Trinidad; used sub-station material from sub-station of said company at Hastings to said gas plant and the power plant of said company in Trinidad; ashes from said plants to dump grounds within a radius of five miles of Trinidad.

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

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That John Franch, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private

carrier by motor vehicle for hire for the transportation of coal from Las Animas County coal mines to gas plant of Trinidad Railway Gas and Transmission Company in Trinidad; coke from said plant to customers of said company, and to railroad loading points in Trinidad; used sub-station material from sub-station of said company at Hastings to said gas plant and the power plant of said company in Trinidad; ashes from said plants to dump grounds within a radius of 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 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. O'Sullivan  
W. C. Danks  
Malcolm G. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G. M. O. TOLLER, DOING BUSINESS AS )  
TOLLER COAL COMPANY, FOR A CLASS )  
"A" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5271-PP

-----  
March 9, 1940.  
-----

Appearances: Jack Toller, Trinidad, Colorado,  
for applicant.

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 passengers between Trinidad and Toller Mine at Bon Carbo, Colorado, and intermediate points, over State Highways Nos. 12 and 238, said passenger service limited to employees of said Toller Coal Company.

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

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That G. M. O. Toller, doing business as Toller Coal Company, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of passengers between Trinidad and Toller Mine at Bon Carbo, Colorado, and intermediate points, over State Highways No. 12 and 238, said passenger service to be limited to employees of said Toller Coal Company.

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

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

W. H. Danks

William S. Sisson  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ELMER McFEE, CENTER, COLORADO, FOR )  
AUTHORITY TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
NO. 1272 TO P. K. HOFFMAN, 342 SOUTH )  
2nd STREET, BRIGHTON, COLORADO. )  
-----

APPLICATION NO. 4201-A

-----  
March 9, 1940.  
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S T A T E M E N T

By the Commission:

The Commission has been requested by P. K. Hoffman, transferee in the above styled application, to dismiss the application to transfer PUC No. 1272 to him.

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

O R D E R

IT IS THEREFORE ORDERED, That the above-styled application to transfer PUC No. 1272 from Elmer McFee to P. K. Hoffman, be, and the same hereby is dismissed.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. E. Danks

William E. Swenson  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 5500-PP

-----  
March 9, 1940.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of Trinidad, excepting service to Aguilar.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Roy Poole, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of Trinidad, excepting service to Aguilar, 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, 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. O'Connell

McDanks

William E. Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 5502-PP

-----  
March 9, 1940.  
-----

Appearances: Charles Wilkins, Trinidad, 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, Baudino Transfer, Wes V.  
                  McKaughan and 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 coal, sand and gravel, between points within a radius of fifty miles of Trinidad, excepting service to Aguilar; junk for Ed Poliak, only, between points in said 50-mile radius, excepting service between towns served by line haul motor vehicle common carriers.

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

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Charles Wilkins, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B"

private carrier by motor vehicle for hire for the transportation of coal, sand and gravel between points within a radius of fifty miles of Trinidad, excepting service to Aguilar; junk for Ed Poliak, only, between points in said fifty-mile radius, excepting service between towns served by line haul motor vehicle common carriers.

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

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

McDauks

Walter S. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROY W. LEGGETT, AS EXECUTOR OF THE )  
ESTATE OF B. C. LEGGETT, DECEASED, )  
TO TRANSFER INTERSTATE CERTIFICATE )  
NO. 1086-I TO ROY W. LEGGETT AND )  
ANNA LEGGETT, CO-PARTNERS, DOING )  
BUSINESS AS LAWTON STORAGE AND )  
TRANSFER COMPANY. )  
-----

INTERSTATE PERMIT NO. 1086-I

-----  
March 9, 1940.  
-----

S T A T E M E N T

By the Commission:

On April 20, 1937, B. C. Leggett, doing business as Lawton Storage and Transfer Company, was authorized to operate as a common carrier by motor vehicle for the transportation of freight in interstate commerce, only, between all points in Colorado and the Colorado State Boundary Line, where all highways cross the same, subject to the provisions of the Federal Motor Carrier Act of 1935.

Application has been filed with the Commission by Roy W. Leggett, as Executor of the Estate of said B. C. Leggett, deceased, to transfer said permit to Roy W. Leggett and Anna Leggett, co-partners, doing business as Lawton Storage and Transfer Company.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Roy W. Leggett, as Executor of the estate of B. C. Leggett, deceased, should be, and he hereby is, authorized to transfer Interstate Permit No. 1086-I to Roy W. Leggett and Anna Leggett, co-partners, doing business as Lawton Storage and



Transfer Company, said transfer to be made subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferees shall have the necessary insurance on file with the Commission, and said 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 transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. L. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
REDMAN VAN AND STORAGE COMPANY, 136 )	
SOUTH 4TH WEST, SALT LAKE CITY, UTAH, )	
TO TRANSFER INTERSTATE PERMIT NO. )	<u>INTERSTATE PERMIT NO. 827-I</u>
827-I TO OVERLAND MOVING COMPANY, )	
136 SOUTH 4TH WEST, SALT LAKE CITY, )	
UTAH. )	
-----	

-----  
March 9, 1940.  
-----

S T A T E M E N T

By the Commission:

Heretofore, Redman Van and Storage Company 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 Interstate Permit No. 827-I issued to it.

Said company now seeks authority to transfer said permit to Overland Moving Company, a Utah 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 said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Redman Van and Storage Company be, and it hereby is, authorized to transfer Interstate Permit No. 827-I to Overland Moving Company, a Utah corporation.

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

with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Deibel

Wesley Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
HENRY HAUSER AND HARRY HARBISON, )  
FORT COLLINS, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4852-PP

-----  
March 9, 1940.  
-----

Appearances: Henry Hauser and Henry Harbison,  
Fort Collins, Colorado, pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
R. M. and Hazel Greely, Ted Carpenter  
and Sen and Howard Greer;  
Z. D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association.

S T A T E M E N T

By the Commission:

On December 29, 1938, Decision No. 12781, the Commission issued an order granting certain authority to the above named applicants, which authority is numbered B-2440.

It has now been brought to the attention of the Commission that in the seventh, eighth and ninth lines of the findings contained in said decision, appears the following:

"the transportation of cement from the cement plant at Boettcher to users in the Laramie River country and the Red Feather-Livermore country,"-

and that this item of transportation was inadvertently omitted from the order contained in said decision. The applicants request a correction of the order to coincide with the findings.

After a careful consideration of the above numbered decision, the Commission is of the opinion, and finds, that the findings therein contained do specifically mention the item of cement, that the order, through oversight, fails to authorize the transportation of cement as stated in the findings, and that the order should be corrected accordingly.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of the order contained in Decision No. 12781 should be, and the same hereby is, amended to include the following:

"The transportation of cement from the cement plant at Boettcher to users in the Laramie River country and the Red Feather-Livermore country."

IT IS FURTHER ORDERED, That in all other respects, the provisions of the original order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

Walter E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TONY ZAPPANTI, TRINIDAD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )

APPLICATION NO. 5298-PP

-----  
Marcy 9, 1940.  
-----

Appearances: Joseph Immordino, 401 Spruce St.,  
Trinidad, Colorado, for applicant;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Baudino Transfer.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of Trinidad, Colorado, (except to Aguilar) and the transportation of coal from points in said area to La Junta, Colorado.

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

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Tony Zappanti, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of Trinidad, Colorado, (except to Aguilar), and the transportation of coal from points in said area to La Junta, 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, 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

Wes J. Jones

Wm. H. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ED DURAN, TRINIDAD, COLORADO, FOR A  
GLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.

APPLICATION NO. 5299-PP

March 9, 1940.

Appearances: Ed Duran, Trinidad, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Baudino Transfer.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of, and including, Trinidad, Colorado, excepting the transportation of coal to Aguilar, Colorado.

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

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Ed Duran, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of fifty miles of, and including, Trinidad, Colorado, excepting the transportation of coal to Aguilar, 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, 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 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

Walter E. Eason

Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK INMAN, TRINIDAD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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APPLICATION NO. 5297-PP

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March 9, 1940.  
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Appearances: Gilbert Sanders, Esq., McCormack  
Building, Trinidad, Colorado,  
for the applicant;  
Ray B. Darks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company,  
and Coney Transfer and Storage Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from point to point within a radius of fifty miles of Trinidad (except Aguilar), and the transportation of ashes between points within a radius of five miles of, and including, Trinidad.

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

The operating experience and pecuniary responsibility of the applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Frank Inman, Trinidad, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from

point to point within a radius of fifty miles of Trinidad (except Aguilar), and the transportation of ashes between points within a radius of five miles of, and including, Trinidad.



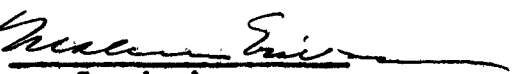
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein 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 and hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 5284-PP

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March 10, 1940.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Joe Heppberger, Blackhawk, Colorado,  
for Gilpin County Freight Line.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant to notice, the applicant, Ray Bashford, not appearing.

Protestants moved that the application be dismissed for lack of prosecution, and offered to place three witnesses on the stand to testify that there was adequate carrier service to take care of all transportation services as proposed by this applicant. The record shows that seventy-seven competing carriers were notified of this hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That the motion interposed on behalf of protestants be, and the same hereby is, granted and the instant

application dismissed for lack of prosecution.

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*

*W. C. Danks*

*Wm. E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARLE E. BURROWS, PRITCHETT, )  
COLORADO, CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY )  
NO. 922. )

CASE NO. 4790

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March 12, 1940.  
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Appearances: J. J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
Earle E. Burrows, Pritchett, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On February 1, 1940, the Commission issued a show cause order against the respondent, alleging that during the period June to September, 1939, both months included, said respondent transported shipments of freight without first issuing properly itemized bills of lading, load sheets or manifests, as required by the rules and regulations of the Commission; that during the same period, the respondent accepted and transported shipments of freight from and to points outside of and beyond the area authorized to be served by him under the terms of his certificate; and that he further violated the terms of his certificate by transporting commodities other than those authorized to be so transported.

The respondent failed to file a written answer, but appeared and testified at the hearing.

It appeared from the testimony of A. E. Murchie, inspector for the Commission, and O. E. Mayer, its rate clerk, that they had made an investigation of the operations of the respondent under his certificate, had checked the records, such as were obtainable, and from such investigation had found that the respondent transported a shipment of freight

on September 29, 1939, consisting of a load of flour from Lamar to Pritchett; on August 18, 1939, he transported a load of flour from Lamar to Pritchett weighing 5,000 pounds; on June 7, 1939, he transported a load of groceries from Lamar to Pritchett weighing 3,500 pounds; on July 23, 1939, he transported a shipment of freight consisting of nine cattle weighing 5,400 pounds, from a point 15 miles west of Pritchett to Walsh, Colorado; on August 25, 1939, he transported a load of household goods weighing 5,500 pounds from Springfield to Bayfield; on August 24, 1939, he transported a load of household goods from Springfield to Bayfield weighing 6,000 pounds; on August 30, 1939, he transported a load of peaches from Palisade to Pritchett; on June 1, 1939, he transported a load of household goods weighing 3,000 pounds from Pritchett to Fort Collins; and, in connection with each of the eight shipments above mentioned, the respondent made out no bill of lading, load sheet, or manifest, showing any rate whatever charged for the shipment.

It further appeared that the respondent had no tariff on file when this show cause order was issued, in violation of Rule 34; that he does not make out load sheets or manifests as required by Rule 31, and admits that at no time did he have bills of lading as required by Rule 30.

It further appeared that the respondent had been in the habit of not making his monthly reports on time, as required by Rule 27.

It further appeared that during the latter part of 1938, Inspectors Marchie and O'Brien visited Baca County and took particular interest in trying to advise the respondent with regard to bills of lading, load sheets, manifests, and rates to be charged for his transportation service; that regardless of the advice and instruction given by the inspectors, the respondent has wholly disregarded the same and been guilty of the violations above set forth; that the respondent admitted having served a number of times within a 15-mile radius of Walsh, Colorado, which territory is not included in his authority, and that he had transported commodities other than those authorized to be transported under his certificate, and that he has violated the following provisions of his certificate:

"That the applicant shall not engage in any transportation service between towns along the line haul of established scheduled common carriers now serving this county, and, particularly, shall not engage in transportation service along the line of the Springfield-Lamar Truck Line and shall not engage in any transportation service within a radius of 15 miles of Walsh, Colorado."

The respondent stated that since the filing of this show cause order, he has filed the required tariff with the Commission.

The respondent admitted that he did not specify any rates for transportation services rendered, substantially as charged in the complaint, and that he did not keep bills of lading, but that he tried not to render service from town to town where scheduled carriers were authorized to serve, and usually, where his road reports show Springfield-Lamar or Lamar-Springfield, the pickup or delivery was made at some point outside of Springfield, but this was not indicated on the road reports; also, that one of the shipments reading Pritchett to Walsh must have been a shipment of cattle moving into Kansas; and, further, that in the movement of groceries Lamar to Pritchett, as well as movements of furniture from Springfield to Bayfield, he was of the opinion that these movements were not in violation of the terms set forth in his certificate of authority.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the allegations in the complaint are true, and that said Certificate No. 922 of Earle E. Burrows, and his right to operate thereunder, should be suspended for a period of ninety days from the effective date of this order.

#### O R D E R

IT IS THEREFORE ORDERED, That, as a penalty for the violations alleged in the complaint, Certificate No. 922, and the right of Earle E. Burrows to operate thereunder, should be, and hereby are, suspended for a period of ninety days from and after the 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 J. McQuinn*

*W. C. Danks*

*Wm. J. Sullivan*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of March, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE MOTOR VEHICLE OPERATIONS OF )  
CHARLES W. WILSON, DOING BUSINESS )  
AS WILSON TRUCK LINE, LOVELAND )  
COLORADO, PRIVATE PERMIT A-626. )

CASE NO. 4787

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March 12, 1940.  
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Appearances: J. 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 February 1, 1940, the Commission issued a show cause order against the operations of the above-named respondent under his Permit No. A-626, charging that during the months of September, October, and November, 1939, the respondent accepted, transported, and delivered numerous shipments of freight at and for rates and charges different from and lower than the rates prescribed by the Commission for such service, and that he had failed to file with the Commission a tariff of rates and charges to be assessed and collected by him.

On February 5, 1940, the respondent filed his answer, wherein he alleges that insofar as any violation of the Commission's rate order was concerned, the same was due to failure to properly classify freight transported, and that in such event the same was due to "misadvertence", and that it is quite impossible to operate a truck business without occasionally making an error.

Further answering the complaint, the respondent stated that he had on file with the Commission a tariff, which was issued by his agent prior to the issuance of this show cause order.

It appeared from the testimony given at the hearing that the Commission's rate clerk checked approximately four hundred bills submitted by the respondent, covering the period September, October, and November,

1939, which check showed that a charge of 44.4 cents per cwt. on drugs and chemicals to Berthoud was made, whereas the correct first class rate which should have been charged was 48 cents per cwt.; that the respondent charged third class, or 21 cents, on storage batteries and tires, instead of second class, which is 50 cents, the classification which these commodities carry; that the respondent charged third class rate on electric mixing machines instead of first class; that he charged third class rate on automobile heaters instead of second class as the same are classified; that he charged second class rate on washing machines instead of first class; and that he charged first class rate on electric incandescent lamps instead of 118 per cent of first class rate; and that a check of the four hundred bills disclosed that practically all of the violations such as above mentioned, where an undercharge was made, were due to the wrong classification. The occasional overcharge disclosed by the investigation, is not a violation, the respondent being a private carrier.

It appeared from the testimony of the respondent that prior to July, 1939, when he purchased Permit A -626, he had been a truck driver, and since receiving this authority he had continued to drive the truck himself and rely upon Mrs. Wilson, his wife, to look after the bookkeeping; that he had tried to make out the bills of lading himself but probably made some errors, and in each instance where an error was called to his attention, he corrected the same, and that so far as he knew, corrections had been made in all of the undercharges above referred to, the last having been made on November 25, 1939; that he corrected the undercharge on washing machines, on incandescent lamps, and all of the undercharges disclosed by the bills of lading returned by the Commission's inspectors.

The respondent stated that he had had little experience in making out bills prior to acquiring this authority, but in September he consulted with the Commission's rate clerk and tried to inform himself as to how to classify commodities.

After a careful consideration of the record and the testimony

given at the hearing, the Commission is of the opinion, and finds, that the allegations contained in the complaint with respect to the charging of rates different from and lower than the rates prescribed by the Commission are technically true as of February 1, 1940; that in each instance, however, as errors in rate charges were discovered by the respondent, due to his wrong classification, the same were corrected and the undercharges collected, and that by the time this case was called for hearing, the respondent had corrected all of the errors made by him and brought to his attention by virtue of the show cause order; that he had filed his tariff of rates and charges as required; that there appears to be no willful violation of the Commission's rate order as charged, and that the instant complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same hereby is, dismissed.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. L. JININGS, 3841 FEDERAL BLVD., )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5224-PP  
SUPPLEMENTAL ORDER

-----  
March 12, 1940.  
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S T A T E M E N T

By the Commission:

On November 29, 1939, the Commission, in the above-styled matter, entered its order and decision (No. 14403) granting a Class "B" permit to the applicant herein, authorizing the transportation of:

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

The Commission is now in receipt of a communication from applicant, L. L. Jinings, calling attention to the fact that, through oversight, a portion of the authority requested, viz.:

"transportation of coal from the northern Colorado coal fields to Denver,"

was not included in the authority granted, and requests that said error be corrected.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said request should be granted, and that said Decision No. 14403 should be amended, as hereinafter set forth.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 14403, of date November 29, 1939, should be, and the same hereby is, amended to read:

IT IS THEREFORE ORDERED, That L. L. Jinings, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal from the northern Colorado coal fields to Denver; sand, gravel, and other road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area, excluding, however, transportation of sand, gravel and road surfacing materials between or from or to points in Boulder, Clear Creek and Gilpin Counties.

IT IS FURTHER ORDERED, That said Decision No. 14403, except as herein amended, shall remain in full force and effect.

IT IS FURTHER ORDERED, That this order is made effective as of November 29, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Deuel

W. H. Danks

William Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSE S. MANZANARES, MONTE VISTA, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 5303-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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March 13, 1940.  
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Appearances: Jose S. Manzanares, P.O. Box 542,  
Monte Vista, Colorado, pre se;  
Conour and Conour, Esqs., Del Norte,  
Colorado, for James E. Ashton and  
Faus Transportation Company;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Richard Postel.

S T A T E M E N T

By the Commission:

Heretofore, Jose S. Manzanares was authorized to operate as a  
Class "B" private carrier by motor vehicle for hire, Permit No. B-2074.

On March 8, 1939, said permit was revoked for failure to file  
reports.

Thereafter, Manzanares filed his application to reinstate said  
permit, his authority thereunder to be limited to the transportation of  
potatoes, hay and livestock for W. E. Gilbreath and H. A. Gilbreath, co-  
partners, doing business as Gilbreath Brothers, and Gilbert Gylling, said  
potatoes to move from their farms near Monte Vista to storage and loading  
points within a radius of ten miles of Monte Vista; hay to move from farms  
within a radius of twenty miles of Monte Vista to said farms of said cus-  
tomers in said ten-mile area; livestock generally to move from point to  
point within a radius of ten miles of Monte Vista, and sheep to move from  
ranches of said customers to ranches in Elbert, El Paso, Lincoln and Huerfano  
Counties, and to points in the San Luis Valley and the Colorado-New Mexico  
state line.

At the hearing, Mr. Manzanares testified that he did not know that it was necessary to file reports when he had not engaged in any hauling activities; that his failure to file the reports, which failure caused the cancellation of his permit, was due to such lack of knowledge on his part; that if permit is reissued, he will file the reports regularly.

No testimony was offered in opposition to the granting of said permit.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should be reinstated, with authority as herein set forth.

#### O R D E R

IT IS THEREFORE ORDERED, That said Permit No. B-2074 be, and the same hereby is, reinstated, authority thereunder, however, to be limited to:

transportation of potatoes, hay and livestock for W. E. Gilbreath and H. A. Gilbreath, co-partners, doing business as Gilbreath Brothers, and Gilbert Gylling, potatoes to be transported from their farms near Monte Vista to storage and loading points within a radius of ten miles of Monte Vista; hay to move from farms within a radius of twenty miles of Monte Vista to said farms of said customers, livestock, including sheep, to move from point to point within a radius of ten miles of Monte Vista, and sheep to move from ranches of said customers to ranches in Elbert, El Paso, Lincoln and Huerfano Counties, and to points in the San Luis Valley and to the Colorado-New Mexico State Line.

IT IS FURTHER ORDERED, That permittee's service under this permit shall be limited to service for W. E. Gilbreath and H. A. Gilbreath, co-partners, doing business as Gilbreath Brothers, and Gilbert Gylling, without the right to add to the number of his customers.

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. O'Connell

W. H. Danks

William E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GILBERT H. MANGELS, OF 2234 )  
LAFAYETTE ST., DENVER, COLORADO. )  
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PERMIT NO. B-2141

-----  
March 11, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his permit No. B-2141 be suspended for an additional six months' period, it having been suspended by the Commission on September 1, 1939 for a period of six months (Decision 13953).

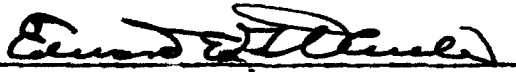


After careful consideration, the Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Gilbert H. Mangels should be, and hereby is, allowed to suspend his operations under private carrier permit No. B-2141 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Gilbert H. Mangels 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

Dated at Denver, Colorado,  
this 11th day of March, 1940.

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HENRY BENDETTI. )

) P.U.C. No. B-1245  
)

-----  
March 13, 1940  
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S T A T E M E N T

By the Commission:

On August 28 1939, by order of the Commission, Decision  
No. 13930, Henry Bendetti of Glenwood Springs,  
Colorado was given authority to suspend operations under  
PUC No. B-1245 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-1245 be, and the same hereby is,  
restored to its active status as of ~~the date of this order~~ March 4, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. O'Connell

W. L. Danks

William Emerson

Commissioners

Dated at Denver, Colorado,  
this 15th day of March, 1940, ~~1939~~.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN D. GREEN, FOWLER, COLORADO, ) CASE NO. 4788  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY NO. 515. )  
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March 13, 1940.  
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Appearances: John D. Green, Fowler, Colorado,  
pro se;  
J. J. Patterson, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On February 1, 1940, the Commission issued a show cause order charging that the respondent had violated the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, and the rules and regulations of the Commission in that during the months of June, July, August, and September, 1939, the respondent accepted and transported numerous shipments of freight for which he failed to issue properly itemized bills of lading; that he failed to place on file with the Commission a tariff, as required; that during the months above mentioned, the respondent transported and delivered shipments of freight from and to points outside of and beyond the area authorized to be served by him under the terms of his certificate; and, that during the four-months period above mentioned, said respondent transported shipments of freight at rates and charges different from and lower than the rates prescribed by the Commission for such service.

The respondent did not file a written answer to the charges.

It appeared from the testimony and the reports of the Commission's inspector and rate clerk that an investigation was made concerning the operations of respondent during the months of June, July, August, and September, 1939, which disclosed that from road reports the respondent had handled some forty shipments but when bills of lading were requested,

the respondent failed to produce the same, with very few exceptions, and those bills of lading which were received did not disclose the applicable rate or the point of origin, and were not signed by the shipper; that on September 23, 1939, the respondent transported 15,000 pounds of some commodity not named, from Huerfano to Pueblo; that on another occasion, he moved oak flooring from Pueblo to La Junta for the Malouff store, but had same unloaded at Fowler and there transferred to the Fowler Truck Line, contrary to the rules and regulations of the Commission and outside of the territory authorized to be served by the respondent; that on account of the inability or failure of the respondent to produce the bills of lading or documentary evidence disclosing the character of his transportation service, as disclosed by the road reports, the inspectors have been unable to ascertain the extent of the violations which appear to have been made.

The investigation further disclosed that on September 27, 1939, respondent moved a shipment of 12 cattle and 25 calves on a flat rate of \$55.00; that on November 20, 1939, the respondent hauled a shipment consisting of two calves for Charles Harris, ten cattle for Shields and Eichelberger, and six cattle for C. D. Wisner, on which no weights or rates were disclosed by the bill of lading presented; and that on November 27, 1939, respondent moved a shipment of seventeen cattle from Boone, Colorado, to Denver at a flat rate of \$35.00.

The respondent, defending himself at the hearing, testified that he presumed he was guilty, as he did not make any effort to have bills of lading on anything except livestock; that he charged flat rates to the Stock Yards and made an average charge for each load. He admitted that he had been caught by Inspector Murchie while moving freight outside of the territory authorized by his certificate; that he had a conversation with John Juliano, one of the Commission's inspectors, last summer with respect to bills of lading, and received instructions from the inspector, but admitted that he did not issue any bills of lading except in connection with the transportation of livestock to Denver.

The record discloses that Certificate No. 515 authorizes the following:

"Transportation of livestock and other farm products and freight generally, from point to point within the territory extending ten miles east, twenty miles south, ten miles west and forty miles north of Fowler, and the transportation of livestock to Pueblo from points situated between ten and forty miles north of Fowler."

This authority later was extended to include:

"Livestock and farm products, generally, from farms within the area lying and being fifty miles north of Fowler, twenty miles east thereof, forty miles south and twenty miles west to any points within said area and to any points within the State of Colorado, and from any points in Colorado inside and outside of said boundaries to points within the same; farm implements, equipment and supplies, generally, to farms within said area from points therein and from points outside thereof; also, said transportation service to originate or terminate on a farm, with the proviso that certificate holder should file and keep on file with the Commission tariffs of rates, which shall not be lower than those carried on file with the Commission by the Colorado Transfer and Warehousemen's Association and Glen Riggs and Arden Pixler, doing business as Fowler Truck Line, and Allumbaugh and Williams, unless and until those rates shall be found by the Commission to be unreasonable."

It appears from the record that the respondent does have a tariff on file as required by Rule 36.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the allegations of the complaint herein are true; that said certificate of public convenience and necessity No. 515 of John D. Green, and his right to operate thereunder, should be suspended for a period of sixty days from and after the effective date of this order.

#### O R D E R

IT IS THEREFORE ORDERED, That as a penalty for and on account of the aforesaid violations, Certificate No. 515, and the right of John D. Green to operate thereunder, should be, and they hereby are, suspended for a period of sixty days from and after the effective date of this order.

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dineen

W. C. Danks

Malcolm G. Erickson

Commissioners.

Dated at Denver, Colorado,  
this 15th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
ELMER McFEE, CENTER, COLORADO,  
UNDER HIS CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY NO.  
1272.

APPLICATION NO. 4201.

\*\*\*\*\*  
March 14, 1940  
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S T A T E M E N T

By the Commission:

On February 29, 1940, Decision No. 14959, the Commission issued an order reinstating Certificate No. 1272 on account of the holder having on file an application for transfer of this certificate, and it further appearing that there was a need for this authority in order that proper service might be available for shippers in the locality covered by this certificate.

The Commission is now in receipt of a communication from Elmer McFee, to the effect that he does not possess a truck at the present time, was not able to conclude a transfer of his certificate at the present time, and desires to have the same suspended for a period of six months.

After careful consideration of the record, and the communication from the holder of this certificate, the Commission is of the opinion, and finds, that Elmer McFee should be authorized to suspend operations for a period of six months from and after February 29, 1940.

O R D E R

IT IS THEREFORE ORDERED, That Elmer McFee, holder of Certificate No. 1272, be, and he hereby is, authorized to suspend operations under this certificate for a period of six months from and after Feb-



ruary 29, 1940, with the privilege, however, of having the same reinstated at any time by written request to the Commission, the filing of proper certificate of insurance, and otherwise complying with all of the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That in the event the holder of this certificate does not request reinstatement, file the certificate of insurance, and otherwise comply with all of the rules and regulations of the Commission governing motor vehicles for hire, before the expiration of the suspension period hereinabove mentioned, then, and in that event, Certificate No. 1272 shall stand cancelled without further action on the part of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Brien

W. D. Danks

Allen Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 14th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK H. JESSER FOR A CLASS "B" PER- ) APPLICATION NO. 2468-PP  
MIT TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
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March 14, 1940.  
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S T A T E M E N T

By the Commission:

On August 29, 1935, Decision No. 6646, Frank H. Jesser was authorized  
to operate as a Class "B" private carrier for the transportation of:

"farm products, farm machinery, farm supplies and relief  
commodities, to, from and between points within a radius  
of 15 miles of Fort Collins, with an occasional load of  
emergency orders for machinery from Denver direct to the  
farmers in the described area, for John Deere dealers, and  
then only when shipments cannot be conveniently handled  
by Consolidated Fast Freight."

We are now in receipt of a written communication signed by the  
said Frank H. Jesser, as follows:

"Fort Collins, Colorado, March 2, 1940.

"Public Utilities Commission  
State Office Building  
Denver, Colorado.

"Gentlemen:

"I request that you eliminate farm supplies and relief  
commodities from my permit B-1009. All I am interested  
in in my permit is the transportation of farm products  
and farm machinery."

As the said Frank H. Jesser, operating as a private carrier, has  
no duty to the public to render any particular form of service, the Com-  
mission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said Decision No. 6646, dated  
August 29, 1935, be, and the same is hereby, amended by eliminating there-  
from the right to transport farm supplies and relief commodities.

IT IS FURTHER ORDERED, That except as herein amended and modified,  
said original Decision No. 6646 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Turner

W. D. Danks

William Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE WEICKER TRANSPORTATION COMPANY )  
AND THE WEICKER TRANSFER AND STORAGE )  
COMPANY FOR AUTHORITY TO TRANSFER )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY NO. 8. )

APPLICATION NO. 1847-A et al.

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March 14, 1940.  
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Appearances: A. J. Fregeau, 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:

The above numbered application was called for hearing and A. J. Fregeau requested that the authority sought be granted on the verified application on file, inasmuch as there was no change in ownership involved, the transferor company and the transferee company being owned by one and the same person.

There appeared to be no objections to the granting of this authority on the verified application.

By the instant application, authority is sought to transfer all of the authorities now held by the Weicker Transportation Company under its certificate No. 8 and 8-I to the Weicker Transfer and Storage Company.

It appears from the verified application herein that each of the applicants is a corporation, organized and existing under the laws of the State of Colorado; that a copy of the Articles of Incorporation of the Weicker Transfer and Storage Company is on file with the Commission, and that the general offices of the applicants are located at 1700 Fifteenth Street, Denver, Colorado.

The transferee, Weicker Transfer and Storage Company, now conducts

an operation under Certificate No. 341, and proposes to continue this operation in substantially the same manner as heretofore, keeping the same distinct and separate from the operations under Certificates Nos. 8 and 8-I. It proposes to keep separate accounts and make separate reports to the Commission covering the operations under these respective authorities.

Financial statements made by transferee and transferor are on file with the Commission under Certificate No. 341 and Certificate No. 8, together with a list of the equipment to be operated by the transferee, should this transfer be effected.

It further appears that any indebtedness incurred on account of expenses of operation by the transferor will be assumed and paid by the Weicker Transfer and Storage Company, the transferee, and that inasmuch as R. V. Weicker is sole shareholder in both corporations, except for qualifying shares, there is no consideration for this transfer.

It further appears that the primary reason for seeking this authority to transfer is because the present dual operations make it impossible to comply with Ruling No. 4 of the Interstate Commerce Commission, Bureau of Motor Carriers, pertaining to the interchange of equipment.

After careful consideration of the record herein, the Commission is of the opinion, and finds, that authority should be granted to make the transfer as sought by this application.

#### O R D E R

IT IS THEREFORE ORDERED, That the Weicker Transportation Company, a corporation, be, and it hereby is, authorized to transfer to the Weicker Transfer and Storage Company, a corporation, all of the right, title and interest the former may have in and to Certificate No. 8 and all operating rights now held under this certificate as heretofore granted or acquired in Applications and Decisions numbered as follows:

<u>APPLICATION NO.</u>	<u>DECISION NO.</u>	<u>DATE</u>
1855) 1856) 1857)	2984	July 22, 1930
1847	3572	August 5, 1931
860-A	3697	Oct. 16, 1931
607-A 700-A ) 1589-A )	4651	Oct. 5, 1932
1578-A 1722-A ) 1973-A )	10939	Nov. 16, 1937

and interstate authority No. 8-I issued in Application No. 1970, Decision No. 4174, dated April 12, 1932; said interstate authority being transferred subject to the provisions of the Federal Motor Vehicle Carrier Act of 1935.

IT IS FURTHER ORDERED, That the Weicker Transfer and Storage Company shall maintain and operate the two certificates above mentioned separately for accounting purposes and for making reports to the Commission.

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 certificates have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of 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

Samuel D. Dineen

W. L. Danks

Walter J. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1940.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
YOUNG BROTHERS STORAGE AND TRANSFER )	
COMPANY FOR A CLASS "A" PERMIT TO )	<u>APPLICATION NO. 5201-PP</u>
OPERATE AS A PRIVATE CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	
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March 14, 1940.  
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Appearances: Gordon Slatkin, Esq., Denver, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer & Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, The Colorado Transfer  
and Warehousemen's Association,  
North Denver Transfer & Storage Co.  
and Gallagher Transfer Company;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association;  
Hodges, Vidal and Goree, Esqs., and  
Granger Rogers, Esq., Denver, Colorado,  
for The Rocky Mountain Parks  
Transportation Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought by Charles L. Young and Earl E. Young, co-partners, doing business as Young Brothers Storage and Transfer Company, to transport general freight from Denver to Englewood, and from Denver to Fitzsimons Hospital, for the following customers: Colorado Central Power Company, B. K. Sweeney Company, Auto Equipment Company, Graham Furniture Company and J. C. Penney Company.

It appears from the testimony of Charles L. Young that he and Earl E. Young have a warehouse at 1614 Wynkoop Street, Denver, Colorado, where they conduct a storage business and have headquarters for their transportation service; that this transportation service in the past has been confined primarily to deliveries made in the City and County of Denver, but the customers above named, most of whom use the warehouse of the applicants, at times require deliveries to be made to Englewood and to



On cross-examination, Mr. Finn stated that it was a fact that most of the business of the firms named as customers of applicants, was confined to deliveries within the city of Denver, and that but a small portion of their business involved transportation service outside of Denver.

A. J. Fregeau, general manager of Weicker Transfer and Storage Company, testified that his firm had state-wide authority; had been in business in Denver for the past fifty years; that seventy trucks were used to take care of the Denver business; and that there was no question about their ability to handle all transportation needs of the customers named by the applicants herein; that his company maintained a large number of trucks in order to meet the public demand, many of which were not in use at all times, and that to grant authority as sought by these applicants would tend to impair their present ability to maintain adequate equipment to meet all public demands.

John G. Wood, of the Gallagher Transfer & Storage Company, Lew Johnson, of the Johnson Storage and Moving Company, and Paul Santo, of the United States Transfer and Storage Company, were all present in the hearing room, ready to testify, and it was stipulated by counsel that if these representatives of their respective firms were called to the witness stand, they would testify in substance as did A. J. Fregeau and J. J. Finn.

H. G. Bell, of the Denver Package Delivery Service, testified that his company had fifty panel trucks and eighteen stake body trucks, ranging all the way from one-half to one and one-half tons; that they made a business of distributing freight from Denver to points in the metropolitan area, particularly light freight and packages, and that B. K. Sweeney Company was one of their principal customers, but for some reason the tonnage from this company was gradually going to others, mainly to the applicants herein, and that, while his business required the maintaining of a large number of trucks, they were not used at all times, and to grant authority to the applicants as sought, would, in a measure, reduce their ability to maintain this equipment which was needed in order to meet the public demand.

Upon the whole record, it here appears that the authorized call

Fitzsimons General Hospital, and that the transportation service sought to be rendered outside of the City and County of Denver by these applicants is in each instance to be rendered for their customers who utilize the storage facilities of the applicants. However, at times, carload lots of electrical fixtures, furniture, and other commodities, may arrive in Denver, consigned to these applicants but received at the Kennicott Warehouse, or, at times, at the Weicker Warehouse. In either event, the applicants have charge of the distribution, and in order to be able to make this distribution outside of the city of Denver, have filed this application. It further appeared that all of the movements to Englewood would be to stores and no deliveries made to private residences. Mr. Young was unable to say whether or not there was any shortage of authorized carriers to take care of these movements, and stated that in his opinion there may be sufficient authorized carriers to take care of the same, including the customers whom he had named. It appeared that applicants had oral agreements with these customers and had been handling quite a tonnage for them, most of which was confined entirely to the City of Denver, and that the applicants had authority from the City of Denver to conduct this business within the city limits.

John J. Finn, of the North Denver Transfer and Storage Company, holder of Certificate No. 475, testified that his company was prepared to handle all of the transportation service for which the applicants seek authority to render to points outside of the city of Denver; that his company did serve the B. K. Sweeney firm for many years, but the applicant took this business away from them on a lower rate; that his company did more or less business with the Auto Equipment Company, which company in some years paid as high as \$8,000.00 for the transportation service rendered, but now his company did no transportation service for the Auto Equipment Company; that the North Denver Transfer and Storage Company had thirty trucks, which they maintained in order to take care of the public demand, and that, at the present time, about fifteen of them were in the garage most of the time; and if this authority is not granted to these applicants, there would, at least, be a chance to put a couple of them to work.

and demand motor vehicle common carrier service provided in the Denver metropolitan area is adequate. In fact, we may say that it is more than adequate, for it appears that a great number of authorized carriers are maintaining facilities to serve the public at considerable cost that are not in use during a large part of the time on account of lack of business. Nevertheless, overhead expenses continue, whether trucks and other facilities are or are not engaged. The record here does not present a case where a contract carrier proposes to furnish a special and individual service which is required by the peculiar needs of a particular customer and which a common carrier, because of the character of its obligation to the general public, cannot readily supply. The applicant himself conceded that probably there are sufficient authorized carriers to take care of all transportation demands, including the service of customers whom he proposes to serve.

In Application No. 5042-PP, Decision No. 13856, dated August 14, 1939, after considering the granting of a permit to furnish private carrier service in the same area, the Commission denied the permit, and said:

"The Commission can well realize that certain shippers desire a personal, individual transportation service, and we appreciate that in many instances this is more convenient for the shipper. However, if the Commission continues to grant more private permits in a territory like the Denver area, which is already adequately supplied with common carrier service, it can only have the effect of ultimately destroying such service. While the loss of tonnage in each individual case considered may appear to be very limited, yet in the aggregate, the constant addition to the loss of tonnage may have a serious effect upon the adequate service of established common carriers. We are of the opinion that the granting of the instant application, while it would be for the benefit of applicant and possibly beneficial to the several shippers who testified in his behalf, would not be in the public interest as a whole, because it is of more importance to maintain adequate and satisfactory service for the shipping public as a whole than it is to favor certain individual shippers by granting them so-called personalized private carrier service."

And in Application No. 3421-PP, Decision No. 8581 (Ramey), we said:

"Upon the whole record, we are of the opinion that there is ample authorized for hire motor vehicle service in the territory which applicant seeks to serve; that while possibly it might be more convenient for Mr. Graham or Mr. Litchner or some other farmers residing in the immediate vicinity of the Ramey services to call on the applicant for service, the Ramey proposed

service is not necessary. The harvest season when extra service possibly might be required is over. The law does not contemplate that every man or every group of five or six men shall have his own carrier immediately available. The public interest does require that a community should have adequate dependable motor vehicle common carrier service and the legislature has provided that:

"No application for permit nor for any extension or enlargement of an existing permit shall be granted by the Commission \* \* \* 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."

Upon the record herein, after a careful consideration thereof, the Commission is of the opinion, and finds, that the existing motor vehicle call and demand common carrier service in the area which applicants propose to serve is adequate, and that the efficiency thereof would be impaired by the operation of applicants, and that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the application of Young Brothers Storage and Transfer Company for a private carrier permit should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. V. HALLENBECK, WHITEWATER, COLO- ) APPLICATION NO. 5240  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
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March 14, 1940.  
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Appearances: Adams, Heckman and Raso, Esqs., Grand  
Junction, Colorado, for applicant;  
T. A. White, Esq., Denver, Colorado,  
for The Denver and Rio Grande Western  
Railroad Company, Rio Grande Motor Way,  
Inc., and Wood and Morgan;  
Cass M. Herrington, Esq., Receiver, by  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Southern Railroad Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for Comet Motor Express Company,  
E. W. Wallace, Harry Clark, and Thebold  
Truck Line;  
Wayne N. Aspinall, Esq., Grand Junction,  
Colorado, for G. W. Hawthorne;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Charles D. Young, Denver, Colorado,  
for Elmer Castberg, George S. Stewart,  
Holman Transfer Company, Carl H. Bement,  
Delbert Farra, George Alber, E. Chalmers  
Smith, W. J. Marlow, Ernest C. Butler,  
John Betz, Parkinson T. & T. Company;  
Ray B. Danks, Esq., Denver, Colorado, by  
A. J. Fregeau, for Terrill Transfer and  
Storage Company and Milne Transfer and  
Storage Company and Uintah Stage Line.

S T A T E M E N T

By the Commission:

As filed herein, the instant application seeks authority covering the transportation of livestock, only, on call and demand, within an area extending 200 miles north, 100 miles south and east, and 120 miles west of Montrose, Colorado, and from and to points in said area to and from points in the State of Colorado. However, at the hearing, applicant submitted "Exhibit No. 2", which is a map of the State of Colorado upon which is outlined in purple ink the territory which he desires to serve as a "pickup" area, including the transportation from point to point in said pickup area, and

from and to said pickup area to and from other points in the State of Colorado.

Applicant also testified that he was willing to exclude from his application authority to pick up livestock in the Meeker area for delivery to Rifle and Meeker, and would also exclude the picking up of livestock in the Norwood area for delivery to Placerville.

Exhibit No. 1, introduced by applicant, is a picture of the style of equipment which he proposes to use in his operation, and applicant testified that the same was built to avoid any sway on curves, which would prevent stock from getting down and save shrinkage. He has a patent on the rear axle of this particular equipment and has applied for a patent on the whole unit. The cost of the complete unit is approximately \$4,000.00, and it will handle from eighteen to nineteen 1000-pound steers without crowding. It will carry all of a narrow gauge carload of cattle and over half of a broad gauge car. Applicant is in the livestock business himself, and testified that cattle driven from the Grand Mesa area to Whitewater and shipped by rail to Denver, require approximately four days for the trip; that he can move them in the cool of the evening in from fourteen to sixteen hours, including the Delta and Hotchkiss area. He further testified that the transportation facilities for the movement of livestock from Gunnison and Sapinero districts were not good; that none of the truckers are just handling livestock, and that the same situation exists in Garfield and Rio Blanco counties.

It was further developed that cattle brought to the Whitewater railhead for shipment, besides having to be driven, in some instances for one or two days, were often held for twelve hours or more before they could be moved by rail, and that cattle moving by rail from said points through the Moffat Tunnel were subject to extreme changes in temperature in the winter time, one instance being cited where the temperature was thirty degrees below zero outside the tunnel and materially higher inside; that in addition to this, the eyes of the cattle were filled with cinders and their lungs with smoke, and that as a result they refused to eat or drink

at the time of the arrival at the market in Denver.

It was the opinion of applicant that all of the cattle in the area which he seeks to serve, except possibly a few from Gunnison, moved into Denver by rail. He testified as to the existence of sales rings in Delta and Grand Junction, as well as a packing house in Grand Junction, and would want authority to transport from inside of the pickup area to these points. Authority also was desired to transport cattle back from destination point to this pickup area, and in this connection applicant told of requests that had been made upon him to transport from Denver at the time of the last Stock Show. He further testified that he would like the right to transport back supplies for cattlemen who had employed him to move out cattle, in the nature of salt, cotton cake, etc. However, as the application does not request any authority of this kind, it was conceded that same could not be granted in the instant application.

Applicant further testified that he had not had any demand for the transportation of sheep or hogs.

Bruce Clabaugh, who has been in the livestock business for some 30 years and runs his cattle on Kanaka Creek and is a large shipper of cattle in the fall, testified that it took three days to trail his cattle to the Whitewater railhead from what is known as the "beef pasture", and that it was necessary to have his cattle at Whitewater on Friday in order to reach the Tuesday morning market in Denver when shipping by rail, and that both the rail movement as well as the trailing of the cattle caused considerable shrinkage. He also testified as to the condition of the cattle after passing through the Moffat Tunnel. He also stated that he had never been approached by any truckers seeking to transport his cattle to Denver by truck. This witness had ridden in the equipment which applicant proposes to use, and at the time run was made, same was loaded with cattle. He testified that the cattle came through in much better condition than they would in an ordinary flat rack cattle truck; that the Hallenbeck unit had no sway, held the road on curves and permitted high speed.

Mr. Renick, another cattleman, testified that he also had ridden in the Hollenbeck unit from Whitewater to Cedaredge with a load of cattle--part of the time he road on the running board to watch the cattle; that no sway on curves could be observed and the cattle seemed very much at home and came through in fine shape. He testified that the speed at which the cattle were driven averaged at least fifty miles per hour. In the opinion of this witness, this equipment was superior to any ordinary stock rack used by truckers for the handling of livestock.

Evidence was introduced to the effect that applicant is worth approximately \$150,000.

On the part of protestants, E. W. Wallace, of Rifle, who operates under certificate of public convenience and necessity No. 802, testified that his territory extends from west of Newcastle to the Utah state line; that he has a 1½-ton truck with stake body, as well as a 2½-ton truck with double deck for both sheep and cattle; that a large portion of the territory that he serves cannot be satisfactorily reached with a semi-trailer equipment; that he makes occasional trips to Denver with cattle; that he has never heard any complaint about his service and has handled cattle to Denver for the last eight years. He also hauls other types of commodities and feels that there is no need for further service for the transportation of livestock from Garfield County to Denver or other Colorado market points, or for any further local service in Garfield County. However, witness had no objection to applicant moving stock to Grand Junction from the Garfield County area. This witness made a trip to Denver a week prior to the hearing with a mixed load of hogs and cattle.

On behalf of Harp Brothers, who operate under Certificates Nos. 152 and 718 and serve Rio Blanco County, evidence was introduced to show that they have four trucks with regular stock racks which, in their opinion, were better for service in the country in which they had to operate than the equipment of applicant. They had no objections to applicant's transporting stock from Rio Blanco to Mesa, Montrose or Delta counties, but did object to any



local service in Rio Blanco County or authority to move livestock from Rio Blanco County to Denver. This witness named a number of other carriers that were authorized to handle cattle in what is known as the "Meeker" area.

Mr. G. W. Hawthorne, who operates the Gateway Stage Line, under Certificate No. 1216, testified that he could handle livestock between Gateway and Whitewater to Grand Junction; that he had never refused any such shipments and had never heard any complaints about his service. He operates twice a week on schedule.

A written protest and petition in intervention was filed by the Almont Truck Line, which serves in the Gunnison area. However, no testimony was introduced in support of said protest, nor was any other evidence introduced opposing the application from other origin territory.

It would appear from a consideration of the record as a whole that applicant desires no local service in any of the territory involved, except for the movement of cattle to the salesrings at Delta and Grand Junction, and the Grand Junction Packing House, but the main authority which he proposes would be the transportation of cattle by truck from the area involved to Colorado markets. If, in actual practice, the equipment lives up to the expectations of applicant, it will undoubtedly be of considerable benefit to shippers of livestock from the Western Slope to the Denver market. The speed with which the unit can be driven, the comfort of the cattle, must of necessity result in less shrinkage, with a consequent greater return to the owner.

The Commission has, in a number of instances, refused further livestock authority in Garfield and Rio Blanco counties on the theory that sufficient authority was already in existence to properly take care of the shipping needs of said community. In the instant case, we have a petition of the same testimony, and we do not have any testimony from shippers in the vicinity to the contrary.

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

require the proposed motor vehicle operations of applicant as limited by his own testimony and the exceptions hereinafter set forth.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of C. V. Hallenbeck, of Whitewater, Colorado, for the transportation of cattle from and to the territory outlined in Exhibit No. 2 as origin territory and roughly described as follows:

\*Starting on the boundary line between Colorado and Utah at a point just south of where U. S. Highway No. 160 crosses same, thence follows said boundary line north to a point just south of where Colorado Highway No. 64 crosses same; thence bears in an easterly direction north of the town of Rangely to a point approximately five miles north of the town of Thornburg; thence bears southeast to the town of Dotsero, thence east to the town of Wolcott, and from there bears south to the town of Sargents, following the west boundary line of the Continental Divide, and from Sargents runs in a south-westerly direction along the west side of the said Continental Divide to the town of Ophir, Colorado, and thence bears almost due west to the point of beginning",

to and from points in the State of Colorado, together with the right to serve from point to point within said origin area, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following exceptions, to-wit:

(a) No local service shall be performed by applicant in said origin territory from point to point in the counties of Rio Blanco or Garfield, or from Montrose and San Miguel counties to the railhead at Placerville, Colorado, or from Gateway to Whitewater or Grand Junction, in competition with the established common carrier service of G. W. Hawthorne.

(b) No service shall be performed by applicant in the transportation of cattle from Rio Blanco and Garfield counties to points outside of said counties, except to Grand Junction and Delta.

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

*Samuel D. Cook*

*W. H. Danks*

*Walter E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. SCHWILKE TRUCK LINE AND PERRY )  
TRUCK LINES, INC., TO INTERLINE )  
C. C. CORPS FREIGHT BETWEEN )  
LITTLETON, COLORADO, AND ESTES )  
PARK VICINITY. )

PERMIT NO. A-500 AND  
PERMIT NO. A-779.

March 15, 1940

S T A T E M E N T

By the Commission:

The petitioners herein seek authority, under Rule 6(b) of our Private Carrier Rules and Regulations, to render a service between the Civilian Conservation Corps Supply Depot near Littleton, Colorado, to CCC Camps NP-4-C and NP-11-C, located six miles southwest of Estes Park, Colorado, on a joint bid which they have placed with the district Quartermaster, Colorado-Wyoming District, CCC.

It appears from the petition that there is some question as to the authority to undertake a joint bid by these two carriers to render this particular service without obtaining authority from the Commission. It further appears that this operation is to be undertaken by the owners of Permit A-500 and Permit A-779, and that this special authority sought is to continue for the period April 1, 1940, to June 30, 1940, in order to execute a contract with the Government covering this period.




It further appears, from an investigation made by the Commission, that the common carriers who now have authority to render this service have not made bids to have this contract awarded to them, and that Weicker Transportation Company and Rocky Mountain Parks Transportation Company have verbally waived any objection which they might have to the granting of special authority by the Commission to the applicants herein for the period above mentioned, only.

After a careful consideration of the verified petition, and the fact that to date common carriers have made no bid to have this Government contract awarded to them, the Commission is of the opinion, and finds, that there is an emergency existing whereby the Government is required to enter into a contract at an early date, and that the applicants herein should be authorized to interline freight and transport the commodities, as required, between the CCC District Warehouse near Littleton, Colorado, and CCC Camps located some six miles southwest of Estes Park, Colorado, for the period April 1, 1940, to June 30, 1940.

O R D E R

IT IS THEREFORE ORDERED, That A. Schwilke, doing business as Schwilke Truck Line, operating under Permit No. A-500, and the Perry Truck Lines, Inc., operating under Permit A-779, be, and they hereby are, authorized to transport commodities between the Civilian Conservation Corps Warehouse or Depot near Littleton, Colorado, to CCC Camps located some six miles southwest of Estes Park, Colorado, by interlining, under their joint bid made to the District Quartermaster, Colorado-Wyoming District, CCC, Littleton, Colorado, to cover their contract for the period April 1, 1940, to June 30, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

DATED at Denver, Colorado,  
this 15th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

M. H. PRIDEMORE. )

PERMIT NO. C-6529

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
M. H. Pridemore of Box 142 Laramie, Wyoming,  
requesting that his Permit No. C-6529 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6529, heretofore issued  
to M. H. Pridemore, be,  
and the same is hereby, declared cancelled, as of March 5, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Danks*  
*Wm. E. Eason*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

Earl E. White

PERMIT NO. C-1218

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Earl E. White Box 373, Imogene, OIwa  
..... of .....  
requesting that his Permit No. C-1218 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1218, heretofore issued  
to Earl E. White be,  
and the same is hereby, declared cancelled, as of March 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*James D. O'Connell*  
*Wesley J. Quirk*  
*Malcolm S. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

L. H. Downs

PERMIT NO. C-7360

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. H. Downs 400 No. 7th St., Montrose, Colorado  
..... of .....,  
C-7360  
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-7360, heretofore issued  
to L. H. Downs ..... be,  
and the same is hereby, declared cancelled, as of March 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Downes*  
*Wes J. Parks*  
*Maureen E. Sisk*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.



\*\*\*

**Don E. Brown**

March 21, 1940

## S T A T E M E N T

C-10671

requesting that his Permit No. .... be cancelled .

## ORDER

Edward T. Church  
Wm. Danks  
Helen Episkop  
Commissioners.

**K**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Herbert C. Drelle

PERMIT NO. C-9452

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Herbert C. Drelle of Box 24 Evergreen, Colorado,  
requesting that his Permit No. C-9452 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9452  
Herbert C. Drelle  
to ..... be,  
and the same is hereby, declared cancelled as of February 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Drelle*  
*W. H. Drelle*  
*W. H. Drelle*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

Louis Del Ducco

PERMIT NO. C-9361

March 21st, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Louis Del Ducco of Florence, Colorado,  
requesting that his Permit No. C-9361 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9361, heretofore issued  
to Louis Del Ducco be,  
and the same is hereby, declared cancelled, as of February 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Brien*  
*W. H. Danks*  
*William E. Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Dale O. Sall

PERMIT NO. C-9170

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Dale O. Sall ..... of Box 118-A Greeley, Colorado  
....., .....  
C-9170  
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-9170, heretofore issued  
to Dale O. Sall ..... be,  
and the same is hereby, declared cancelled. as of March 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. H. Danks*  
*Marion E. ...*

Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Harry Bellamy

PERMIT NO. C-9444

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Harry Bellamy of Meade Kansas  
C-9444  
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-9444  
to Harry Bellamy be,  
and the same is hereby, declared cancelled. as of March 10, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. L. Danks*  
*Walter E. Egan*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940, 19....

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
Bert Allen )  
)  
)  
.....)

PERMIT NO. C-10667

.....  
March 21, 1940

S T A T E M E N T

By the Commission:

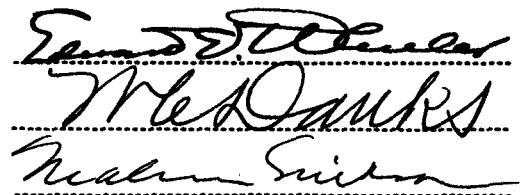
The Commission is in receipt of a communication from .....  
..... ~~Bert Allen~~ ..... of ~~Tecumseh~~....., ~~Oklahoma~~.....,  
requesting that his Permit No. ....C-10667..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10667, heretofore issued  
to Bert Allen ..... be,  
and the same is hereby, declared cancelled. as of March 6, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940, 19.....

(Decision No. 15047 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

)

)

PERMIT NO. C9614

Harold Allan

)

)

.....)

.....  
March 21, 1940  
.....

S T A T E M E N T

By the Commission:

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

..... Harold Allan, Box 448, ..... of RTE 2, ..... Boulder, Colorado, .....

requesting that his Permit No. .... C-9614 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. ... C-9614 ..., heretofore issued  
to ..... Harold Allan, ..... be,  
and the same is hereby, declared cancelled. as of March 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. L. Danks*  
*Walter E. Simon*  
.....  
.....

Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940

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

RE MOTOR VEHICLE OPERATIONS OF)  
PAUL AND PHIL NIXON, DOING )  
BUSINESS AS NIXON BOYS. )  
 )  
 )  
..... )

PERMIT NO. B-2349

.....  
March 21, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Paul and Phil  
Nixon, d/b/a Nixon Boys of 415 So. 11th St., Colorado Springs  
requesting that his Permit No. B-2349 be cancelled.

After careful consideration, the Commission is 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-2349, heretofore issued  
to Paul and Phil Nixon, d/b/a Nixon Boys, be,  
and the same is hereby, declared cancelled, as of March 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Samuel T. Thomas  
W. L. Danks  
Walter S. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940,



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM STENDER. )

PERMIT NO. B-1969

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
William Stender ..... of Steamboat Springs Colorado  
requesting that his Permit No. B-1969 ..... be cancelled.

After careful consideration, the Commission is 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-1969 ....., heretofore issued  
to William Stender, ..... be,  
and the same is hereby, declared cancelled, as of March 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*W. H. Danks*  
*W. C. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

(Decision No. 15050 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN H. CRAMER.

PERMIT NO. B-1908

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
John H. Cramer ..... 635 Hill Ave., Grand Junction, Colo.,  
..... of ..... , ..... ,  
requesting that his Permit No. B-1908 ..... be cancelled .

After careful consideration, the Commission is 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-1908 ..... , heretofore issued  
to ..... John H. Cramer, ..... be,  
and the same is hereby, declared cancelled, as of February 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Brien*  
*J. H. Danks*  
*Marion E. ...*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK JOHNSON. ) P.U.C. 784  
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-----  
March 21, 1940.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Johnson, of Mesa, Colorado, requesting that his Certificate No. 784 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Certificate No. 784, heretofore issued to Frank Johnson, be, and the same is hereby, declared cancelled as of February 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel D. Thomas*

*W. C. Danks*

*Wm. E. Spivey*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1940.

R

(Decision No. 15052 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
PAUL BOCKMAN. )

PERMIT NO. A-1580

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Paul Bockman ..... of Route 1, Box 227-A, Ft. Collins, Colo.,  
requesting that his Permit No. A-1580 ..... be cancelled.

After careful consideration, the Commission is 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-1580 ....., heretofore issued  
to ..... Paul Bockman, ..... be,  
and the same is hereby, declared cancelled, as of January 23, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*James E. Danner*  
*W. H. Danks*  
*W. H. Eason*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
FOY THOMPSON. )  
 )  
 )  
 )  
.....)

PERMIT NO. B-2060

.....  
March 21, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
..... Foy Thompson ..... of Durango ..... Colorado .....  
requesting that his Permit No. B-2060 ..... be cancelled .

After careful consideration, the Commission is 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-2060 ....., heretofore issued  
to ..... Foy Thompson, ..... be,  
and the same is hereby, declared cancelled, as of February 4, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel D. Jones*  
*W. H. Danks*  
*Walter E. Smith*  
.....  
.....

Commissioners.

Dated at Denver, Colorado,  
this 21st ..... day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
EARL E. BURROWS, OF PRITCHETT, )  
COLORADO. )  
-----

P.U.C. 922 and 922-I

-----  
March 21, 1940.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Earl E. Burrows, of Pritchett, Colorado, requesting that his PUC Certificate No. 922 and Interstate Permit No. 922-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Certificate No. 922 and Interstate Permit No. 922-I, heretofore issued to Earl E. Burrows, be, and the same are hereby, declared cancelled as of February 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel E. Dancy*  
*W. D. Danks*  
*W. E. Spidra*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1940.

R

(Decision No. 15055 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

D. F. BELGER. )

PERMIT NO. B-1338

March 21, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
D. F. Belger ..... of 271 - 6th St., Durango, Colorado,  
requesting that his Permit No. B-1338 ..... be cancelled .

After careful consideration, the Commission is 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-1338 ....., heretofore issued  
to ..... be,  
and the same is hereby, declared cancelled, as of February 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. [Signature]*  
*W. H. [Signature]*  
*W. E. [Signature]*

Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL BORGMANN, LONGMONT, COLORADO, )  
FOR AUTHORITY TO TRANSFER PRIVATE ) APPLICATION NO. 2820-PP-B-A  
CARRIER PERMIT NO. A-704 TO CARL A. )  
BORGMANN AND WALTER H. BORGMANN, )  
DOING BUSINESS AS BORGMANN BROTHERS. )  
-----

-----  
March 22, 1940.  
-----

Appearances: Carl Borgmann, Longmont, Colorado,  
pro se, and for Walter H. Borgmann;  
Ray B. Danks, Esq., Denver, Colorado,  
for Fuller Truck Line and The Motor  
Truck Common Carriers Association;  
John P. Beck, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
L. C. Austin, Boulder, Colorado,  
for Austin Brothers.

S T A T E M E N T

By the Commission:

On May 24, 1934, Carl Borgmann was issued Permit A-704 with the  
following authority:

"Milk route, pickup east of Longmont to 15 miles,  
north 4 miles, thence south to Denver on North  
Colorado Boulevard road through Frederick."

Thereafter, on March 17, 1936, Decision No. 7349, said authority  
was extended to include:

"the transportation of milk and dairy products from the  
area described as follows: Commencing at a point on  
U. S. Highway No. 285 four miles north of Longmont,  
thence north along said U. S. Highway No. 285 to the  
Loveland-Greeley Highway No. 16, thence east fifteen  
miles, thence south thirteen miles, thence west to  
the point of beginning, excluding, however, that  
portion of said area along the Loveland-Greeley high-  
way now being served under certificate No. 612 and  
that portion of the area along the southern boundary  
of said area now being served under Certificate No. 375,  
to Denver, Colorado, with a back haul of light freight  
to the Welby store at Welby, Colorado, said back haul  
being for one customer only."

Thereafter, in Case No. 4668, Decision 11803, the authority granted  
to the said Carl Borgmann under said Permit A-704, was found and determined to



authorize the following operation:

"the transportation of milk from the area contained within the following boundary lines, to-wit: Commencing at the southeast corner of the Town of Longmont, thence east 15 miles, thence due north 4 miles, thence due west 15 miles, thence due south 4 miles to the place of beginning; and from said area via North Colorado Boulevard road to Denver, with the further right to pick up milk from shippers along said North Colorado Boulevard road who live on farms actually abutting said North Colorado Boulevard road on either side thereof."

It was further stated in said decision that said order of clarification should in no way affect the extension of said private permit A-704 which was granted to said Carl Borgman on March 17, 1936, Decision 7349.

Thereafter, in Application Nos. 5017 and 2820-PP-B, Decision 13988, Dated September 16, 1939, certain territory theretofore authorized to be served under Permit A-704 was eliminated therefrom, leaving the following territory to be served under said permit, to-wit:

"That area lying north of Platteville and east of the Platte River; that portion of the present territory in Boulder County; and the rights on North Colorado Boulevard road between Frederick and Denver city limits."

In the instant case, authority is sought to transfer said permit A-704 from Carl Borgmann to Carl A. Borgmann and Walter H. Borgmann, doing business as Borgmann Brothers.

The evidence disclosed that Walter H. Borgman is a brother of Carl A. Borgmann, and the operation will now be conducted by the two brothers in an equal partnership.

No objections were interposed to the granting of the authority sought.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Carl Borgmann be, and he is hereby, authorized to transfer all of his right, title and interest in and to Permit No. A-704 to Carl A. Borgmann and Walter H. Borgmann, co-partners, doing business as Borgmann Brothers.

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 transferees to operate under this order shall be dependent upon his 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 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. Sullivan

McDanks

Malcolm E. Quinn  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DYCEL MERRILL, HASTY, COLORADO, FOR )  
AN EXTENSION OF PERMIT NO. B-2248. )  
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APPLICATION NO. 4692-PP-B

-----  
March 23, 1940  
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Appearances: Dycel Merrill, Hasty, Colorado,  
                    pro se;  
                    Raymond B. Danks, Esq., Denver,  
                            Colorado, for The Motor Truck  
                            Common Carriers' Association,  
                            Las Animas Transfer, Cornelius  
                            Transfer and Storage Company;  
                    A. J. Fregeau, Denver, Colorado,  
                            for Weicker Transportation Com-  
                            pany, Weicker Transfer and  
                            Storage Company.

S T A T E M E N T

By the Commission:

On August 20, 1938, Decision No. 12243, Dycel Merrill was  
authorized to operate as a Class "B" private carrier by motor vehicle  
for hire for the transportation of:

gravel, rock and other road surfacing materials  
from pits and supply points within a radius of  
one hundred miles of Denver to road construction  
jobs in said area, and cement from rail heads  
and factories to road construction jobs in said  
area, excluding, however, all service between  
points within Boulder County, or from and to points  
in Boulder County, to and from points in the State  
of Colorado, and the transportation of cement be-  
tween points served by scheduled motor vehicle line  
haul carriers.

He now seeks to extend his authority under said permit to in-  
clude the right to transport the commodities aforementioned, in dump  
trucks, only, between points within a radius of twenty-five miles of  
Gaddeu, Colorado, without the right to move cement between points served  
by scheduled line haul motor vehicle common carriers.

The matter was set for hearing, and heard, in Lamar, Colorado, on March 11, 1940.

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

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

ORDER

IT IS THEREFORE ORDERED, That Dycel Merrill, Hasty, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-2248 to include the right to transport gravel, rock and other road surfacing materials and cement, in dump trucks, only, between points within a radius of twenty-five miles of Caddoa, Colorado, without the right to move cement between points served by scheduled line haul motor vehicle common 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 extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eugene D. Dwyer

W. L. Danks

Richard E. Swenson  
Commissioners

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

W

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G. C. MOORE, CAMPO, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5316-PP

-----  
March 23, 1940  
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Appearances: G. C. Moore, Campo, Colorado,  
                  pro se;  
                  Raymond B. Danks, Esq., Denver,  
                  Colorado, for Springfield-  
                  Lamar Truck Line;  
                  A. J. Fregeau, Denver, Colorado,  
                  for Weicker Transportation  
                  Company.

S T A T E M E N T

By the Commission:

On January 20, 1937, applicant herein was authorized to operate as a Class "B" private carrier by motor vehicle for hire, Decision No. 9322.

On August 22, 1938, Decision No. 12231, his permit, at his request, was suspended for a period of six months, with right to reinstate within said suspension period. Applicant failed to reinstate within the time required.

On December 6, 1939, he filed application to reinstate or re-issue said permit.

The matter was set for hearing, and heard, at Lamar, on March 11, 1940.

At the hearing, protestants stipulated that said permit might be reinstated.

After a careful consideration of the record, the Commission is of the opinion, and finds, that Permit No. B-1823 should be reinstated,

said permittee to have the same authority heretofore granted in Decision No. 9322.

O R D E R

IT IS THEREFORE ORDERED, That Permit B-1823 should be, and the same hereby is, reinstated, said permittee to have the same authority heretofore granted in Decision No. 9322.

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 this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dancy

W. C. Danks

Wm. E. Evers  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL CASTEEL, HOLLY, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5317-PP

-----  
March 23, 1940  
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Appearances: Carl Casteel, Holly, Colorado,  
pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Springfield-  
Lamar Truck Line, John S.  
Hixson, Cornelius Transfer  
and Storage Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company, Weicker  
Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, at Lamar, on March 11, 1940, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain in bulk, loose hay, bundle feed and sugar beets between points within the area bounded on the east by the Colorado-Kansas State Line, on the west, by a line drawn north and south through Morse, Colorado, U. S. Highway No. 96 on the north, and the Prowers-Baca County Line on the south, and the transportation of bulk grain and loose hay from points in said area to markets and elevators in the State of Colorado, excepting service in competition with scheduled line haul motor vehicle common carriers.

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

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Carl Casteel, Holly, 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 grain in bulk, loose hay, bundle feed and sugar beets between points within the area bounded on the east by the Colorado-Kansas State Line, on the west by a line drawn north and south through Morse, Colorado, U. S. Highway No. 96 on the north, and the Prowers-Baca County Line on the south, and the transportation of bulk grain and loose hay from points in said area to markets and elevators in the State of Colorado, excepting service in competition with scheduled line haul motor vehicle common carriers.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dwyer  
W. H. Jank  
Walter E. Swanson  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of March, 1940



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM J. DIXON, LA PORTE, )  
COLORADO, FOR A CLASS "B" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5319-PP

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March 22, 1940.  
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Appearances: William J. Dixon, La Porte, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and the Fort Collins-  
Laramie-Walden Stage Line.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport ties, mine props, rough lumber, and sawdust, from the Ben Flowers mill located 17 miles northwest of Fort Collins, Colorado, to farms, mines, and railroad loading points, all within a 50-mile radius of Fort Collins, Colorado.

The applicant stated that he had an arrangement with the sawmill owner to transport the above-named commodities; that ties were sawed at the mill and he was to move them to the junction on U. S. Highway No. 87, called Ted's Place, the sawdust to move from the mill to various points, including farms and other places where sawdust was used, within the 50-mile radius, props from the sawmill to mines in the described area, and rough lumber from the mill to farmers, dealers, and others who might be customers of the Ben Flowers mill; and that, in the conduct of this service, he did not intend to compete with scheduled common carriers.

It appeared that the applicant used a Ford truck with stake body, and was financially able to conduct the operation if given authority.

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 William J. Dixon, La Porte, 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 ties, mine props, rough lumber, and sawdust, from sawmills located west of Fort Collins, Colorado, to points within a 50-mile radius of Fort Collins, Colorado; provided, however, that the applicant is not authorized to render a competing service between towns served by scheduled common carriers serving the described territory.

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. Daniel*  
*W. C. Danks*  
*William E. Dixon*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) BERT EAKS, BOULDER, COLORADO, FOR A ) CLASS "B" PERMIT TO OPERATE AS A ) PRIVATE CARRIER BY MOTOR VEHICLE ) FOR HIRE. )	<u>APPLICATION NO. 5310-PP</u>
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March 22, 1940.  
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Appearances: Bert Eaks, 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:

As limited by the testimony given at the hearing, it appears that the applicant seeks authority to transport coal from mines in the northern Colorado coal fields to his customers residing within a radius of ten miles of Boulder, Colorado.

Heretofore, the applicant was the holder of Permit No. B-1822, which was cancelled by the provisions of a suspension order dated August 24, 1937, the applicant having failed to request reinstatement before the expiration of the suspension period.

Applicant possesses a 1937 Chevrolet truck and has a contract to move coal from mines to Valmont and to the city schools of Boulder. He would prefer to have the use of his original number, to-wit, B-1822, if there is no reason why the authority, if granted, could not use that number.

As limited by the statement of the witness that his radius of operation would be confined to ten miles around Boulder, there was no objection to the granting of the authority sought.

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, limited as disclosed by the testimony.

O R D E R

IT IS THEREFORE ORDERED, That Bert Eaks, 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 and from coal yards to his customers residing within a ten-mile radius of Boulder, Colorado, this authority to be Private Permit No. B-1822.

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 J. W. [Signature]*  
*W. C. [Signature]*  
*W. C. [Signature]*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. F. SHIPPERT, LOVELAND, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 5308-PP

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March 22, 1940.  
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Appearances: L. F. Shippert, Loveland, 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 hay, grain, beets and beet pulp from point to point within an area around Loveland extending ten miles north, ten miles south, ten miles east, and ten miles west thereof, to market; and coal from the northern Colorado coal fields to users in the described Loveland territory.

It appeared from the testimony given at the hearing that the applicant herein possesses a Chevrolet truck, with which he proposes to render the service sought; that his principal business will be the movement of coal from the northern Colorado coal fields to Loveland and the described area around Loveland, and the hauling of hay, grain and beets from points within this same area to feed stores at Loveland, and beet pulp from farms to markets and beet pulp from the factory to feed lots.

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

O R D E R

IT IS THEREFORE ORDERED, That L. F. Shippert, of Loveland, 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 hay, grain and beets from farms situated within the area around Loveland described as follows:

Extending ten miles north, ten miles south, ten miles east, and ten miles west thereof,

to markets therein; and coal from mines in the northern Colorado coal fields to users in the above described area; and beet pulp from the factory to feed lots in the Loveland area.

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

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the 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. O'Connell*  
*W. H. Danks*  
*William S. Sisson*  
Commissioners.

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

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ELIJAH A. HOUSE, OF FRUITA, )  
COLORADO. )  
-----

PERMIT NO. B-2212

\* \* \* \* \*  
March 22, 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 stating:

"\* \* \* my truck is not operating and hasn't for a year. I have  
had another job and my truck has not been in use. Am not sure  
yet if I will operate truck this year."

After careful consideration, the Commission is of the opinion, and so  
finds, that Permit B-2212 should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That Elijah A. House should be, and hereby  
is, allowed to suspend his operations under Permit No. B-2212 for a period of  
not to exceed six months from February 20, 1940.

IT IS FURTHER ORDERED, That unless said Elijah A. House shall, prior  
to expiration of said suspension period, reinstate said permit by filing  
insurance and otherwise complying with all rules and regulations of the Com-  
mission 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. Danks*  
*W. H. Danks*  
*William Spickard*  
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE J. OSTER, OF 420 - 12th ) PERMIT NO. B-729  
STREET, GREELEY, COLORADO. )  
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March 22, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-729 be suspended for a period of three 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 George J. Oster should be, and hereby is, allowed to suspend his operations under Permit No. B-729 for a period of not to exceed three months from February 24, 1940.

IT IS FURTHER ORDERED, That unless said George J. Oster 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. Oliver  
W. H. Danks  
William E. Quinn

Commissioners

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ARTHUR HELZER, OF 1518 JEFFERSON AVE., ) PERMIT NO. B-1690  
LONGMONT, COLORADO. )  
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March 22, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Arthur Helzer, of 1518 Jefferson Ave., Longmont, Colorado, requesting that his Permit No. B-1690 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 Arthur Helzer should be, and hereby is, allowed to suspend his operations under Permit B-1690 for a period of not to exceed six months from February 26, 1940.

IT IS FURTHER ORDERED, That unless said Arthur Helzer 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. Dineen  
W. H. Danks

W. H. Danks  
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. B. MONTGOMERY, OF 3434 WALNUT )  
ST., DENVER, COLORADO. )  
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PERMIT NO. A-138

-----  
March 22, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. A-138 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 J. B. Montgomery should be, and hereby is, allowed to suspend operations under his Permit No. A-138 for a period of not to exceed one year from February 24, 1940.

IT IS FURTHER ORDERED, That unless said J. B. Montgomery 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

*Samuel D. Thomas*

*W. L. Danks*

*Wm. Spier*

Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GALE ROGERS, OF ARMEL, COLORADO. ) INTERSTATE PERMIT B-2277-I  
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-----  
March 22, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Interstate Permit No. B-2277-I be suspended until he resumes operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Gale Rogers should be, and hereby is, allowed to suspend his operations under Interstate Permit B-2277-I for a period of not to exceed six months from February 22, 1940.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund E. Wilson  
W. H. J. J. J.  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED HALL, OF 806 WEST EDISON, ) PERMIT NO. B-2193  
BRUSH, COLORADO. )  
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-----  
March 22, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit No. B-2193 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Fred Hall should be, and hereby is, allowed to suspend operations under his Permit No. B-2193 for a period of not to exceed six months from March 16, 1940.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard D. Decker*  
*W. L. Danks*  
*Walter E. Spickard*  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. E. MELLON, FORT COLLINS, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS )  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 5309-PP

-----  
March 26, 1940.  
-----

Appearances: C. E. Mellon, Fort Collins, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Car-  
riers Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport  
hay, corn, beets, beet pulp, straw, and all small grain, from point to  
point within the area described as follows;

Commencing at Fort Collins, thence east 6 miles,  
thence south 6 miles, thence west 12 miles,  
thence north 6 miles, thence east 6 miles to  
Fort Collins, the point of beginning,-

to markets at Fort Collins.

It appeared from the testimony given at the hearing that the  
applicant lives on a farm three miles south of Fort Collins; that he  
possesses a Ford truck with a beet box, and is called upon to render a  
strictly local service for his neighbors residing in the area above  
described; that this service includes the movement of the farm products  
above mentioned, and at times the movement of beet pulp from the factory  
located near the north city limits of Fort Collins to feed lots in the  
described area.

There was no objection offered to the granting of this  
authority as 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 to the applicant as sought.

O R D E R

IT IS THEREFORE ORDERED, That C. E. Mellon, Fort Collins, 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 the following farm products, namely, hay, corn, beets, straw, and all small grain, from point to point within the area described as follows:

Commencing at Fort Collins, Colorado, thence east 6 miles, thence south 6 miles, thence west 12 miles, thence north 6 miles, thence east 6 miles to Fort Collins, the point of beginning,-

and from farms in the described area to markets at Fort Collins; and the transportation of beet pulp from the factory at Fort Collins to feed lots in the described area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments 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 insurance and required tariffs, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Connelley

W. C. Danks

Walter E. Egan  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. OVERTREE AND E. A. GATES, DOING )  
BUSINESS AS LOVELAND ASH AND TRASH )  
SERVICE, LOVELAND, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )

APPLICATION NO. 5307

-----  
March 22, 1940.  
-----

Appearances: E. Overtree and E. A. Gates, Loveland,  
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, the applicants seek authority to haul ashes, trash, garbage, sand, gravel, dirt and lawn fertilizer, in the city of Loveland and within a radius of five miles thereof.

It appeared from the testimony given that the applicants have the required consent from the authorities in the city of Loveland to render this service, and desire to comply with the State law by getting a certificate from the State authority. It further appeared that the applicants are dependable and have the necessary equipment to conduct this operation if given authority.

It was disclosed by the testimony given at the hearing that there was a demand coming from the residents of the city of Loveland and from city officials for the services of these applicants to move the various items mentioned in their application.

There was no objection 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 the public convenience and necessity require the motor vehicle common carrier service as sought by the applicants herein.



O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle common carrier service of the applicants, E. Overtree and E. A. Gates, doing business as Loveland Ash and Trash Service, Loveland, Colorado, with authority to transport ashes, trash, garbage, sand, gravel, dirt, and lawn fertilizer, from point to point within the city of Loveland and within a radius of five miles 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 applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system 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 E. Overtree*

*W. A. Gates*

*Walter E. Overtree*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
J. EARL SHEPHERD, GREELEY, COLORADO,  
FOR AUTHORITY TO TRANSFER CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
NO. 1275 TO FRED T. ANDERSON,  
GREELEY, COLORADO.

APPLICATION NO. 4617-PP-BB-A

March 22, 1940

Appearances: J. Earl Shepherd and Fred T. Anderson,  
Greeley, Colorado, pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage Co.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
Certificate No. 1275 to Fred T. Anderson, Greeley, Colorado.

It appears that the transferor conducts a milk route under  
Certificate No. 1275, serving some seventy-five customers residing on  
his route in the area around Greeley; that he has arranged to sell his  
permit and one truck for the sum of \$2500.00; that there are no out-  
standing unpaid obligations as a result of previous operations under  
this authority except the current road tax which the transferor agrees  
to pay. It further appeared that Fred T. Anderson is a farmer residing  
on this milk route, is familiar with all of the customers now being  
served by transferor, and is a suitable person to take over the opera-  
tion in the event authority to transfer is granted.

The transferee is paying the consideration above mentioned  
in installments, but is the owner of other property and is financially  
able to take over this operation.

At the hearing, it was specifically called to the attention of the transferee that the authority granted under this certificate is for the transportation of milk only.

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 J. Earl Shepherd, Greeley, Colorado, should be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to Certificate No. 1275 to Fred T. Anderson, Greeley, Colorado. The authority, as granted by Decision No. 13156 and being Certificate No. 1275, is as follows:

"To transport milk from farms located in the territory described as follows:

"Beginning at the Town of Ault, Colorado; thence southeast along U. S. Highway 85 to the Town of Lucerne; thence east a distance of 2 miles to the northwest corner of Sec. 22, T. 6 N., R. 65 W.; thence south one mile to the southwest corner of said Sec. 22; thence 5 miles east; thence in a southeasterly direction to the northeast corner of Sec. 1, T. 4 N., R. 65 W.; thence south 3 miles; thence in a northwesterly direction to the southeast corner of Sec. 10, T. 4 N., R. 65 W.; thence west 4 miles; thence south one mile; thence west 2 miles; thence south one mile; thence west 3 miles; thence north 7 miles; thence west 15 miles; thence north 15 miles; thence east 5 miles to the Town of Ault; to Fort Collins, 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 transferer 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. Wheeler

W. C. Danks

Malcolm Elverson  
Commissioners.

DATED at Denver, Colorado,  
this 22nd day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EMILY B. HARDENBURGH, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. A-687 TO MARY DELLA )  
GOLDSWORTHY, GRAND JUNCTION, COLORADO. )

APPLICATION NO. 5050-PP-AA

March 22, 1940

Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage Co.

S T A T E M E N T

By the Commission:

The above-numbered application was called for hearing pursuant to notice. Eugene H. Mast, attorney at law, Grand Junction, Colorado, representing the applicants, advised by telephone that neither of the applicants was able to come to Denver for the hearing and requested that authority be granted on the verified application on file with the Commission.

It appears from the record herein that Private Permit No. A-687 was authorized to be transferred to Emily B. Hardenburgh May 31, 1939; that from the verified application and the financial statement of Mary Della Goldsworthy, the transferee is financially able to arrange for the conduct of an operation should the authority be transferred to her; that she is the widow of the late Kirk Goldsworthy, who left three trucks valued at approximately \$1300.00, and that this property will be among the assets of the transferee.

Mr. Fregeau, representing Weicker Transfer and Storage Company, called attention to Decision No. 13601, which disposed of an application for extension of this permit, and stated that if the authority to be transferred were to remain the same as indicated by the original permit

issued May 12, 1937, describing the routes authorized under this permit, to-wit, "Grand Junction, Colorado, to Pueblo" he would have no objection to the transfer being granted on the verified application herein.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Emily B. Hardenburgh be, and she hereby is, granted authority to transfer all of her right, title and interest in and to Permit No. A-687 to Mary Della Goldsworthy, Grand Junction, 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 her compliance at all times with all of the laws, rules, and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it 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

Walter J. Jinks

William E. Egan  
Commissioners.

DATED at Denver, Colorado,  
this 22nd day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. J. ALFREY, VILAS, COLORADO, FOR )  
AN EXTENSION OF PERMIT NO. B-2033. )  
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APPLICATION NO. 3740-PP-B

-----  
March 22, 1940.  
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Appearances: C. J. Alfrey, Vilas, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for Springfield-Lamar Truck Line,  
L. E. Walker, Cornelius Transfer and  
Storage Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company and Weicker Transportation  
Company.

S T A T E M E N T

By the Commission:

On January 18, 1939, C. J. Alfrey was authorized to operate as a private carrier by motor vehicle for hire, Decision No. 9305.

He now seeks to extend his authority to include the right to transport merchandise and mill feeds for Tony Havens, only, from Lamar to Vilas.

The matter was set for hearing and heard at Lamar, Colorado, on March 11, 1940.

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

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

O R D E R

IT IS THEREFORE ORDERED, That C. J. Alfrey, Vilas, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-2033 to include the right to transport merchandise and mill feeds for Tony Havens, only (without the right to add to the number of his customers), from Lamar to Vilas, Colorado.



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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. O'Connell

W. H. Danks

Wm. E. Quinn  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL HOWE, LAS ANIMAS, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT )  
B-2246 TO ERVIN MARLMAN, LAS ANIMAS, )  
COLORADO. )

APPLICATION NO. 3988-PP-A

-----  
March 22, 1940.  
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Appearances: Ervin Marlman, Las Animas, 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 August 18, 1937, Carl Howe, Las Animas, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, Decision No. 10511, for the transportation of:

farm products, excluding livestock, from farms in Bent County to storage, loading and market points in Bent County, excepting transportation of any commodities ordinarily handled by line haul scheduled motor vehicle common carriers between points served by them.

He now seeks authority to transfer said permit to Ervin Marlman.

The matter was set for hearing, and heard, in Lamar, on March 11, 1940.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

Protestants withdrew objections to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That Carl Howe, Las Animas, Colorado, should be, and he hereby is, authorized to transfer Permit No. B-2246, granted in Decision No. 10511, to Ervin Marlman, Las Animas, 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

Edward D. O'Connell

W. L. Jank

Maureen E. Jank  
Commissioners.

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

BH

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

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C-10674

Floyd Chesney & Ira Rose )  
.....)

.....  
March 22, 1939  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Floyd Chesney & Ira Rose ..... of 213 E 10th St., Alamosa, Colorado  
....., requesting that his Permit No. C-10674 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10674, heretofore issued  
to Floyd Chesney & Ira Rose ..... be,  
and the same is hereby, declared cancelled, as of February 6, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel E. Thomas*  
*W. H. Banks*  
*Walter E. Spivey*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Richard McKelvie

PERMIT NO. C-10711

March 22, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Richard McKelvie of 772 So Lincoln, Denver, Colorado,  
requesting that his Permit No. C-10711 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10711  
Richard McKelvie  
to ..... be,  
and the same is hereby, declared cancelled., as of March 2, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*W. H. Danks*  
*Walter Epstein*

Commissioners.

Dated at Denver, Colorado,  
this 22d day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

E. J. Powers  
.....)

PERMIT NO. C-298

.....  
March 22, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. J. Powers ..... of Box 40, Ft. Collins, Colorado,  
....., .....  
requesting that his Permit No. C-298 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-298....., heretofore issued  
to ..... E. J. Powers ..... be,  
and the same is hereby, declared cancelled: as of February 14, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. Powers*  
*W. H. Danks*  
*W. H. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 22d day of March, 19 40.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Litz Auto Supply Co.

PERMIT NO. C-1650

March 22, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Litz Auto Supply Co. of Canon City, Colorado  
requesting that his Permit No. C-1650 be cancelled

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1650, heretofore issued  
to Litz Auto Supply Co. be,  
and the same is hereby, declared cancelled as of January 2, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Chubb*  
*W. A. Danks*  
*W. E. Eickman*  
Commissioners.

Dated at Denver, Colorado, this 22<sup>nd</sup> day of March, 1940.





BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

)

PERMIT NO. C-3829

Marvin Wright

)

)

)

)

)

March 23, 1940

S T A T E M E N T

By the Commission:

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

Marvin Wright

Center,

Colorado

of

requesting that his Permit No. C-3829 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3829, heretofore issued  
to Marvin Wright be,  
and the same is hereby, declared cancelled, as of February 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. H. Danks*  
*James E. Quinn*

Commissioners.

Dated at Denver, Colorado,  
this 23d day of March, 1940.

(Decision No. 15081 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Frank Bathrick

PERMIT NO. C-6231

March 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Frank Bathrick of Lafayette, Colorado,  
C-6231  
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-6231, heretofore issued  
to Frank Bathrick be,  
and the same is hereby, declared cancelled, as of February 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edmund J. O'Connell*  
*Walter J. Danks*  
*Walter J. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 23d day of March, 1940.

K

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Charles Klatt )  
)  
.....)

PERMIT NO. C-7064

.....  
March 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Charles Klatt of Paonia, Colorado  
..... of .....,  
C-7064  
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-7064, heretofore issued  
to Charles Klatt ..... be,  
and the same is hereby, declared cancelled, as of March 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Deane*  
*W. L. J. J. J.*  
*W. L. J. J. J.*  
Commissioners.

Dated at Denver, Colorado,  
this 23d day of March, 1940

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

RE MOTOR VEHICLE OPERATIONS OF)

Randall L. Clark

PERMIT NO. C-7087

March 23, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Randall L. Clark ..... of Clarkville, Colorado .....  
requesting that his Permit No. C-7087 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7087, heretofore issued  
to Randall L. Clark ..... be,  
and the same is hereby, declared cancelled, as of February 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Deneke*  
*W. H. Danks*  
*Wm. E. Eason*  
Commissioners.

Dated at Denver, Colorado,  
this 23d day of March, 1940.

K

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

RE MOTOR VEHICLE OPERATIONS OF)  
Latimer Fuel Co. )  
..... )

PERMIT NO. C-7294

.....  
March 23, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Latimer Fuel Co ..... of 3625 Fox St., Denver, Colorado  
....., .....  
requesting that his Permit No. C-7294 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7294, heretofore issued  
to Latimer Fuel Co ..... be,  
and the same is hereby, declared cancelled; as of January 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*Wesley [Signature]*  
*Wm. [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 23d day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF KENNETH ROE, LAMAR, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY. )

APPLICATION NO. 5318

-----  
March 26, 1940.  
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Appearances: Wilkie Ham, Esq., Lamar, Colorado,  
for the applicant;  
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:

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, on schedule, for the transportation of passengers and their baggage, and express, between Lamar, Caddoa, the United States Engineers' Office at Caddoa Dam Site, and Hasty.

At the hearing, it appeared that a dam or reservoir is being constructed under the direction of the United States Army, one mile south of Caddoa, Colorado, at an estimated cost of \$17,000,000; that the construction of the reservoir requires the relocation of sixteen miles of the main line of The Atchison, Topeka and Santa Fe Railway Company; that relocation of said railway line is under way; that at this time approximately ninety engineers, who are employed by the Government in said work, reside in Lamar; that, eventually at least two hundred engineers, and as many as two thousand men in all may be employed on the project; that a great number of employees expect to reside in Lamar or Hasty; that they, and other people having business in the vicinity of or in Lamar, will require transportation service between

the points aforementioned; that small packages will move from Lamar to points in the area; that applicant will limit the weight of said parcels to twenty-five pounds per shipment; that applicant has two Chevrolet sedans of the value of \$1,100.00, which he expects to use in said service; that, if business develops sufficiently, he will purchase two motor busses and operate them over said route.

Protestants withdrew objections to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed motor vehicle service of applicant for the transportation of passengers and their baggage, and express, on schedule, between Lamar, Caddoa, the United States Engineers' Office at Caddoa Dam Site, and Hasty, Colorado, and that a certificate of public convenience and necessity should issue therefor.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations, on schedule, of Kenneth Roe, Lamar, Colorado, for the transportation of passengers and their baggage, and express, between Lamar, Caddoa, the United States Engineers' Office at Caddoa Dam Site, and Hasty, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

IT IS FURTHER ORDERED, That the applicant shall operate such

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Atwater*

*W. C. Danks*

*Wm. E. Quinn*  
Commissioners.

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. M. WOODS, MONTROSE, COLORADO, FOR )  
A PERMIT TO OPERATE AS A CLASS "B" )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 5231-PP

-----  
March 26, 1940.  
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Appearances: Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Asso-  
ciation, et al.

S T A T E M E N T

By the Commission:

On January 4, 1940, Decision No. 14581, the Commission dismissed the instant application for failure to prosecute. Since the entry of said order, we have been advised that applicant failed to realize that he had to be present at the time of his hearing.

Mr. Charles D. Young, who was the only one to appear representing any protestants, has conceded that a further hearing should be granted.

After careful consideration of the record, the Commission is of the opinion, and so finds, that a further hearing in the instant matter should be granted.

O R D E R

IT IS THEREFORE ORDERED, That our order of January 4, 1940, Decision No. 14581, dismissing the instant application for failure to prosecute, should be, and the same is hereby, set aside and held for naught.

IT IS FURTHER ORDERED, That the instant application be set down for hearing at some future date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Young*  
*W. C. Danks*  
*James E. Smith*  
-----  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BEAR TRANSFER AND STORAGE COM- )  
PANY, 1235 SOUTH BROADWAY, )  
DENVER, COLORADO, PUC NO. 415. )  
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CASE NO. 4796  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE

-----  
March 21, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of certificate of public convenience and necessity No. 415, 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 said respondent does not have, at the date hereof, a tariff on file with this Commission, as required by Rule 36.
2. That, during the period January to December, 1939, both months included, said respondent failed and neglected to issue bills of lading for shipments of freight accepted, transported and delivered, contrary to the provisions of Rule 30.
3. That, during said period, said respondent failed and neglected to prepare and keep load sheets or manifests, as required by Rule 31.
4. That, during the period aforesaid, said respondent accepted, transported and delivered shipments of freight at and for rates and charges different from and lower than the rates prescribed by this Commission for such service.

5. That, during the period aforesaid, said respondent failed and neglected to file with this Commission complete and correct monthly reports covering his operations.

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 days (10) 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 3rd day of April, 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





  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
CLAYTON HILL, DILLON, COLORADO,  
PRIVATE PERMIT NO. B-2012.

CASE NO. 4798  
NOTICE OF HEARING AND ORDER  
TO SHOW CAUSE.

March 21, 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-2012, 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 operating, 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 B-2012, 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, failing and neglecting to issue bills of lading for each of said shipments as required by Rule 21.

2. That said respondent does not have, at the date hereof, a tariff of rates filed with this Commission as required by order of the Commission set forth in Case 1585.

3. That during the period aforesaid, respondent accepted, transported, and delivered shipments of freight for numerous separate shippers, without first or at all entering into specific and particular contract with said shippers governing such service, and without first or at all listing the names of said shippers as customers with this Commission as required by Rule 10.

4. That said respondent has failed and neglected to prepare and keep load sheets or manifests covering his operations during the period aforesaid.

5. That during the period aforesaid, said respondent, on several occasions, exceeded the authority granted by his said permit by accepting, transporting, and delivering shipments of freight from and to points outside of and beyond the area or route authorized to be served by him under the provisions of his said permit.

#### O R D E R

IT IS THEREFORE ORDERED, By the Commission on its own motion, that an investigation and hearing be had to determine if the 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, 350

State Office Building, Denver, Colorado, on the 3rd day of April, 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

Samuel D. Danks

W. C. Danks

Walter E. Egan  
Commissioners.

DATED at Denver, Colorado,  
this 21st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
C. N. LAVELETT, MONUMENT, COLO-  
RADO, CERTIFICATE OF PUBLIC CON-  
VENIENCE AND NECESSITY NO. 418.

CASE NO. 4799  
NOTICE OF HEARING AND ORDER  
TO SHOW CAUSE.

March 21, 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. 418, pursuant to the provisions of Chapter 154, Session Laws of 1927, as amended, and has at all time 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 certificates 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 June to September, 1939, both months included, said respondent accepted, transported, and delivered numerous and different shipments of freight, but failed and neglected to issue properly and completely itemized bills of lading for such shipments, as required by Rule 30.
2. That during the period aforesaid, said respondent accepted, transported, and delivered numerous separate shipments of freight at and for rates and charges different from and lower than the rates prescribed by this Commission for such service.
3. That during the period aforesaid, said respondent transported numerous shipments of livestock from Denver to points outside thereof, for which no bills of lading were issued.

4. That during the period aforesaid, said respondent failed and neglected to file correct and complete monthly reports covering his operations, as required by Rule 27.

5. That during the period aforesaid, said respondent failed to prepare and keep load sheets or manifests, as required by Rule 31.

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, 550 State Office Building, Denver, Colorado, on the 5rd day of April, 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

DATED at Denver, Colorado,  
this 21st day of March, 1940

  
  
  
Commissioners



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
OTTO MUCHOW, OTIS, COLORADO, )  
PRIVATE PERMIT NO. B-1283. )  
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CASE NO. 4797  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

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March 21, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Permit No. B-1283, pursuant to 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 operating, 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-1283, in the following particulars, to-wit:

1. That, during the months of June to November, 1939, both months included, said respondent accepted, transported and delivered numerous and different shipments of freight without first, or at all, issuing bills of lading therefor, as required by Rule 21.

2. That, during the period aforesaid, said respondent failed and neglected to issue and keep properly itemized load sheets or manifests, as required by Rule 22.

3. That, for the period aforesaid, said respondent failed and neglected to file with this Commission properly itemized, correct and

and complete monthly reports of his operations for said period.

4. That, during the period aforesaid, said respondent accepted, transported and delivered shipments of freight for numerous shippers without first, or at all, entering into a specific particular contract with said shippers for such service, and without first, or at all, listing the names of said shippers as customers with this Commission, as required by Rule 10.

5. That, during the period aforesaid, said respondent, on several different occasions, exceeded the authority granted him by the provisions of his said permit by accepting, transporting and delivering several shipments of freight from and to points outside of and beyond the area or route authorized to be served by him under the provisions of his said permit, and by transporting larger shipments of livestock than authorized by said permit.

#### 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, 550 State Office Building, Denver, Colorado, on the 3rd day of April,

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

Eugene D. Turner

W. L. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF  
J. L. ROBINSON, LAS ANIMAS, COLO-  
RADO, FOR AN EXTENSION OF PERMIT  
NO. B-1664. }

APPLICATION NO. 2806-PP-B

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March 23, 1940  
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Appearances: J. L. Robinson, Las Animas,  
Colorado, pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Las Animas  
Transfer and Storage Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Stor-  
age Company, Weicker Transpor-  
tation Company.

S T A T E M E N T

By the Commission:

On January 28, 1936, applicant was authorized to operate as a  
Class "B" private carrier by motor vehicle for hire, Decision No. 7112,  
for the transportation of:

farm products, including livestock, from point to  
point within a radius of ten miles of Las Animas,  
Colorado, livestock from points in said area to  
Denver, melons from points in said area to Pueblo,  
Colorado Springs and Denver, without back-haul,  
and native lumber from mills in the Stonewall Valley  
near Trinidad to points in said area.

Applicant now seeks to extend his authority under said permit  
to include the right, as disclosed at the hearing in Lamar, on March 11,  
1940, to transport farm products, farm machinery and supplies, wet and  
dry beet pulp and livestock between points within a radius of thirty  
miles of Las Animas, and from and to points in said area, to and from  
Pueblo, Colorado Springs and Denver.

Applicant stated that he did not propose to operate between  
towns served by scheduled line haul motor vehicle common carriers, but

it later developed that he wanted to back-haul farm machinery and farm supplies from Denver to Las Animas for dealer located there, although ordinarily, said farm machinery and supplies would move from Denver directly to the farm.

It developed that while applicant, under his authority, had been hauling livestock to Denver, said operation had not been profitable because of the absence of back-haul; that the same customers who furnished livestock haul to Denver, at times, had requested him to bring back a tractor or farm machinery or supplies directly to the farm from which he had moved the stock; that, if he were authorized to furnish such service, he could, with the two-way haul, operate at a profit. He conceded that, probably the farm machinery was now being moved satisfactorily to the Town of Las Animas by Santa Fe Railroad or Weicker Transportation Company, the last-mentioned company being opposed to the service contemplated between Las Animas and the towns served by said carrier.

Mr. Angus McIntosh, a farmer and livestock raiser operating in the territory which applicant seeks to serve, and Ernest E. Page, Manager of the Denver Alfalfa Milling and Produce Company's mill at Fort Lyon, testified in support of his application. They stated that Mr. Robinson's service had been very satisfactory; that he was a capable, energetic and responsible carrier; that, at times, they required the movement of machinery and other commodities from Denver or Pueblo to their farms, and also to plant at Holly; that they would be willing to pay one hundred and twenty percent of the line haul rate for service, if any, that they might require between points served by line haul carriers; that applicant's service was convenient and personal, and that they were willing to pay for it.

Mr. Page stated that his company, to date, had been hauling its machinery and equipment in company-owned trucks, but would like to use Mr. Robinson's service, if the permit were granted.

It did not develop that Mr. Robinson's customers contemplated moving any freight from Colorado Springs to points in the area he sought

to serve.

Mr. Alva Hayhurst, appearing for the Las Animas Transfer, opposed the extension sought, except for the movement of loose hay, beets and beet pulp. He stated that his company furnished daily line haul service between Pueblo and Las Animas, on schedule, and was now authorized to furnish call and demand service for the transportation of all commodities between the points applicant seeks to serve, and from and to points in the area, to and from points in the State of Colorado; that the transfer company is equipped to handle anything, and does handle everything, except hay, beets and beet pulp; that, so far as he knew, there had been no complaints against the Las Animas Transfer's service, and that the granting of the authority sought probably, to some extent, would take some business from them, which they needed if they were to continue to maintain their present service.

On cross-examination, he was asked by Mr. Robinson why he did not handle sugar beets, beet pulp, alfalfa hay, and similar commodities, inasmuch as his company was a common carrier and required to furnish such service. Mr. Hayhurst, in reply, stated that, in his opinion, the rates paid by farmers for such service were too low (said rates not being prescribed by the Commission) and he let other carriers handle it because "it isn't a paying proposition." Thereupon, Mr. Robinson stated that, in his opinion, it was a paying proposition; that he knew many truckers who had purchased trucks and paid for them out of the revenue accruing from the transportation of loose hay alone; that, in his opinion, the commodities aforementioned, on account of the large volume in which they moved, should move upon low rates; that trucker made up in volume of earnings with small profits on individual loads what he could make out of higher priced freight with less volume.

Mr. Robinson contended that the authority he sought should be granted because the farmers needed service — a complete service, not the handling of commodities that could be moved profitably, but all commodities; that it seemed to him that he should not be asked to move the

products to markets for the farmers which moved at little, if any, profit, without getting a back-haul for the same farmers that would make the round trip a profitable one; that he was furnishing the service they wanted, and shouldn't be penalized in order that the common carrier who, after all, was required to furnish the service, could continue to handle only the desirable business, from which he was sure to receive a profitable rate; that he thought rate order provision requiring "B Carriers" and call and demand common carriers when competing with line haul motor vehicle carriers between towns to charge twenty percent over the prescribed line haul rates, was intended to protect, and should be ample protection for their operations; that if his customers wanted his service, and were willing to pay a premium therefor, they should have it.

Heretofore, we have had occasion to point out that, in our judgment, the best interest of the public, as a whole, and of farmers in particular, requires a free and easy flow of farm products to market in adequate facilities at reasonable rates. It would seem the rates to market from the farms probably, in time, may be reduced if the supplies that the farmer requires can be moved to his farm from said market points by the same trucker who handles his products, the trucker thus getting a two-way haul. Especially this would seem to be desirable where authorized call and demand carriers are not furnishing a complete farm service, and where the private carrier, under his authority, unlike the common carrier, is permitted to "pick and choose" what transportation service he will perform under contract. Naturally, when a farmer is required to employ truck service, he prefers to have his needs taken care of by one agency. Some local call and demand carriers complain of losing business. We are inclined to think that some of this loss in the past has been due to the fact that carriers have refused to handle business they don't want, and, when farmers are required to go to other truckers to satisfy some of their needs, naturally, they feel that that carrier should be favored when they have more profitable business available.

On the other hand, a line haul carrier is required to, and does, operate on schedule under all conditions of weather, volume of business, class of freight, etc. It is true that probably he is required to carry livestock and, no doubt, would furnish special equipment for that purpose if required so to do. However, experience has shown that it is not desirable to move groceries and other commodities handled by line haul carriers in the same vehicle in which livestock has been transported, notwithstanding an attempt has been made to clean the trucks by steam or other means before moving such groceries. The public interest requires that an adequate, dependable line haul service be maintained for the use of the public, as a whole, whether his requirements be large or small. This, necessarily, means that the line must be operated at a profit. We believe that the maintenance of adequate service for the public, generally, must be encouraged by the Commission, even though it may mean some inconvenience for some shippers. It here appears that to maintain adequate service, the line haul carriers cannot lose business now enjoyed by them, and, while the twenty percent differential in rates mentioned might insure enough business for line haul common carriers to keep them going, it might not do so. However, we believe that the extension here sought, for the most part, can be granted, and while taking care of requirements of applicant's farmer customers, still, interests of the public, as a whole, can be served and protected.

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to extend his service to include the right, in addition to the authority heretofore granted, to transport farm products, farm machinery and supplies, wet and dry beet pulp and livestock between points within a radius of thirty miles of Las Animas, Colorado, and the transportation of farm products, including livestock, from points in said area to Pueblo, Colorado Springs, and Denver, with back-haul of farm machinery and supplies from Denver and Pueblo to farms in said area, only, without the right to transport farm



machinery or farm supplies between points served by motor vehicle line haul common carriers.

**O R D E R**

IT IS THEREFORE ORDERED, That J. L. Robinson, Las Animas, Colorado, should be, and he hereby is, authorized to extend his operations under Permit B-1664 to include the right to transport farm products, farm machinery and supplies, wet and dry beet pulp and livestock between points within a radius of thirty miles of Las Animas, Colorado, and the transportation of farm products, including livestock, from points in said area to Pueblo, Colorado Springs, and Denver, with back-haul of farm machinery and supplies from Denver and Pueblo to farms in said area, only, without the right to transport farm machinery or farm supplies between points served by motor vehicle line haul common 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 extended.

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 D. Danks

W. L. Danks

Maureen E. Danks  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PIKES PEAK AUTOMOBILE COMPANY ) APPLICATION NO. 573  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY. )  
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March 21, 1940.  
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Appearances: J. A. Carruthers, Esq., Colorado  
Springs, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On April 21, 1928, Decision No. 1684, the Commission entered an order granting The Pikes Peak Automobile Company a certificate of public convenience and necessity authorizing the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak region, subject to certain terms and conditions therein contained. Said terms and conditions provided, inter alia, that in the conduct of said motor vehicle operations,-

- "(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.
- "(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region."

We are now in receipt of a request from said Pikes Peak Automobile Company to amend said order of April 21, 1928, to permit said company to operate one-way traffic so far as trips to the summit of Pikes Peak are concerned.

It appears from the record and the files of the Commission that since June 29, 1927, the Manitou and Pikes Peak Railway Company have filed with the Commission a tariff setting forth what is called the "diverse" route to Pikes Peak, whereby customers are given the option of going to the summit

of the peak by auto and returning via the Cog Road, or vice versa.

It further appears that applicant has had, and now has, on file with the Commission a similar tariff covering such diverse routing.

The Commission has heretofore, in matters appearing before it, considered said question of diverse routing, and has accepted for filing said tariffs without the question being raised as to the authority of applicant under its certificate of public convenience and necessity to perform such one-way service. It would appear to be in the public interest to amend said original order to conform to the established practice of applicant and of said Cog Road in granting said diverse routings for a number of years past. The same restrictions heretofore noted are contained in a number of early certificates granted the sightseeing operators in Colorado Springs, and those who have engaged in the so-called diverse route service should, upon application to the Commission, be entitled to the same relief that is proposed herein.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said original order of April 21, 1928, should be amended to the extent of permitting one-way operations from Colorado Springs to the summit of Pikes Peak or from the summit of Pikes Peak to Colorado Springs, in conjunction with the Manitou and Pikes Peak Railway Company.

#### O R D E R

IT IS THEREFORE ORDERED, That the order of April 21, 1928, Decision No. 1684, be, and the same is hereby, amended as follows:

After Subdivisions (a) and (b) in the order part of said Decision No. 1684, subdivision (b)-1 will be inserted as follows:

Provided, however, that said limitations permitting only round trip operations and providing that no one-way transportation of passengers is permitted, shall not apply to the transportation of passengers from Colorado Springs to the summit of Pikes Peak or from the summit of Pikes Peak to Colorado Springs, when such operations are conducted under tariffs providing for diverse routing with the Manitou and Pikes Peak Railway Company.

IT IS FURTHER ORDERED, That except as herein amended and modified, said original order of April 21, 1928, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Samuel D. Dwyer

W. L. Danks

Walter E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

H. M. MELTON.

PERMIT NO. B-1145-I

March 21, 1940

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. M. Melton \_\_\_\_\_ of 1404 - 15th Ave., Greeley, Colorado,  
requesting that his Permit No. B-1145-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-1145-I  
H. M. Melton, heretofore issued  
to..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Leonard V. Wilson  
 Wm Danks  
 Wm E. E. E.  
 Commissioners.

Date at Denver, Colorado,  
this 21st day of March, 1934.

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

RE MOTOR VEHICLE OPERATIONS OF)

Eunice Burrow

PERMIT NO. C-10673

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Eunice Burrow Grand & Fifth, Ponca City, Oklahoma  
of  
C-10673  
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-10673, heretofore issued  
to Eunice Burrow be,  
and the same is hereby, declared cancelled, as of February 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. [Signature]*  
*W. L. [Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

Lin H. Kirk

PERMIT NO. C-10607

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Lin H. Kirk Box 351, Weleetka, Oklahoma  
of C-10607,  
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-10607, heretofore issued  
to Lin H. Kirk be,  
and the same is hereby, declared cancelled, as of February 13, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*Wesley Danks*  
*James S. Swenson*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

Ruby Bartleson

PERMIT NO. C-10209

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
..... Ruby Bartleson ..... of 1339 E. 2d, Pueblo, Colorado .....  
requesting that his Permit No. C-10209 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10209, heretofore issued  
to ..... Ruby Bartleson ..... be,  
and the same is hereby, declared cancelled; as of February 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*Wm. J. Danks*  
*Wm. J. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.



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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Forrest Ferrer )  
)  
..... )

PERMIT NO. C-10591

.....  
March 25, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Forrest Ferrer ..... of Houghton, Kansas  
....., .....  
requesting that his Permit No. C-10591 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10591, heretofore issued  
to Forrest Ferrer ..... be,  
and the same is hereby, declared cancelled, as of March 13, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*W. D. Danks*  
*M. J. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

H. M. Stegman

PERMIT NO. C-10129

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
H. M. Stegman ..... of 126 Ruxton, Manitou, Colorado,  
requesting that his Permit No. C-10129 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10129, heretofore issued  
to H. M. Stegman ..... be,  
and the same is hereby, declared cancelled, as of February 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Danks*  
*Wm. E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C-10078

Mrs. L. G. Gilbreath

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Mrs. L. G. Gilbreath of 3029 Race St., Denver, Colorado  
requesting that his Permit No. C-10078 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10078, heretofore issued  
to Mrs. L. G. Gilbreath be,  
and the same is hereby, declared cancelled., as of February 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*Walter J. Banks*  
*Walter E. Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Nelson J. Witt

PERMIT NO. C-9570

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Nelson J. Witt Mosca, Colorado  
..... of .....,  
requesting that his Permit No. C-9570 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9570, heretofore issued  
to Nelson J. Witt be,  
and the same is hereby, declared cancelled, as of March 4, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. L. Danks*  
*Walter E. Eakin*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

J. Heersche

PERMIT NO. C-5465

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
J. Heersche of Mulvane, Kansas,  
requesting that his Permit No. C-5465 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5465, heretofore issued  
to J. Heersche be,  
and the same is hereby, declared cancelled, as of March 2, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Danks*  
*William E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Fireside Fuel Co.

PERMIT NO. C-10680

March 25, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Fireside Fuel Co ..... 1421 E 22d Ave., Denver, Colorado  
..... of .....  
C-10680  
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-10680, heretofore issued  
to ..... Fireside Fuel Co ..... be,  
and the same is hereby, declared cancelled, as of March 13, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edmund J. O'Brien*  
*W. B. Danks*  
*Malcolm E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

D. C. Washburn dba  
D. C. W. Transport  
.....)

PERMIT NO. C-10291

.....  
March 26, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
D. C. Washburn dba D. C. W. Transport Severance, Colorado  
..... of .....,  
requesting that his Permit No. C-10291 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10291  
to ..... D. C. Washburn dba D. C. W. Transport ..... be,  
and the same is hereby, declared cancelled, as of March 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. H. Sparks*  
*Walter S. Quinn*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 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 MT. HARRIS, COLORADO, TO THE ) MISCELLANEOUS DOCKET NO. 141  
DENVER COMMUNITY CHEST, DENVER, COLO. )  
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-----  
March 21, 1940.  
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S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated March 19, 1940, requesting authority to transport one earload of coal free of charge from Mt. Harris, 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 Community Chest Office Building, an agency of the Denver Community Chest, a charitable institution, and is to be used for charity.

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

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

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one earload of coal from Mt. Harris, Colorado, to Denver, Colorado, consigned to the Denver Community Chest, in care of the Colorado and 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 W. Danks  
W. C. Danks  
Wm. E. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1940.

JH

Misc block 141

Whe 15104  
3/21/40**THE DENVER AND SALT LAKE RAILWAY CO.**

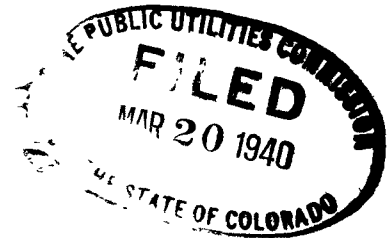
OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

March 19, 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.

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.

E

cc - Agent, Denver.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF REFORM WEAR, DELTA, COLORADO, ) APPLICATION NO. 5154  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY. )  
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-----  
March 23, 1940.  
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Appearances: Reform Wear, Delta, Colorado,  
                  pro se;  
                  T. A. White, Esq., Denver, Colorado,  
                  for Rio Grande Motor Way, Inc.;  
                  Ray B. Danks, Esq., Denver, Colorado,  
                  for The Motor Truck Common Carriers  
                  Association;  
                  Charles D. Young, Denver, Colorado,  
                  for Ernest C. Butler, Plateau  
                  Valley Stage Line, et al.

S T A T E M E N T

By the Commission:

As filed herein, this application sought authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock and farm products from and to all points within a 20-mile radius of Delta, Colorado.

At the hearing, applicant requested permission to change his application from a private carrier permit to a common carrier certificate. A written protest against the granting of the permit had been filed by one George Alber, of Hotchkiss, Colorado, although he was not personally present at the hearing. None of those who did appear at the hearing had any objections to the amendment of the application or to the granting of the authority sought.

The only evidence offered on behalf of applicant was his own testimony as to the needs of the community which he proposed to serve. However, in view of the fact that the service proposed is in the nature of a farm produce and livestock movement, and the Commission has been rather liberal in granting such authority, we believe the applicant at least made a prima facie showing of public convenience and necessity.

At the close of the hearing, it was understood that the matter should be held in abeyance pending receipt of word from Mr. Alber as to his final position in the matter. The Commission is now in receipt of a letter from Mr. Alber to the effect that he has no objection to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that applicant should be permitted to amend his application to cover a common carrier certificate instead of a private permit, and that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of Reford Wear, of Delta, Colorado, for the transportation of livestock and farm produce between all points within a radius of twenty miles of Delta, Colorado, and from and to points within said radius to and from all points within the State of Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That this order shall not become effective until applicant shall have paid an additional filing fee of \$10.00, together with a further fee of \$5.00 for the certificate of public convenience and necessity.

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 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 here-

after 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. Wheeler

W. D. Danks

Malcolm Spiverson  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
H. H. BEATTY AND IONE BEATTY, D/B/A  
QUARTZITE COMPANY, RED CLIFF, COLO-  
RADO, FOR AUTHORITY TO TRANSFER  
CERTIFICATE NO. 697 TO M. P. NEFF,  
D/B/A RED CLIFF TRANSPORTATION CO.,  
RED CLIFF, COLORADO.

APPLICATION NO. 2151-AAA

March 22, 1940

Appearances: Gene K. Luby, Esq., Eagle, Colorado,  
(By Letter) for the Applicants.

S T A T E M E N T

By the Commission:

The above-numbered application was filed with the Commission March 11, 1940, by Gene K. Luby, Esq., who stated that this was a cash transaction; that the financial statement of the transferee was a correct description of his assets and liabilities, and that it would be a great accommodation to all parties concerned if authority could be granted at once.

The financial statement of the transferee, as disclosed by the statement dated March 8, 1940, attached to the application, appears satisfactory to the Commission.

After careful consideration of the record, which discloses that the transferors acquired this authority but a short time ago, that there are no outstanding unpaid obligations except a small item of road tax which the transferors agree to pay, and that there appears to be no reason for any objections being raised to the granting of authority to make the transfer, the Commission is of the opinion, and finds, that the authority to transfer should be granted upon the verified application on file with the Commission; PROVIDED, however, that should the

RIO GRANDE MOTOR WAY, or other interested parties, desire to make any objections to this transfer, the same can be heard at a later date.

O R D E R

IT IS THEREFORE ORDERED, That H. H. Beatty and Ione Beatty, doing business as Quartzite Company, be, and they hereby are, granted authority to transfer all of their right, title, and interest in and to Certificate No. 697 to M. P. Neff, doing business as Red Cliff Transportation Company, Red Cliff, Colorado, with authority as follows:

"To conduct a passenger bus service between  
Red Cliff and Gilman;" -

and

"The transportation of general commodities  
between the railroad depot near Red Cliff,  
Colorado, and the towns of Red Cliff and  
Gilman, and intermediate points."

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission, and said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of 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 transferors 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

*Samuel D. Thomas*

*W. D. Danks*

*Blaine Erickson*  
Commissioners.

DATED at Denver, Colorado,  
this 22nd day of March, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE COMPLAINT  
OF THE CITY OF CRIPPLE CREEK,  
COLORADO,

V.

THE CRIPPLE CREEK WATER COMPANY  
AS TO RATES CHARGED FOR CITY  
FIRE HYDRANTS.

CASE NO. 4751

---

March 25, 1940

---

Appearances: Lee, Shaw & McCreery, Attorneys at Law,  
Denver, Colorado, for The Cripple  
Creek Water Company;  
Bennett & Wendelken, Attorneys at Law,  
Colorado Springs, Colorado, for  
The City of Cripple Creek.

S T A T E M E N T

By the Commission:

On July 8, 1939, the City of Cripple Creek, Colorado, by its Mayor, filed a complaint with the Commission alleging that the Cripple Creek Water Company, a corporation serving the city of Cripple Creek, was now, and has been, charging an excessive, unreasonable, and unjust rate for city fire hydrant service, particularly when considered upon the basis of benefits received by said Water Company from reduced tax assessments on its property since the present rates for said hydrant service became effective.

A copy of the complaint was duly served on the said Cripple Creek Water Company, and on October 16, 1939, an answer to the complaint from the Company's attorneys, Lee, Shaw & McCreery, was received. The answer denied the allegations of the complaint as to the rates charged, and stated that the City was allowed to discontinue the payment for thirty-five fire hydrants by the Commission in 1928, on account of the

decreased needs for said fire hydrants, and thus greatly reduced the amount that had been paid for fire hydrant service. Further reasons are given in the answer for denial of the complaint.

The Commission held the matter in abeyance with the understanding that a compromise settlement was being considered, and now, on March 16, 1940, the Commission is in receipt of a letter from Mr. Ben S. Wendelkin, present attorney for the city of Cripple Creek, advising the Commission that a compromise settlement has been reached regarding the matter of the complaint, in which the same Water Company has reduced its charge for fire hydrant service for the city of Cripple Creek in the amount of \$750.00 per annum for the period of three years beginning July 1, 1939. This letter was forwarded to the Commission by the attorneys for the Water Company with their approval.

The complainant has, therefore, requested the Commission to dismiss the complaint, and since it appears that this settlement is satisfactory to the parties concerned without involving any other matters, the Commission will grant the request and make its order accordingly.

#### O R D E R

IT IS THEREFORE ORDERED, That the complaint of the City of Cripple Creek, Colorado, against the Cripple Creek Water Company regarding the rates charged for city fire hydrant service be, and the same is hereby, dismissed, without prejudice to any further action that may become necessary in this matter.

IT IS FURTHER ORDERED, That the Cripple Creek Water Company file an amendment to its water rate schedule, PUC Colo. No. 2, effective January 1, 1920, giving a revised rate for fire hydrant service in accordance with the agreement that has been made in the matter as herein referred to.

DATED at Denver, Colorado,  
this 25th day of March, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Oliver  
W. H. Danks  
Walter E. Wilson  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLAY SNYDER, KIOWA, COLORADO, FOR )  
AUTHORITY TO EXTEND CERTIFICATE )  
NO. 378. )

APPLICATION NOS. 1427-A-B-A  
AND 741-A-B-A.

RE MOTOR VEHICLE OPERATIONS OF )  
CLAY SNYDER, KIOWA, COLORADO, )  
UNDER PRIVATE PERMIT NO. A-367. )

APPLICATION NO. 5143-PP-A

March 25, 1940

Appearances: Clay Snyder, Kiowa, Colorado,  
pro se;  
Chas. D. Young, Denver, Colorado,  
for the Denver-Hilltop Truck  
Line, Mikelson Brothers,  
Forest Woodward, Wm. Gooden-  
berger, and Jesse F. Sellers.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to extend Certificate No. 378 to include additional territory immediately west of the area already authorized to be served under this certificate, and, in the event of the extended authority being granted, the applicant desires to cancel his Private Permit No. A-367.

It appears from the record that the authority already held by the applicant under his Certificate No. 378 is as follows:

"Freight from point to point within a radius of 25 miles of Kiowa, Colorado, hogs and calves on call and demand only, from the territory located within a radius of 25 miles of Kiowa to Denver; transportation of farm produce (no livestock except hogs and calves), dairy products and farm supplies between Denver and farms located in the territory around Kiowa described as follows: 'Extending 25 miles east, 6 miles south, 1 mile west, and 25 miles north thereof'; farm products (no livestock) between points in the above described Kiowa area and Bennett and Castle Rock, Colorado, with a back haul of freight from Castle Rock."

The territory sought to be served by this extension is described as follows:

Beginning at the SW corner of applicant's present territory, being the SW corner of Section 17, Township 9 South, Range 63 West; thence West 7 miles to SW corner of Section 18, Township 9 South, Range 64 West; thence North 15 miles to the NW corner of Section 6, Township 7 South, Range 64 West; thence East 7 miles to the NE corner of Section 6, Township 7 South, Range 63 West; thence South 15 miles to the point of beginning.

It appeared from the testimony given at the hearing that the applicant desires authority to transport dairy products only, from points in the described extended territory to Denver, Colorado, with a back haul from Denver of farm supplies to his milk customers residing in said extended territory, which farm supplies shall be limited to a weight not to exceed 500 pounds at one time for each customer.

The applicant has five trucks and is adequately able to render the extended service if given authority. He stated that since acquiring this certificate he had received calls to transport dairy products from this extended area and farm supplies back; that this demand required more or less special service in order to have the milk produced in the area transported to Denver without delay, particularly during the summer months, and that the back haul would consist of a sack or two of feed, a machinery repair part, and any such small items as the milk producers he was serving might require; that the back haul was merely to convenience the milk producers residing in this extended area, and not that he wanted to mix the milk haul with a general freight haul, and therefore felt that 500 pounds limit at a time to a customer was reasonable, in order to protect the milk haul which he intended to make his primary business.

It appeared from the testimony of Carl Weeden, who resides some four and a half miles west of Kiowa and within the extended territory sought to be served by the applicant, that he was a farmer producing more or less milk and cream and was quite familiar with other milk producers in this same area; that there was a demand for some one

who would look after the transportation of milk to the exclusion of other freight in order to deliver these products to market without delay; that his own experience indicated that these scheduled line haul carriers of freight did not take proper interest in looking after milk shipments and delivering same first, and that the mixing of milk shipments with general freight had not been very satisfactory in the past; that he understood the plan of the applicant was to have his permit, or freight line authority, cancelled in order to devote himself more particularly to the transportation of dairy products, and that, in this connection, Homer Jessup of the Elbert Transfer had agreed to have dairy products eliminated from his certificate, particularly in the Kiowa and Elizabeth districts, should the applicant be authorized to handle the same.

It appeared from the testimony of Homer Jessup, holder of Certificate No. 322, operating as the Elbert Transfer, that he conducts a scheduled operation between Elbert and Denver via Kiowa and Elizabeth, but that it had not been satisfactory for him to stop and pick up milk and cream along the highway, and was not very satisfactory for him to stop and pick up the same at Kiowa and Elizabeth, and that he felt the public interest would be best served by his eliminating from his certificate the dairy products insofar as it applied to the Kiowa and Elizabeth districts in the event this same authority was granted to the applicant; that it would improve his scheduled operation in the handling of general freight, and would also be a great convenience to the milk producers in these two districts to have one operator handling the same; that at the present time he is serving the milk producers and the creamery at Elizabeth as best he can, and also receiving some dairy products at other points in these districts, but after conferring with the shippers and with the applicant he felt reasonably certain that the plans to separate the transportation service of milk from his strictly freight operation on schedule would be to the best interests of all concerned.

It was stipulated as follows:

- (a) That Certificate No. 455 be made a part of the record;
- (b) That the applicant would render no service in competition with the Denver-Hilltop Truck Line west of Running Creek and immediately west of Elizabeth.
- (c) That the back haul of farm supplies to customers in this extended area shall be limited to 500 pounds to a customer at any one time.

With the above stipulations agreed to, there was no objection to the granting of the extension insofar as Mikelson Brothers, Forest Woodward, William Goodenberger, Jesse F. Sellers, and Homer Jessup were concerned, each of whom was represented in person or by counsel at the hearing.

The financial standing and reliability of the applicant to render the extended service 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 public convenience and necessity require the extension of the territory being served under Certificate No. 378 as sought by the applicant, the service to be rendered under this extended authority to be limited as indicated by the testimony and the stipulations entered into at the hearing, and that the extension should be granted as thus limited.

The Commission further finds that Private Permit No. A-567 should be cancelled.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extended motor vehicle transportation service of the applicant, Clay Snyder, under Certificate No. 378 to include the transportation of dairy products, only, from the area described as follows:

Beginning at the SW corner of applicant's present territory, being the SW corner of Section 17, Township 9 South, Range 65 West; thence West 7 miles to the SW corner of Section 18, Township 9 South, Range 64 West; thence North 15 miles to the NW corner of Section 6, Township 7 South, Range 64 West; thence East 7 miles to the NE corner of Section 6, Township 7 South, Range 65 West; thence South 15 miles to the point of beginning,-

to Denver, and the transportation of farm supplies from Denver to his milk producing customers residing in the above extended territory; provided, however, that in the back haul of farm supplies the same shall be limited to a weight not exceeding 500 pounds to a customer at any one time; and provided, further, that the applicant shall not render service in competition with the authority granted under Certificate No. 455 to serve points west of Running Creek and immediately west of Elizabeth; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity for such extended service.

IT IS FURTHER ORDERED, That Permit No. A-567 be, and the same hereby is, cancelled.

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

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Owens

W. C. Danks

Walter E. Quinn  
Commissioners.

DATED at Denver, Colorado,  
this 25th day of March, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. D. THOMPSON, 1228 SANTA FE DRIVE, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5259-PP

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March 27, 1940  
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Appearances: C. D. Thompson, Denver,  
Colorado, pro se;  
Stanley Blunt, Canon City,  
Colorado, for Southwes-  
tern Transportation  
Company;  
A. J. Fregemy, Denver,  
Colorado, for Weicker  
Transfer and Storage  
Company and Weicker  
Transportation Company;  
Ray B. Danks, Esq., Denver,  
Colorado, for The Motor  
Truck Common Carriers'  
Association, The Colorado  
Transfer and Warehouse-  
men's Association, Win-  
decker Brothers, Harold  
Swena.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport monuments to and from points within a twenty-five-mile radius of Denver, Colorado.

It appeared from the testimony given at the hearing that the applicant herein possesses a Ford truck, and has an agreement with the Colorado Wholesale Monument Company, 620 Curtis Street, Denver, Colorado, to render a transportation service for the Monument Company and, in addition, is employed to set the monuments at the cemeteries to which the stones are moving; that through some error his application mentioned a radius of one hundred and fifty miles, which was later changed to a

twenty-five mile radius of Denver, and at the hearing the applicant stated that all of the movements he contemplated were to cemeteries located within ten miles of Denver; that his operation would be limited to a service for one customer only, namely, the Colorado Wholesale Monument Company, and further, would be limited to the movement of such monuments as are required to be placed in position or set by him at the cemeteries — in other words, transportation plus service.

It further appeared that the applicant had some twenty-five years experience in the monument business and was financially able to undertake this transportation service if authority was granted.

After the applicant had testified as above indicated, protestants withdrew all objections to the granting of authority, limited by the testimony of the applicant.

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, limited as disclosed by the applicant's testimony.

#### O R D E R

IT IS THEREFORE ORDERED, That C. D. Thompson, 1228 Santa Fe Drive, Denver, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of monuments from the factory of The Colorado Wholesale Monument Company, located at the present time at 620 Curtis Street, Denver, Colorado, to local cemeteries within a radius of ten miles of the City and County of Denver, such service to be limited to one customer, namely, The Colorado Wholesale Monument Company, and to such monuments as the applicant herein also is required, as a part of his service, to place in position and set at the cemeteries.

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

seen 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 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  
Wm. E. Swenson  
Commissioners

Dated at Denver, Colorado,  
this 27th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
ROY E. SANS AND F. W. BRISTOL, )  
DOING BUSINESS AS "SANS AND BRISTOL" )  
BERTHOUD, COLORADO, FOR AN EXTENSION )  
OF PRIVATE PERMIT NO. A-576. )  
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APPLICATION NO. 3752-PP-BR

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March 27, 1940  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicants;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the McKie  
Transfer Company;  
J. D. Street, Esq., Denver,  
Colorado, for The Colorado  
and Southern Railway Company.

S T A T E M E N T

By the Commission:

By the instant application, an extension is sought to include building materials from Longmont, Colorado, to points now authorized to be served out of Berthoud, and the substitution of the Fred Harsch Lumber Company as a customer instead of the Gilman Lumber Company; the transportation of packaged petroleum products from Berthoud to Johnstown, and rock from quarry west of Berthoud to points within a radius of six miles of Berthoud.

On January 18, 1937, Decision No. 9304 (with a slight amendment authorized August 12, 1937, by Decision No. 10480), the Commission issued an order clarifying Permit No. A-576, to include, in addition to a milk haul, the following:

\*The transportation of (a) farm products (except livestock) from farms within a radius of six miles of Berthoud, Colorado, to storage and shipping points; (b) building materials only from Denver to Berthoud, for The Gould Lumber

Company and The Gilman Lumber Company of Berthoud, only; (c) building materials for said companies only from Berthoud to points within a radius of six miles thereof and to branch yards at Eaton, Wellington, Johnstown, La Porte and Wildes; and (d) the transportation of cement from Fort Collins and plaster from Loveland factories to yards of said companies."

F. W. Bristol testified that The Gilman Lumber Company, one of the companies authorized to be served by the applicant, had sold its holdings to the Fred Harsch Lumber Company, and that the applicants now sought to have the Fred Harsch Lumber Company substituted as a customer in lieu of the Gilman Lumber Company; also to have their permit changed to include, in addition to the points already authorized to be served, the branch yard at Longmont; and desired authority to transport packaged petroleum products from Berthoud to Johnstown, and rock from the quarry nine miles west of Berthoud to points within a radius of six miles of Berthoud.

It appears that the packaged petroleum products were delivered at Berthoud in carload lots, and distribution made to other points, including Johnstown, Colorado, which was the only point mentioned in the applicants' application. However, a witness for the Texas Company mentioned the need of service to Mead, but inasmuch as Mead was not mentioned in the application as a point for distribution, it would not be proper to include it now.

The rock movement is to be from the quarry located some nine miles west of Berthoud, to points within a six-mile radius of Berthoud where the same is to be used for construction work, such as basements for buildings, ditches, and for loading on cars at the railroad switch at Berthoud.

It appears from the testimony that the customers here involved utilize the services of the applicants for moving building materials, only, from Denver to Berthoud, and that, in adding Longmont as one of the yards to which distribution is made, it is desirable in some instances to have these applicants deliver building materials at Longmont on the way from Denver to Berthoud, while the original authority granted to these appli-

carts specifically provides for the movement of building materials, only, from Denver to Berthoud, and then contemplates a distribution from Berthoud to the several branch yards, the particular item in mind being the movement of tile from Denver and splitting the load by leaving a part at Longmont and the balance at Berthoud. In the past, it appears that the Lumber Company has been using its own truck to move these commodities between Berthoud, and branch yards at Longmont, Johnstown, and to other branch yards, but prefers to have a for-hire carrier available. It also appears that scheduled common carriers have been used when such service was suitable, but deliveries from Berthoud to the branch yards require a call and demand service so that the movement can be made at any time during the day when a shortage is found to exist at any one of the branch yards, and in connection with the movement of tile from Denver, it appears that this was only an occasional shipment; that the tile would be destined to Berthoud but at times it would be quite convenient to split the load and leave a part at Longmont on the way through.

The applicants herein have four trucks, which they use in connection with their operations, one being a closed truck which takes care of the milk haul authorized by previous authority granted to the applicants, and three of their trucks are equipped with beet bodies, the four being worth approximately \$2,000., and are clear of any encumbrance. In addition, the applicants own other property, and are fully able to conduct the operation if given authority.

George Garrett, who operates the McKie Transfer Company under Certificate No. 40, stated that his company conducted a schedule operation between Denver, Longmont, Berthoud, and Mead, and intermediate points; that they rendered service for the Harsch Lumber Company, delivered packaged petroleum products at Longmont, Berthoud, and other points, but was not prepared to make such deliveries to Johnstown promptly; that his company was in a position to deliver tile and building material from Denver to Berthoud in truckloads, and was in a position to unload a part of any load at Longmont; that in the conduct of his company's scheduled opera-

tion, considerable equipment was required to meet the public demand but was not all being used to capacity; that his company has at no time refused any kind of freight, particularly small packages; that he at no time has refused to transport commodities between Longmont, Berthoud, and Mead; that on account of transportation conditions at the present time his company cannot afford to lose tonnage, and while he did not anticipate that the applicants herein would be required to drop off any considerable amount of building materials at Loveland on the way through to Berthoud, yet did not feel that he should consent to this part of the extension for the reason that his operation could not afford to lose even a small tonnage.

Protestants offered no objection to the granting of authority to include the transportation of rock as sought in the application and the transportation of packaged petroleum products from Berthoud to Johnstown. The McKie Transfer Company objected to the movement of building materials from Denver to Longmont, also to the transportation of petroleum products from Berthoud to Mead, for the reason that this protestant had the right to serve the several points and make the deliveries of the commodities sought to be moved by the applicants, and from the testimony of a representative of one of the lumber companies, it appeared that about the only building material which they would require the applicants herein to move from Denver to Longmont would be part of a load of tile, the other portion moving on to Berthoud, and that this movement could be handled by the scheduled carrier except in the event of a hurried call.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the extension here sought should be granted to substitute the name of The Fred Harsch Lumber Company for The Gilman Lumber Company, to add Longmont as one of the branch yards to be served, and to transport building materials from Berthoud to Longmont; to transport packaged petroleum products from Berthoud to Johnstown; and to transport rock from the Benson

Quarry, located nine miles west of Berthoud to points within a six-mile radius of Berthoud, Colorado.

**O R D E R**

IT IS THEREFORE ORDERED, That Permit No. A-576 be, and the same hereby is, extended to include the substitution of the Fred Harsch Lumber Company as a customer in lieu of the Gilman Lumber Company, the addition of Longmont, Colorado, as one of the authorized branch yard points to be supplied with building materials from the Berthoud yards, the transportation of packaged petroleum products from Berthoud to Johnstown, and the transportation of rock from the Benson Quarry located nine miles west of Berthoud to points within a six-mile radius of Berthoud, Colorado.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. C. Jank

W. C. Jank  
Commissioners

Dated at Denver, Colorado,  
this 27th day of March, 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  
UNDER CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY NO. 774. )  
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March 27, 1940.  
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Appearances: R. L. Wood, Esq., Denver, Colorado,  
for the Respondent;  
J. J. Patterson, Esq., Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

On December 14, 1939, the Commission issued a show cause order against the above-named respondent on account of his operations under Certificate No. 774, requiring him to show cause why this authority should not be suspended or revoked for certain violations of the rules and regulations of the Commission governing operations of motor vehicles for hire, and setting December 26, 1939, as the date for a hearing on this show cause order.

The respondent failed to appear at this hearing, and the Commission issued an order based on the allegations contained in the complaint, revoking Certificate No. 774.

On February 9, 1940, the Commission granted a rehearing, based on a showing made by the respondent in his petition for rehearing, and set this cause for hearing at the Commission's Hearing Room, 330 State Office Building, Denver, for February 29, 1940.

It appeared from the testimony given at the hearing that A. E. Murchie, inspector for the Commission, made a careful investigation covering the operations of the respondent under his authority. Exhibit 1, which was received in evidence, being a report of such investigation. It

appeared from this investigation that during the period June, July, August, and September, 1939, the respondent failed to issue bills of lading for shipments transported by him, in violation of Rule 30 of the rules and regulations governing motor vehicle carriers for hire, except in some instances, and in these it was found that the bills of lading were not completely filled out and did not meet the requirements of said Rule 30. It further appeared from the investigation that the respondent transported livestock from Denver under date of August 12, 1939, September 8, 1939, September 8, 1939, September 11, 1939, September 13, 1939, July 27, 1939, and August 25, 1939, as disclosed from the tickets secured from the Hawks Commission Company and the Denver Livestock Commission Company, without issuing any bills of lading whatsoever covering these back-to-farm shipments, and that, from such records as the inspectors were able to obtain, the respondent has issued no bills of lading for the past two years, except in a few instances which came to the attention of the inspectors and disclosed that he had given no point of origin, did not quote the rate, and did not have the signature of the shipper thereon.

It further appeared that the respondent has violated the orders of the Commission by transporting livestock at and for rates lower than and different from the rates prescribed by the Commission for such service, and, that during the months of June, July, August, and September, 1939, transported such shipments for a flat rate instead of at the rate prescribed by the Commission.

The respondent testified that on receipt of the show cause order, he made an investigation and found that he did not have a tariff on file, very much to his surprise, as he had always thought this had been filed. However, he now does have a tariff on file. As to his failure to issue bills of lading, he stated that he did not know bills of lading were required on outgoing shipments of livestock, and for this reason, and because he understood that other carriers taking livestock from the Yards to the farmers had made a practice of not making out bills of lading, he

considered this to be proper, but that he did try to cover incoming shipments, and in so doing he now finds that through some mistake he did not have the bills of lading made out properly, or that they were not complete; in fact, he had no way of knowing just what the weight might be when transporting livestock to Denver, and usually did not know, until after return was made on the stock, and many times never did know, what the weight of livestock transported by him might have been. As to the rate which he charged, the same may have been lower than the prescribed rate of the Commission, and this was for the reason that no scales were available to ascertain the weight; that others were estimating weights and transporting livestock on a flat rate, and that he, like others, was unaware of the technical rules of the Commission governing such transportation service; further, that he had now acquired a copy of the rules and had read the same; that he had called on the Commission's rate expert and had an interpretation made of the rules and the rates set forth in the Commission's rate book, and was trying to charge rates as prescribed by the Commission, but was frank to admit that heretofore any rate charged was based on estimates of the weight, the prescribed rate then being applied.

After careful consideration of the record in this case, together with the testimony given at the hearing, the Commission is of the opinion, and finds, that the allegations contained in the complaint are true; that said Certificate No. 774 of R. J. Horn, and his right to operate thereunder, 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, as a penalty for and on account of the aforesaid violations, Certificate No. 774, and the right of the respondent, R. J. Horn, to operate thereunder, should be, and they 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 J. O'Leary

W. L. Danks

Wm. E. Quinn

Commissioners.

Dated at Denver, Colorado,  
this 27th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
RAY BALLARD, D/B/A ARRIBA-  
DENVER TRUCK LINE, UNDER PERMIT  
NO. A-662.

CASE NO. 4785

March 27, 1940

Appearances: Ray Ballard, Arriba, Colorado,  
pro se;  
J. J. Patterson, Esq., Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On January 27, 1940, the Commission issued a show cause order against the operations of the above-named respondent under his Permit No. A-662, charging that he had violated the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of the Commission governing operations of private carriers by motor vehicle, and the terms and provisions of his said permit, as follows:

That during the months of January, February, March, and April, 1939, the respondent transported shipments of freight for various shippers without entering into a contract with such shippers for rendering transportation service, and without listing with the Commission the names of his shippers or customers as required by Rule 10; that during the period January, February, March, and April, 1939, the respondent accepted and transported shipments of freight at rates and charges different from and lower than the prescribed rates and charges of the Commission for such service; that during the same period, the respondent failed and neglected to issue properly itemized bills of lading covering shipments transported by him, and failed to prepare and keep

load sheets and manifests covering such shipments, in violation of Rules 21 and 22; and that, during this same period, the respondent failed to file with the Commission proper and complete monthly reports of such operations as required by Rule 28.

It appeared from the report of Inspector Juliano of the Law Enforcement Division, copy of this report being marked Exhibit 1, that the respondent, during the month of January, 1939, rendered transportation service for Tom Killiam, Mrs. A. R. Spring, H. H. Tammen Company, Kress & Company, Morey Mercantile Company, Ira D. Miller, and Paul A. Kleber, each of these customers being residents of Denver or Arriba, and none of them appearing on his filed list of customers; that during the month of February, 1939, he served a like number of customers, none of whom appeared on his list of customers; that during the month of March, 1939, he again served a like number of customers, some being the same ones he served during the month of January, without listing the same as his customers; that during the month of April, 1939, he served some seven customers in like manner; and that the respondent had no contracts whatever with any of the customers served as above set forth.

It further appeared from the inspector's report that during this same period, the respondent did not keep bills of lading; that he kept no manifests or load sheets covering these transactions; and that, during the same period, the investigation disclosed that the respondent filed reports with the Commission which gave the dates and the weights of shipments but under the column where he should have listed the names of the consignors and the column where he should have listed the names of the consignees, the word "various" appears, leaving his reports for these four months incomplete and not in accordance with the rules of the Commission.

It further appeared from the inspector's report that on shipments of drugs from Denver to Arriba, the respondent charged 60 cents

per cwt., while the prescribed rate of the Commission is 88% of first-class rate, or 73 cents per cwt.; that he used fourth-class rate on anti-freeze between Denver and Agate, or 35 cents per cwt.; when the correct rate as prescribed by the Commission would be 77 cents per cwt.; that he charged fourth-class rate on brooms, whereas the correct rate would be second-class; that he made a business of charging various packing houses fourth-class on fresh meat and packing house products when the correct rate would be third-class; that on shipments from the Moore Hardware Company assigned to A. B. Ashton, Arriba, consisting of scales, he used fourth-class instead of second-class; that on shipments from the Morey Mercantile Company he charged a rate of 50 cents per cwt., when the same commodity should have carried first-class, or 85 cents per cwt.; that on shipments of live poultry he assessed a charge of \$1.00 per coop flat rate instead of using first-class; that on shipments of tires from the U. S. Tire Company, Denver, to Agate, the respondent assessed a minimum charge of 50 cents, and the bill fails to show any weight whatever; that on shipments of matches from H. H. Pest, the respondent charged 45 cents per cwt., while the correct rate would be second-class, or 71 cents per cwt.; that on shipments from Sunland Mills, Denver, consigned to Flagler Equity at Flagler, consisting of 15 sacks of feed weighing 1550 pounds, he charged a rate of 25 cents per cwt., while the published special commodity rate, as filed by the Denver-Limon-Burlington Truck Line, is 10 cents less than fourth-class, or 57 cents per cwt.; that on shipments from the same consignor to the Farmers' Union at Flagler, consisting of four sacks of feed weighing 400 pounds, he assessed a rate of 25 cents per cwt., while the correct less than truckload rate would be 47 cents per cwt.; that on a shipment of batteries weighing 78 pounds each, the respondent assessed a fourth-class rate of 45 cents, while the correct second-class rate is 71 cents per cwt.; and that on C.O.D. shipments, the respondent did not assess a fee for the collection of same as required by the rules of the Commission.

It appeared from the investigation that the operator's main

difficulty was his inability or unwillingness to properly classify shipments; that he made no practice of assessing a fee for handling C. O. D. items and repeatedly transported live chickens and eggs in cases at a flat rate.

From this investigation made by the Commission's inspectors of the four months' period of operation of this respondent, as mentioned above, there appears to be little question about the listing of customers, charging the wrong rates or making the wrong classifications, issuing incomplete bills of lading and load sheets, and filing monthly reports which were not properly made up.

The respondent, holder of Permit No. A-662, testified that he received the report of the Commission's representatives and had gone over the same, and, in explanation, stated that of the twenty-six customers reported by the Commission as not being listed, or no contracts for service having been entered into, undoubtedly one-half were not listed as required; that as to the road reports being incomplete, the respondent stated that they spoke for themselves. The road reports were then made part of the record. They disclose that instead of listing the shippers the respondent merely put down, at the top of the column where consignors and consignees should be named, the word "various", with no names whatever listed.

The respondent further testified that he had gone to Davis Brothers and had them mark on a bill of lading the proper rates to charge for drug shipments; that he had also advised with Oscar Mayer, the Commission's rate clerk, and was instructed as to the rates to charge in the future; that so far as the flat rates charged for certain shipments were concerned, he had discontinued this practice after finding out it was a violation; that he had had very little experience in the trucking business and no experience so far as rates were concerned, and, of course, had met with a great deal of trouble in classifying shipments, causing him to make mistakes.

This record shows a more or less reckless disregard for the rules of the Commission. However, the respondent assured the Commission



that he was now better advised and was going to make a determined effort to meet all requirements.

After a careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the allegations contained in the complaint are true, and that said Permit No. A-662 of Ray Ballard, doing business as Arriba-Denver Truck Line, and his right to operate thereunder, should be suspended for a period of ninety days from and after the effective date of this order.

O R D E R

IT IS THEREFORE ORDERED, That as a penalty for and on account of the aforesaid violations, Permit No. A-662, and the right of Ray Ballard, doing business as Arriba-Denver Truck Line, to operate thereunder, should be, and hereby are, suspended for a period of ninety days from and after the effective date of this order.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler

W. C. Danks

Walter S. Sisk  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
C. A. EDWARDS, LEADVILLE, COLO-  
RADO, UNDER HIS PERMIT NO. B-2401. }

APPLICATION NO. 5034-PP

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March 27, 1940.  
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S T A T E M E N T

By the Commission:

On July 28, 1939, by Decision No. 13815, the Commission issued an order granting authority to the above-named applicant, which included the transportation of farm machinery, mine supplies, farm equipment, and farm supplies, within a 15-mile radius of Leadville.

The Commission is now in receipt of a communication from C. A. Edwards, the holder of said permit, requesting that the above-mentioned items be eliminated from his authority as he does not have occasion to render any such service. This would leave Permit B-2401 with authority to transport ore from mines within a radius of five miles of Leadville to smelter at or near Leadville.

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

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of the order contained in Decision No. 13815, be, and the same hereby is, amended to read as follows:

IT IS THEREFORE ORDERED, That C. A. Edwards, Leadville, 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 ore from mines within a radius of five miles of Leadville, to smelter at or near Leadville.

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 E. Ott

W. H. Danks

Wesley E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of March, 1940.

\*\*\*

PERMIT NO. C-8857

March 26, 1940

## S T A T E M E N T

2220 Gilpin St., Denver, Colorado

requesting that his Permit No. C-8857 be cancelled.

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-8857, heretofore issued to E. C. Failing be, and the same is hereby, declared cancelled, as of March 20, 1940.

Edward D. Tucker  
W. S. Danks  
Nathan Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Carl Darnell )  
d/b/a Carl's Cash Grocery )  
.....)

PERMIT NO. C-6429

.....  
March 26, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Carl Darnell d/b/a/Carl's Cash Grocery Tucumcari, New Mexico  
..... of .....,  
C-6429  
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-6429, heretofore issued  
to ..... Carl Darnell d/b/a Carl's Cash Grocery ..... be,  
and the same is hereby, declared cancelled, as of February 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
.....  
*Walter J. Sparks*  
.....  
*Walter J. Sparks*  
.....

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Jack Rotherum

PERMIT NO. C-9476

March 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Jack Rotherum of Paris, Texas,  
requesting that his Permit No. C-9476 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9476,  
to Jack Rotherum be,  
and the same is hereby, declared cancelled, as of March 5, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Brien*  
*W. B. Danks*  
*Walter E. Quinn*  
Commissioners.

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

\*\*\*

PERMIT NO. C-9820

March 26, 1940

## STATEMENT

The Commission is in receipt of a communication from .....  
 J. D. Dowling dba Southern Colo. Distributing Co. 1112 Grant, Trinidad, Colorado  
 ..... of ..... , ..... ,  
 C-9820  
 requesting that his Permit No. .... be cancelled.

## ORDER

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell  
H. E. Danks  
Walter E. Nixon  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

E. Iver Carlson

PERMIT NO. C-10348

March 26, 1940

**S T A T E M E N T**

**By the Commission:**

The Commission is in receipt of a communication from .....  
 E. Iver Carlson ..... of Cedaredge, Colorado .....  
 requesting that his Permit No. C-10548 ..... be cancelled .

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

**O R D E R**

IT IS THEREFORE ORDERED, That Permit No. C-10348, heretofore issued to E. Iver Carlson be, and the same is hereby, declared cancelled, as of March 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Ureel

Mr Danks

Malcolm Erickson

**Commissioners.**

Dated at Denver, Colorado,  
this 26th day of March, 19 40.



(Decision No. 15119 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
F. J. Collins )  
)  
.....)

PERMIT NO. C-10779

.....  
March 26, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
F. J. Collins ..... 1117 7th Ave., Greeley, Colorado  
..... of ..... , ..... ,  
requesting that his Permit No. C-10779 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10779, heretofore issued  
to F. J. Collins ..... be,  
and the same is hereby, declared cancelled., as of February 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. L. Danks*  
*Robert Nixon*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

E. R. Jones

PERMIT NO. C-4698

March 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. R. Jones ..... of Collbran, Colorado .....  
requesting that his Permit No. C-4698 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4698, heretofore issued  
to E. R. Jones ..... be,  
and the same is hereby, declared cancelled, as of March 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. R. Jones*  
*W. D. Jones*  
*W. D. Jones*  
Commissioners.

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

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Charles E. Everitt )  
)  
.....)

PERMIT NO. C-7096

.....  
March 26, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Charles E. Everitt of 1660 11th St., Denver, Colorado,  
.....  
requesting that his Permit No. C-7096 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7096, heretofore issued  
to Charles E. Everitt ..... be,  
and the same is hereby, declared cancelled, as of March 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. H. [Signature]*  
*Walter [Signature]*  
Commissioners.

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

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

RE MOTOR VEHICLE OPERATIONS OF)

M. L. Ogden  
.....)

PERMIT NO. C-6900

.....  
March 26, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
..... M. L. Ogden ..... of Oak Creek, Colorado .....  
requesting that his Permit No. C-6900 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6900, heretofore issued  
to M. L. Ogden ..... be,  
and the same is hereby, declared cancelled, as of February 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. DeLoach*  
*W. D. Danks*  
*Walter H. Hines*  
.....  
Commissioners.

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

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
)  
August Wood )  
.....)

PERMIT NO. C-10490

.....  
March 26, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
August Wood of Gould, Colorado,  
requesting that his Permit No. C-10490 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10490....., heretofore issued  
to August Wood ..... be,  
and the same is hereby, declared cancelled, as of February 27, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C-8188

C. G. <sup>hit</sup>omb

March 26, 1940

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
 \_\_\_\_\_ C. G. Whitcomb \_\_\_\_\_ of \_\_\_\_\_ Sterling, \_\_\_\_\_ Colorado \_\_\_\_\_,  
 requesting that his Permit No. \_\_\_\_\_ G-8188 \_\_\_\_\_ be cancelled.

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

**O R D E R**

IT IS THEREFORE ORDERED, That Permit No. C-8188, heretofore issued  
to C. G. Whitcomb, be,  
and the same is hereby, declared cancelled., as of March 16, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Danks  
Wm Danks  
Malcolm Smith  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ARTHUR MARTINSON, LAS ANIMAS, )  
COLORADO, FOR AN EXTENSION OF HIS )  
PRIVATE PERMIT NO. B-2220. )  
-----

APPLICATION NO. 4523-PP-B

-----  
March 27, 1940.  
-----

S T A T E M E N T

By the Commission:

On July 14, 1938, Decision 12125, the Commission issued an order granting authority known as B-2220 to Arthur Martinson, which provided as follows:

"For the transportation of: (a) livestock from point to point within the area extending thirty miles east and west of Las Animas, twenty-five miles north of Las Animas, and south to the County line, excluding that part of said area served by Wimp and Covey; (b) livestock from and to points in area described, to and from Lamar, La Junta, Pueblo and Denver; (c) grain from corn shellers or grinders and threshing machines being operated in said area to Las Animas and to feed lots in said area."

On February 27, 1940, the holder of said permit filed an application for extension, wherein he seeks authority to transport coal from Canon City-Florence, Walsenburg, and Trinidad districts to his present prescribed area.

The applicant represents that he has demands coming from his various customers to transport coal for immediate use, and suggested that it would be a great accommodation if the Commission could grant this extension without the formality of a hearing.

The record discloses that there is at the present time no authorized common carrier service available for the transportation of coal between these mining districts and the Las Animas area.

After a careful consideration of the application for extension and the record herein, the Commission is of the opinion, and finds, that

authority should be granted in accordance with the application for an extension without the formality of a hearing.

O R D E R

IT IS THEREFORE ORDERED, That the authority heretofore granted to Arthur Martinson, being Private Permit No. B-2220, should be, and the same hereby is, extended to include the following:

Coal from the Canon City-Florence, Walsenburg, and Trinidad districts, to the Las Animas territory described in Decision No. 12125.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Jones

W. L. Danks

Walter E. Spivey  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of March, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
H. M. JESSUP, ELBERT, COLORADO, )  
UNDER HIS CERTIFICATE NO. 322. )  
-----

CERTIFICATE NO. 322

-----  
March 27, 1940.  
-----

S T A T E M E N T

By the Commission:

On April 22, 1936, Decision No. 7524, an extended authority was granted under Certificate No. 322 to render a farm service to that territory extending 18 miles north, 18 miles east, 18 miles south, and 50 miles west of Elbert, Colorado, which included the transportation of dairy products.

The Commission is now in receipt of a memorandum signed by H. M. Jessup and Clay Snyder, dated February 15, 1940, reading as follows:

"Clay Snyder agrees to have his Permit A-367 cancelled by the Commission.

"Homer Jessup agrees to turn over to Clay Snyder, milk haul covering Kiowa, Elizabeth, and assist in having Certificate 378 extended to include an area 7 miles east and west and 15 miles north and south adjoining present area on the west, with authority to transport dairy products from the area to Denver and a back haul of farm supplies to milk customers in the extended area.

"Permit A-367 to be cancelled when Certificate 378 is extended and dairy products taken from Certificate 322."

From the above memorandum, it appears that H. M. Jessup has arranged to turn the milk haul covering the Kiowa-Elizabeth district over to Clay Snyder, and inasmuch as Certificate No. 378 has, by order of the Commission, been extended to include this service, H. M. Jessup requests that his Certificate No. 322 be amended to eliminate the milk haul from the Kiowa-Elizabeth district, as contemplated by the memorandum set forth above. It would appear to be in the public interest to separate the milk haul from the general freight, as is apparent in the above memorandum and the order of the Commission extending Certificate No. 378, and that the milk

haul item should be eliminated from Certificate No. 322 in so far as it affects the Kiowa-Elizabeth territory.

After a careful consideration of the foregoing, the Commission is of the opinion, and finds, that it is in the public interest to eliminate from Certificate No. 322 the milk haul above mentioned.

O R D E R

IT IS THEREFORE ORDERED, That Certificate No. 322 be, and it hereby is, amended, by eliminating therefrom the authority to transport dairy products from the Kiowa-Elizabeth territory now covered by Certificate No. 378, and H. M. Jessup relieved from rendering this public service from and after the effective date of this order; provided, however, that should objections be filed within sixty days from the date hereof by anyone adversely affected by the within amendment to the granting thereof, the same will be set for hearing.

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 March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
A. C. GIBSON, BENNETT, COLORADO,  
FOR AUTHORITY TO TRANSFER PERMIT  
NO. A-586 TO JOHN MARTIN, BENNETT,  
COLORADO.

APPLICATION NO. 5293-PP-A  
APPLICATION NO. 5293-PP-A-B

March 27, 1940

Appearances: A. C. Gibson and John Martin, Bennett,  
Colorado, pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common  
Carriers' Association;  
Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking  
Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
Permit No. A-586.

It appeared from the testimony given at the hearing that the  
consideration for this transfer was \$700.00 for the permit and two  
trucks; that there were no outstanding unpaid obligations as a result  
of previous operations under this authority, the one item disclosed by  
letter placed in the file having been taken care of on the date of  
hearing. It further appeared that the transferee was an experienced  
operator, was familiar with the territory covered by this permit and  
acquainted with the milk producers being served under this authority.

The authority as originally granted covered some 280 sections  
in Arapahoe and Elbert Counties, but the United States Government has  
lately acquired almost one-third of this territory for use as a bombing  
field for the Government Air School, leaving the balance to be served  
under Permit A-586, and this is the territory now being served under  
the same.

There was no objection to the granting of authority as sought. However, the transferee testified that he would like to have the area extended to the east and north to include West Bijou Creek to the east of the present territory and north to include the section around Bennett, Strasburg, and Byers.

The notice sent out for this hearing mentioned the transfer of the permit only, and nothing was said about an extension, but the Strasburg-Byers area does not appear to be served by other authority, and an extension might be authorized subject to protest by interested parties should such arise.

The original permit, A-586, issued December 29, 1933, describes the route as follows:

"Milk route approximately 75 miles, or 25 miles actual load haul, from applicant's ranch on Kiowa Creek (or immediate vicinity), west to Parker-Denver highway, thence to Denver (return on same route)."

This description being rather indefinite, the transferee and transferor stipulated that A. C. Gibson would indicate on a map covering this portion of Arapahoe and Elbert Counties the location of the territory traversed by the route as described in the original permit. However, A. C. Gibson testified, in connection with the granting of a certificate for the Kiowa Valley Truck Line, that the territory heretofore served by him under the permit is described as follows:

"Commencing at the Northeast corner of Section 26, Township 4 South, Range 62 West; thence south 14 miles to the Southeast corner of Section 35, Township 6 South, Range 62 West; thence west 17 miles to the Southwest corner of Section 31, Township 6 South, Range 64 West; thence north 4 miles; thence west 3 miles; thence north 7 miles; thence west 1 mile; thence north 3 miles to the Northwest corner of Section 28, Township 4 South, Range 65 West; thence East 21 miles to the point of beginning; -

the described area being in Arapahoe and Elbert Counties.

After some consideration of the transferee's request that, on account of the territory originally authorized to be served under Permit A-586 having been diminished by some hundred sections taken over by the

Federal Government, the Commission grant an extension to include an area to the north and east, with authority to transport milk and dairy products only, and it appearing from the records that no authorized carrier is at the present time rendering a strictly rural milk pick-up service in the Strasburg-Byers area, and south along West Bijou Creek, the Commission feels that this extension should be authorized, subject, however, to the right of interested parties to file a protest and have the same set for hearing at a later date.

After a careful consideration of the record herein, and the testimony given at the hearing, together with the request of the transferee that the territory be extended, the Commission is of the opinion, and finds, that authority to make the transfer should be granted and that the extended territory sought to be served by the transferee should be included as a part of the territory involved in the transfer.

ORDER.

IT IS THEREFORE ORDERED, That A. C. Gibson be, and he hereby is, authorized to transfer all of his right, title, and interest in and to Permit No. A-586 to John Martin, Bennett, Colorado.

The authority here authorized to be transferred constitutes a milk route, described in the original permit as follows:

"Milk route approximately 75 miles, or 25 miles actual load haul, from applicant's ranch on Kiowa Creek (or immediate vicinity), west to Parker-Denver highway, thence to Denver (return on same route);" -

and from the record herein the above route appears to cover the area described as follows:

"Commencing at the Northeast corner of Section 26, Township 4 South, Range 62 West; thence south 14 miles to the Southeast corner of Section 35, Township 6 South, Range 62 West; thence west 17 miles to the Southwest corner of Section 31, Township 6 South, Range 64 West; thence north 4 miles; thence west 5 miles; thence north 7 miles; thence west 1 mile; thence north 3 miles to the Northwest corner of Section 28, Township 4 South, Range 65 West; thence east 21 miles to the point of beginning."

IT IS FURTHER ORDERED, That the milk route authorized under

Permit A-586 be, and the same hereby is, extended to include an area to the north and south of the above-described territory more particularly described as follows:

Commencing at the Southwest corner of Section 24, Township 4 South, Range 63 West; thence north 6 miles to the Northwest corner of Section 25, Township 3 South, Range 63 West; thence east 12 miles to the Northeast corner of Section 26, Township 3 South, Range 61 West; thence south 20 miles to the Southeast corner of Section 35, Township 6 South, Range 61 West; thence west 6 miles; thence north 14 miles; thence west 6 miles to the point of beginning.

IT IS FURTHER ORDERED, That should interested parties having authority to transport milk and dairy products from the above-described extended area desire to protest the granting of this extension, they may do so by filing the same with the Commission within sixty days after the effective date of this order, requesting a hearing on the same.

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

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

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

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Danks

W. E. Quinn  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RAY MERCURE, OTIS, COLORADO, ) CASE NO. 4791  
UNDER CERTIFICATE NO. 776. )  
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-----  
March 28, 1940.  
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Appearances: Ray Mercure, Otis, Colorado,  
pro se;  
J. J. Patterson, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On February 1, 1940, the Commission issued a show cause order on account of the operations of the above-named respondent under his Certificate No. 776, charging violations of Chapter 134, Session Laws of 1927, as amended, the rules and regulations of the Commission governing common carriers by motor vehicle, and the terms and provisions of said certificate, more particularly as follows: That during the period July, August, September and October, 1939, the respondent transported freight for which he failed and neglected to issue proper bills of lading as required by Rule 30, and during this same period failed to issue and keep properly prepared load sheets or manifests as required by Rule 31, and that, during the same period, the respondent transported shipments of freight at and for rates and charges different from and lower than the rates prescribed by the Commission for such service.

It appeared from the testimony and reports of Oscar Mayer, rate clerk, and Inspector Murchie, such reports being exhibits numbered 1 and 2, that a careful investigation was made of the operations conducted by the respondent during the period July, August, September, and October, 1939; that it was extremely hard to get documentary evidence for the reason that the respondent did not have bills of lading, which made it necessary



for them to get invoices from the commission offices at the Stock Yards in order to ascertain the character of operations conducted by the respondent; that from such investigation they found that on August 22, 1939, the respondent transported eight head of cattle, weighing 5490 pounds, from Otis, Colorado, to Denver at a rate of 30 cents per cwt., the correct weight on this shipment being 30 cents per cwt. on a minimum of 6,000 pounds; that on July 18, 1939, he transported one bull weighing 1285 pounds at 30 cents per cwt., which is the minimum rate on a 6,000-pound shipment, and the balance of his load at L. T. L. rate of 35 cents per cwt., while the correct rate would be 35 cents per cwt on the bull; that on September 7, 1939, the respondent transported ten head of cattle weighing 8525 pounds, charging a rate of 25 cents per cwt., the correct rate being 30 cents; that on October 2, 1939, the respondent transported four head of sheep and three hogs, and assessed charges of 35 cents per cwt. on the sheep and 30 cents per cwt. on the hogs. Both of these shipments should have carried the L. T. L. rate of 35 cents per cwt. Also, that on October 24, 1939, respondent transported 18 head of hogs, weighing 4755 pounds, charging a rate of 30 cents per cwt., based on the actual weight of the shipment. The correct rate on this shipment would be 35 cents per cwt. On September 11, 1939, respondent handled three shipments, one for A. Stump and two for E. W. Harlburt, both of Otis, Colorado, charging 30 cents per cwt. The shipments weighed 4590 pounds, 3960 pounds, and 3310 pounds, respectively, and on this consolidated shipment, the respondent charged 30 cents per cwt. and made no charge for pickup.

It appeared from the investigation of the Commission's representatives that during the period July, August, September, and October, 1939, the respondent handled approximately 130 shipments, for which he had no bills of lading covering the same, but did submit copies of a number of sales sheets made at the Stock Yards, and the reports disclose that at no time did the respondent keep load sheets or manifests.

It further appeared that about a year before this show cause order was filed, the respondent was interviewed at Otis, Colorado, by an

inspector for the Commission, and was given instructions as to rates, but that the item of bills of lading or load sheets was not gone into at that time. It further appeared that at a later date, when the respondent called at the office of the Commission, he was advised that bills of lading must be kept. This was after the inspectors had been obliged to go to the Stock Yards and get copies of invoices.

The respondent testified that he had received a copy of the report of the Commission's inspector, also a copy of the rate clerk's report, and had made a careful study of the same and was obliged to admit that he had no bills, but did have a book memorandum which merely contained the notation of his having rendered service on certain dates for certain shippers; that he did not understand about having bills of lading, load sheets, and manifests, and further, that he never did understand about a pick-up charge when he had stock belonging to several shippers, the same to be transported on the same truckload; that he knew, of course, that there were prescribed rates put out by the Commission, and that he tried to follow the same according to the best of his ability; that he was at the Willowdale meeting and heard Rate Clerk Mayer explain to the shippers about the rates, and that about all he could remember was that 6,000 pounds carried a 30-cent rate from Otis to Denver, and that a 5500-pound shipment carried a 35-cent rate.

This record shows that the respondent has been in the trucking business for a number of years; that he confines his operations primarily to the transportation of livestock, and there is little doubt that he knew the rate on livestock from Otis to Denver. It appears that he was rather careless in his interpretation of the use of the minimum of 30 cents per cwt. on 6,000-pound shipments and over, and used this rate at times when the shipments did not reach the minimum of 6,000 pounds. It also appears that he did not take interest enough in the rates and the rules of the Commission to advise himself on an extra charge for pick-up when transporting a number of livestock for two or more shippers, particularly when this livestock was picked up at different points.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that the allegations contained in the complaint are true, and that the operations of the respondent under his Certificate No. 776 should be suspended for a period of sixty days.

O R D E R

IT IS THEREFORE ORDERED, That as a penalty for and on account of the violation hereinabove set forth, Certificate No. 776, and the right of Ray Mercure to operate thereunder, should be suspended for a period of sixty days from and after the effective date of this order.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund D. O'Connell

Wesley D. Danks

Malcolm Smith  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Robert A. Knight )  
)  
.....)

PERMIT NO. B-1032

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Robert A. Knight ..... Aguilar, Colorado  
..... of .....,  
requesting that his Permit No. B-1032 ..... be cancelled.

After careful consideration, the Commission is 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-1032 ....., heretofore issued  
to Robert A. Knight ..... be,  
and the same is hereby, declared cancelled, as of March 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Oliver*  
*W. D. Parks*  
*Wm. E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Lee Musser )  
)  
.....)

PERMIT NO. B-1482

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Lee Musser ..... of 2843 Race, Denver, Colorado  
....., .....  
B-1482  
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. B-1482 ..... heretofore issued  
to Lee Musser ..... be,  
and the same is hereby, declared cancelled., as of March 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. L. Danks*  
*Wm. E. Eick*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

M. F. Poston

PERMIT NO. C-11223

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
M. F. Poston ..... of 725 E 1st Ave., Denver, Colorado  
.....  
requesting that his Permit No. C-11223 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11223, heretofore issued  
to M. F. Poston ..... be,  
and the same is hereby, declared cancelled, as of March 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. D. Danks*  
*Walter E. Smith*

Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Floyd Sanders

PERMIT NO. C-10638

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Floyd Sanders of Rocky Ford, Colorado,  
requesting that his Permit No. C-10638 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10638, heretofore issued  
to Floyd Sanders be,  
and the same is hereby, declared cancelled, as of February 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Danks*  
*Walter E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

T. E. Neppier

PERMIT NO. C-8769

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
T. E. Neppier ..... of Ft. Sumner, New Mexico  
requesting that his Permit No. C-8769 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8769, heretofore issued  
to T. E. Neppier ..... be,  
and the same is hereby, declared cancelled, as of March 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Danks*  
*Malcolm E. Eison*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.



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

RE MOTOR VEHICLE OPERATIONS OF)

Grover Smith &  
Fred A. Nichols  
.....)

PERMIT NO. C-10294

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Grover Smith & Fred A. Nichols of Evergreen, Colorado,  
requesting that his Permit No. C10294 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10294, heretofore issued  
to Grover Smith & Fred A. Nichols be,  
and the same is hereby, declared cancelled, as of March 16, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Turner*  
*Wes Danks*  
*Walter E. Eickman*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
Roy Roberts )  
PERMIT NO. C-8964  
.....)

March 28, 1940

S T A T E M E N T

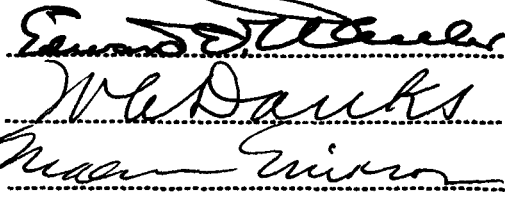
By the Commission:

The Commission is in receipt of a communication from  
Roy Roberts of Dolores Colorado,  
requesting that his Permit No. C-8964 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8964, heretofore issued  
to Roy Roberts be,  
and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

E. B. Riedel

PERMIT NO. C-3376

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. B. Riedel ..... of ..... Brush, Colorado .....  
requesting that his Permit No. C-3376 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3376 ..... heretofore issued  
to ..... E. B. Riedel ..... be,  
and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. B. Riedel*  
*McDanks*  
*W. E. Riedel*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

E. C. Brooks

PERMIT NO. C-7398

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. C. Brooks ..... of 510 So Summitt, Ark. City, Kans.  
requesting that his Permit No. C-7398 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7398, heretofore issued  
to E. C. Brooks ..... be,  
and the same is hereby, declared cancelled, as of March 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dineen*  
*W. D. Danks*  
*W. E. Glendon*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Josephine M. Trow )  
)  
.....)

PERMIT NO.C-10063

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Josephine M. Trow ..... of Nemo Route, Deadwood, So. Dakota  
....., .....  
requesting that his Permit No. C-10063 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10063, heretofore issued  
to Josephine M. Trow ..... be,  
and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Thomas*  
*W. L. Janks*  
*William E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

**J. B. Swigert**

PERMIT NO. C-10256

March 28, 1940

# STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
J. B. Swigert \_\_\_\_\_ of \_\_\_\_\_ Ault \_\_\_\_\_ Colorado \_\_\_\_\_,  
requesting that his Permit No. \_\_\_\_\_ C-10256 \_\_\_\_\_ be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10256, heretofore issued to J. B. Swigert be, and the same is hereby, declared cancelled; as of March 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ernest Turner  
Wm Danks  
Paul Epison  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.



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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Irving Goldberg & Irving Richtel  
)  
.....)

PERMIT NO. C-10801

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Irving Goldberg & Irving Richtel ..... 1570 Federal, Denver, Colorado  
..... of ....., .....,  
C-10801  
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-10801 ....., heretofore issued  
to ..... Irving Goldberg & Irving Richtel ..... be,  
and the same is hereby, declared cancelled, as of March 20, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wilson*  
*McDanks*  
*William Emerson*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

A. E. Strode

PERMIT NO. C-10830

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
A.E. Strode \_\_\_\_\_ of Meeker, Colorado \_\_\_\_\_,  
requesting that his Permit No. C-10830 \_\_\_\_\_ be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10830 \_\_\_\_\_, heretofore issued  
to A. E. Strode \_\_\_\_\_ be,  
and the same is hereby, declared cancelled., as of March 14, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Tucker*  
*W. H. Danks*  
*Harold Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

(Decision No. 15143

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

## Ben Berghaus

PERMIT NO. C-10892

March 28, 1940

**S T A T E M E N T**

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
 Ben Berghaus \_\_\_\_\_ of Plains, Kansas \_\_\_\_\_,  
 \_\_\_\_\_,  
 \_\_\_\_\_ C-10892  
 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-10892....., heretofore issued to Ben Berghaus..... be, and the same is hereby, declared cancelled., as of March 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Threlkeld  
Wm. Danks  
Malcolm Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

**K**

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)

)

1

.....

1999 2000 2001 2002 2003 2004 2005 2006 2007 2008

requesting that his Permit No. .... be cancelled.

1994 1995 1996 1997 1998

and the same is hereby, declared cancelled, as of March 1, 1940.

**Commissioners.**

**K**

(Decision No. 15145 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
Canto Palomo                          )  
  )  
.....)

PERMIT NO. C-11060

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Canto Palomo of General Delivery, Edinburg, Texas  
.....,  
requesting that his Permit No. C-11060 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11060, heretofore issued  
to Canto Palomo be,  
and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. [unclear]*  
*Wes [unclear]*  
*Malcolm [unclear]*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.



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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
Fred J. Miller )  
)  
)  
.....)

PERMIT NO. C-10614

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Fred J. Miller ..... Hudson, Colorado  
..... of ..... , .....  
requesting that his Permit No. C-10614 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10614, heretofore issued  
to Fred J. Miller ..... be,  
and the same is hereby, declared cancelled, as of March 20, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Danks*  
*W. L. Danks*  
*Walter Emerson*  
.....  
Commissioners.

Dated at Denver, Colorado, this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
Richard D. Bailey )  
.....)

PERMIT NO. C-6825

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Richard D. Bailey ..... of Box 255, Arvada, Colorado,  
requesting that his Permit No. C-6825 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6825 ..... heretofore issued  
to Richard D. Bailey ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward D. [Signature]*  
*W. C. [Signature]*  
*Malcolm [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
Henry F. Folkmann dba )  
Plummer Service Station )  
..... )

PERMIT NO. C-9501

.....  
March 28, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Plummer Service Station of 428 Elizabeth, Ft. Collins, Colorado,  
requesting that his Permit No. C-9501 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9501, heretofore issued  
to Henry F. Folkmann dba Plummer Service Station be,  
and the same is hereby, declared cancelled, as of February 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*Wesley J. Jones*  
*Malcolm C. Gibson*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Union Fruit Corporation )

PERMIT NO. C-9631

March 28, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Union Fruit Corporation Paonia, Colorado  
..... of .....,  
requesting that his Permit No. C-9631 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9631, heretofore issued  
to Union Fruit Corporation be,  
and the same is hereby, declared cancelled; as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniel*  
*W. D. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF  
G. J. MONKELY, MONTROSE, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CON-  
VENIENCE AND NECESSITY TO OPERATE  
PASSENGER AND EXPRESS SERVICE BETWEEN  
NUCLA, COLORADO, AND MONTROSE, COLORADO. )

APPLICATION NO. 5320

March 28, 1940.

Appearances: Bryant & Stubbs, Esqs., Montrose, Colorado,  
attorneys for applicant;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Meter Way, Inc., and  
The Denver and Rio Grande Western  
Railroad Company;  
Cass M. Harrington, Esq., Denver, Colorado,  
for Rio Grande Southern Railroad Company;  
L. A. Theobald, Norwood, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

The instant application seeks a certificate of public convenience and necessity authorizing the transportation of passengers and express between Nucla, Colorado, and Montrose, Colorado, and intermediate points, except no passengers or express are to be handled locally between Montrose and Placerville, Colorado.

Written pretests against the granting of the authority sought were filed by the Rio Grande Southern Railroad Company, The Denver and Rio Grande Western Railroad Company, and Rio Grande Meter Way, Inc.

At the hearing, the evidence disclosed that applicant had an estimated net worth of approximately \$44,000.00; that he proposes to operate a daily schedule seven days a week, which would leave Nucla at 7:00 A.M., arriving in Montrose at 10:30 A.M.; leaving Montrose the same day at 3:45 P.M. and arriving back in Nucla at 7:15 P.M., the approximate distance between Nucla and Montrose being 94 miles.

It was further disclosed that at the present time Rio Grande Motor Way conducts an operation transporting passengers and express between Montrose and Ridgway, Colorado, and the Rio Grande Southern Railroad Company is operating train service, including the transportation of passengers and express, between Ridgway and Placerville, Colorado. However, applicant does not propose to render any local service between the points so served by either of the protestants, but does propose to transport both passengers and express from Nucla and points intermediate between Nucla and Placerville, to Placerville or points intermediate between Placerville and Montrose, and between Montrose and Nucla, picking up only such express or passengers between Montrose and Placerville as may be destined to points beyond Placerville on his route. He proposes, if granted a certificate, to purchase a 1940, 12-passenger I.H.C. station equipment costing approximately \$1,500.00. At the present time, he owns a 1935 five-passenger Buick sedan.

The rates which he proposes to charge and which were admitted in evidence as Exhibit "A", disclose that the one-way fare from Nucla to Montrose would be \$2.35, with one and one-half times the one-way fare for round trips; and for the transportation of express, he proposes to charge so-called "express" rates which are higher than the prescribed freight rates of the Commission.

Applicant, testifying in his own behalf, stated that no present method of transportation exists for the residents of Norwood, Nucla, Naturita, and contiguous territory located in the western part of Montrose County, for the transportation to county seat at Montrose; that at the present time people who do not own cars and desire to make trips either into or out of said territory, were compelled to "hitch-hike" their way, or prevail upon someone who does own a car to give them a ride. Said witness said that general business had been materially increased in that section of Montrose County due to mining developments by Vanadium Corporation of America and the United States Vanadium Company, the latter conducting operations at Uravan, and the former being located approximately two miles down the San Miguel River

from Norwood. The former company employs between 350 and 400 men.

Applicant further testified that he expected to average from four to six passengers per day each way and felt that the operation could be conducted successfully from a financial standpoint.

Witnesses from Norwood, Redvale and Nucla testified as to the need of that community for expedited express service, as well as passenger service, between said territory and the county seat of Montrose County.

It was further disclosed that the only operation into that territory was in the nature of a freight operation twice a week by the Theobald Truck Line, except for the operation of the mail carrier, operating from Placerville under a lease of a portion of the Theobald certificate carrying express into said area. Applicant had a large number of other witnesses from said area present to testify. However, at this point in the hearing, a statement for the record was made by the representatives of all protestants present to the effect that they had no objection to the granting of the certificate asked for so far as the transportation of passengers is concerned, and they did not object to the granting of the certificate for the transportation of express consisting of packages weighing less than 75 pounds, originating in Montrose and destined to points beyond Placerville to the area sought to be served by applicant, or vice versa, including also the right to transport any express coming in to Montrose from Grand Junction on the afternoon bus of Rio Grande Motor Way; provided, however, that applicant shall not attempt in any manner to interfere with other express now being handled by protestants from points beyond Montrose by solicitation, by reducing his express rates, or otherwise.

The attorney for applicant stated that it was agreeable with applicant to be granted the certificate as limited by the statement of counsel for protestants.

No further evidence was introduced on behalf of applicant or protestants.

It is quite clear from the record as a whole that the inhabitants of the western portion of Montrose County, which applicant proposes to serve,

are badly in need of his proposed service. We believe the evidence clearly establishes the financial ability of applicant to conduct said operation, and in our opinion the record justifies the granting of the certificate to the extent and under the restrictions proposed by protestants and accepted by applicant.

As we view the situation, such a certificate would give the residents of western Montrose County the needed service, and at the same time would not materially interfere with present established common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by the testimony and the stipulation of the parties hereto, the public convenience and necessity require the proposed operations of applicant.

#### O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the proposed motor vehicle operations of C. J. Meberly, of Montrose, Colorado, for the transportation of passengers and express between Nucla, Colorado, and Montrose, Colorado, subject to the terms and conditions hereinafter set forth, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

(a) In the conduct of said operation, applicant shall not render any local service between Montrose and Placerville and points intermediate, or between Placerville and Montrose and points intermediate.

(b) That in the transportation of express, applicant shall be limited to packages of less than 75 pounds in weight, and shall only transport such express as originates in Montrose, or points intermediate between Montrose and Placerville, destined to points beyond Placerville, excepting that applicant shall have the right to transport express destined to points beyond Placerville which arrive in Montrose by the afternoon bus of Rio Grande Motor Way, and shall also have the right to transport express originating in points beyond Placerville and destined to Montrose or points intermediate Montrose and Placerville.

(c) Applicant shall in no way attempt to secure any express business now being handled by Rio Grande Motor Way and/or Rio Grande Southern Railroad Company, which does not originate in Montrose, either by solicitation, reduction in his rates, or in any other manner, with the exception above noted of express arriving destined to his territory upon the afternoon bus of Rio Grande Motor Way from Grand Junction.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniel*  
*W. L. Danks*  
*Ma*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF  
WEICKER TRANSPORTATION COMPANY FOR  
AUTHORITY TO LEASE A PORTION OF  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY NO. 8 TO C. H. COR-  
NELIUS, DOING BUSINESS AS "CORNEL-  
IUS TRANSFER AND STORAGE COMPANY."

APPLICATION NO. 1578-AAA-AA

March 29, 1940

Appearances: A. J. Fregeau, Denver, Colo-  
rado, for Weicker Trans-  
portation Company;  
C. H. Cornelius, Lamar, Colo-  
rado, pro se;  
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:

Heretofore, in Application No. 1578, Weicker Transportation Company, by Decision No. 2948, was authorized to conduct a common carrier motor vehicle operation between ~~Lamar~~ and Holly, and intermediate points; between Holly and Walsh, and intermediate points, and between Holly and the Colorado-Kansas State Line. ~~Other~~ operations are conducted under Certificate No. 8 by the said ~~Weicker~~ Transportation Company, and the instant application seeks authority to lease the above-described operation under said certificate to the said C. H. Cornelius.

The evidence disclosed that the said lessee is now conducting motor vehicle operations under a certificate granted by this Commission and has sufficient equipment, not only for his own operations, but also to serve the territory involved in the instant lease. The operation between Lamar and Holly covers a distance of twenty-seven miles, and from Holly to Walsh is approximately fifty miles.

The testimony indicated that said territory is sparsely settled, and in recent years has suffered severely from dust storms and drouth; that the business conducted therein by lessor has diminished to a point where, at times, as little as three thousand pounds of freight is carried on the round trip; that the operation as now conducted costs more in the way of out-of-pocket expense than the revenue derived therefrom.

It is maintained that lessee will be better able, not only to conduct his own service, but the proposed lease service as well, if the same is approved, and that the public, as a whole, will benefit by the proposed arrangement.

It was also brought out by the evidence that lessee is the owner of lighter equipment than has been used by lessor in said operation, and that same can be operated at less expense for that reason and still adequately serve the public.

The proposed lease, which is attached to the application, marked "Exhibit A," provides that lessee shall maintain that portion of said Certificate No. 8, which is being leased to him, by the proper filing of insurance and the payment of highway compensation taxes, and shall furnish and maintain all necessary equipment. The consideration for the granting of the lease is the agreement on the part of lessee to perform pickup and delivery service for lessor, and said lease may be terminated at any time by either party upon sixty days notice.

No objections were interposed to the approval of said lease by the Commission.

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

#### **O R D E R**

IT IS THEREFORE ORDERED, That said lease, dated February 15, 1940, marked "Exhibit A," and attached to the application filed herein,



between Weicker Transportation Company, Lessor, and C. H. Cornelius, Lessee, covering that portion of Certificate No. 8 authorizing the transportation of freight as a common carrier between Lamar and Holly, Colorado, and intermediate points; Holly and Walsh, and intermediate points, and between Holly and the Colorado-Kansas State Line, be, and the same is hereby, approved.

IT IS FURTHER ORDERED, That this order shall become effective on the day and the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. T. Tully

J. H. Danks

Walter E. Quinn  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF PRESTON WESTBROOK, DENVER, COLO- )  
RADO, TO TRANSFER PERMIT NO. A-787 )  
TO NATHAN GOLDSTEIN, DENVER, COLORADO. )  
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APPLICATION NO. 3162-PP-AAAA

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March 29, 1940.  
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Appearances: John P. Beck, Esq., Denver, Colorado,  
for applicant;  
A. J. Fregeau, 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:

On July 17, 1934, Permit A-787 was issued to William Stuart,  
authorizing the transportation of freight,-

"between Denver and Julesburg, and intermediate points,  
over Highways 85, 38, and 138; between Fort Lupton  
vicinity and Trinidad, and intermediate points, over  
Highway 85; between Fort Lupton vicinity and Wyoming  
state line, and intermediate points, over Highway 85,  
and between Denver and Kansas state line, and inter-  
mediate points, over Highway N. 40."

Thereafter, on April 23, 1936, Decision No. 7529, said permit  
was transferred to J. R. Marks and Ralph Stevenson, and later transferred  
to J. R. Marks, Ralph Stevenson and Tudor J. Marks, doing business as  
J. R. Marks Truck Line. On November 29, 1939, Decision 14596, said permit  
was transferred by the said J. R. Marks Truck Line to Preston Westbrook.  
The instant application seeks authority to transfer the same from the said  
Preston Westbrook to Nathan Goldstein, of Denver, Colorado.

The evidence disclosed that transferee is paying the sum of  
\$200.00 for said permit, no equipment being involved. It was further  
disclosed that transferee is financially able to carry on operations under  
said permit; that the same is in good standing, and that no outstanding

obligations exist against former operations thereunder.

No objections were introduced to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That Preston Westbrook, of Denver, Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to Permit A-787 to Nathan Goldstein, of Denver, Colorado.

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

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all 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. O'Leary*  
*W. C. Jackson*  
*William E. Riven*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF WESTERN MOTOR WAY, INC., FOR  
A CERTIFICATE OF PUBLIC CON-  
VENIENCE AND NECESSITY.

APPLICATION NO. 1179-A

March 29, 1940

Appearances: J. W. Hayden, 246 Rood Ave.,  
Grand Junction, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On October 1, 1928, Western Motor Way, Inc., was granted a certificate of public convenience and necessity in Application No. 1179, authorizing the transportation of freight, passengers, baggage, mail, and express, between Grand Junction, Colorado, and Mack, Colorado, via Fruita, said original order being Decision No. 1926.

Thereafter, on June 13, 1929, Decision No. 2294, said Western Motor Way, Inc., was authorized to transfer said certificate to J. W. Hayden, and we are now in receipt of a written request from the said J. W. Hayden to clarify said certificate by authorizing service to points intermediate between Grand Junction and Mack.

It is further alleged in said petition that the said J. W. Hayden has always served said intermediate points since obtaining said certificate of public convenience and necessity from said Western Motor Way, Inc., and it is further alleged that said Western Motor Way, Inc., also rendered service to said intermediate points.

It further appears that no competing carrier would be affected by granting the clarification sought herein. It does not appear that

any good reason exists for holding a hearing in the instant application, and that it would be in the public interest to grant the same.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said original order of October 1, 1928, Decision No. 1926, should be amended and clarified to the extent of showing that service was authorized to points intermediate between Grand Junction and Mack, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That said Decision No. 1926, issued October 1, 1928, be, and the same is hereby, amended and clarified to the extent of authorizing the same service to points intermediate between Grand Junction and Mack, Colorado, as was authorized between Grand Junction and Mack in said original order.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof; provided, however, that the Commission retains jurisdiction herein to make such further order or orders as it may deem necessary, due to the fact that the instant order is made ex parte.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. O'Brien  
Wesley J. Danks  
Walter E. Erickson  
COMMISSIONERS.

DATED at Denver, Colorado,  
this 29th day of March, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

NORTH EASTERN MOTOR FREIGHT, INC., )  
and THE MOTOR TRUCK COMMON CARRIERS )  
ASSOCIATION, )

Complainants, )

vs. )

CASE NO. 4782

R. A. BETHKE, )

Defendant, )

-----  
March 29, 1940.  
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Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for Complainants;  
Marion F. Jones, Esq., Denver, Colorado,  
for Respondent;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The instant case was predicated on a complaint filed by the North Eastern Motor Freight, Inc., and The Motor Truck Common Carriers Association against the defendant, R. A. Bethke.

In substance, the complaint alleges that the defendant is operating over routes which his permit does not authorize, and in addition thereto, has contracted with the United States Government to transport supplies from the Citizens Civilian Conservation Corps' warehouse at Littleton to the C. C. C. Camp at Sterling, Colorado, for a flat rate of 65 cents per hundredweight. The road reports and files in Application No. 3356-PP, as well as Application No. 3356-PP-A, were made a part of the record.

Said files disclose that permit No. A-519 was originally issued August 29, 1933, to E. J. Rawson of Longmont, Colorado, upon an application which stated that the route desired was:

"Longmont and vicinity to Utah state line thru routes open to travel, to Denver, and intermediate points, and such further routes as may be hereafter in writing described to the Commission."

Said files also disclose a letter dated July 10, 1934 (which, however, does not carry our filing stamp), wherein the Commission is requested to extend the authority under said permit to cover the following additional territory:

"Between New Mexico State Line and the Wyoming State Line and intermediate points over Highways 285 and 85; between Denver and Pueblo and the Kansas State Line and intermediate points over Highways 50 and 40; between Longmont and the Nebraska State Line and intermediate points over Highways 85, 6 and 54; between Longmont and the Utah State Line and intermediate points over Highways 16 and 50."

Thereafter, the said E. J. Rawson was authorized to transfer said Permit to the defendant herein, R. A. Bethke.

The said E. J. Rawson testified on behalf of defendant to the effect that after he secured the original permit, he employed Marion Jones, the attorney for defendant in the instant case, to prepare the application for an extension which was covered by the letter of July 10, 1934, above referred to; that at that time he expected to pick up and deliver freight to all points mentioned in the original permit, as well as in the extension thereof, and that he operated under said permit for between five and six years.

Exhibit No. 1, which is the cab card issued to the said E. J. Rawson in 1936 by the Commission, describes the same territory as above set forth in both the original permit and the extension.

Upon cross-examination, the witness stated that he lived at Longmont and that under his permit, he expected to reach the Nebraska state line either by going via Denver or by going over some cross road from Longmont to Highway 85; that he did haul from Denver to Longmont and mentioned one instance of hauling a load of household goods to Sterling from Denver, although he could not give the exact date. He admitted that Longmont was largely the point of origin and destination of his freight, but insisted that his intentions were to go anywhere he was authorized to go under his permit.

The defendant testified that he paid \$1,200 for the permit along; that he bought the permit to serve his customers who were wholesale grocers in Denver, and since the purchase of said permit he had operated every day

under the permit and mentioned Durango, Fort Collins, Brush, Sterling and Pueblo, as points that he had served; that he was now serving from Sterling to the C.C.C. Camp which is located about  $1\frac{1}{2}$  miles east of Sterling on the old highway between Sterling and Holyoke, and that this freight consisted of supplies from the C.C.C. warehouse at Littleton; that he did operate to Sterling in either April or May of 1939, and never had any intention of abandoning any part or portion of the permit.

An examination of the road reports filed by Rawson, as well as Bethke, indicates that Bethke did at least make one trip to Sterling in 1938. The Rawson operations were quite limited and one month's report appears to be missing. We could not find any operation that he had ever made to Sterling, but we did find operations from Longmont to Timnath, Longmont to Greeley, Valmont to Greeley, Golden to Longmont, Longmont to Arvada, and Lafayette to Denver.

The record, as a whole, in our opinion, fails to disclose any operations beyond the authority granted under said permit. It must be borne in mind that prior to the holding of hearings upon private carrier applications, extensions of authority granted under same were permitted upon written request to the Commission.

The issuance of cab card to Rawson in 1936, containing the description of the extension which he requested in his letter of July 10, 1934, was a clear indication that it was the intention of the Commission to grant said extension.

The charge in said complaint that defendant has contracted to transport supplies from a C. C. C. Camp at Littleton to a C. C. C. Camp near Sterling for a flat rate, will not be passed upon by the Commission in the instant case, as the matter is now before us for decision upon the question of whether the prescribed rates of the Commission apply to such movements. The decision reached in said case will apply alike to all carriers involved, including this defendant.



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

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

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

Wesley J. Banks

William E. Erickson  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF  
V. E. BROWN, ENGLEWOOD, COLORADO,  
FOR AUTHORITY TO TRANSFER CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
NO. 675 TO MAURICE E. HILL, COLORADO  
SPRINGS, COLORADO.

APPLICATION NO. 2089-AB-11

March 28, 1940

Appearances: E. B. Cartwright, Esq., 3425  
South Broadway, Englewood  
Colorado, for the applicants;  
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:

V. E. Brown, who operates a motor vehicle common carrier taxi cab service as P.U.C. No. 675, under authority originally granted in Decision No. 4956 by the Commission, on March 10, 1933, as thereafter extended, herein seeks authority to transfer said operating rights or privileges to Maurice E. Hill.

The matter was set for hearing in Denver, and heard, on March 21, 1940.

At the hearing, it appeared that, as a part of the consideration for transfer of the operating rights owned by transferor, said transferee will assume outstanding indebtedness owing by transferor on certain equipment operated by him, ~~in the sum of \$2,200.00~~ <sup>80.</sup>; that there are no outstanding unpaid operating obligations.

It also appeared that transferee is a competent operator, and pecuniarily able to carry on the transportation service.

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 V. E. Brown, Englewood, Colorado, should be, and he hereby is, authorized to transfer all of his right, title and interest in and to certificate of public convenience and necessity No. 675 (originally granted in Decision No. 4956, under date of March 10, 1933, and thereafter extended) to Maurice E. Hill, Colorado Springs, 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 (30) 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 (20) days~~ <sup>8 p.</sup> from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners

Dated at Denver, Colorado,  
this 28th day of March, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
R. L. Atwood )  
)  
.....)

PERMIT NO. C-9589

.....  
April 2, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
..... R. L. Atwood ..... of ..... Ft. Morgan, Colorado .....,  
requesting that his Permit No. ..... C-9589 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. ..... C-9589 ....., heretofore issued  
to ..... R. L. Atwood ..... be,  
and the same is hereby, declared cancelled, as of March 23, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard J. O'Connell*  
.....  
*W. L. Danks*  
.....  
*Malcolm E. ...*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this ..... 2d ..... day of ..... April ..... , 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
) PERMIT NO. C-5135  
)  
)  
)  
Floyd Reedy  
.....)

.....  
April 2, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Floyd Reedy ..... of Ft. Lupton, Colorado .....  
requesting that his Permit No. C-5135 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5135 ..... heretofore issued  
to Floyd Reedy ..... be,  
and the same is hereby, declared cancelled, as of March 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
.....  
*W. L. Danks*  
.....  
*Malcolm Erickson*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

W. A. Hubbartt

PERMIT NO. C-5104

April 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. Hubbartt of Clifton, Colorado,  
requesting that his Permit No. C-5104 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5104  
to W. A. Hubbartt be,  
and the same is hereby, declared cancelled, as of March 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*Wesley J. Sparks*  
*Malcolm C. Brown*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April, 1940.



(Decision No. 15161 )

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

RE MOTOR VEHICLE OPERATIONS OF)

**Ben Knodel**

PERMIT NO. C-10925

April 2, 1940

## S T A T E M E N T

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
Ben Knodel \_\_\_\_\_ of \_\_\_\_\_ 5200 Steele St., Denver, Colorado  
\_\_\_\_\_, \_\_\_\_\_,  
requesting that his Permit No. \_\_\_\_\_ C-10925 \_\_\_\_\_ 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-10925, heretofore issued to Ben Knodel be, and the same is hereby, declared cancelled, as of March 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell  
Wesley Danks  
William Wicks  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April, 1940.

**K**



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

B. A. Edwards dba  
Smitty Coal Co.

PERMIT NO. C-10827

April 2, 1940

## S T A T E M E N T

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
 B. A. Edwards dba Smitty Coal Co. of 922 Santa Fe, Denver, Colorado  
 \_\_\_\_\_, \_\_\_\_\_,  
 C-10827  
 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. 8-10827, heretofore issued to B. A. Edwards, dba Smitty Coal Co. be, and the same is hereby, declared cancelled, as of March 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Tuckers  
McDanks  
Maclm. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
E. H. Couch )  
)  
.....)

PERMIT NO. C-10459

-----  
April 2, 1940  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. H. Couch ..... of 625 Delaware, Denver, Colorado,  
.....  
requesting that his Permit No. C-10459 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10459, heretofore issued  
to E. H. Couch ..... be,  
and the same is hereby, declared cancelled, as of March 21, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. Danks*  
*Maxim [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
James L. Jones )  
)  
.....)

PERMIT NO. C-10389

.....  
April 2, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
James L. Jones ..... of 610 E Main, Trinidad, Colorado,  
.....  
requesting that his Permit No. C-10389 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10389, heretofore issued  
to James L. Jones ..... be,  
and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. [Signature]*  
*McDauks*  
*William Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April, 1940.

(Decision No. 15165

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

## Clifton Woods

PERMIT NO. C-9007

April 2, 1940

## S T A T E M E N T

**By the Commission:**

The Commission is in receipt of a communication from .....  
Clifton Woods Rt 3, Box 59, Montrose, Colorado  
..... of .....  
requesting that his Permit No. C-9007 ..... 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-9007....., heretofore issued  
to Clifton Woods..... be,  
and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dwyer  
W. L. Danks  
Mason Bricker  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April 1940.

**K**

\*\*\*

PERMIT NO. C-4915

April 2, 1940

# STATEMENT

The Commission is in receipt of a communication from \_\_\_\_\_  
Bert Eaks \_\_\_\_\_ of \_\_\_\_\_ Boulder, \_\_\_\_\_ Colorado  
\_\_\_\_\_, \_\_\_\_\_,  
requesting that his Permit No. \_\_\_\_\_ G-4915 \_\_\_\_\_ be cancelled.

**O R D E R**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks  
W. D. Danks  
Marion Erickson  
Commissioners.

**K**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

L. P. Wilson

PERMIT NO. C-144

April 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
L. P. Wilson 1941 Pennsylvania, Denver, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-144 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-144, heretofore issued  
to L. P. Wilson be,  
and the same is hereby, declared cancelled., as of February 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dwyer*  
*W. C. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of April, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CECIL McNAUGHT, YUMA, COLORADO, FOR )  
AUTHORITY TO TRANSFER PERMIT NO. ) APPLICATION NO. 4644-PP-A  
A-2260 TO GLEN E. ELLSWORTH, YUMA, )  
COLORADO. )  
-----

-----  
April 2, 1940.  
-----

Appearances: Cecil McNaught, Yuma, 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:

Cecil McNaught herein seeks authority to transfer his Permit No. A-2260, which was granted in Decision No. 12548, to Glen E. Ellsworth, Yuma, Colorado.

At the hearing, in Fort Morgan, on March 27, 1940, it appeared that there are no outstanding unpaid operating obligations; that transferee is ready, able and qualified to carry on the operation; that on January 23, 1940, a new customer list was filed, which said list transferee adopts as the list of customers to be served by him under said authority.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Cecil McNaught should be authorized to transfer the authority granted in Decision No. 12548 (Permit No. A-2260) to Glen E. Ellsworth, Yuma, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That Cecil McNaught, Yuma, Colorado, should be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. A-2260 (granted in Decision No. 12548) to Glen E. Ellsworth, Yuma, 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

Edward D. Allen

W. C. Danks

Wm. E. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of April, 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 NEC-  
CESSITY NO. 563.

CASE NO. 4794

April 1, 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 February 23, 1940, the Commission entered its Notice of Hearing and Order to Show Cause, directed to respondent above-named, requesting him to show cause why his certificate of public convenience and necessity should not be revoked for certain alleged violations of statute and our rules and regulations governing operations of common carriers by motor vehicle for hire.

On March 5, 1940, said respondent filed written answer to the allegations contained in said order to show cause.

The matter was set for hearing, and heard, in Denver on March 8, 1940.

At the hearing, it appeared that while there may have been some slight infraction of our rules and regulations, upon the whole respondent has conducted his business in the manner required by statute and our said rules and regulations.

In our opinion, the slight discrepancies shown were not wilful. Apparently, respondent had attempted to, and on the whole did, file accurate reports, maintain proper tariffs on file with the Com-

mission, and stayed within the limits of his authority as a carrier.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Quinn

Wes Danks

Walter S. Quinn

Commissioners.

DATED at Denver, Colorado,  
this 1st day of April, 1940.

(Decision No. 15170)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E & E MESSENGER AND DELIVERY SERVICE, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
ADD KOHLER-McLISTER PAINT COMPANY, )  
DENVER, COLORADO, TO ITS LIST OF )  
CUSTOMERS. )

APPLICATION NO. 3908-PP-BB

April 1, 1940

Appearances: Clarence Button, Esq., Denver,  
Colorado, for the applicant;  
Garwood & Garwood, Esqs., Denver,  
Colorado, for Dime Delivery  
Service;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Colorado Transfer  
and Warehousemen's Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company  
and Weicker Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

On June 17, 1937, Decision No. 10216, Tim K. Evenson, doing business as "E & E Messenger & Delivery Service," was granted a Class "B" private carrier permit to operate by motor vehicle for hire for the transportation of "packages between Denver and points within four miles thereof for certain customers named in said order, without the right to add to the number of his customers except by special permission of the Commission."

Said permittee now seeks authority to add Kohler-McLister Paint Company, of 1375 Osage Street, Denver, Colorado, to list of customers he is authorized to serve under contract.

The matter was set for hearing and heard in Denver on March 21, 1940.

At the hearing, it appeared that Kohler-McLister Paint Company's delivery service heretofore has been furnished by "Dime Delivery

Service," a private carrier; that said company became dissatisfied with service furnished by said Dime Delivery and has contracted with applicant to furnish service.

Hearing failed to disclose any reason why said Kohler-McLister Paint Company should not be permitted to use the service furnished by said Evenson, which it seems to desire, and apparently thinks will satisfy its requirements better than the service of Dime Delivery.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Tim K. Evenson, doing business as "E & E Messenger & Delivery Service," should be authorized to add Kohler-McLister Paint Company to its list of contract customers.

O R D E R

IT IS THEREFORE ORDERED, That Tim K. Evenson, doing business as "E & E Messenger & Delivery Service," 1715 Lawrence Street, Denver, Colorado, should be, and he hereby is, authorized to add Kohler-McLister Paint Company to his list of contract customers served under Permit No. B-1958.

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. Danks

W. D. Danks

Wm. E. Danks  
Commissioners.

DATED at Denver, Colorado,  
this 1st day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN V. ANDERSON, JULESBURG, COLO- )  
RADO, FOR AN EXTENSION OF PERMIT )  
NO. B-2441. )

APPLICATION NO. 5084-PP-B

April 1, 1940

Appearances: Raymond B. Danks, Esq., Denver,  
Colorado, for Courtright Transfer  
Company and Ture Nelson.

S T A T E M E N T

By the Commission:

On January 15, 1940, John V. Anderson filed his application for an extension of authority under his Permit No. B-2441.

The matter was set for hearing in Fort Morgan, Colorado, on March 27, 1940, at 10:00 o'clock, A. M., due notice of the time and place of hearing being served upon applicant.

Notwithstanding such setting and notice, applicant failed to appear. Thereupon, at the time and place appointed for hearing, protestants moved that said application be dismissed for lack of prosecution.

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

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

DATED at Denver, Colorado,  
this 1st day of April, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund J. Connelley  
W. B. Danks  
Ture Nelson  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

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

APPLICATION NO. 5321-PP

-----  
April 2, 1940.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for Consolidated Motor Freight,  
Haugen Truck Line.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing in Denver on  
March 31, 1940, due notice thereof having been forwarded to applicant.

Notwithstanding such setting and notice, applicant failed to  
appear at the time and place appointed for hearing.

Thereupon, protestants moved that said application be dismissed  
for lack of prosecution.

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

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Fregeau*  
*Ray B. Danks*  
*Ray B. Danks*  
Commissioners.

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

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LUIS AMMERMAN, DOING BUSINESS AS )  
ROARING FORK TRANSPORT, GLENWOOD )  
SPRINGS, COLORADO, FOR AUTHORITY TO )  
TRANSFER CERTIFICATE NO. 1089 TO )  
LEAMON RESLER, DOING BUSINESS AS )  
~~ROARING FORK TRANSPORTATION COMPANY,~~ )  
GLENWOOD SPRINGS, COLORADO. )

APPLICATION NO. 3167-B-A

*Resler Truck Line*  
(AP)

-----  
April 2, 1940  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for applicant;  
Ray B. Danks, Esq., Denver, Colorado,  
for the Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Welcker Transportation Company;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On March 16, 1937, Decision No. 9618, the Commission granted to Luis Ammerman, transferor in the instant case, a certificate of public convenience and necessity, authorizing the transportation, by motor vehicle, on schedule, of freight from and to Glenwood Springs to and from Aspen, Colorado, and intermediate points. Thereafter, transferor sought an extension of said certificate to permit the transportation of passengers, including their baggage, and the transportation of mail and express between Glenwood Springs and Aspen, and intermediate points, which application was denied by the Commission on August 24, 1937, Decision No. 10520.

In the instant case, authority is sought to authorize the transfer of the authority granted in Application No. 3167 and which has been operated under certificate of public convenience and necessity No. 1089, from Luis Ammerman, doing business as Roaring Fork Transport, to Leamon Resler, who proposes to use the trade name of *Resler Truck Line* ~~Roaring Fork Transportation Company~~.

The evidence indicated that transferee had been operating said

certificate under lease from transferor since March 11, 1940. The consideration to be paid for said certificate is the sum of \$1,500.00. Transferee is already operating under a certificate of public convenience and necessity granted by this Commission, in another part of the State, and his financial standing and operating reliability were established to the satisfaction of the Commission.

It was further established by the evidence that transferor is now indebted to the transferee in the sum of \$781.15; to Rio Grande Motor Way in the sum of \$272.88 on a judgment obtained in the District Court of Garfield County, Colorado, and the further sum of \$56.79 upon an open account for collect and prepay shipments; to Truckmen's Insurance Company in the sum of \$52.00; to Wayne Rees in the sum of \$50.00, and to the public utilities Commission for road tax due from operations under said certificate in the sum of \$2.50.

In addition to these amounts, T. A. White, as attorney for Rio Grande Motor Way, holds three accounts against transferor totaling \$49.74, which accounts are disputed by Ammerman, and it was stipulated between counsel for applicant and said counsel for Motor Way that if the authority herein sought is granted, transferee shall withhold from the purchase price the sum of \$60.00 for a period of thirty days, within which time legal action must be commenced by the owners of said claims against transferor. If such action be commenced within said period, then transferee shall retain said \$60.00 to protect the ultimate adjustment of said accounts.

It was further developed that transferor is also indebted to the Public Utilities Commission in a sum exceeding \$200.00 for unpaid road tax under a former operation conducted by him under Private Permit No. A-371, and it was agreed between transferor and transferee that said amount should be paid by transferee out of the purchase price of the certificate.

The amounts to be paid by transferee will apparently take care of any and all indebtedness which actually exists against transferor under his certificate of public convenience and necessity, although other outstanding



obligations exist against the transferor under his private permit.

No objections were interposed to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the transfer should be authorized.

O R D E R

IT IS THEREFORE ORDERED, That Luie Ammerman, doing business as Roaring Fork Transport, be, and he is hereby, authorized to transfer to Leamon Resler, doing business as ~~Roaring Fork Transportation Company~~ <sup>Resler Truck Line</sup>, all of his right, title and interest in and to Certificate No. 1089, heretofore issued to transferor in Application No. 3167, subject to the following conditions and restrictions:

(a) Out of the total purchase price of \$1,500.00 to be paid for said certificate, transferee shall, within twenty days from the date hereof, pay for the benefit of transferor the following items:

To himself, the sum of .....	..\$781.15
To Rio Grande Motor Way upon Garfield County judgment .....	272.88
To Rio Grande Motor Way upon open accounts for advance freight and prepay, as per Exhibit No. 2 .....	56.79
To the Truckmen's Insurance Exchange .....	52.00
To Wayne Rees .....	50.00
To Public Utilities Commission account road tax due under Certificate No. 1089 ..	2.50

(b) Transferee shall retain from said purchase price the sum of \$60.00, to be held by him pending action against transferor by owners of claims now held by T. A. White, attorney for Rio Grande Motor Way, totaling \$49.74. If legal action is started upon said claims within thirty days, transferee shall hold said sum of \$60.00 for the purpose of protecting and paying any final judgment obtained upon said account. In the event legal action is not started within said thirty days, said \$60.00 shall be released from said obligations.

(c) Transferee shall pay to the Public Utilities Commission from any balance remaining in his hands from said purchase price, the amount necessary to take care of the indebtedness due said Commission from transferor in the way of road tax on his operations under Private Permit No. A-371.

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. Danks

W. H. Danks

Walter Danks

Commissioners.

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

(Decision No. 15174)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. L. WOLVERTON, 5320 ARAPAHOE ST., )  
DENVER, COLORADO, FOR AUTHORITY TO )  
EXTEND HIS PERMIT NO. B-932. )

APPLICATION NO. 5897-PP-BB-BB-B

April 2, 1940

S T A T E M E N T

By the Commission:

W. L. Wolverton, who was authorized to operate as a Class "B" private carrier by motor vehicle for hire, Permit No. B-932, herein seeks to extend his authority under said permit to include the right to transport sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area, without the right to furnish service in Boulder, Clear Creek, and Gilpin Counties.

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

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

O R D E R

IT IS THEREFORE ORDERED, That W. L. Wolverton, Denver, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-932 to include the right to transport sand and

gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area, without the right to furnish service in Boulder, Clear Creek, and Gilpin Counties.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Donald

Wes Danks

Walter E. Eason  
Commissioners

DATED at Denver, Colorado,  
this 2d day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BLACK DIAMOND FUEL AND TRANSPORT, )  
INC., BOULDER, COLORADO, FOR A PER- )  
MIT TO OPERATE AS A CLASS "B" PRI- )  
VATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 5523-PP

-----  
April 3, 1940  
-----

Appearances: B. Moschetti, Boulder, Colo-  
rado, for applicant;  
Harold Swena, Golden, Colo-  
rado, pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Motor  
Truck Common Carriers' Asso-  
ciation;  
Marion F. Jones, Esq., Denver,  
Colorado, for A. Schwilke.

S T A T E M E N T

By the Commission:

At the hearing, a representative of applicant company, a corporation, testified that applicant was willing to limit transportation of timber and mine props to mine props, and would also eliminate the transportation of sand and gravel into or out of Estes Park. Said representative further testified that applicant had been operating under a Class "C" permit, but found that, at times, it was desirable to conduct part of their operations under a for-hire basis, which was the reason for filing the instant application.

On behalf of protestants, the certificates of public convenience and necessity issued to Harold Swena and A. Schwilke were made a part of the instant record. The Swena certificate authorizes the transportation of freight between Golden, Colorado, and points within a radius of fifteen miles thereof, and other points in the State. The Schwilke

certificate authorizes the transportation of commodities, except household goods, between points within a fifteen-mile radius of Estes Park, to and from points outside thereof, with certain restrictions, and without authority to serve from Denver to Estes Park.

Applicant stated that he had no customers in Golden, but that he might develop some business at that point, and practically the same situation existed in regard to Estes Park.

It was stated for the record that Schwilke was engaged in transporting coal into Estes Park. No witnesses appeared for applicant outside of the representative of the company, and, upon the record made, we do not feel justified in granting competitive service to Golden, or to Estes Park.

The financial standing and operating reliability of applicant, and its authority to conduct the proposed operation, were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought should be granted, subject to the restrictions hereinafter noted.

#### O R D E R

IT IS THEREFORE ORDERED, That the Black Diamond Fuel and Transport, Inc., be, and the same is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from all coal mines in Boulder, Weld and Adams Counties to all points within a fifty-mile radius of the Black Diamond mine at Lafayette, Colorado, excepting, however, any transportation of said coal to Estes Park or Golden; for the transportation of sand and gravel from gravel pits surrounding Denver to points in the fifty-mile area, save and except that no sand or gravel shall be transported to Golden or Estes Park, and for the transportation of mine props from Denver and timber camps around Boulder to mines in said northern Colorado coal fields.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continu-

ing 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 its 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 its compliance at all times with all the laws, rules and regulations pertaining to its operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Sullivan

Wesley Danks

William E. Gibson  
Commissioners

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

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

RE MOTOR VEHICLE OPERATIONS OF)  
LYNN A. HOFFMAN AND ANTHONY )  
DAHLHIMER, DOING BUSINESS AS )  
SUPERNILLA PRODUCTS COMPANY. )  
.....)

PERMIT NO. C-11184

.....  
April 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lynn A. Hoffman and Anthony Dahlhimer, d/b/a Supernilla Products Co., of 2068 Clarkson St., Denver, Colo. requesting that his Permit No. C-11184 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11184, heretofore issued to Lynn A. Hoffman and Anthony Dahlhimer, d/b/a Supernilla Products Co., be, and the same is hereby, declared cancelled, as of March 28, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell  
Wesley J. Jank  
Walter E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of April, 1940



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. V. SHUTT, OF NORTHDALE, COLO. )  
-----

PERMIT NO. A-939

-----  
April 3, 1940  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Murray Ownbey, as agent for L. V. Shutt, requesting that Permit No. A-939 be suspended for an additional twelve months' period, said permit having been suspended for a period of twelve months from April 18, 1939.

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

O R D E R

IT IS THEREFORE ORDERED, That L. V. Shutt should be, and hereby is, allowed to suspend his operations under Permit No. A-939 for a period of not to exceed six months from April 18, 1940.

IT IS FURTHER ORDERED, That unless L. V. Shutt 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. Danks  
W. C. Danks  
William Erickson  
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LYDA PENFOLD, DOING BUSINESS AS )  
CAMERON TROUT LODGE, GOULD, COLO- )  
RADO. )  
-----

PERMIT NO. B-1950

-----  
April 3, 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-1950 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 Lyda Penfold, doing business as Cameron Trout Lodge, should be, and hereby is, allowed to suspend operations under permit No. B-1950 for a period of not to exceed six months from the 22nd day of March, 1940.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Daniels

W. L. Danks

Malcolm Erickson

Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GLENN D. ROWLAND AND F. D. ROWLAND, )  
OF 1230 BANNOCK ST., DENVER, COLO. )  
-----

PERMIT NO. B-1141

-----  
April 3, 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 permittees requesting that their Permit No. B-1141 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 Glenn D. Rowland and F. D. Rowland should be, and hereby are, allowed to suspend their operations under Permit No. B-1141 for a period of not to exceed six months from March 20, 1940, (date of expiration of insurance.)

IT IS FURTHER ORDERED, That unless said Glenn D. Rowland and F. D. Rowland 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. Deneen

W. C. Danks

Malcolm Erickson  
Commissioners

Dated At Denver, Colorado,  
this 3rd day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN E. ANDERSON AND SON, OF 714 )  
ELIZABETH, FT. COLLINS, COLORADO. )  
-----

PERMIT NO. B-964

-----  
April 3, 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 permittees requesting that their Permit No. B-964 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 John E. Anderson and Son should be, and hereby are, allowed to suspend their operations under Permit B-964 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said John E. Anderson and Son 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. Deen  
W. C. J. J. J. J.  
Malcolm E. E. E.  
Commissioners

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

R

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
A. Higdon )  
)  
.....)

PERMIT NO. C-9980

.....  
April 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
A. Higdon ..... of 313 Nevada Ave., Trinidad, Colorado  
.....  
requesting that his Permit No. C-9980 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9980, heretofore issued  
to A. Higdon ..... be,  
and the same is hereby, declared cancelled, as of March 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado, April 3<sup>rd</sup>, 1940  
this ..... day of ..... 19.....

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
A. HIGDON, OF 315 NEVADA AVE., ) PERMIT NO. B-2381  
TRINIDAD, COLORADO. )  
-----

-----  
April 3, 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-2381 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 A. Higdon should be, and hereby is, allowed to suspend his operations under Permit No. B-2381 for a period of not to exceed six months from March 19, 1940.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard D. O'Connell

Wesley Danks

William E. Pivner

Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HENRY GOSCH, OF 185 WEST ARCHER ) PERMIT NO. A-881  
PLACE, DENVER, COLORADO. )  
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-----  
April 3, 1940  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John P. Beck, Attorney for Henry Gosch, requesting that Permit No. A-881, heretofore issued to Henry Gosch, be suspended for a period of three months from March 23, 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 Henry Gosch should be, and hereby is, allowed to suspend operations under his Permit No. A-881 for a period of not to exceed three months from March 23, 1940.

IT IS FURTHER ORDERED, That unless said Henry Gosch 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

Wes Danks

William Erickson  
Commissioners

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





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

RE MOTOR VEHICLE OPERATIONS OF)

Jack R. Freeman )  
)  
)  
)  
)  
.....)

PERMIT NO. B-2070

.....  
April 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Jack R. Freeman ..... Louisville, Colorado  
..... of .....  
requesting that his Permit No. B-2070 ..... be cancelled .

After careful consideration, the Commission is 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-2070, heretofore issued  
to Jack R. Freeman ..... be,  
and the same is hereby, declared cancelled., asof March 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Owens*  
.....  
*Wm. J. Banks*  
.....  
*Malcolm C. Erickson*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 3d day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF W. H. JENKINS, LAS ANIMAS,  
COLORADO, FOR AN EXTENSION OF  
PERMIT NO. B-1235.

APPLICATION NO. 2775-PP-BB

April 3, 1940

Appearances: Wilkie Ham, Esq., Lamar, Colorado,  
for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Dallas Transfer,  
Las Animas Transfer, The Motor  
Truck Common Carriers' Ass'n;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company and Weicker Transfer  
and Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein, who heretofore was authorized to operate  
as a Class "B" private carrier by motor vehicle for hire for the trans-  
portation of:

Farm products from point to point within an area  
around Las Animas extending twenty miles north,  
twenty miles south, twenty miles east, and ten  
miles west of Las Animas, and from points in said  
area to Lamar and La Junta, and livestock (in ad-  
dition to service heretofore mentioned), from and  
to points in said area, to and from Pueblo,  
Denver, Greeley, Lamar, and La Junta, farm  
machinery from farm to farm in said area, and  
cement from Portland to Las Animas.

On December 12, 1938, he filed his application to extend his  
authority to include the right to transport cement, sand, gravel,  
piping, tubing, and building materials for Caddoa Dam construction  
between La Junta and Lamar, with the right to serve Las Animas, Fort  
Lyon, Hasty, Caddoa, McClave and Prowers, being points on or near  
U. S. Highway No. 50.

At the hearing, it developed that applicant wanted to furnish said extended service for the Western Construction Company, who have a contract to construct the relocated line, being about sixteen miles in length, of the Atchison, Topeka and Santa Fe Railway Company, said relocation of its railway being necessitated by the contemplated construction of Caddoa Reservoir, the dam site being located about one mile south of Caddoa, and said new railway line commencing at a point on the present railway line about one and one-half miles west of Prewers and extending to a point on said present line immediately west of Fort Lyon. He admitted that if it were necessary for him to charge 120 per cent. of the line haul rate for his transportation service between La Junta, Lamar, Las Animas, Fort Lyon, Hasty, Caddoa, McClave, and Prewers, he would be unable to get the business; that, however, he also contemplated moving sand, gravel, cement, pipe, and other building materials from point to point on said new railway grade, and from rail heads mentioned to the same job; that he has two Ford trucks and a trailer, and has been assured by Mr. Lane, local manager for construction company, that he will be employed if the permit is granted.

Mr. Cornelius, of the Cornelius Transfer and Storage Company, and Mr. A. J. Fregeau, manager of Weicker Transportation Company, testified in opposition to the granting of said extended authority, except for the movement of sand, gravel, and cement from point to point on said job, and from rail heads to the new railroad right of way. Mr. Cornelius testified that he has three trucks, two tractors, winch, etc.; that under authority granted he has done some heavy hauling work for the Western Construction Company; that the Las Animas Transfer and Storage, of Las Animas, Dallas Transfer, of La Junta, Jackson Transfer, of Rocky Ford, have authority to perform the service sought to be furnished by applicant; that he has discussed transportation requirements of the construction company with Mr. Lane, and, so far as he knew, the for-hire service being furnished by now-authorized carriers was adequate; that said contractor owns a great number of trucks and

its transportation requirements for the most part are handled by said trucks; that at this time he has some trucks that are not in operation, and is in a position to, and wants to, furnish the service that may be required by the contractor; that he needs business to meet his operating expenses.

Mr. Fregeau stated that Weicker Transportation Company furnishes an excellent line haul service, at a loss, between points mentioned in the application, and that Weicker Transfer and Storage Company is authorized to furnish the call and demand service that may be required on the job; that recently his said companies opened an agency at Hasty, so as to be in a position to furnish service promptly, if required; that said companies also maintain agencies at Pueblo, La Junta, Las Animas, and Lamar; that they maintain and furnish suitable equipment at all times, and are seeking all the business they can get in order to continue to do so; that they have been assured by the contractor that if and when the said contractor needs for-hire trucking service, said companies will have an opportunity to get it.

On cross-examination, Mr. Fregeau conceded that the Government, who is paying the bills for the construction service furnished by contractor, requires the contractor, wherever possible, to employ local people, but added that Weicker Transfer and Storage Company, where practicable, would endeavor to employ local people in furnishing such service.

The situation here presented is somewhat different from that ordinarily presented. We do not here have a demand for transportation service which has grown out of the more or less gradual development of business in a district, which development has been aided by transportation agencies who resist the application and who, therefore, believe that they are entitled to the business. It is not old business that has been enjoyed by and is being taken away from them. The service, on the contrary, is to be furnished through a new enterprise, one that is Government-sponsored, and one which the Government pays for.

While it cannot be said to be the sole reason, or even a primary reason, for the construction of Caddoa Dam, no doubt the Government has sought to develop projects that will increase employment of labor in all sections of the country, the project near Caddoa being one designed to help the economic situation in that area. This is indicated by the fact that the Government requires contractors to employ local labor. The project is a large one. It requires the immediate expenditure of much money, and contemplates work requiring payment of many millions of dollars before completion. Probably there will be enough transportation work to require the service of many transportation agencies. Neither Cornelius nor Hayhurst has long had authority to serve the area where the dam is to be located, or to serve along the route of the new railway line. Only recently they procured authority to serve said area on account of the construction work contemplated. Weicker Transfer and Storage Company is well equipped to handle a great volume of transportation work,— possibly all that may be required by the contractor from for-hire carriers. However, the company is not a local concern and may not be so considered by the Government in the letting of contracts when local people seek to perform the service. The same, to a less degree of course, may be said of carriers at La Junta and Rocky Ford, who did not actively appear in opposition to the granting of the authority sought by applicant. We cannot say that the granting of this application will in any way impair the efficiency of any said common carriers' operations.

The Weicker Transportation Company, however, furnished a line haul service between Denver and Lamar and intermediate points via Pueblo. It is important that said line haul service be protected. It needs more business to keep going. It has provided, and necessarily must maintain, equipment to care for all demands. To date that equipment has not been needed. It should have an opportunity to recoup its losses. The service along the sixteen-mile new right of way of the Atchison, Topeka and Santa Fe Railway Company, of course, is not high-

way service. We, like the applicants, also doubt that a contractor would be willing to pay 120 per cent. of the prescribed rate to applicant for transportation service between towns served by line haul carriers.

Upon the whole record, it would seem to be desirable to authorize the extension sought, insofar as it may be confined to a local service to the contractor, but that service between points served by line haul carriers, either singly or in combination, should not be authorized.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said applicant should be authorized to extend his transportation service under his Class "B" permit to include the right to transport cement, sand, gravel, piping, tubing, and building materials for Caddoa Dam construction job, from point to point on said project, including the relocation line of the Atchison, Topeka and Santa Fe Railway Company extending from a point about one and one-half miles west of Prowers to a point immediately west of Fort Lyon on the present line of said railway, and from rail heads at Las Animas, ~~in~~ Fort Lyon, Hasty, Caddoa, and Prowers to points on said construction project, without the right to serve between points served by line haul motor vehicle common carriers on schedule.

#### O R D E R

IT IS THEREFORE ORDERED, That W. H. Jenkins, Las Animas, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-1233 to include the right to transport cement, sand, gravel, piping, tubing, and building materials for Caddoa Dam construction job from point to point on said construction project - including the relocation line of the Atchison, Topeka and Santa Fe Railway Company extending from a point about one and one-half miles west of Prowers to a point immediately west of Fort Lyon on the present line of said railway - and from rail heads at Las Animas, Fort Lyon, Hasty, Caddoa, and Prowers, to points on said construction project,

without the right to serve between points served by line haul motor vehicle common carriers on schedule.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Brien

W. C. Danks

Walter E. Simon  
Commissioners.

DATED at Denver, Colorado,  
this 3d day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ALBERT J. WALTER, UNDER CERTIFI- ) APPLICATION NO. 817  
GATE NO. 239. )  
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-----  
March 30, 1940.  
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S T A T E M E N T

By the Commission:

On March 6, 1933, Decision No. 4952, the Commission issued an order suspending operations under Certificate No. 239 until June 15, 1933.

Thereafter, it became the policy of the Commission to permit certain seasonal operators to suspend operations during the winter months without any formal order of suspension.

The original authority granted to Albert J. Walter authorizes a service between Boulder and Gold Hill, a distance of some twelve miles, in the conduct of a passenger and light freight service. Gold Hill is a mining camp, and aside from mining activities, there is but one other principal attraction, namely, the Blue Bird Lodge, which operates during the summer months, and on account of there being very little passenger and freight traffic between Boulder and Gold Hill at other times, carriers have not at any time taken any interest in serving Gold Hill, with the exception of the applicant herein, who devotes his time during the winter months to working in mines and rendering such transportation service between Boulder and Gold Hill as may, from time to time, be required. The file discloses that from all appearances the operations under this authority had been, not only dormant during the winter months, but that there was no reported operation at any time during the years 1935 to 1940, inclusive. The file also contains some correspondence between the Commission and the carrier in July, 1934, relative to the filing of a tariff, and nothing further appears in the file until October, 1938, when there was some correspondence with the Boulder



Investment Company regarding a certificate of insurance.

From an examination of the file, it appears that the office of the Commission regarded this certificate as having been dropped and the records eliminated it from further consideration.

The Commission is now in receipt of a visit from the applicant, the postmaster of Gold Hill, and Miss E. M. Tracy, business manager of the Blue Bird Lodge, Gold Hill, Colorado, representing that the Walter service is the only available transportation facility for the Gold Hill mining district and the Bluebird Lodge; that in the past Mr. Walter has taken care of this transportation service at odd times when it was needed, and that the reinstatement of his authority is looked upon as very important in the continuation of their business, small though it may be. The Commission is also in receipt of reports covering the missing years, and also the payment of tax on such operation as the applicant's records show to have been conducted by him. The applicant is also providing a certificate of insurance covering his operations, and agrees now to take enough time from his mining and other activities to report all transportation service rendered under this authority.

The record shows that J. D. McKenzie, holder of Certificate No. 62, the Glacier Route, Inc., operating under Certificate No. 66, and the Molloy Tours, Certificate No. 150, had no objection to the granting of authority to this applicant to conduct the limited service as originally granted.

After a careful consideration of the file in the instant application, and the request of the applicant, the Commission is of the opinion, and finds, that an order should be issued with reference to the matters herein set forth and ordering the reinstatement of this certificate, which, however, at no time has been revoked by action of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That Certificate No. 239 be, and

the same hereby is, declared reinstated as of the date hereof, with the same authority as was granted in the original order dated January 3, 1928, Decision No. 1535; and that the applicant be, and he hereby is, warned that in the future he will be required to comply with all of the rules and regulations of the Commission, with promptness, and to render monthly reports covering his operations during the full twelve months of each year, and to keep on file with the Commission a certificate of insurance showing that his operation is properly covered at all times unless relieved by order of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. L. Danks

Walter E. Eiverson  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES PHILLIPS, GYPSUM, COLO- )  
RADO. )  
-----

PERMIT NO. B-1006

-----  
April 8, 1940.  
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S T A T E M E N T

By the Commission:

On September 5, 1935, James Phillips, Gypsum, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, his operation to be confined to a radius of fifty miles of Gypsum, Colorado.

Recently, he asked that his authority be further limited, by excluding transportation service other than the transportation of lumber, mine timbers and coal from point to point in said area.

The records of the Commission do not disclose any reason why his request should not be granted.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the authority of said James Phillips under his permit, No. B-1006, should hereafter be limited to the transportation of lumber, mine timbers and coal between points within a radius of fifty miles of Gypsum, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the authority of James Phillips, Gypsum, Colorado, under his permit No. B-1006, shall be limited hereafter to the transportation of lumber, mine timbers and coal between points within a radius of fifty miles of Gypsum, Colorado.

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

Malcolm S. Nixon  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

James F. Willeford )

PERMIT NO. C-1600

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
James F. Willeford of Peetz, Colorado,  
requesting that his Permit No. C-1600 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1600, heretofore issued  
to James F. Willeford be,  
and the same is hereby, declared cancelled, as of March 27, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dancy*  
*W. D. Davis*  
*Wm. E. Emerson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1940.

K

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

RE MOTOR VEHICLE OPERATIONS OF)

L. H. Monroe

PERMIT NO. C-3451

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. H. Monroe of 1613 Van Lennan, Cheyenne, Wyoming,  
requesting that his Permit No. C-3451 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3451, heretofore issued  
to L. H. Monroe be,  
and the same is hereby, declared cancelled, as of April 2, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. Decker*  
*W. H. Danks*  
*William Erikson*  
Commissioners.

Date at Denver, Colorado,  
this 4th day of April, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Ben E. Keith Co. )  
)  
.....)

PERMIT NO. C-4538

-----  
April 4, 1940  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Ben E. Keith Co. of 901 So Pearl, Dallas, Texas  
requesting that his Permit No. C-4538 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4538  
to Ben E. Keith Co. be,  
and the same is hereby, declared cancelled; as of March 31, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Denver  
W. E. Danks  
William E. Eason  
Commissioners.

Date at Denver, Colorado,  
this 4th day of April 1940

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

RE MOTOR VEHICLE OPERATIONS OF)

L. J. Mossoni

PERMIT NO. C-8062

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. J. Mossoni ..... of Louisville, Colorado, .....  
requesting that his Permit No. C-8062 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8062 ..... heretofore issued  
to L. J. Mossoni ..... be,  
and the same is hereby, declared cancelled, as of April 4, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniels*  
*W. C. Danks*  
*Walter E. Emerson*  
Commissioners.

Date at Denver, Colorado,  
this 4th day of April, 1940, 193.....



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

RE MOTOR VEHICLE OPERATIONS OF)

G. W. Shafer & Son

PERMIT NO. C-9039

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Michael C. Shafer dba G. W. Shafer & Son Beaver City, Nebraska,  
requesting that his Permit No. C-9039 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9039, heretofore issued  
to Michael C. Shafer dba G. W. Shafer & Son be,  
and the same is hereby, declared cancelled, as of March 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. Danks*  
*W. L. Danks*  
*W. L. Danks*  
Commissioners.

Date at Denver, Colorado,  
this 4th day of April, 1940, 193.

(Decision No. 15194 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
W. R. Murrow )  
)  
.....)

PERMIT NO. C-9598

.....  
April 4, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
W. R. Murrow ..... Eckley, Colorado  
..... of .....,  
requesting that his Permit No. C-9598 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9598  
to ..... W. R. Murrow ..... be,  
and the same is hereby, declared cancelled, as of March 23, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Danks*  
*Wm. E. Eisen*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 4th day of April, 1940, 193.....

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

RE MOTOR VEHICLE OPERATIONS OF)

Willard Kee

PERMIT NO. C-11114

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Willard Kee ..... Rt 2, Loveland, Colorado  
..... of .....,  
requesting that his Permit No. C-11114 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11114, heretofore issued  
to Willard Kee ..... be,  
and the same is hereby, declared cancelled, as of March 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*W. C. Banks*  
*W. C. Banks*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1940, 19.....

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

RE MOTOR VEHICLE OPERATIONS OF)

C. E. Lewis

PERMIT NO. C-11160

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
C. E. Lewis ..... of 717 8th St., Greeley, Colorado  
.....  
requesting that his Permit No. C-11160 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11160, heretofore issued  
to C. E. Lewis ..... be,  
and the same is hereby, declared cancelled, as of March 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dineen*  
*W. C. Danks*  
*William E. Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1940.  
K

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

RE MOTOR VEHICLE OPERATIONS OF)  
C. R. Mangrum )  
..... )

PERMIT NO. C-11218

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
C. R. Mangrum of Rt 2, Checotah, Oklahoma,  
requesting that his Permit No. C-11218 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11218, heretofore issued  
to C. R. Mangrum be,  
and the same is hereby, declared cancelled, as of March 14, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*W. C. Danks*

*Malcolm Erickson*

Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

)

)

The Ingleside Limestone Co.

)

)

PERMIT NO. C-9227

April 4, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
The Ingleside Limestone Co 500 Sugar Bldg., Denver, Colorado  
..... of .....,  
requesting that his Permit No. C-9227 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9227, heretofore issued  
The Ingleside Limestone Co.  
to ..... be,  
and the same is hereby, declared cancelled, as of February 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Deuel*

*W. C. Danks*

*Malcolm E. Erickson*

Commissioners.

Dated at Denver, Colorado,  
this 4<sup>th</sup> day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR D. POOR, BOULDER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT )  
B-1525 TO ARLES AND MARTHA BATES, )  
DOING BUSINESS AS BATES TRUCK LINE, )  
HYGIENE, COLORADO. )

APPLICATION NO. 2917-PP-B-A

-----  
April 5, 1940.  
-----

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

S T A T E M E N T

By the Commission:

On February 26, 1936, Decision No. 7279, Arthur D. Poor, of  
Boulder, Colorado, was granted a Class "B" permit authorizing,-

"the transportation of farm products, including livestock,  
oil well equipment and coal, from point to point within  
a radius of 60 miles of Boulder, Colorado, save and except  
that no authority is granted to transport any freight  
between Boulder and Denver or Denver and Boulder."

Thereafter, on March 17, 1938, Decision No. 11520, said permit  
was extended to include the right,-

"to transport crude oil or fuel oil in bulk from points  
within the sixty-mile radius around Boulder, Colorado,  
to oil drilling operations within said area."

Thereafter, on August 7, 1939, application was filed to transfer  
said permit to Arles and Martha Bates, doing business as Bates Truck Line.

Prior to the hearing upon said application, the Blakley Trucking Company and  
Stockton Truck Company filed a petition to reopen the original application  
on the following grounds:

(a) Petitioners are the holders of certificates of public  
convenience and necessity authorizing the transportation of livestock in the  
State of Colorado.

(b) That the permit as originally issued does not conform to the proof adduced at the hearing.

(c) That petitioners had no notice of said original hearing.

The prayer of the petition seeks the suspension of Poor's right to haul livestock, and a further hearing if he does not relinquish such right.

To said petition, Poor filed a request for a bill of particulars. The Commission, by order dated November 29, 1939, Decision No. 14412, set the application of Stockton and Blakley, as well as the request for a bill of particulars, for hearing on December 8, 1939.

At said hearing, the attorney for Poor moved that the petition of Blakley and Stockton be dismissed because not filed in apt time and because no bill of particulars was furnished. The Commission overruled the request for the bill of particulars and took the motion to dismiss under advisement.

Certificates of Blakley and Stockton and the Commission's files in Application 2917-PP and transcript of the testimony at the original hearing, were all made part of the record. The Blakley and Stockton certificates both show authority to haul livestock in the sixty-mile area around Boulder. Our records also disclose that no notice of the original hearing was served upon either Blakley or Stockton.

The transcript of the testimony discloses that Mr. Poor definitely stated at the original hearing that he only wanted to haul livestock for one customer, to-wit, T. A. Russell. We quote from said transcript as follows in connection with the testimony of A. D. Poor:

"Q. You want to haul livestock and farm products? A. Livestock, feed and coal for T. O. Russell.

"Q. Where would this livestock be picked up, Mr. Poor? A. Pick up at Russell's feed yard and delivered to the Stock Yards in Denver.

"Q. Want to haul from Russell's feed yard to markets in Denver? A. Yes, sir.

"Q. (By Commissioner Wheeler) Where is this Russell feed yard? A. About a couple of miles from Boulder north and east.

"Q. That is the only hauling of livestock you want to do? A. That's the only."



As a matter of fact, said transcript discloses that Poor limited his customers to be served for other commodities, but as livestock is the only one questioned in the instant proceeding, we shall only deal with same. It is clearly evident from reading said transcript that the order granting Mr. Poor's original Class B permit was in error in not limiting said livestock movements to the service of the said T. O. Russell from his feed yards approximately two miles north and east of Boulder, to the Stock Yards in Denver. This is what Mr. Poor asked for and was all he wanted. We believe said order should be corrected to conform to the testimony.

It is true that a considerable period of time has elapsed since the granting of said authority. However, we believe we have jurisdiction to amend said order, and certainly Stockton and Blakley cannot be held guilty of laches as they had no notice of the original hearing.

It further appears that Permit No. B-1323, issued in the instant matter to said A. D. Poor, was by order dated June 15, 1939, Decision No. 13649, suspended for a period of not to exceed six months from June 14, 1939. It also appears that on August 8, 1939, the Commission was requested to reinstate said permit so that same might be transferred to the Bates Truck Line. However, no order of reinstatement has ever been issued, and we are now advised that the transferees do not desire to go through with said transfer proceedings. Therefore, we have been requested to reinstate said permit by order.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the motion to dismiss the Stockton and Blakley petition should be denied, and that said original order, Decision No. 7279, should be modified to conform to the facts and the record.

#### O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss the Blakley and Stockton petition be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That our decision No. 7279 of February 26, 1936, be, and the same is hereby, amended to limit the transportation of livestock

thereunder to service for T. O. Russell, only, from the Russell feed yard, approximately two miles north and east of Boulder, to Denver Union Stock yards.

IT IS FURTHER ORDERED, That Permit No. B-1323 be, and the same is hereby, reinstated, effective as soon as the said A. D. Peer files proper insurance and otherwise complies with our rules and regulations; provided, however, that such insurance must be on file with the Commission not later than twenty days from the date hereof.

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

William Emerson  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

ROCKY MOUNTAIN MOTOR COMPANY, ROCKY  
MOUNTAIN PARKS TRANSPORTATION COMPANY,  
AND DENVER CAB COMPANY, )

Complainants, )

v. )

CHARLES P. FALLICO AND AMELIO  
FALLICO, A CO-PARTNERSHIP, )

Respondents. )

CASE NO. 4744

-----  
IN THE MATTER OF THE APPLICATION OF )  
CHARLES P. FALLICO AND AMELIO )  
FALLICO, A CO-PARTNERSHIP, AND )  
FRANK S. SNELL, JR., AND JOSEPH G. )  
SHABOVH, A CO-PARTNERSHIP, DOING )  
BUSINESS AS PIKES PEAK AUTO LIVERY, )  
FOR TRANSFER OF CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY NO. 88. )  
-----

APPLICATION NO. 552-A

-----  
April 6, 1940.  
-----

Appearances: Hodges, Vidal and Goree, Esqs., Denver,  
Colorado, for Rocky Mountain Motor  
Company, Rocky Mountain Parks Transportation  
Company and Denver Cab Company;  
Conour and Conour, Esqs., Del Norte, Colorado,  
for Pikes Peak Auto Livery and Charles P.  
Fallico and Amelio Fallico, co-partners,  
doing business as Fallico Auto Livery;  
Worth Allen, Esq., Denver, Colorado,  
for Arthur Taxi & Sightseeing Service,  
Beard Sightseeing Company, Brown and  
White Cab Company, Burke Sightseeing  
Company, Colorado Cab Company, Davis  
Sightseeing Service, Masterson Auto  
Tours, Premier Sightseeing Company, and  
Whitney Sightseeing Company.

S T A T E M E N T

By the Commission:

The above matters were consolidated for the purpose of hearing.  
Case No. 4744 was initiated upon complaint of Rocky Mountain Motor Company,  
et al, filed against respondents, Charles P. Fallico and Amelio Fallico. Said  
complaint, after setting up the operating rights of complainants, alleges

that its daily year around passenger service is operated at a loss in the winter months, but states that same is maintained in the belief that its summer operations would be protected from any competition tending to break down the dependability of said service, and calls attention to the Commission's Decision No. 1106 in Re Champa 3 Auto Livery, dated February 28, 1927.

It is further alleged that respondents were originally authorized to operate seven cars in one-day, round trip sightseeing operations out of Denver, and that this authority was dependent upon the welfare of the year-round operator serving the same territory; that since 1927, sightseeing trips have been reduced out of Denver by more than fifty per cent; that since 1932, the Fallices have not operated in excess of two cars under their certificate of public convenience and necessity and now propose to transfer the same to an operator who will increase said use to seven cars, and that the public convenience and necessity do not now justify such increased use; that the Fallices have abandoned their right to operate more than two cars; that from October 1, 1936, to May 1, 1937, respondents operated to various points in the State without liability insurance on file with the Commission. The complaint closes with a prayer that we cancel the Fallices' right for any operation in excess of two cars.

To said complaint, an answer was filed by the Fallices which alleges that the Commission has no power to relitigate the question of convenience and necessity; that the complaint does not state facts sufficient to constitute a cause of action, and that complainants have alleged no interest in the subject matter. Said answer also, with certain admissions as to the granting of certificate, service of complainants, etc., denies specifically the allegations of the complaint.

Said Decision No. 1106, Champa 3 Auto Livery, VI Colorado P.U.C., page 704, referred to in the complaint, contains a rather comprehensive discussion of the sightseeing situation as it then existed in Denver, and we quote therefrom as follows:

"Every operation that does not conduct a scheduled service should not have the privilege of seriously interfering with the operation of a regular, established, scheduled passenger service. One reason for this is that the regular traveling public is greatly interested in an all year round, dependable

passenger service. If the Commission should grant certificates that would permit ruinous competition with regular scheduled service during the only time of the year when the operation is profitable, the public may lose its regular dependable service during the winter months, when it is not profitable and when, nevertheless, a transportation agency may badly be needed.

"The Commission has discussed these problems as applied to the transportation of tourists and sightseers more fully in the instant application, having in mind the disposition of a number of similar applications without again discussing in each decision the reasons which actuated it in reaching its conclusion."

In the above decision, Champa 3 Auto Livery Company was granted a certificate of public convenience and necessity to operate a regular, scheduled service from June 1 to September 15, inclusive, between Denver and Estes Park, via the North and the South St. Vrain Canons, as well as unscheduled operations to other sightseeing areas around Denver, including Denver to Pikes Peak. As heretofore noted, the above decision was rendered February 28, 1927. The certificate granted the Fallicos was under a decision of March 12, 1927, and authorized the transportation of passengers over the following routes:

- "(a) Denver to Estes Park, via North St. Vrain Canon.
- "(b) Denver to Estes Park via South St. Vrain Canon.
- "(c) Denver to Pikes Peak.
- "(d) Denver to the Georgetown Loop.
- "(e) Denver to Echo Lake and Mt. Evans.
- "(f) Denver to Mountain Parks."

Said authority was restricted as follows:

- "(a) No transportation of passengers to any intermediate points on the routes designated shall be permitted.
- "(b) That all operations by the applicant herein shall be limited to sightseeing, round trip, one day operations.
- "(c) That the quantity of equipment to be used in this operation shall be limited to such as appears in the testimony offered at the hearing herein."

In the findings of the Commission preceding the order, is found the following statement:

"The equipment of the applicants consists of seven automobiles."

Application No. 552-A seeks authority to transfer the certificate of public convenience and necessity designated as Certificate No. 88, heretofore granted the said Fallice on March 12, 1927, to Frank S. Snell, Jr., and Joseph G. Shabouh, co-partners, doing business as Pikes Peak Auto Livery.

Written protest was filed opposing said transfer by said Rocky Mountain Motor Company, Rocky Mountain Parks Transportation Company and Denver Cab Company, also by those members of the Colorado Sightseers Association represented by Mr. Worth Allen, which latter protest adopts the same grounds as set forth in the protest of the Rocky Mountain Motor Company, et al., and also includes a request that certain outstanding tickets of transferors held by said protestants be redeemed by transferors before any authority is granted to make the transfer. The protest filed by Rocky Mountain Motor Company, et al., contains the same allegations as are set out in the complaint filed by said companies in Case No. 4744, and in addition thereto, contains the same allegations against transferors as are set forth in complaint filed in Case No. 4722, which contains numerous charges of law violations on the part of said transferees and which are fully discussed by the Commission in Decision No. 13751, dated July 13, 1939, in said Case No. 4722. We deem it unnecessary to discuss in detail the said charges.

On behalf of the Fallico partnership, one of the members thereof testified that they had operated under their Certificate No. 88 continuously since receiving the same, except for a period of two years; that they had entered into a contract with the Pikes Peak Auto Livery to purchase said certificate for a consideration of \$1,250.00, of which sum \$100.00 has been paid. The contract was received in evidence, being Exhibit No. 1. Said witness further testified that for a number of years they had an office which they regularly maintained on 16th Street; that in 1932 they asked the Commission for authority to suspend operations, and in 1933, they opened up for business, but due to conditions wrote the Commission and secured authority to discontinue for said year, which was also true for the year 1934. In 1935, he testified that his

brother operated from Columbia Hotel, while the witness worked up in the hills. He stated that in 1936 they operated from May 1 to September until the date of the American Legion Convention. He further stated they might have operated after September 15, 1936, but was not sure whether they had operated after their insurance expired that year or not.

Exhibits 2, 3 and 4 were introduced, the first of which was a letter written to the Commission July 13, 1934, by transferors requesting a suspension of their certificate until the next season on account of lack of business. Exhibit No. 3 was the reply of the Commission to said request dated July 20, which stated:

"Replying to your letter of the 13th, the Commission is inclined not to revoke certificates of those who may now discontinue operating for this season. Business is so terribly poor that we do not feel like insisting on continued operations."

Exhibit No. 4, dated June 30, 1934, was a similar request for said year, and Exhibit No. 5 was a letter from the Commission authorizing such discontinuance for the season of 1934. Exhibit No. 6 was a certificate of insurance filed with the Commission by the Columbia Casualty Company showing effective insurance from July 3, 1935, to September 3, 1935. Exhibit No. 7 is a similar certificate showing effective insurance from May 15, 1936, to September 15, 1936. Exhibit No. 8 is a similar certificate showing effective insurance from May 15, 1937, to September 15, 1937.

Said witness further testified that transferors had not carried on any operations from October, 1936, to May, 1937; that they had two cars available, but there was not enough business for more than one; that they operated one car in 1936, two cars in 1937, and two cars in 1938; that they never used seven cars except at the commencement of their operation, because their business depended upon contacts that were made from the sidewalk, and so many people commenced to drive their own cars and so many solicitors were aboard trains coming into Denver and so many tickets were sold in the East that their business declined to such an extent that they did not need more than two cars. However, said witness further testified that they did not

intend to abandon any part of their authority. Their total gross business in 1938 was \$254.00.

Road reports of transferors from 1935 to 1938, inclusive, were made a part of the record. These reports disclose that two trips were made on September 20, 1936, by transferors in spite of the fact that their insurance had expired on September 15, 1936, as shown by Exhibit No. 7. Said road reports also disclose that some 18 passengers were transported between October 1, 1936, and May 1, 1937, although no effective insurance was on file with the Commission until May 15, 1937, as disclosed by Exhibit No. 8.

An organizer for summer tours for the railroads from Chicago testified that he had handled a party of 60 people in 1938, which had been taken care of in Colorado by the Pikes Peak Auto Livery; that he expected to have two tours in the year 1939 and that Mr. Snell had advised him that Pikes Peak Auto Livery could get sufficient equipment from other operators or get authority from the Commission to handle same.

Frank S. Snell, Jr., testified that Pikes Peak Auto Livery is authorized to operate six cars out of Denver; that they need additional service out of Denver; that at the time of the hearing they were operating in Colorado Springs as well as in Denver. Exhibit No. 15, being a financial statement of said Pikes Peak Auto Livery, was received in evidence. The same shows as of September 30, 1938, a balance of assets over liabilities of \$25,295.63. It was developed that transferors are to pay any and all obligations existing against their certificate if the transfer is authorized. Mr. Snell further testified that the transferees proposed to operate seven cars if said certificate is transferred to them.

On behalf of protestants, evidence was introduced to the effect that the scheduled operations of Rocky Mountain Transportation Company were unprofitable in the winter time, and that there was a need for the summer sightseeing business in order to balance the all year around service; that the passenger traffic coming into Estes Park was off about two-thirds what it was in 1927, due to the operation of private cars. Witness also testified as



to the losses sustained in the operation of hotels in the Estes Park area. Witness also introduced exhibits showing 21 passengers handled by protestants into and out of Estes Park for the period October to April, 1937, and six for the same period in 1938; eight for January, February, March and April, 1938, and four for the same period in 1939; also a statement showing gross passenger revenue derived by said Rocky Mountain Motor Company and Rocky Mountain Parks Transportation Company from passengers carried for the years 1927 to 1938, inclusive. From this exhibit, it appears that in 1927, \$198,604.30 was the gross passenger revenue; in 1938, the amount was \$63,413.44; in 1927, 41,692 passengers were carried, and in 1938, 24,422. Also, a statement was introduced showing gross passenger revenue and passengers carried by the Rocky Mountain Motor Company and Denver Cab Company for the years 1927 to 1938, inclusive. This exhibit discloses gross passenger revenue for 1927 to be \$142,253.10, and in 1939, the same figure was \$48,463.49. The total passengers carried decreased from 91,047 in 1927 to 17,112 in 1938.

Another witness for the Rocky Mountain Parks Transportation Company, et al., testified that said companies had been conducting a scheduled yearly operation since 1927 in reliance upon the "Champa 3" decision heretofore referred to; that he was present and participated in the hearing in 1927 when the original certificates were issued; that said companies have an eastern representative who travels and covers all probable sources of business and puts out approximately 250,000 advertising pamphlets per year; that Pikes Peak Auto Livery Company has been offering substantial competition and if the present transfer is permitted, it will hurt their companies very materially. It was the opinion of this witness that most tourists prefer to ride in busses and that passenger cars were not acceptable as a general rule.

The evidence given in Case No. 4722 in connection with the charges of law violations on the part of transferees, was to be considered in the instant case in connection with the allegations of the protest filed by the Rocky Mountain Motor Company, et al., against the proposed transfer.

A schedule of auto equipment owned by Pikes Peak Auto Livery

Company was submitted in evidence. This discloses that at the time of the hearing, said company had 3 Pierce Arrow limousines, 3 Pierce Arrow sedans, 1 Plymouth sedan, 8 Cadillac sedans, 1 Ford sedan, 3 Lincoln sedans, 1 Pierce Arrow touring car, 1 Buick sedan, 1 Lincoln, 4 Cadillac and 2 Pierce Arrow cars. Said cars run from 1927 to 1936 models.

Upon the question of unpaid tickets outstanding in the hands of various Denver sightseeing operators, Mr. Fallice testified as to various amounts that were due him from said sightseers. The figures that he gave do not correspond to the figures set out in the complaint of said sightseers, and of course, the Commission is unable in the present proceedings to determine the justness of any of said accounts. However, we are of the opinion that the question of outstanding tickets should be immediately settled and adjusted between all the respective parties.

In arriving at a decision in Case No. 4744, it is quite apparent that the operating rights of transferors should be reduced to the right to use two cars only. It was not disputed that for many years two cars had been ample to take care of the business of said transferors, and at times they have used only one. While it is true that one of the transferors testified that they had no intention of abandoning any part of their authority, yet the fact remains that there certainly has been a nonuse of at least five of their authorized cars over a long period of time. If this nonuse had been only during two or three of the so-called "depression" years, it might present a different problem, because the Commission in said years not infrequently permitted an entire suspension of operations on the part of sightseers in Colorado.

In Re Paul R. Schwank, et al., 9 Colo. P.U.C., page 423, the Commission held that one to whom a certificate of convenience and necessity is issued, has a duty as well as a privilege, to perform, and if he has failed for a substantial time to operate under his certificate, he has nothing to transfer. See also In Re Harp, 7 Colo. P.U.C. 776, and In the Matter of the Application of Swift Moving and Storage Company to transfer Certificate No. 339 to the Gustard Coal and Timber Company, Inc., Application No. 1295-A, Decision No. 10347.

In addition to the question of abandonment, we also have the fact that transferors did operate after September 15, 1936, and from October, 1936, to May, 1937, without any liability insurance on file with the Commission in violation of the law, as well as our rules and regulations, which action alone would, at least, justify the cancellation of five of their cars. While the certificate originally granted the Fallico Auto Livery is silent in regard to any restrictions that might be imposed if the operations of the year around scheduled carrier were not financially successful, yet the Champa 3 Auto Livery decision of the Commission clearly indicates that it was the intention of the Commission to protect said all year around scheduled operator from too much competition in the summer tourist business, and without holding that the language in the Champa 3 Auto Livery decision would be binding, it nevertheless is indicative of what the Commission at that time had in mind. The question of abandonment, as we heretofore have pointed out, is largely one of intention. However, when the record discloses that an operator for 11 years, covering both good years and poor ones from a business standpoint, has not had sufficient business to require the use of more than two cars, it is rather clearly demonstrated that the public convenience and necessity, so far as said operations are concerned, have been amply taken care of by the use of two cars. We will, however, base our decision upon, not only the nonuser of five of seven cars for a period of 11 years, but also upon the penalty which should be imposed upon transferors for operating without proper insurance being on file with the Commission.

As to Application No. 552-A, a transfer of whatever rights are left under Certificate No. 88 could only be denied upon the theory that transferees are not fit and proper persons to whom a certificate should be granted.

In Case No. 4722, the Commission suspended for a period of one year the certificates under which transferees are operating out of Denver. However, in lieu of said suspension, we permitted the payment of a penalty in the sum of \$200.00, which amount was paid by said transferees. As pointed out in the decision in said case, we felt that transferees had violated the

law and our rules and regulations in a number of particulars, and that they had indulged in a great number of sharp, unfair and nonethical practices. However, we did not cancel the certificates of transferees in said case, but did impose less severe penalties which, in effect, was the same as stating that we believed they were fit and proper persons to continue operating after penalties so imposed had been paid or performed. To now hold, upon the same record, that they are not fit and proper persons to have another certificate transferred to them, would not be justified in our opinion.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that in Case No. 4744, the certificate granted to Fallice Auto Livery should be restricted to the use of not to exceed two cars.

We are further of the opinion, and so find, that in Application No. 552-A, the authority sought should be granted, and Fallice Auto Livery be authorized to transfer to Pikes Peak Auto Livery said certificate No. 88 as effective for the use of two cars only.

#### O R D E R

IT IS THEREFORE ORDERED, That in Case No. 4744, the certificate of public convenience and necessity granted to Charles P. Fallice and Amelio Fallice, co-partners, doing business as Fallice Auto Livery, Decision No. 1134, be, and the same is hereby, restricted in the operations to be conducted thereunder to the use of two automobiles.

IT IS FURTHER ORDERED, That in Application 552-A, Charles P. Fallice and Amelio Fallice, co-partners, doing business as Fallice Auto Livery, be, and they are hereby, authorized to transfer all of their right, title and interest in and to certificate of public convenience and necessity, heretofore granted them in Application 552, Decision No. 1134, to Frank S. Snell, Jr., and Joseph G. Shabouh, co-partners, doing business as Pikes Peak Auto Livery; provided, however, that the authority herein authorized to be transferred is limited to the use of two automobiles under said certificate.

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 transferors 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

Eduard E. O'Connell

W. L. Dicks

Wm. E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1940.

(Decision No. 15201 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

Myrvin Resley

PERMIT NO. C-10939

April 6, 1940

## S T A T E M E N T

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
 \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_,  
 requesting that his Permit No. \_\_\_\_\_ C-10939 \_\_\_\_\_ 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-10959, heretofore issued to Myrvin Resley be, and the same is hereby, declared cancelled, as of March 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Deady  
Wm Danks  
Maen Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1940.

## K

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Raymond Wright )  
)  
.....)

PERMIT NO. C-10417

.....  
April 6, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Raymond Wright ..... of 2156 Welton, Denver, Colorado  
requesting that his Permit No. C-10417 ..... be cancelled

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10417, heretofore issued  
to Raymond Wright ..... be,  
and the same is hereby, declared cancelled; as of March 28, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Eduard V. Dineen*  
*W. E. Danks*  
*M. E. Emerson*  
Commissioners.

Dated at Denver, Colorado,  
this 6<sup>th</sup> day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

S. M. Bennett

PERMIT NO. C-9637

April 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
S. M. Bennett Brighton, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-9637 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9637, heretofore issued  
to S. M. Bennett be,  
and the same is hereby, declared cancelled; as of April 3, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eward D. Dancy*  
*W. H. Danks*  
*Malcolm S. Sisco*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Harold Johnston

PERMIT NO. C-11056

April 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Harold Johnston of 2200 So Sheridan Blvd., Denver, Colo.  
requesting that his Permit No. C-11056 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11056, heretofore issued  
to Harold Johnston be,  
and the same is hereby, declared cancelled; as of April 6, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. E. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Antonio Velasquez

PERMIT NO. C-9587

April 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Antonio Velasquez Saguache, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-9587 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9587, heretofore issued  
to Antonio Velasquez be,  
and the same is hereby, declared cancelled, as of March 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard D. Dancy*  
*W. E. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

C. W. Anderson

PERMIT NO. C-7316

April 6, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
C. W. Anderson of 2563 Champa St., Denver, Colorado,  
requesting that his Permit No. C-7316 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7316, heretofore issued  
to C. W. Anderson be,  
and the same is hereby, declared cancelled, as of April 4, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*W. B. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

A. L., Charles & Richard )  
Middleton d/b/a )  
Middleton Bros. )  
.....)

PERMIT NO. C-10087

.....  
April 6, 1940.  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
A. L., Charles & Richard Middleton dba Iola, Kansas  
..... Middleton Bros. of .....  
C-10087  
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-10087, heretofore issued  
to A. L., Charles & Richard Middleton dba Middleton Bros. .... be,  
and the same is hereby, declared cancelled, as of April 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 6th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. S. RINGSEY AND R. S. RINGSEY, )  
DOING BUSINESS AS JIM'S TRUCK LINE )  
FOR AUTHORITY TO TRANSFER CERTIFI- )  
CATE NO. 805 TO INTERMOUNTAIN )  
FREIGHT LINES, INC. )  
-----

APPLICATION NO. 2202-AAA

IN THE MATTER OF THE APPLICATION OF )  
J. S. RINGSEY AND R. S. RINGSEY, )  
DOING BUSINESS AS JIM'S TRUCK LINE, )  
FOR AUTHORITY TO TRANSFER PERMIT )  
NO. A-12 TO INTERMOUNTAIN FREIGHT )  
LINES, INC. )  
-----

APPLICATION NO. 4453-PP-AAA

IN THE MATTER OF THE APPLICATION OF )  
W. D. VANDENBERG, DOING BUSINESS AS )  
VANDENBERG TRUCK LINE, COLORADO )  
SPRINGS, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. A-347 TO )  
INTERMOUNTAIN FREIGHT LINES, INC. )  
-----

APPLICATION NO. 3828-PP-A

-----  
April 9, 1940.  
-----

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for all applicants;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Stanley Blunt, Canon City, Colorado,  
for Southwestern Transportation  
Company;  
M. F. Keith, Canon City, Colorado,  
for the Keith Trucking 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:

The above numbered applications were consolidated for the purpose  
of hearing.

By said applications, authority is sought to transfer the  
certificate and the two permits to Intermountain Freight Lines, Inc.

It appeared from the testimony given at the hearing that

J. W. Ringsby and R. S. Ringsby are partners and the holders of Certificate No. 805 and Permit No. A-12; that W. D. Vandenberg is the owner of Permit No. A-347; and that the three men above mentioned have formed a company, known as the Intermountain Freight Lines, Inc., of which J. W. Ringsby is president, R. S. Ringsby, vice-president, and W. D. Vandenberg, secretary-treasurer.

Exhibit No. 1, introduced in evidence at the hearing, is a financial statement showing the assets and liabilities of the Intermountain Freight Lines, Inc.

From the testimony, it appears that the holders of these operating rights seek authority to transfer the same to the Intermountain Freight Lines, Inc., and as a consideration for the rights will take stock in the company and will also pay into the treasury for said stock the amount of \$9,696.78, the net worth thereof, when same is issued.

It is proposed that when these operating rights are transferred to the corporation, equipment heretofore used by the transferors will be leased to the corporation. A full description of the equipment, valued at approximately \$12,000, together with the terms of such lease, appears from a copy of the lease and Exhibits "A" and "B" attached thereto, filed in Application No. 2202-AAA. The reason assigned for leasing this equipment instead of transferring it at this time was their desire not to disrupt the licenses for the year 1940 now used on these trucks.

It further appeared that there was no intention of consolidating the certificate here sought to be transferred with the permits, but, on the contrary, the parties to this transfer, each of whom will become an officer of the corporation, propose to conduct a separate operation under the certificate and under the permits so as not to violate any of the rules and regulations of the Commission pertaining to the conduct of an operation as a common carrier and that of a private carrier by the owner of such rights. It is proposed to keep the operating rights now held under Permit A-347 and those known as Permit No. A-12 separate so that reports will be made separately on operations conducted under each of the three authorities.

The financial standing and operating reliability of the transferee were established to the satisfaction of the Commission, and copy of the Articles of Incorporation, made a part of Application No. 2202, discloses that this corporation has authority to conduct a transportation business. Outstanding obligations have been paid to date and current obligations are assumed by transferee company.

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 by each of these three applications should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, That J. W. Ringsby and R. S. Ringsby, copartners, doing business as Jim's Truck Line, Colorado Springs, Colorado, be, and they hereby are, authorized to transfer all of their right, title and interest in and to Certificate of Public Convenience and Necessity No. 805, to Intermountain Freight Lines, Inc., Denver, Colorado, with authority as granted in the Commission's Decision No. 6957, dated December 21, 1935, and Decision No. 7992, dated July 13, 1936, and subject to the restrictions and conditions therein contained.

IT IS FURTHER ORDERED, That J. W. Ringsby and R. S. Ringsby, doing business as Jim's Truck Line, be, and they hereby are, authorized to transfer all of their right, title, and interest in and to Private Permit No. A-12, to Intermountain Freight Lines, Inc., Denver, Colorado; provided, however, that the operations thereunder shall not be combined, directly or indirectly, with operations under Certificate No. 805.

IT IS FURTHER ORDERED, That W. D. Vandenberg, doing business as Vandenberg Truck Line, be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. A-347, to Intermountain Freight Lines, Inc., Denver, Colorado; provided, however, that operations hereunder shall not be combined, directly or indirectly, with operations under Certificate No. 805, or under Permit No. A-12.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee shall have the necessary insurance on file with the Commission, and said transferors and transferee, in writing, have advised the Commission that said certificate and permits have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or any 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 transferors 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 right of transferee to operate under this order shall be dependent upon its 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. C. Danks*

*William Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THOMAS D. McGLOTHLEN, GREELEY, )  
COLORADO. )  
-----

CASE NO. 11873-Ins.  
PERMITS B-2045  
C-3634

-----  
April 9, 1940.  
-----

S T A T E M E N T

By the Commission:

On October 23, 1939, in the above numbered case, the Commission issued an order cancelling and revoking Private Permit No. B-2045 and Commercial Permit No. C-3634, on account of the respondent having failed to keep on file the required certificate of insurance.

The Commission is now in receipt of a request for reinstatement of each of these authorities, and it appears that at the time the revocation order was issued, the respondent had paid the premium on his insurance and directed that a certificate be sent to the Commission, but that, through no fault of his, the insurance agent failed to forward the required insurance certificate to the Commission; that the record shows that respondent has made all reports, paid taxes, listed equipment, and met all requirements of the rules and regulations of the Commission with respect to these authorities.

After a careful consideration of the record, and it appearing that the failure to have a certificate of insurance on file was not due to any carelessness or neglect on the part of the respondent, and upon recommendation of the Commission's inspector in charge of insurance, the Commission is of the opinion, and finds, that both of these authorities should be reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered under date of October 23, 1939, in the above numbered case, should be, and

the same hereby is, set aside and held for naught, and Permits B-2045 and C-5654 be, and the same hereby are, restored to their original status, as of October 25, 1939.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Malcolm E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES DURAND, OF 203 SOUTH )  
FEDERAL BLVD., DENVER, COLORADO. )  
-----

PERMIT NO. B-1228

-----  
April 6, 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-1228 be suspended for a period of six months from April 4, 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 Charles Durand should be, and hereby is, allowed to suspend his operations under Permit No. B-1228 for a period of not to exceed six months from April 4, 1940.

IT IS FURTHER ORDERED, That unless said Charles Durand 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. Deery

W. H. Danks

William E. Quinn

Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES V. LeDONNE, OF BOX 147, ) P.U.C. 1056  
SILT, COLORADO. )  
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-----  
April 6, 1940  
-----

S T A T E M E N T

By the Commission:

On November 6, 1939, the Commission suspended the above numbered certificate, PUC 1056, for a period of six months.

The Commission is now in receipt of a communication from the above named certificate holder requesting an additional six months' suspension of his certificate.

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

O R D E R

IT IS THEREFORE ORDERED, That James V. LeDonne should be, and hereby is, allowed to suspend his operations under PUC No. 1056 for a period of not to exceed six months from May 6, 1940.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

William Emerson  
Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN STICKLER, OF MONTE VISTA, ) P.U.C. 800  
COLORADO. )  
-----

-----  
April 6, 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 800, 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 John Stickler should be, and hereby is, allowed to suspend his operations under PUC No. 800 for a period of not to exceed six months from February 26, 1940.

IT IS FURTHER ORDERED, That unless said John Stickler 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. Danks

W. H. Danks

William E. Eason  
Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. H. CROSS, OF 514 W 27th ST., )  
KEARNEY, NEBRASKA. )  
-----

PERMIT NO. B-1980

-----  
April 6, 1940  
-----

S T A T E M E N T

By the Commission:

On October 11, 1939, the Commission suspended the above numbered permit for a period of six months.

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

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

O R D E R

IT IS THEREFORE ORDERED, That C. H. Cross, should be, and hereby is, allowed to suspend his operations under Permit No. B-1980 for a period of not to exceed six months from April 11, 1940.

IT IS FURTHER ORDERED, That unless said C. H. Cross 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. Dwyer

W. H. Danks

Marion E. Quinn  
Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DORSEY E. HALL TO LEASE CERTIFICATE ) P. U. C. NO. 337  
NO. 337 TO WORTH LE CRONE. )  
-----

-----  
April 9, 1940.  
-----

S T A T E M E N T

By the Commission:

Dorsey E. Hall has filed with the Commission his application to lease Certificate No. 337 to Worth Le Crone for a period of one year, copy of lease being attached to said application.

The records and files of the Commission fail to disclose any reason why said application should not be granted, ex parte, without notice.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Dorsey E. Hall should be authorized to lease said certificate on the terms set forth in said written lease attached to the application herein for a period of one year from March 28, 1940.

O R D E R

IT IS THEREFORE ORDERED, That Dorsey E. Hall should be, and he hereby is, authorized to lease certificate of public convenience and necessity No. 337, and all operating rights thereunder, to Worth Le Crone, for a period of one year from March 28, 1940, upon the terms and conditions set forth in said written lease attached to said application, reference to which is hereby made.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard D. Clavel  
W. L. Danks  
W. L. Crone  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OTTO BAIRD, PUEBLO, COLORADO, FOR )  
AUTHORITY TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
NO. 551 TO BAIRD TRANSFER AND )  
STORAGE COMPANY, A COLORADO CORPORA- )  
TION. )

APPLICATION NO. 1695-A

-----  
April 10, 1940.  
-----

Appearances: James Qualteri, Denver, Colorado,  
for the applicant;  
Stanley Blunt, Canon City, Colorado,  
for Southwestern Transportation  
Company;  
Raymond B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
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 transfer  
Certificate No. 551 to Baird Transfer and Storage Company, a corporation.

It appears from the Articles of Incorporation, a copy of which  
is made a part of the application herein; that the transferee is incorporated  
under the laws of the State of Colorado and has authority to conduct a  
transportation business.

It further appears that there are no outstanding unpaid obligations  
as a result of previous operations under this authority.

It also appears that the consideration being paid for this operating  
right is \$600.00; that Otto Baird is the president of the transferee corpora-  
tion; James Qualteri, vice president; Clarence Olinger, secretary, and that  
G. C. McKee, an experienced operator, will be the general manager; that this  
corporation has three trucks, together with all of the necessary pads and  
other equipment required in connection with the cartage business; and that



this corporation contemplates conducting a cartage business with an office in the city of Pueblo, Colorado.

It further appears that James Qualteri is the owner of Permit No. A-710, but that he lives in Denver and contemplates no combination or joint operation whatever with Certificate No. 551. Mr. Qualteri stated that the transferee not only has the necessary equipment but is financially able to conduct the operation, and that a financial statement showing the assets and liabilities will be filed with the Commission as soon as same can be made up.

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 Otto Baird, Pueblo, Colorado, should be, and he hereby is, granted authority to transfer all of his right, title and interest in and to Certificate No. 551, to Baird Transfer and Storage Company, a corporation, Pueblo, Colorado.

The authority held under Certificate No. 551, granted March 10, 1931, Decision No. 3283, is as follows:

"The transportation in both interstate and intra-state commerce of household goods between Pueblo and all points within the State of Colorado, subject to the following terms \* \* \*;

"(a) The applicant shall not operate on schedule between any points.

"(b) The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Pueblo for the purpose of developing business."

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

Edward J. O'Connell

W. C. Danks

Wm. E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLAYTON HILL, DILLON, COLORADO, )  
PERMIT NO. B-2012. )  
-----

CASE NO. 4798

-----  
April 10, 1940.  
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S T A T E M E N T

By the Commission:

Heretofore, show cause order issued in the above-styled matter, directed to Clayton Hill to show cause why permit should not be cancelled for certain violations of our rules and regulations governing operations of private carriers by motor vehicle for hire therein set forth.

It now develops that said complaint was erroneously filed, all matters complained of having been adjusted and satisfactorily explained by respondent before said order issued.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant case should be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Decker*  
*W. L. Danks*

*Wm. E. Fink*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of April, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
John L. Buchanan )  
..... )

PERMIT NO. C-10504

April 10, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
John L. Buchanan of Walden, Colorado,  
requesting that his Permit No. C-10504 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10504, heretofore issued  
to John L. Buchanan be,  
and the same is hereby, declared cancelled, as of March 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dwyer*  
*W. E. Danks*  
*Maxim Ericson*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TOM G. FODGE, 1202 LINDEN AVENUE, )  
TRINIDAD, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 5531-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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-----  
April 11, 1940.  
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Appearances: Tom G. Fodge, Trinidad, 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;  
W. L. Couey, Trinidad, Colorado,  
for Couey Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of groceries for Sam Konugeris, doing business as "Central Market", only, between points within a radius of five miles of (and including) Trinidad.

The evidence disclosed that Mr. Konugeris operates a grocery store in Trinidad; that a number of customers require delivery of groceries to their homes; that said applicant proposes to devote all his time to the service, his operation to be directly under the control of Mr. Konugeris.

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 Tom G. Fodge, 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 groceries for Sam Konugeris, doing business as "Central Market," only, between points

within a radius of five miles of (and including) Trinidad, Colorado, without the right to add to the number of his customers or the type of commodities handled except with the consent of the Commission first had and obtained, after notice and hearing.

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 J. O'Connell*

*W. C. Danks*

*Wm. E. Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ADOLPH CORDOVA, WESTON, COLORADO, )	
FOR A CLASS "A" PERMIT TO OPERATE )	<u>APPLICATION NO. 5272-PP</u>
AS A PRIVATE CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	

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-----  
April 11, 1940.  
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Appearances: Adolph Cordova, Weston, Colorado,  
                  pro se;  
                  Raymond B. Danks, Esq., Denver, Colorado,  
                  for The Motor Truck Common Carriers  
                  Association and 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 "A" private carrier by motor vehicle for hire for the transportation of timber (logs) from mills and timber camps in Stonewall Valley, including Wet Canyon, to Robinson Mill in Wet Canyon, and to points on Colorado Highway No. 12, without the right to transport said commodities between points served by line haul motor vehicle common carriers, in competition therewith.

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

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Adolph Cordova, Weston, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of timber (logs) from mills and timber camps in Stonewall Valley, including Wet Canyon, to Robinson Mill in Wet Canyon and to points on Colorado Highway No. 12,

without the right to transport said commodities between points served by line haul motor vehicle common carriers, in competition therewith.

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 J. O'Brien  
W. C. Danks  
Wm. E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PHILIP MODICA, 428 UNIVERSITY, )  
TRINIDAD, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5332-PP

-----  
April 11, 1940.  
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Appearances: Frank Modica, 428 University,  
Trinidad, Colorado,  
for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers Association  
and Sandeval Truck Line;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) coal from Monarch Mine in Sarcillo Canyon to loading chutes near Segundo, and from said mine and said loading chutes to points within a radius of twenty-five miles thereof; (b) ashes from Trinidad to points within a radius of five miles thereof; (c) firewood from sawmills and timber camps in the Stonewall Valley to Trinidad; (d) sand and gravel from Wet Canyon to Trinidad and points within a radius of fifty miles of Wet Canyon; (e) lumber from sawmills in the Stonewall Valley to Trinidad; (f) mine supplies from Trinidad to the Monarch Mine and loading chutes in Sarcillo Canyon, excepting service in competition with motor vehicle line haul carriers.

There was no objection to the granting of the permit, as limited, except the transportation of said commodities between points served by line haul motor vehicle carriers, which applicant agreed to exclude.

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

O R D E R

IT IS THEREFORE ORDERED, That Philip Modica, Trinidad, Colorado, should be, and he hereby is, authorized to operate, subject to the conditions hereinafter set forth, as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) coal from Monarch Mine in Sarcillo Canyon to loading chutes near Segundo, and from said mine and said loading chutes to points within a radius of 25 miles thereof; (b) ashes from Trinidad to points within a radius of five miles thereof; (c) firewood from sawmills and timber camps in the Stonewall Valley to Trinidad; (d) sand and gravel from Wet Canyon to Trinidad and points within a radius of fifty miles of Wet Canyon; (e) lumber from sawmills in the Stonewall Valley to Trinidad; (f) mine supplies from Trinidad to the Monarch Mine and its loading chutes in Sarcillo Canyon, except said applicant shall not transport any commodities aforementioned in competition with line haul motor vehicle carriers between points served by them.

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 J. Dineen

W. C. Danko

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES AND ANGELO MATTARANO, DOING )  
BUSINESS AS MATTARANO BROTHERS, )  
ROUTE 1, BOX 18, TRINIDAD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5353-PP

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April 11, 1940.  
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Appearances: James and Angelo Mattarano, Trinidad,  
Colorado, pro se;  
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:

James Mattarano and Angelo Mattarano, doing business as Mattarano Brothers, herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of ashes, sand and gravel, firewood, coal and hay from point to point within a radius of 25 miles of Trinidad, excepting service between points served by motor vehicle line haul carriers, and excepting the movement of coal from or to the Town of Aguilar and hay from points in the Stonewall Valley.

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

The operating experience and pecuniary responsibility of applicants 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 James Mattarano and Angelo Mattarano, copartners, doing business as Mattarano Brothers, Trinidad, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of ashes, sand and gravel, firewood, coal and hay, from point to point within a radius of twenty-five

miles of Trinidad, excepting service between points served by motor vehicle line haul carriers, and excepting the movement of coal from or to the Town of Aguilar and hay from points in the Stonewall Valley.

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, the necessary tariffs and required insurance, and have secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Walter E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT E. DAVIS, BOX 65, AGUILAR, )  
COLORADO, FOR A CLASS "A" PERMIT TO ) APPLICATION NO. 5534-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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-----  
April 11, 1940.  
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Appearances: Robert E. Davis, Aguilar, Colorado,  
pro se;  
Raymond B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Baudino Transfer.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal, only, from mine now operated by Harris, Clark and Smith in Green Canyon, near Broadhead, Colorado, to railroad loading chute at Aguilar and to Trinidad and La Veta.

Mr. Baudino, who operates a common carrier motor vehicle call and demand service with headquarters in Aguilar, stated that he had no objection to the granting of the permit, limited to transportation of coal, only, for mine mentioned to points indicated.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted, without the right to add to the number of his customers or the type of commodities handled without consent of the Commission first had and obtained, after notice and hearing.

O R D E R

IT IS THEREFORE ORDERED, That Robert E. Davis, Aguilar, 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, only from mine now operated by Harris, Clark and Smith, in Green Canyon, near Broadhead, Colorado, to railroad loading chute at Aguilar and to Trinidad and La Veta, without the right to add to the number of his customers or the type of commodities handled without consent of the Commission first had and obtained, after notice and hearing.

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 J. Deane  
W. C. Sparks  
Marion E. Nixon  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HOLDCROFT TRANSPORTATION COMPANY, A )  
PARTNERSHIP, 1300 FOURTH STREET, )  
SIOUX CITY, IOWA, TO TRANSFER CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY NO. 814-I TO HOLDCROFT )  
TRANSPORTATION COMPANY, A CORPORATION, )  
1300 FOURTH STREET, SIOUX CITY, IOWA. )  
-----

INTERSTATE CERTIFICATE 814-I

-----  
April 11, 1940.  
-----

S T A T E M E N T

By the Commission:

Heretofore, Holdcroft Transportation Company, a partnership, Sioux City, Iowa, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and certificate No. 814-I issued to it.

Said certificate holder now seeks authority to transfer said certificate to Holdcroft Transportation Company, a Corporation, Sioux City, Iowa.

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 Holdcroft Transportation Company, a partnership, 1300 Fourth Street, Sioux City, Iowa, should be, and it hereby is, authorized to transfer all its right, title and interest in and to Interstate Certificate No. 814-I to Holdcroft Transportation Company, a Corporation, 1300 Fourth Street, Sioux City, Iowa, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935, and to be effective as of the 29th day of February, A. D. 1940.



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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Quinn

W. L. Danks

Walter S. Sisson  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. A. BARTMANN FOR AN EXTENSION OF )  
CERTIFICATE NO. 226. )  
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APPLICATION NO. 711-A-B

IN THE MATTER OF THE APPLICATION OF )  
J. E. DUBOIS, DOING BUSINESS AS )  
GATEWAY COAL AND TRANSFER COMPANY, )  
LOVELAND, COLORADO, FOR EXTENSION )  
OF PERMIT B-1294. )  
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APPLICATION NO. 2817-PP-A-B

-----  
April 12, 1940.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicants;  
Hodges, Vidal and Goree, Attorneys at  
Law, Denver, Colorado, for The  
Rocky Mountain Parks Transportation  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Denver-Loveland Transportation  
Company.

S T A T E M E N T

By the Commission:

The above numbered applications were consolidated for the purpose  
of the hearing.

By Application No. 711-A-B, as amended, authority is sought to  
extend the same to include the transportation of freight between Loveland  
and a ten-mile radius of Estes Park, and intermediate points, by way of Big  
Thompson Canon and the north fork thereof, and a general cartage service  
within the city of Loveland.

It appeared from the testimony given at the hearing that this  
applicant at the present time has authority to transport general commodities  
between Loveland and Estes Park and intermediate points, which authority is  
Certificate No. 226; that the village of Estes Park, to which the service  
is now limited, does not include the surrounding area, such as cottages and  
establishments scattered about the Park; that in the conduct of his trans-  
portation service, lumber and furniture from Loveland are destined to

scattered stores and camps located without the village of Estes Park but within the Park proper; that these demands for service outside of the village have come from Mrs. Edwards, the Y M C A Camp located five and a half or six miles from Estes Park, Charles McGee, located two miles west of the village, A. C. Affner, located two and a half miles west thereof, and others; and that in response to demands, he had rendered more or less service to parties living within at least five and a half miles of the town of Estes Park, outside of his authority; and that the radius mentioned in his application, which would take in part of the Rocky Mountain National Park, might be changed to a five and a half mile radius, which would take care of all of his present demands.

It appeared that the applicant had demands for service in the Rocky Mountain National Park proper, but there was some question about having a permit from the Park authorities before serving in the National Park, regardless of the authority which might be granted by the Public Utilities Commission.

The applicant further stated that he was in receipt of many calls for a general cartage service in the city of Loveland, a service which it was generally understood could be taken care of without authority from this Commission.

The applicant stated that he possessed a Dodge truck, with which he was conducting his present operations; that he had other property, and that his financial standing was substantially the same as when he acquired Certificate No. 226 on August 8, 1938.

Charles McGee, residing two miles west of Estes Park, a contractor who builds cottages and houses in that vicinity, stated that in having lumber and building materials moved from Loveland to places which he was constructing, it was much better to have the same moved directly from Loveland to the building site instead of utilizing the service of the Rocky Mountain Parks Transportation Company or the applicant herein from Loveland to Estes and then having it transferred and moved to his building site; that this was particularly true

with respect to the movement of brick, for the reason that in transferring from one vehicle to another the edges were chipped off; that the applicant herein made some of his deliveries during the past year, continuing a service which was theretofore rendered by Apgar, his predecessor, and that he was surprised to learn that each of these men was a violator of the provisions of Certificate No. 226 under which they had operated.

C. A. Affner, a contractor residing two and a half miles west of Estes Park, stated that he needed the services of a carrier who could move building materials from the Loveland yards directly to his building sites, and that a number of other builders within a five-mile radius of Estes Park were in his same position with respect to direct transportation of materials.

George Van Scoyt, Loveland, Colorado, who conducts a sheet metal shop, stated that he shipped a great deal of his commercial products to Estes Park and vicinity, mostly within a radius of five miles, and has used the services of the applicant, Mr. Bartmann, as well as those of his predecessor, Mr. Apgar, but now finds that they did not have proper authority; that his shipments are made at all times throughout the year, and in the past he had found the services of the applicant herein very satisfactory.

F. L. Beckwith, Loveland, Colorado, stated that in connection with his business he needed the services of some one authorized to conduct a general cartage service; that at times he had called a number of operators, especially on one occasion when he had a fire at his home and in need of immediate service, and was unable to get them; that finally Mr. Henrikson sent a truck but it was two hours late for the reason that Henrikson conducts a scheduled operation and did not have a spare truck available.

Mrs. L. A. Bartmann testified that she took care of the office work for the applicant and answered the telephone calls; that calls for transfer or drayage work averaged from three to five per month, all of which she was obliged to turn down at the present time on account of the applicant not having authority.

A. K. Holmes, general manager of The Rocky Mountain Parks

Transportation Company, testified that the Y M C A Camp was some five miles from Estes, and Stead's place was about the same distance from Estes and inside of the National Park; that a carrier serving points in the Rocky Mountain National Park proper was required to have a permit from the Park authorities before rendering such service.

In Application No. 2817-PP-A-B, the applicant seeks an extension of Permit B-1294 to include cartage business in the city of Loveland and within a five-mile radius thereof.

J. E. DuBois, the present holder of Permit B-1294, testified that he had been serving upward of 300 customers for many years; that he has a storehouse 40 by 60 feet, the only one in the city of Loveland, and has about twenty accounts in connection with the warehouse service; that this list includes merchants of the city, the Government, and others who move commodities in and out of the warehouse daily; that he had been rendering a great deal of this service himself, only to be picked up by the authorities and fined for operating without authority; that he understood Kittler, Mattison, and the Denver-Loveland Transportation each has authority to render a cartage business in the city, but that Kittler's trucks usually were covered with coal dust inasmuch as his principal business is the moving of coal; that the Denver-Loveland Transportation conducts a line haul operation and its equipment usually was busy. It also appeared that the applicant's services had been sought in connection with the movement of freight from the depot to the office for the Public Service Company, and that they had found his services more satisfactory than those of the Denver-Loveland Transportation.

The applicant testified that he intended to render a cartage business for his regular customers only, and not for the general public; that he had three trucks, two of them being leased to the Perry Truck Lines, Inc., and operated under Permit No. A-779, the driver of one of these trucks being his son and the driver of the other a boy whom he employed, and that he paid these drivers himself as they were needed; that the compensation received from the Perry Truck Lines was ten cents per cwt., for all freight delivered

for or to the Perry Truck Lines in Loveland; and that the service rendered was that of a pickup and delivery service for the Perry Truck Lines.

It appeared from the testimony of Arvel Henrikson, holder of Certificate No. 205, which authority includes a cartage business within the city of Loveland and within a five-mile radius thereof, that he has three trucks other than the two which he uses in the conduct of his scheduled line haul operation, and that these three, kept at Loveland, were busy except for about twenty per cent of the time; that he had never refused to render a cartage service when called, and so far as he knew the delay in answering such a demand would not be more than thirty minutes; that in his opinion there was no lack of authorized cartage service in the city of Loveland, and that to grant authority to the applicant to render cartage service for his customers would tend to impair the efficient services now being rendered by the Denver-Loveland Transportation, under which name he operates, and render him less able to maintain the equipment which he is required to keep on hand in order to meet the public demand. Mr. Henrikson further stated that the railroads objected to using his service locally on account of his being a competitor in the line haul transportation business.

In Application No. 711-A-B, Bartmann and those who testified in support of his application for an extension, show some public demand for service within a radius of five and a half miles of the village of Estes Park, but as to the need for a cartage business in Loveland, the only testimony seems to be that of Mrs. L. A. Bartmann, wife of the applicant, who looks after the telephone calls in Loveland, and who testified that she received from three to five calls per month for cartage service within the city of Loveland, and that of F. L. Beckwith, an insurance agent, who had a fire at one time and on this isolated occasion tried to get some one to look after the cartage of furniture and experienced some trouble, finally getting a truck from the Denver-Loveland Transportation Company after a wait of two hours. However, in reply to this witness, Mr. Henrikson stated that he always had trucks available for cartage service in Loveland and was unable to recall

that anyone had ever been required to wait longer than thirty minutes.

In Application No. 2817-PP-A-B, the applicant seeks an extension of his private permit to cover a cartage business in the city of Loveland and within a radius of five miles thereof. Inasmuch as a general cartage business naturally involves service to be rendered on short notice, it falls within the scope of a common carrier service. The record herein shows that there is at the present time authorized common carrier cartage service, taking care of such movements within the city of Loveland and within a radius of five miles thereof.

It further appeared from the testimony of the applicant that he has leased two of his trucks to the Perry Truck Lines, Inc., to be used for a pickup and delivery service for the leasee, the compensation being ten cents per mile for the entire service, the applicant herein stating specifically that he paid the drivers of these trucks when rendering such service for the Perry Truck Lines. This lease transaction violates Rule 13 of the published rules and regulations of the Commission governing private carriers by motor vehicle for hire, which rules provide, among other things, as follows:

"Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employe to the carrier. The leasing of equipment or employing of drivers with compensation on a percentage basis dependent on gross receipts per trip, or for any period of time, is prohibited."

It further appeared, from the applicant's testimony, that he served between two and three hundred customers. However, his road reports show that he served only one during the past two years, and that he listed with the Commission not more than ten. His explanation in this respect was that he did not list the customers residing in the city of Loveland for whom he rendered a cartage service.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that the public convenience and necessity require the extended motor vehicle trans-

portation service of the applicant, L. A. Bartmann, to include the transportation of freight between Loveland and points within a radius of five and one-half miles of the village of Estes Park, and that all other parts of the application seeking an extension of Certificate No. 226 should be denied.

After a careful consideration of the record made in Application No. 2817-PP-A-B, the Commission is of the opinion, and finds, that the authorized common carrier service covering a general cartage business in the city of Loveland and within a five-mile radius thereof, is ample; that the applicant has been guilty of rendering a cartage service without authority, for which he was fined, and, from his own testimony, since that time he has been leasing two trucks to the Perry Truck Lines, Inc., on terms and conditions which violate the provisions of the Commission's prescribed rules, and that this lease should be ordered cancelled; that the applicant has operated, and, if the permit herein sought is granted, proposes to operate as a common carrier for hire; and that the application for an extension of Permit No. B-1294 should be denied.

O R D E R

IT IS THEREFORE ORDERED, That in Application No. 711-A-B, the public convenience and necessity require the extended motor vehicle common carrier service of applicant, L. A. Bartmann, for the transportation of freight between Loveland and points within a radius of five and one-half miles of the village of Estes Park, and that Certificate No. 226 should be, and the same hereby is, extended to include such service, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity for such extension, and that the said application, as amended, in all other respects, should be, and the same hereby is, denied.

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 in Application No. 2817-PP-A-B, said application should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, In Application No. 2817-PP-A-B, that the lease of two trucks, entered into under date of February 21, 1940, between the applicant herein and the Perry Truck Lines, Inc., should be, and the same hereby is, ordered cancelled, and the applicant be, and he hereby is, ordered to cease and desist from further operations under said lease.

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

Marion E. Miller  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of April, 1940.

ORIGINAL

(Decision No. 15225)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF A GENERAL INVESTIGATION )  
OF THE FREIGHT RATES AND CLASSIFICATION )  
OF FREIGHT OF ALL COMMON AND PRIVATE ) CASE NO. 1585.  
MOTOR VEHICLE CARRIERS. )  
-----

-----  
April 10, 1940  
-----

S T A T E M E N T

By the Commission:

At the time we prescribed the Classification governing traffic moving under the column one and two rates, we specifically provided that motion picture films, exposed, would not be taken, for the reason, inter alia, that the Western Classification provided no rating on this commodity and we felt that all carriers should be on an equal basis insofar as the acceptance of freight was concerned.

On December 6, 1939, ratings were established in the Western Classification; therefore, we are of the opinion that ratings should be provided in the Column territory.

Findings

After further consideration of all the facts in this record, the Commission is of the opinion, and so finds, that a rating of two and one quarter times column one will be a reasonable and just rating on moving picture films, exposed, packed in metal containers, released to value not exceeding \$1.00 per pound, and two and three quarter times column one when released to value exceeding \$1.00 per pound but not exceeding \$7.50 per pound. If declared or released value exceeds \$7.50 per pound or shipper refuses to declare or release value, the shipment shall not be taken.

The value declared in writing by the shipper, or agreed upon in writing as the released value of the property, as the case may be, must be entered on Shipping Order and Bill of Lading as follows:

"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \_\_\_\_\_ per pound for each article."

Motion Picture Films, Exposed, and Disc Records used in connection therewith, when returned from first point of destination to distributors or film exchanges, will be subject to one-half (1/2) the transportation charge assessed on the outbound movement. Subject to Rule 2, Appendix B, and the following written certificate on the Bill of Lading and Shipping Order:

"This is to certify that the outbound shipment which is being returned was transported by \_\_\_\_\_ Truck Line."

Shipments of moving picture films, exposed, must be governed by the rules of the Commission governing, "Explosives and Inflammable Articles," as set forth in "Revised General Order No. 43, dated July 21, 1936."

#### O R D E R

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

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

IT IS ORDERED, That the order heretofore entered in said proceeding in Case No. 1585 on February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified the above stated order as amended shall continue in full force and effect.

IT IS FURTHER ORDERED, That all motor vehicle common carriers and all private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, be, and they are hereby, notified and required to cancel all schedules in conflict with the ratings and regulations prescribed in the aforesaid statement on further consideration,

nunc pro tunc as of April 5, 1940, upon notice to this Commission and to the general public by not less than one (1) day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913, and Section 10, Chapter 120, Session Laws of 1931, as amended.

IT IS FURTHER ORDERED, That this order shall become effective nunc pro tunc, as of April 5, 1940, and that the ratings and regulations prescribed and approved in the aforesaid statement on further consideration shall be published by all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913 and Section 10, Chapter 120, Session Laws of 1931, as amended; and that on and after said date motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the bases of rates herein prescribed; and private carriers by motor vehicle shall cease and desist from demanding, charging or collecting rates and charges which shall be less than those prescribed and approved in the aforesaid statement.

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

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

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

(S E A L) ATTEST: A TRUE COPY

E. E. POLLOCK  
Secretary

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

EDWARD E. WHEELER  
W. E. DANKS  
MALCOLM CARLSON  
Commissioners

Dated at Denver, Colorado,  
this 10th day of April, 1940.  
TSW-JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

The Corley Co.

PERMIT NO. C-1967

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
The Corley Company 450 E Costilla, Colorado Springs, Colo.  
..... of .....  
requesting that his Permit No. C-1967 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1967  
to The Corley Company ..... be,  
and the same is hereby, declared cancelled, as of April 6, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. H. Danks*  
*Wm. H. ...*

Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

J. H. Greenstreet

PERMIT NO. C-2708

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
J. H. Greenstreet of Cullison, Kansas  
requesting that his Permit No. C-2708 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2708, heretofore issued  
to J. H. Greenstreet be,  
and the same is hereby, declared cancelled, as of April 10, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. L. Danks*  
*W. L. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

K

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

RE MOTOR VEHICLE OPERATIONS OF)

Walter Heffner

PERMIT NO. C-11053

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Walter Heffner ..... 1515 Washington, Denver, Colorado  
..... of .....  
requesting that his Permit No. C-11053 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11053, heretofore issued  
to Walter Heffner ..... be,  
and the same is hereby, declared cancelled? as of March 17, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. B. Danks*  
*Walter E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.





(Decision No. 15230 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

H. C. Platt

PERMIT NO. -C-10868

April 16, 1940

## S T A T E M E N T

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
H. C. Platt \_\_\_\_\_ of 2834 Welton, Denver, Colorado \_\_\_\_\_,  
requesting that his Permit No. C-10868 \_\_\_\_\_ 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-10888, heretofore issued  
to H. C. Platt be,  
and the same is hereby, declared cancelled, as of March 20, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Welch  
 Wm. Danks  
 Nelson Erickson  
 Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.





BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Les Huston

PERMIT NO. C-9958

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Les Huston of Canon City, Colorado  
requesting that his Permit No. C-9958 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9958, heretofore issued  
to Les Huston be,  
and the same is hereby, declared cancelled, as of March 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. L. Danks*  
*Walter E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

J. R. White, Trustee,  
Rural Gas Service Co., Inc.

PERMIT NO. C99800

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
J. R. White, Trustee Rural Gas Service Co., Inc. 303 Hall Bldg., Mankato, Kans  
of  
C-9800  
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-9800,  
to J. R. White be,  
and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*W. L. Danks*  
*W. L. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

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**By the Commission:**

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

W. B. Steinkraus 1405 16th Ave., Greeley, Colo.

of .....;

**C-8531**

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.

IT IS THEREFORE ORDERED, That Permit No. C-8531, heretofore issued

to E. B. Steinkraus be,

and the same is hereby, declared cancelled: as of April 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. McClure

Wes Danks

Wm. Emerson

**Commissioners.**

Dated at Denver, Colorado, 16th April, 1940  
this ..... day of ....., 19....

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

RE MOTOR VEHICLE OPERATIONS OF)

George Oyler

PERMIT NO. C-7989

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
George Oyler ..... of 314 Sherman, Longmont, Colorado,  
requesting that his Permit No. C-7989 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7989, heretofore issued  
to George Oyler ..... be,  
and the same is hereby, declared cancelled, as of March 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*George D. Danks*  
*W. H. Danks*  
*Wm. E. Eason*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)

Richard Green

PERMIT NO. C-7753

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Richard Green 516 W Yellowstone, Casper, Wyoming  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-7753 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7753, heretofore issued  
to Richard Green be,  
and the same is hereby, declared cancelled: as of April 5, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Connelley*  
*W. H. Danks*  
*Walter H. Hines*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

J. A. Shepard

PERMIT NO. C-7213

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
..... J. A. Shepard ..... of Ault, Colorado, .....  
requesting that his Permit No. C-7213 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7213 ..... heretofore issued  
to J. A. Shepard ..... be,  
and the same is hereby, declared cancelled? as of March 28, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniels*  
*W. L. Danks*  
*Walter E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

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

RE MOTOR VEHICLE OPERATIONS OF)  
Charles H. Vavak )  
..... )

PERMIT NO. C-6660

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Charles H. Vavak of Box 222, Saguache, Colorado  
..... of .....,  
C-6660  
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-6660, heretofore issued  
to Charles H. Vavak ..... be,  
and the same is hereby, declared cancelled, as of March 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*Wes Danks*  
*Allen Harrison*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

\*\*\*

Albert Harrison

PERMIT NO. C-2446

April 16, 1940

## S T A T E M E N T

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

Albert Harrison

601 Struthers, Grand Junction, Colo.

of .....

**C-2446**

requesting that his Permit No. \_\_\_\_\_ be cancelled.

## ORDER

**C-2446**

IT IS THEREFORE ORDERED, That Permit No. 0-2440, heretofore issued

to Albert Harrison be.

and the same is hereby, declared cancelled, as of March 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Steele  
Wes. J. J. J.  
Wm. J. J. J.  
Commissioners.

Dated at Denver, Colorado, 16th day of April, 1940.

(Decision No. 15241 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
Leonard Brown )  
..... )

PERMIT NO. C-1460

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Leonard Brown ..... Durango, Colorado Box 112  
..... of .....,  
C-1460  
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-1460, heretofore issued  
to Leonard Brown ..... be,  
and the same is hereby, declared cancelled? as of April 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Connelley*  
*W. L. Danks*  
*W. L. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

(Decision No. 15242 )

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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
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.....)

PERMIT NO. ~~A-1056-I~~

.....  
April 16, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. H. Gentry ..... of Garden City, Kansas  
....., .....  
requesting that his Permit No. A-1056-I ..... be cancelled

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-1056-I, heretofore issued  
to E. H. Gentry ..... be,  
and the same is hereby, declared cancelled, as of January 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. D. Danks*  
*Wm. E. Smith*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Lloyd Nicholas &  
Louis Viola

PERMIT NO. B-2433

April 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Lloyd Nicholas & Louis Viola of 2610 Oakland, Pueblo, Colorado,  
requesting that his Permit No. B-2433 be cancelled.

After careful consideration, the Commission is 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-2433  
to Lloyd Nicholas & Louis Viola be,  
and the same is hereby, declared cancelled, as of March 25, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. O'Connell*  
*W. B. Danks*  
*Wm. E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. D. HYDE, PUEBLO, COLORADO, FOR )  
AUTHORITY TO TRANSFER PRIVATE PERMIT )  
NO. A-2169 TO C. PAUL CRUME, PUEBLO, )  
COLORADO. )  
-----

APPLICATION NO. 3759-PP-1

-----  
April 17, 1940.  
-----

S T A T E M E N T

By the Commission:

The above numbered application was set for hearing at the City Hall at Colorado Springs, Colorado, March 29, 1940, at which time and place the applicants failed to appear.

When this application was reached, the names of Hyde and Crume were announced, but no response was forthcoming. The application was passed until the afternoon session, and through some oversight it was not again called.

A careful check of the record discloses that on January 12, 1940, the transferor and transferee consummated a contract calling for the transfer of Permit A-2169, and were of the opinion that there was nothing else required until Patrolman Mayfield brought to their attention the requirements of an application to the Commission and an order covering the authority to transfer.

The authority originally granted to the transferor is as follows:

"The transportation of coal from mines in the Florence and Canon City coal mining districts, over Highway No. 50, to Pueblo, and coal from mines in the Walsenburg coal district, over U. S. Highway No. 85, to Pueblo."

In view of the fact that the Motor Truck Common Carriers' Association and the Colorado Trucking Association heretofore have indicated that said associations have no objection to the issuance of permits of this character without notice or hearing, this authority was originally granted without the formality of a hearing, and inasmuch as the same attitude is

now taken by these two associations, it appears that the application to transfer should be granted without again setting the same for hearing.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority to transfer should be granted on the application now on file.

O R D E R

IT IS THEREFORE ORDERED, That C. D. Hyde, Pueblo, Colorado, be, and he hereby is, granted authority to transfer all of his right, title and interest in and to Private Permit No. A-2169, to C. Paul Crume, of Pueblo, 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

*Edward D. O'Connell*  
*W. L. Danks*  
*William F. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
S. E. THATCHER, COLORADO SPRINGS, )  
COLORADO, FOR A CLASS "A" PERMIT TO ) APPLICATION NO. 5327-PP  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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-----  
April 19, 1940.  
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Appearances: S. E. Thatcher, Motor Route 3,  
Colorado Springs, Colorado, pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for C. N. Lavelett and Elbert Transfer.

S T A T E M E N T

By the Commission:

By the instant application and as disclosed by the testimony of applicant, authority is sought to establish a milk route for customers residing along Highway No. 189 or within three miles of said highway, between Templeton Gap and Black Forest, to Colorado Springs, and to transport feed, salt, and like dairy supplies from Colorado Springs to milk producers in said described area.

It appeared from the testimony of the applicant that he conducts a small dairy some nineteen miles northeast of Colorado Springs, and that, in transporting his own milk to Colorado Springs, he comes in contact with a number of other milk producers residing along State Highway No. 189 between Templeton Gap and Black Forest; that most of these producers reside along Highway No. 189 or within a few miles thereof, some residing near Templeton Gap and others just off the highway in the Black Forest; and that the applicant has made arrangements to pick up the milk for these producers and transport the same to the creamery at Colorado Springs; that he also desires authority to transport back to these milk producers feed and dairy supplies, such as salt, etc., not to exceed 300 pounds to any one producer at a time, and that this back haul is to be limited to the milk producers whom he may list as his customers.

The applicant has a Ford pickup, and is financially able to conduct the operation if given authority.

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, limited as disclosed by the testimony of the applicant.

O R D E R

IT IS THEREFORE ORDERED, That S. E. Thatcher, Motor Route No. 3, Colorado Springs, Colorado, be, and he hereby is, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire, for the transportation of milk and dairy products for customers residing along State Highway No. 189, or within three miles thereof, from Black Forest and Templeton Gap to Colorado Springs, and for the transportation of feed, salt, and like dairy supplies as a back haul, limited not to exceed 300 pounds for each customer at any one time, from Colorado Springs, Colorado, to milk producers along the described route who are listed as customers by the applicant from time to time.

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

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

W. L. Danks

Malcolm E. Evers  
Commissioners.

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



(Decision No. 15247

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

**S. G. Byrn**

PERMIT NO. C-10772

April 17, 1940.

# STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
S. G. Byrn \_\_\_\_\_ of 1020 Missouri St., Waco, Texas  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-10772 \_\_\_\_\_ 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-10772, heretofore issued to S. G. Byrn be, and the same is hereby, declared cancelled, as of March 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward A. Allen  
W. B. Danks  
Wm. E. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of April, 1940.

## K



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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
Geron J. Spray )  
)  
)  
.....)

PERMIT NO. C-729

.....  
April 17, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Geron J. Spray ..... of Akron, Colorado, .....  
requesting that his Permit No. C-729 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-729, heretofore issued  
to Geron J. Spray ..... be,  
and the same is hereby, declared cancelled, as of April 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. O'Connell*  
*W. L. Danks*  
*W. L. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of April, 1940.

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**U S A I E M E N I**

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
Gail Miller dba Circle Coal \_\_\_\_\_ of 3112 Marion, Denver, Colorado \_\_\_\_\_,  
\_\_\_\_\_ C-11003  
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.

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-11003, heretofore issued to Gail Miller dba Circle Coal be, and the same is hereby, declared cancelled, as of March 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

Thanks

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**Commissioners.**

Dated at Denver, Colorado,  
this 17<sup>th</sup> day of April, 1940



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

R. J. Lindbloom

PERMIT NO. C-11161

April 17, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
R. J. Lindbloom 1723 7th Ave., Greeley, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-11161 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11161, heretofore issued  
to R. J. Lindbloom be,  
and the same is hereby, declared cancelled, as of April 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dwyer*  
*W. C. Danks*  
*Arthur E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of April, 1940.



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

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
American Motor Transport, Inc. )  
)  
.....)

PERMIT NO. 742-I

.....  
April 17, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
American Motor Transport Inc., 527 So Theresa Ave., St. Louis, Mo.  
..... of .....,  
requesting that his Permit No. 742-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. 742-I, heretofore issued  
to American Motor Transport, Inc. .... be,  
and the same is hereby, declared cancelled; as of April 4, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard D. Danks*  
.....  
*W. B. Danks*  
.....  
*Wm. E. Danks*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HOWARD C. ASHLOCK AND ORRIN HIBSCHLE )	APPLICATION NO. 5266
FOR AUTHORITY TO SUBSTITUTE THE NAME )	(Amended Order)
OF THE LATTER FOR THE FORMER. )	
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April 19, 1940--  
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S T A T E M E N T

By the Commission:

On February 13, 1940, an order was issued in Application No. 5266, granting authority to Howard C. Ashlock.

A verified petition signed by Howard C. Ashlock and Orrin Hibschie is now filed with the Commission, which petition discloses the following: That Howard C. Ashlock has been unable to comply with the rules of the Commission by making the required deposit and perfecting an operation under the authority granted so as to be given a certificate number, for the reason that he has been unsuccessful in disposing of personal property referred to at his hearing, and otherwise raising sufficient capital to conduct the pickup and delivery service as contemplated by the authority granted; that being unable to perfect this authority and take care of the demands of customers, Howard C. Ashlock sold his operating rights to Orrin Hibschie for the sum of \$25.00 in order that the same might be fully completed and an operation provided to take care of customers, particularly the Rio Grande Motor Way, Inc.; that there are no creditors of Howard C. Ashlock other than Rio Grande Motor Way, Inc., to whom he is indebted on account of operations conducted under the authority granted in Application No. 5266; that Orrin Hibschie, for many years last past, has been employed as a driver by Rio Grande Motor Way, Inc., or its predecessors, is experienced in the operation of motor vehicle equipment, serving the general public for hire, and desires to acquire the certificate of public convenience and necessity heretofore issued to Howard C. Ashlock

and to conduct the business of pick-up and delivery in the city of Leadville and the territory authorized to be served under said certificate, and that he has sufficient equipment to conduct such an operation and is financially able to maintain the same.

It further appears that at the hearing on Application No. 5266, no one testified in opposition to the granting of the authority in that instance; that the same conditions prevail in the city of Leadville as existed at the time of said hearing; and that little, if any, additional facts would be forthcoming should a hearing be had on this transfer.

The applicants herein seek an approval of the transfer heretofore agreed upon and the substitution of the name of Orrin Hibschie for Howard C. Ashlock as the record holder of the certificate.

After careful consideration of the petition of Howard C. Ashlock and Orrin Hibschie, the Commission is of the opinion, and finds, that inasmuch as a sale and purchase of the operating rights were made on account of the emergency existing, and that no objections appeared at the original hearing on Application No. 5266, the same should be approved, and the name of Orrin Hibschie substituted as the holder of this certificate in place of Howard C. Ashlock, as of February 13, 1940.

#### O R D E R

IT IS THEREFORE ORDERED, That the sale and purchase of operating rights, as heretofore agreed to between Howard C. Ashlock and Orrin Hibschie, involving the authority granted in Application No. 5266, Decision No. 14841, dated February 13, 1940, should be, and the same hereby is, approved, and the name of Orrin Hibschie substituted as the holder of this certificate in place of Howard Ashlock, as of February 13, 1940.

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

IT IS FURTHER ORDERED, That said Orrin Hibschie shall operate

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. McQuinn

W. C. Danks

Malcolm E. Eason  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WEICKER TRANSPORTATION COMPANY AND )  
WEICKER TRANSFER AND STORAGE COMPANY ) APPLICATION NO. 1847, et al.  
FOR AUTHORITY TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
NO. 8. )  
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-----  
April 19, 1940.  
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S T A T E M E N T

By the Commission:

On March 14, 1940, Decision No. 15034, the Commission granted authority to the Weicker Transportation Company to transfer all of its right, title and interest in and to Certificate No. 8, and all operating rights held thereunder, to the Weicker Transfer and Storage Company, which order became effective April 3, 1940.

It was further provided in said order that the transferor and transferee should, in writing, within thirty days from the effective date of said order, advise the Commission that said certificate had been formally assigned and that said parties had accepted the same.

It now appears that the parties to this transfer are not in position to formally complete the transfer until the Interstate Commerce Commission has passed upon a similar application, and request that additional time be granted for them to elect and file such written acknowledgment of the formal transfer and acceptance of the same.

After a careful consideration of the order authorizing the transfer of Certificate No. 8, and the request coming from the Weicker Transportation Company for an extension of time to accept the transfer, the Commission is of the opinion, and finds, that the request should be granted and an extension given to and including the date of receiving authority from the Interstate Commerce Commission.

O R D E R

IT IS THEREFORE ORDERED, That the third paragraph of the

Commission's order contained in Decision No. 15043, dated March 14, 1940, should be, and the same hereby is, modified and amended to allow the transferor and transferee time for advising the Commission in writing of the acceptance of the transfer from a period of thirty days from and after the effective date of the order, to and including the effective date of the order issued by the Interstate Commerce Commission in MC-F-1164.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

Wm. E. Danks  
Commissioners.

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLYDE G. MEDLEY, LEADVILLE, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 5035.  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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-----  
April 20, 1940.  
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S T A T E M E N T

By the Commission:

On August 21, 1939, the Commission issued an order, Decision No. 15886, in the above application, granting authority to the applicant to conduct a cartage business,

"and the transportation of livestock, limited to a maximum load of six head of cattle or loads of not to exceed six thousand pounds, from said area west of the Continental Divide to markets at Denver, Pueblo and Colorado Springs."

The Commission is now in receipt of a communication signed by Clyde G. Medley, wherein he requests that the authority to serve as above quoted to Denver,,Colorado Springs and Pueblo, be eliminated from his authority, the reason assigned being that the excess premium on insurance to cover this outside service is not justified when the small amount of transportation service rendered to these points is considered.

After a careful consideration of the record and the request, the Commission is of the opinion, and finds, that same should be granted, and Certificate No. 1516 modified in accordance with such request.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 15886, of date August 21, 1939, in Application No. 5035, should be, and the same hereby is, amended, by deleting therefrom the following:

"And the transportation of livestock, limited to a maximum load of six head of cattle or loads of not to exceed six thousand pounds, from said area west of the Continental Divide to markets at Denver, Pueblo and Colorado Springs."

IT IS FURTHER ORDERED, That in all other respects the order contained in said decision and in the supplemental order issued on October 27, 1939, Decision No. 14232, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dineen

McDauks

Walter Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. F. ANMILLER, BRUSH, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 5254-PP-B

-----  
April 20, 1940.  
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Appearances: C. F. Anmiller, 129 S. Curtis St.,  
Brush, Colorado, pro se;  
E. F. Anderson, Akron, Colorado,  
pro se;  
Raymond B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, North Eastern Motor  
Freight, Inc., William Ackley and  
Marion J. Martin.

S T A T E M E N T

By the Commission:

Applicant heretofore was authorized to operate as a Class "B"  
private carrier by motor vehicle for hire for the transportation of:

"wet beet pulp, only."

He now seeks authority to extend his operation to include the  
right to move grain and feed between points within a radius of twenty-five  
miles of Brush. He presented a list of eighteen customers residing at  
Hillrose, Brush, Pawnee, and along rural routes out of Brush with whom he  
has contracts, and whom he will serve if the authority sought is granted.  
He stated that he proposed to haul from farm to farm, and farm to town, only.  
He did not state that existing common carrier service is inadequate.

Mr. William F. Ackley testified that he had sixteen trucks, about  
eight of them being in use; that it is necessary to maintain extensive  
equipment in order to satisfy requirements of farmers in the area served by  
him during peak seasons; that Atwood Brothers, Vern Crandall, Ralph Senseney,  
Marion J. Martin and other call and demand common carriers now serve the area;  
that a number of private carriers also serve many customers in said territory;

that he, personally, has been serving nearly all customers of applicant; that the granting of authority sought will impair the efficiency of his operation and make him less able to care for the requirements of the public.

Marion J. Martin has two trucks, and he stated that he is authorized to perform service sought by applicant; that he has served at least one-half of the customers listed by applicant; that he needed the business, and the efficiency of his operation will be impaired if the service sought is authorized.

After a careful consideration of the record, the Commission is of the opinion, and finds, that existing common carrier service is adequate, and that the granting of the authority sought will impair the efficient public service of said common carriers now serving in the territory, and that said application should be denied.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Maxim E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 4995-PP

-----  
April 27, 1940.  
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Appearances: Sauter and Sandhouse and Charles W.  
Kreager, Jr., Esqs., Sterling, Colorado,  
for the applicant;  
Charles D. Young, Denver, Colorado,  
for The Colorado Trucking Association,  
Hawkins Transfer, Lester Smith,  
William D. Blankenbeckler, and  
J. H. and E. W. Hellbusch;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, North Eastern Motor  
Freight, Inc., Woods Truck Line,  
R. J. Robertson and H. B. Monroe.

S T A T E M E N T

By the Commission:

On May 19, 1939, after hearing in Sterling on May 9, 1939, the  
Commission entered its order and decision No. 13527, denying the applica-  
tion of William Forneff for a Class "B" permit to operate as a private  
carrier by motor vehicle for hire.

Thereafter, said William Forneff filed application for rehearing,  
which was granted by the Commission on December 21, 1939, Decision No. 14529,  
said matter being set for hearing, and heard, at Sterling, on January 9,  
1940, at 9:30 o'clock A. M.

At the further hearing, Mr. William Forneff, testifying for  
applicant, stated that he wanted to operate a trucking service, primarily  
devoted to satisfying transportation needs of the farmers residing within  
a radius of fifteen miles of Peetz; that he wanted to handle cattle from

farms in said territory to markets at Sterling and Denver and, generally, from point to point in said area. He wants to handle grain from farms to elevators and markets in said area and to Denver; new farm machinery from Denver to Peetz and from point to point in said area, movement from Denver primarily being for George E. Fehringer, the John Deere agent, he being willing to limit his town to town service to transportation for said Fehringer. Moreover, he indicated that if the Commission were of the opinion that said town to town service should not be authorized, he would waive machinery service between Denver and Peetz and Peetz and Sterling. He also wanted to handle used household goods and farm equipment, generally, from point to point within said fifteen-mile area.

Although the evidence offered at the hearing in Sterling on May 9, which was reviewed in the Statement in our order and decision No. 13527, was made a part of the record, Mr. Forneff, and other witnesses, covered and amplified a number of matters that were discussed at said May 9th hearing. He stated that primarily the chief transportation need in his community was additional local service; that Mr. Hawkins chiefly was engaged in farming about 560 acres of land, located across the line in Nebraska, operating a corn sheller and raising livestock; that trucking, in his opinion, with Hawkins, was a "side line"; that, while Hawkins will handle livestock and other commodities at times, it is difficult to obtain his service because he is engaged in his other operations. He admitted that Blankenbeckler and Hawkins and other carriers handle livestock from and to the sales barns at Sterling, and from and to Denver and from farms in the area, and that while perhaps they have adequate equipment, he thought that it is desirable to have a number of carriers authorized, so that a number of trucks instead of one or two would be available at all times, so that farmers could get almost "instant service".

It also appeared that Mr. Jim Hoover of the Hoover Sales Pavilion in Sterling was of the opinion that it would be desirable to have more trucks authorized to serve from and to his sales barns, to and

from points which applicant seeks to serve.

Mr. William Sickler, of Sterling, stated that he operated a feed store and fed livestock; that at times it was difficult to get carrier from Peetz area to handle grain and feed products from Sterling to the west plains area, which lies west of Peetz; that especially it had been difficult to get transportation service for movement of small lots for reasonable rates; that, in his opinion, Fornoef would be a capable carrier; that sometimes the business Fornoef would handle would be taken from Hawkins; that while his requirements, for the most part, would be limited to three movements weekly of small lots to the area, and would not amount to a great deal, still, on account of lack of trucks, farmers were hauling the small lots of livestock in trailers behind their cars, or getting their neighbors to haul for them, and he thought Fornoef would probably get business that "nobody is getting".

George E. Fehringer, of Peetz, who is the John Deere agent at said point, stated that, chiefly, he wanted machinery hauled out of Denver, although he also needed transportation service for movement of machinery locally in and out of Peetz. When asked as to whether he could or could not use a line haul service, for which Mr. Monroe had applied, between Denver and Peetz, and which heretofore has been authorized by the Commission, he inquired, "What is the rate?" Obviously, he would not want to pay Mr. Fornoef one hundred and twenty per cent of the prescribed rate for movement of machinery by Fornoef between Denver and Peetz, or between Peetz and Sterling, which, necessarily, Fornoef would be compelled to charge, since the service would compete with that of Mr. Monroe. Mr. Fehringer also mentioned the fact that "My man" had to wait one week for service to haul two calves. It did not appear whether this wait was or was not due to the disinclination of his man to pay the rate required for movement of two calves, only, or whether trucker was or was not waiting for more business so that he could give Mr. Fehringer's representative the benefit of a truckload rate. Mr. Fehringer also thought that granting of the permit would not impair the efficiency of

of Mr. Hawkins' service.

Mr. Hammil, of Atwood, stated that, in November, 1939, he wanted to move one hundred seventy-one heifers out of the territory; that he arranged for the service of a Sterling private carrier, who, at the last moment, just before the heifers arrived by rail at Crook, "backed out". He then called Mr. Hellbusch's office at Crook, and explained the situation and was told that Hellbusch would handle; that three trucks were necessary to move the livestock, but only one truck "showed up". He was also informed that the other truck owned by Hellbusch was on a beet job. He tried to locate Ture Nelson and found he was in Denver. Mr. Blankenbeckler, who was not at home when Hammil telephoned, appeared at 3:00 o'clock. The cattle finally were moved by one o'clock following; that, in his opinion, all the truckers were good boys; that at times there were not enough truckers and at other times there were too many trucks; that farmers do not complain when there are too many, but complain when enough trucks were not available; that, later, he learned that if Hellbusch or Blankenbeckler had asked Maloney, a private carrier, to handle the stock, Maloney would have been able to, and would have moved them; that he frequently sells cattle, and that when cattle are sold, the buyer wants them moved immediately to the train.

Mr. A. L. Ancroix, who resides in the west plains area, about 15 miles west of Peetz, stated that he was a farmer and stock raiser; that, annually, he has moved at least a carload of stock by truck; that, for the two years last past, he has been unable to get Hawkins to move the stock, Hawkins stating that he was too busy; that in November, 1939, he called Blankenbeckler, who handled the livestock; that he thinks a local truck service is needed in his area; that, in his opinion, there is enough business for more truckers, and the efficiency of authorized common carrier service would not be impaired by the granting of authority to Mr. Fernoff; that Lester Smith, whose certificate formerly was operated in the territory, has moved his headquarters to Sterling.

It was stipulated that Messrs. C. M. Gahn, Andrew K. Nelson, S. H. Hammer, Clyde Ward and Roy Gilham, farmers and livestock raisers, were present and were prepared to, and if called, would testify to experiences



similar to those related by farmer witnesses theretofore called, and, generally, to the same effect as said witnesses; that, in their opinion, said operation was needed and would not impair the efficiency of authorized common carrier services in the area.

It was also stipulated that Mrs. Jim Hoover was prepared to, and, if called, would testify to the same effect as witnesses already called, and that there is a need for additional transportation service from and to said sales yard, to and from farms in said area, and from said sales yard to Denver, and that, in her opinion, Hawkins and Blankenbeckler encouraged farmers to patronize sales yards other than Jim Hoover's, thereby depriving said yard of some business that otherwise it would get.

In opposition, Mr. Lester E. Smith, PUC No. 868, who is authorized to transport:

farm products, farm supplies and farm equipment from town to farm, from farm to town, and from farm to farm within that portion of Logan County lying west of a line running north and south through Proctor; ice for Sterling Ice & Cold Storage Company to Helyoke, Crook and New Raymer; livestock from farm to farm, from farms in said area to shipping points therein to Denver, to sales pavilion at Sterling, and from sales pavilions to points in Logan County and to Denver; provided he shall not engage in transportation service of competitive character from the area around Peetz allocated to Levi Van Valkenburg and Delbert Hawkins, or in town to town hauls between points in said area served by scheduled motor vehicle or railroad common carrier service;

that none of the witnesses testifying in person or by stipulation, with the exception of Mr. Sickler, ever sought his service for the transportation of livestock or other commodities; that while at all times he was ready, able and willing to serve, in his opinion, he would not get anything out of the west plains district if the application were denied; that he has not been called in the past, so why would he be called in the future; that Jim Hoover "never called me"; that Sickler called him on one occasion, but refused to pay the rate prescribed by the Commission; that Hawkins has two trucks, and on occasions when additional truck service was required, has called Mr. Hawkins and in turn has furnished trucks for Hawkins when requested; that he has one

truck, but will put on more equipment if business warrants; that his truck, for the most part, has been idle and that, in his opinion, the authorized common carrier service is adequate, and granting of authority to Ferneff to serve in the Sterling area would injure said carriers, and impair their efficiency to carry on an adequate public service; that farmers and Jim Hoover do not want to pay prescribed rates for movements of cattle or farm products.

Mr. Blankenbeckler stated he served between points within a radius of fifteen miles of Sterling, and from and to points in said area, to and from other points in the State; that he has two trucks and employs two drivers; that except in the fall of the year during harvest season, his trucks have been idle considerable portion of the time; that he would add more equipment if he could get more business; that last fall cattle moved fast, on account of short feed; that it was true that he and Hoover had fallen out over rates, and that Hoover never called him; that he is willing to serve Hoover any time; that the west plains area is not within his local service area; that he needs more business, and will be glad to serve from and to points in the west plains area, to and from Sterling and Denver or any point within his local area; He, too, thought that carrier service in the Sterling area was adequate, and that the efficiency of common carrier motor vehicle service would be impaired if applicant were authorized to serve there.

It was stipulated that Mr. Hawkins, of Hawkins Transfer, if present, would testify that the transportation situation had not changed since the hearing on May 9, last, and as it then was shown to be, had continued down to date.

Upon the testimony offered at the former hearing, the Commission found that applicant had failed to establish authorized motor vehicle common carrier service in the area which applicant seeks to serve is inadequate; that the granting of the authority sought by applicant would adversely affect said common carrier operations and render them less able to maintain their equipment and to furnish the service now offered. Can we say upon the further hearing that a different finding should be made upon the additional testimony

taken at the hearing on May ninth?

It would seem that the testimony offered in behalf of applicant was largely cumulative, or at least to the same effect as that submitted at the former hearing. If there was any testimony showing an inadequacy of service, generally - that is, anything more than a complaint that individual did not receive the service that he thought he should have received upon an isolated occasion, it went to the transportation situation in the so-called "west plains area". West plains seems to be twenty to twenty-five miles from Peetz. The application is for service between points within a radius of fifteen miles of Peetz, and from and to points in that area, to and from Sterling and Denver. If service proposed had been point to point service between points within a radius of fifteen miles of west plains, a somewhat different situation might have been presented. In theory, supposedly, Mr. Forneff proposes to conduct a private, that is, contract carrier service. Such service, ordinarily, contemplates a specialized and individual service which is required by the peculiar needs of a particular shipper, and which a common carrier, because of the character of its obligations to the general public, cannot well undertake to supply. Applicant here does not seek to perform that type of service. After all, the service he proposes to furnish, in all particulars, is identical with the service now being offered (if not furnished on account of rates charged or failure of shippers to request such service) by the common carriers. In other words, the private carrier wants to perform the same type of service as the common carrier without at the same time being hampered by the obligations imposed upon the common carrier.

Mr. Sickler's complaint, after all, was based upon the claim that "it has been difficult to get transportation service for movement of small lots for reasonable rates." If Mr. Forneff were authorized to serve, he could not move grain and feed for rates less than those prescribed by the Commission. If the rate is too high, Mr. Sickler should file a complaint with the Commission.

Mr. Fehringer, obviously, would not be interested in the movement of machinery by the applicant between Denver and Peetz, or between Peetz and Sterling, if Forneff were compelled to charge one hundred and twenty per cent of the prescribed line haul rate, which he would be required to do.

Mr. Hammil's difficulty was due to the fact that he did not contact any one of a number of common carriers who were authorized to serve at a reasonable interval of time prior to the demand for service. He arranged for service with, we presume, his private (contract) carrier. Apparently, he realized that the carrier was entitled to some notice before being asked to move one hundred and seventy heifers. When the contract carrier, upon whom he had elected to rely for service, failed to comply with his contract, then he expected the common carrier to furnish almost immediate service.

Mr. Ancroix did not have any difficulty getting service when he contacted Mr. Blankenbeckler, a common carrier who is authorized to serve. Incidentally, Messrs. Sickler, Hammil, Ancroix, C. M. Gahn, Andrew Nelson, S. H. Hamer, and Clyde Ward, are not listed as individuals with whom applicant has contracts for service, which would indicate, especially in view of the fact that their testimony largely went to the question of whether public convenience and necessity did or did not require the proposed operation; that applicant proposes to serve the public generally, or, at least, that he intends to contract with anyone desiring his service; that he would haul for anyone, provided the arrangements were satisfactory, which amounts to the same thing. We think it fair to say that most of them, in testifying, were actuated by a desire, on general principles, for more service and competitive carrier interests in the belief such a situation would bring about cheaper, and perhaps better, carrier service. Such sentiment in favor of new service may be discounted in some degree, inasmuch as public sentiment almost invariably favors it, even where clearly unwarranted. A number of them suggested that perhaps the carriers did not have enough trucks, while the carriers stated that their trucks were occupied a very small portion of the time, except for short periods of time when crops or livestock were moving to market. If there is a shortage of trucks, this situation, too, can be remedied by complaint to the Commission.

As heretofore suggested, there was no showing that the type of service required by witnesses is one requiring special equipment or facilities. Their demands can be satisfied by the equipment now owned by the authorized carriers, or by additional equipment which they stated they are in a position to furnish, if required.

After a careful consideration of the record, the Commission is of the opinion, and finds, that our conclusion upon the former hearing was correct, and that said application should be denied.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Cline

W. D. M. S.

William E. Sisk  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES OBERTO, MILNER, COLORADO, FOR )  
AUTHORITY TO TRANSFER PERMIT NO. )  
B-1801 TO CLYDE C. BRISTOL, STEAM- )  
BOAT SPRINGS, COLORADO. )

APPLICATION NO. 1330-PP-A

-----  
April 20, 1940.  
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Appearances: Wayne Rees, Longmont, Colorado,  
for the applicant;  
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  
B-1801.

It appeared from the testimony given at the hearing that the con-  
sideration for this transfer is \$200.00, and that there are no outstanding  
unpaid obligations as a result of previous business conducted under this  
permit.

It also appeared that the transferee, Clyde C. Bristol, has a  
1939 International truck and also a Ford truck, which he proposes to use in  
the conduct of his operation should this 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 James Oberto, of Milner, Colorado,  
be, and he hereby is, authorized to transfer all of his right, title and  
interest in and to Permit No. B-1801 to Clyde C. Bristol, Steamboat Springs,  
Colorado.

The record discloses that on August 12, 1936, Decision No. 8245, the Commission granted the authority known as Permit B-1801, with authority as follows:

"For the transportation of farm products from farms in what is known as Twenty-Mile Park and in the Yampa Valley between Hayden on the west and Steamboat on the east, to railroad loading points and markets within said area; transportation of miners' and farmers' household goods between farms and mining camps within said area; and sand, gravel and building materials from lumber yards to construction jobs within said area, all of which service will be rendered for customers residing in the area."

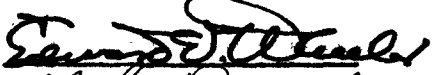


IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and in the future will comply with the conditions 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 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 20th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF E. L. EDGINGTON FOR AUTHORITY )  
TO TRANSFER PERMIT NO. B-2288 TO ) APPLICATION NO. 4884-PP-A  
C. H. DUNSTAN, DENVER, COLORADO. )  
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April 20, 1940.  
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Appearances: C. H. Dunstan, Denver, Colorado,  
for the applicants.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
Permit B-2288.

It appeared from the testimony given at the hearing that the  
consideration for this transfer was \$150.00; that the transferee had taken  
care of all outstanding obligations and that he would pay the highway com-  
pensation tax and any like obligations as soon as the transfer was authorized,  
and that, in connection with this transfer, it had been agreed that the  
deposit should be transferred to the account of the transferee.

It further appeared that the transferee possesses a Chevrolet  
truck and is financially able to conduct this operation provided the transfer  
is authorized.

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 E. L. Edgington be, and he hereby is,  
authorized to transfer all of his right, title and interest in and to Private  
Permit B-2288 to C. H. Dunstan, Denver, Colorado.

It appears from the record that on December 21, 1938, Decision  
No. 12764, that the Commission granted what is known as Permit B-2288, with



authority as follows:

"For the transportation of coal from mines in the Northern Colorado coal fields to Denver; sand, gravel and road surfacing materials from pits and supply points within a radius of 75 miles of Denver to road construction jobs in said area, excluding, however, transportation of sand, gravel and road surfacing materials in Boulder County."

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

E. D. Oliver

W. E. Danks

W. E. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED MELONEY, STERLING, COLORADO, )  
PERMIT NUMBER B-1492, )  
Respondent. )

CASE NO. 4778

-----  
April 20, 1940.  
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Appearances: J. J. Patterson, Esq., Denver, Colorado,  
for the Commission;  
Fred Meloney, Sterling, Colorado,  
pro se;  
Chas. D. Young, Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On February 13, 1940, Decision No. 14840, the Commission found, after a hearing in the above numbered case, that the respondent had violated certain rules and regulations of the Commission in the conduct of his operation under Private Permit No. B-1492, and fixed, as a penalty therefor, the suspension of said permit for a period of sixty days, and thereupon issued an order suspending said permit B-1492 for a period of sixty days from and after the date of said order.

On February 21, 1940, a petition for rehearing was filed by C. A. Magnuson and E. J. Montague on behalf of the respondent, and later a tender of \$50.00 was made as penalty in lieu of the suspension of the permit.

After a careful consideration of the record herein, together with the petition for rehearing and the tender as made by the respondent, the Commission is of the opinion, and finds, that the petition for rehearing should be denied, and that the sum of \$50.00 having been tendered and paid by the respondent as a penalty in lieu of the suspension of his permit, the order contained in Decision No. 14840, dated February 13, 1940, should be modified by setting aside the suspension of said permit, and that, in lieu thereof, the cash sum of \$50.00 should be accepted.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed herein be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That the suspension order contained in Decision No. 14840, dated February 13, 1940, be, and the same hereby is, amended by changing the penalty of a suspension for a period of sixty days therein provided, to a cash payment of \$50.00 in lieu thereof, and that the respondent be, and he hereby is, authorized to continue his operations under said Permit No. B-1492.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Danks

W. C. Danks

William E. Swenson  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.

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[illegible]

**By the Commission:**

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

R. C. Mortensen Rt 1, Sanford, Colorado

of .....

requesting that his Permit No. C-10089 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-10089, heretofore issued

to R. C. Mortensen be,

and the same is hereby, declared cancelled; as of April 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**Commissioners.**

Dated at Denver, Colorado,  
this 20th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

N. C. Mason

PERMIT NO. C-10745

April 20, 1940

S T A T E M E N T

By the Commission:

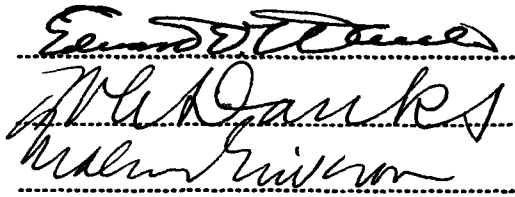
The Commission is in receipt of a communication from \_\_\_\_\_  
N. C. Mason of Hugoton, Kansas,  
requesting that his Permit No. C-10745 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10745  
N. C. Mason be,  
and the same is hereby, declared cancelled, as of April 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.  
K

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

RE MOTOR VEHICLE OPERATIONS OF)

E. F. Krause

PERMIT NO. C-7178

April 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. F. Krause Mont Ida, Kansas  
..... of .....,  
requesting that his Permit No. C-7178 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7178  
to E. F. Krause be,  
and the same is hereby, declared cancelled, as of April 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. Thomas*  
*W. D. Parks*  
*W. L. Emerson*

Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

C. C. Bunyard

PERMIT NO. C-9391

April 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
C. C. Bunyard 1280 W Byers Pl., Denver, Colo.  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-9391 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9391  
C. C. Bunyard  
to \_\_\_\_\_ be,  
and the same is hereby, declared cancelled, as of April 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniel*  
*W. H. Danks*  
*Malcolm E. Rickson*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

M. L. Johnson )

C-9461  
PERMIT NO.

April 20, 1940

S T A T E M E N T

By the Commission:

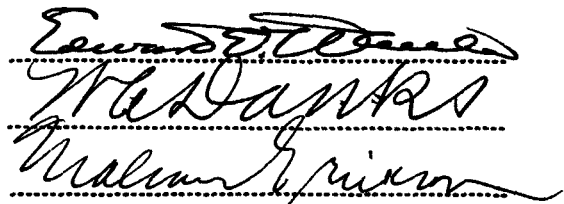
The Commission is in receipt of a communication from \_\_\_\_\_  
M. L. Johnson Rifle, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
C-9461  
requesting that his Permit No. \_\_\_\_\_ be cancelled.

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-9461, heretofore issued  
to M. L. Johnson be,  
and the same is hereby, declared cancelled, as of April 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940

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

RE MOTOR VEHICLE OPERATIONS OF)

G. E. Libby & Broome Dale )  
dba )  
Libby & Broome Auto Salvage )  
.....)

PERMIT NO. C-9933

.....  
April 20, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
G. E. Libby & Broome, Dale  
dba...Libby & Broome Auto Salvage..... of .....Grand Junction, Colorado.....,  
requesting that his Permit No. ....C-9933..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. ....C-9933....., heretofore issued  
to .....G. E. Libby & Dale Broome..... be,  
and the same is hereby, declared cancelled? as of April 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel E. Jones*  
*W. H. Danks*  
*William Erickson*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this .....20th..... day of .....April....., 19....40

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR CHADWICK, 5000 EAST KENTUCKY, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 5356-PP

-----  
April 20, 1940.  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and other road surfacing materials between points within a radius of fifty miles of Denver, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from northern Colorado coal fields to Denver.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without 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 Arthur Chadwick, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and other road surfacing materials between points within a radius of fifty miles of Denver, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from northern Colorado coal fields to Denver.

IT IS FURTHER ORDERED, That all operations under this permit are

to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

Maxim Epstein  
Commissioners.....

Dated at Denver, Colorado,  
this 20th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
RAY MERCURE, OTIS, COLORADO,  
UNDER CERTIFICATE NO. 776.

CASE NO. 4791

April 20, 1940

S T A T E M E N T

By the Commission:

On March 28, 1940, the Commission issued an order, after a hearing on the above case, finding the respondent had violated the rules and regulations of the Commission and that his certificate should be suspended for a period of sixty days.

The Commission is now in receipt of a communication signed by a number of residents of Otis, Colorado, and nearby points, wherein they represent that from their knowledge of the operations of Ray Mercure under his certificate, they feel that any mistakes or violations on his part were due to lack of information and were not, in any instance, committed wilfully, and that the suspension of this authority would be an inconvenience to residents of Otis and vicinity, and would result in causing the respondent to be placed on relief and to lose his truck.




After a careful consideration of the order of suspension, and particularly the record made in this case, and further considering the needs of the public in the immediate vicinity of Otis, the Commission is of the opinion, and finds, that in all probability the violations, most of which were admitted by the respondent, were not committed wilfully, and that the penalty ordered by the Commission, namely, a sixty-day suspension of his authority, should be modified and changed from such suspension to a fine of Twenty-five Dollars.

O R D E R

IT IS THEREFORE ORDERED, That the order issued in Case No. 4791, being Decision No. 15128, dated March 28, 1940, should be, and the same hereby is, modified, by eliminating the sixty-day suspension prescribed as a penalty, and, in lieu thereof, fixing a fine of Twenty-five Dollars, to be paid by the respondent.

IT IS FURTHER ORDERED, That this order shall be effective as of April 17, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

DATED at Denver, Colorado,  
this 20th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
F. E. MADDEX, DOING BUSINESS AS MADDEX )  
TRUCK LINE, 1222 UNION AVENUE, KANSAS )  
CITY, MISSOURI, TO TRANSFER INTERSTATE )  
CERTIFICATE NO. 783-I TO LAURENCE COHEN, )  
DAVE COHEN, HARRY COHEN AND FELIX COHEN, )  
DOING BUSINESS AS "DENVER-CHICAGO )  
TRUCKING COMPANY", 2501 BLAKE STREET, )  
DENVER, COLORADO. )  
-----

INTERSTATE CERTIFICATE NO. 783-I

-----  
April 20, 1940.  
-----

S T A T E M E N T

By the Commission:

Heretofore, F. E. Maddux, doing business as Maddux Truck Line, 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. 783-I issued to him.

Said certificate holder now seeks authority to transfer said certificate to Laurence Cohen, Dave Cohen, Harry Cohen and Felix Cohen, doing business as Denver-Chicago Trucking Company, Denver, Colorado.

The records and files of the Commission do not disclose any reason why said transfer should not be authorized.

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 F. E. Maddux, doing business as Maddux Truck Line, 1222 Union Avenue, Kansas City, Missouri, be, and he hereby is, authorized to transfer Interstate Certificate No. 783-I to Laurence Cohen, Dave Cohen, Harry Cohen and Felix Cohen, doing business as Denver-Chicago Trucking Company, 2501 Blake Street, Denver, Colorado, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said 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

Eduard V. Ottewill  
W. C. Danks  
William E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ESSA HARBERT, WOODROW, COLORADO, )  
FOR CLARIFICATION AND EXTENSION OF )  
PERMIT NO. A-276. )

APPLICATION NO. 5325-PP-B

-----  
April 20, 1940.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and William F. Ackley.

S T A T E M E N T

By the Commission:

On September 28, 1931, Essa Harbert was authorized to operate as a Class "A" private carrier (Permit A-276) by motor vehicle for hire for the transportation of:

freight between Denver and Last Chance and between  
Last Chance and Brush, via U. S. Highway 36 and  
Colorado Highway 71.

On January 31, 1940, he filed his application with the Commission, asking for an extension of said permit to include the right to transport farm products, including livestock, farm supplies, machinery and equipment between points within a radius of fifteen miles of Last Chance, and from and to points in said area on the one hand, to and from Denver, Brush, Limon and Greeley, on the other, without the right to serve between towns, that is, no service to or from Linden, from or to Denver, Brush, Limon and Greeley or intermediate points.

The evidence disclosed that Mr. Harbert for years had performed the service which he now seeks authority to furnish; that he was under the impression that his permit authorized such service; that he never had served between towns and did not haul merchandise or other commodities between Denver and Last Chance, or between Last Chance and Brush; that his service has been a farm service; that he desires to continue said service, and to be

authorized to perform the same in lieu of the service set forth in his permit.

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 permit No. A-276 should be amended and changed to permit the extended service sought to be performed by applicant, in lieu of the service thereby authorized, and that said permit hereafter should be known as "Permit B-276", instead of Permit A-276.

O R D E R

IT IS THEREFORE ORDERED, That Permit A-276 be, and hereby is, amended and extended to include the right to transport farm products, including livestock, farm supplies, machinery and equipment between points within a radius of fifteen miles of Last Chance, and from and to points in said area on the one hand, to and from Denver, Brush, Limon and Greeley, on the other, without the right to serve between towns (and specifically no service to or from Linden or Last Chance from or to Denver, Brush, Limon and Greeley or intermediate points).

IT IS FURTHER ORDERED, That said Permit No. A-276 hereafter shall be known as "Permit No. B-276".

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*W. H. Danks*  
*Nelson Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
L. L. AUSTIN, JULESBURG, COLORADO, )	
FOR AUTHORITY TO TRANSFER PERMIT )	<u>APPLICATION NO. 4486-PP-AA</u>
NO. A-941 and PERMIT NO. A-941-I TO )	
GAY CAMPBELL, JULESBURG, COLORADO. )	
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April 20, 1940.  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for applicants;  
Ray B. Danks, Esq., Denver, Colorado,  
for the Common Carriers Division  
of The Colorado Motor Carriers  
Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
Intrastate Permit No. A-941 and Interstate Permit No. A-941-I.

It appeared that there were no outstanding unpaid obligations as  
a result of previous operations under this authority, except the current  
road taxes which the transferee is to take care of.

The financial standing and reliability of the 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 sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That L. L. Austin, doing business as  
Austin Transport, be, and he is hereby, granted authority to transfer all  
of his right, title and interest in and to Permit No. A-941 to Gay Campbell,  
doing business as Campbell Transport, Julesburg, Colorado.

IT IS FURTHER ORDERED, That L. L. Austin, doing business as  
Austin Transport, be, and he hereby is, granted authority to transfer all  
of his right, title and interest in and to Permit No. A-941-I to Gay Campbell,  
doing business as Campbell Transport, Julesburg, Colorado, subject, however,

to the provisions of the Federal Motor Carrier Act of 1935.

On May 31, 1935, Permit No. A-941, now designated as Permit No. A-941-I, was granted, with authority as follows:

"To operate between the Colorado-Kansas state line and Julesburg and Sterling, Colorado, via U. S. 51, 6 and 138; also between the Colorado-Nebraska state line and said points in interstate commerce only."

On April 6, 1938, Decision No. 11669, the Commission granted an extension to this authority as follows:

"to include the right to haul bulk petroleum products, only, in intrastate commerce, from Bay Refinery, near Denver, to Julesburg, via U. S. Highway No. 85 and State Highway No. 2 and U. S. Highway No. 6, through Greeley to Sterling, or via U. S. Highway No. 6 to Sterling, and U. S. Highway No. 138, Sterling to Julesburg, and all intermediate points; also to Holyoke and intermediate points via same alternate routes, as far as Sterling, and U. S. Highway No. 6 Sterling to Holyoke; also to Wray and intermediate points, via said alternate routes, as far as Brush, thence via State Highway No. 54 to Wray; also to Idalia and intermediate points over U. S. Highway No. 40 to Strasburg, U. S. Highway No. 36, Strasburg to Idalia; also to Burlington and intermediate points, via U. S. Highway No. 40, Denver to Limon, and U. S. Highway No. 24, Limon to Burlington; and to Cheyenne Wells and intermediate points, via U. S. Highway No. 40; with the right to serve between Julesburg and Cheyenne Wells and all intermediate points along Colorado Highway No. 51, via any of said routes out of Denver; also between Denver refinery and the Colorado-Wyoming state line and all intermediate points, via U. S. Highway No. 87, or via U. S. Highway No. 85.

"\* \* \* subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a Class 'A' private carrier by motor vehicle for hire in interstate commerce, for the transportation of bulk petroleum products, only, between Denver and points on the Colorado-Nebraska state line, where said line is intersected by U. S. Highway No. 138 and U. S. Highway No. 6, said permit to bear the same number as applicant's intrastate permit, followed by the letter 'I'."

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 permits have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by

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

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

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the 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 E. Wheeler*  
EDWARD E. WHEELER

*W. C. Danks*  
W. C. DANKS

*Malcom Erickson*  
MALCOM ERICKSON

Commissioners.

(S E A L)

Dated at Denver, Colorado,  
this 20th day of April, 1940.

ATTEST: A TRUE COPY.

\_\_\_\_\_  
Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. E. MILLER, LAIRD, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 5250-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. (REISSUE OF PERMIT B-1456) )  
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April 25, 1940.  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
Ray B. Danks, Esq., Denver, Colorado,  
for McMullen Truck Line, Airline  
Truck Service, J. W. McFarland,  
Paul Hickman and Otto Speth;  
Harry Atteberry, Akron, Colorado,  
pro se;  
E. F. Anderson, Akron, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On April 15, 1936, C. E. Miller, of Laird, Colorado, was authorized  
to operate as a Class "B" private carrier by motor vehicle for hire for the  
transportation of:

farm products, including livestock, to Wray from  
farms within the area extending twenty-five miles  
north, twenty-five miles south and thirty miles  
west of Yuma, Colorado, and the State Line on the  
east; farm supplies, including feed and coal, from  
Wray to said farms, and occasional load of livestock  
or farm products in bulk from said farms to Denver,  
with back haul of coal from the northern Colorado  
coal fields.

On December 1, 1937, said permit was cancelled for failure to  
file reports for the months of July and August, 1937.

On November 28, 1939, Miller filed application to reinstate said  
permit.

Applicant, at the hearing, stated that he was compelled to  
discontinue his contract carrier service on account of the illness of his  
mother; that, for a considerable period of time, he farmed her property;

that his mother died, and it is no longer necessary for him to continue farming, and he again wants to serve the same customers that he served prior to the cancellation of his permit; that he is willing to amend the authority sought to include the right to move: (a) farm products, including livestock, to Wray, only, from farms within the area extending twenty-five miles north, twenty-five miles south, thirty miles west of Yuma, and to the State Line on the east; (b) farm supplies, including feed and coal, from Wray to farms within the area extending twenty-five miles north, twenty-five miles south and twenty miles west of Yuma, and to the State Line on the east, and an occasional load of livestock or farm products, in bulk, from said farms to Denver, with back-haul of coal from the northern Colorado coal fields to said farms.

A number of witnesses testified in behalf of applicant.

Harlen Conway, of Laird, stated that he was a customer of applicant; that he raises and deals in cattle; that applicant was the best trucker he ever employed; that he was capable and prompt; that since Miller quit operating, he has not been able to get the kind of service he wanted at the time he wanted it; that he believes that the service within the area applicant seeks to serve is inadequate. On cross examination, it developed that he had not sought service of protestants.

R. W. Richards, who resides twenty miles north of Wray, stated that he was a rancher; that applicant is the best trucker in the country; that he is very efficient; that at times he has employed every trucker now operating in the area sought to be served by applicant; that on numerous occasions it has been necessary for him to move livestock in quantity - two hundred to three hundred at a time; that he has been unable to procure the number of trucks (six) needed to handle them to advantage; that it is expensive to hold cattle after they are ready to move to market; that, also he requires movement of salt, posts, cotton cake, and other feeds to his ranch; that he could be served out of Yuma, but the charge is \$6.00, while a truck from Wray costs \$3.00. On cross examination, it developed that

a number of carriers now are authorized to serve in and out of Wray.

A Mr. Anderson stated that he resides seven miles south of Wray; that he had known applicant for 15 years; that at times it has been difficult to procure trucking service from truckers he has contacted; that applicant at all times furnished first class service; that witness buys livestock, horses, etc.; that Miller is "especially good at handling horses;" that in the past when he purchased animals, he was able to send Miller after them and know that they would be properly handled and delivered on time; that additional service, in his opinion, also is required for the movement of farm products and supplies.

Joe Intermill, of Eckley, stated that he buys and sells stock; that Miller was an extra good trucker; that in the immediate vicinity of Eckley, Dale Woolery and McFarland probably could handle all for-hire freight offered, except during the rush seasons; that one Max Williams has arranged to purchase the McFarland certificate, and does not object to the reinstatement of Miller's permit.

In opposition to reinstatement of permit, Paul Hickman, a common carrier at Yuma, who is authorized to transport -

livestock, farm products, used farm machinery and equipment between points in the area sought to be served by applicant (and more), and from and to points in said area, to and from points in the state, and farm supplies to Yuma from farms in said area,

stated that he has five trucks; that, in his opinion, service in his area is not adequate; that he has one truck in the yard all the time, and does not average a call a week; that "there is not nearly enough hauling in the territory to keep us going"; that Eckley is the dividing line between Wray and Yuma trade areas; that Thompson at Wray is a two-truck operator; that the balance of carriers authorized to serve in the area, like applicant, are one-truck operators.

Morris B. Jones, of Vernon, and one of the firm of Thompson and Jones, who, under PUC 1036, is authorized to transport:

farm products, including livestock, farm supplies, farm equipment and used household furniture between



and from and to points within the area extending fifteen miles east, fifteen miles south and fifteen miles west of Vernon, and to the south city limits of Wray on the north, without the right to compete with line haul motor vehicle common carriers,

stated that the reinstatement of the permit "may not impair our ability to serve the public, but would hurt us"; that "we would like to keep busy"; that he had a truck which was not busy all the time; that a great number of private carriers now are authorized to serve area.

W. H. McMullen, of Cope, Colorado, is authorized to perform a line haul service -

between Denver and the Colorado-Kansas state line, via U. S. Highway No. 36, including all intermediate points on said highway east of a point ten miles east of Byers.

He stated that applicant's territory, as described in his permit, "cuts in on south slightly"; that he had been serving Idalia; that he objects to hauling from his territory into Denver; that he doesn't handle livestock.

Kenneth Conant testified that Airline Truck Service, PUC 847, operates -

between points within the area extending twenty miles each side of U. S. Highway 36, subject to certain exceptions;

that applicant's territory extends to a point within six miles of Cope; that Conant does not serve the territory immediately around Wray, and has no objection to the granting of authority to serve that territory to applicant, but does object to his handling livestock or farm products into Denver with back haul of coal from or to any part of the territory that said Conant is authorized to serve.

Dale Woolery is authorized to serve the area extending twenty miles south, twenty-five miles north, eight miles east and seven miles west of Eckley.

All of the protesting carriers (except Jones) stated that their trucks were not operating to capacity - in fact, business had been slow; that any decrease in their business, which probably would result from the granting of permit to applicant, would impair the efficiency of their respective

operations, and make them less able to carry on.

After a careful consideration of the record, the Commission is of the opinion, and finds, that, inasmuch as said permit was cancelled on the first day of December, 1937, with applicant's knowledge, he having elected to withdraw from the transportation field, said application should be considered as though it were a new application; that it appears that the existing common carrier service in the area which applicant seeks to serve is adequate; that a great number of common carriers and private carriers are now serving said area efficiently, and are offering and providing the same type of service that applicant proposes to furnish; that the granting of the authority sought would tend to impair the efficiency of said common carrier operations, and that said application should be denied.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Tucker  
W. K. Danks  
William E. Spink  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of April, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
FRANK O. McCONNELL, LA PORTE, )	
COLORADO, PRIVATE CARRIER PERMIT )	CASE NO. 4802
NO. B-1541. )	<u>NOTICE OF HEARING AND</u>
	<u>ORDER TO SHOW CAUSE</u>

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-----  
April 23, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Permit No. B-1541, 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 operating, and has operated, at all times since issuance of said permit, as a private carrier by motor vehicle for hire.

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 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-1541, in the following particulars, to-wit:

1. That during the period July to September, 1939, both months included, said respondent failed and neglected to issue properly and completely itemized bills of lading for each and all shipments handled by said respondent during said period, and failed and neglected to issue and keep properly and completely itemized load sheets or manifests for said period, as required by Rules 21 and 22.

2. That during the period aforesaid, said respondent rendered service to shippers without first, or at all, entering into an actual and

specific contract with such shippers governing the rendering of such service, and without first or at all listing the names of said shippers with the Commission, as required by Rule No. 10.

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

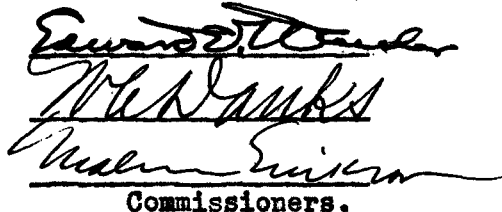
O R D E R

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 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 14th day of May, 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

  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LOREN REINHARDT, PRIVATE PERMIT )  
NO. B-1468. )  
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CASE NO. 4801  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE

-----  
April 23, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. B-1468, 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 operating and has, at all times since issuance of said permit, operated as a private carrier by motor vehicle for hire.

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-1468, 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 and different shipments of freight, failing and neglecting to issue bills of lading for all of such shipments, and that, for those shipments for which bills of lading were issued, said bills were not properly and completely itemized, as required by Rule 21, and further, that said respondent, during the aforesaid period, failed and neglected to issue and keep load sheets or manifests, as required by Rule 22.

2. That said respondent does not, at the date hereof, have a

schedule or tariff of rates filed with this Commission, as required by order of the Commission.

3. That, during the period aforesaid, said respondent accepted, transported and delivered shipments of freight for numerous different shippers, without first or at all entering into an actual bona fide contract with such shippers governing the rendering of such service, and without first or at all listing the names of said shippers with this Commission, all as required by Rule 10.

4. That on numerous and different occasions during the period aforesaid, and particularly on or about November 29, 1939, said respondent exceeded the authority granted him by his said permit by accepting, delivering and transporting shipments of freight outside of and beyond the area or route authorized to be served by him under the terms of his said permit.

5. That during the period aforesaid, said respondent failed and neglected to file with this Commission accurate and complete monthly reports of his operations.

6. That during the period aforesaid, said respondent engaged in serving the public in the business of transporting property for compensation as a common carrier by dedicating his property to the public use by holding himself out as ready, willing and able to serve the public indiscriminately in the transportation of property for hire, without first or at all securing a certificate of public convenience and necessity from this Commission.

#### 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 days from this date, why it should not enter an order because of the aforesaid delinquencies, suspending or revoking the permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 14th day of May, 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. O'Brien*

*W. L. Danks*

*James E. Erickson*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	CASE NO. 4807
D. M. CLINE, OAK CREEK, COLORADO, )	NOTICE OF HEARING AND
PRIVATE PERMIT NO. B-820. )	ORDER TO SHOW CAUSE.

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April 23, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Permit No. B-820, 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 operating, 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 Private Permit No. B-820, 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, failing and neglecting to issue bills of lading for all of said shipments, as required by Rule 21.

2. That said respondent does not, at the date hereof, have a tariff of rates and charges filed with this Commission.

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



or at all, listing the names of said shippers with the Commission, all as required by Rule 10.

4. That during the months aforesaid, said respondent accepted, transported and delivered numerous shipments of freight outside of and beyond the area and territory authorized to be served by him under his said permit.

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 granted 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, 350 State Office Building, Denver, Colorado, on the 14th day of May, 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. O'Connell*  
*Wesley Danks*  
*William C. Erickson*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. E. SCHATTINGER, JEFFERSON, )  
COLORADO, PRIVATE PERMIT NO. )  
B-1733. )  
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CASE NO. 4808  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

-----  
April 26, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Private Carrier Permit No. B-1733, 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 operating, 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-1733 in the following particulars, to-wit:

1. That during the period July to October, 1939, both months included, said respondent accepted and delivered numerous separate shipments of freight, failing and neglecting to issue properly and completely itemized bills of lading, and failing and neglecting to prepare and keep properly itemized load sheets or manifests covering said shipments, as required by Rules 21 and 22.

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

3. That during the months aforesaid, said respondent accepted, transported and delivered numerous separate 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.

4. That during the period January to October, 1939, both months included, 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 such shippers governing the rendering of such service, and without first or at all listing the names of said shippers with this Commission, as required by Rule 10.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be 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 granted 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 14th day of May, 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. Dwyer*  
*W. E. Dwyer*  
*William E. Dwyer*  
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. M. AND W. F. ATWOOD, DOING )  
BUSINESS AS ATWOOD BROTHERS, )  
FORT MORGAN, COLORADO, PUC 755. )  
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CASE NO. 4806  
NOTICE OF HEARING AND  
ORDER TO SHOW CAUSE.

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April 24, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondents heretofore became the holders of certificate of public convenience and necessity No. 755, pursuant to the provisions of Chapter 134, Session Laws of 1927, as amended, and have at all times since operated, and are now operating as common carriers by motor vehicle.

The Commission is informed and believes, and upon such information and belief alleges, that said respondents have violated the provisions of the aforesaid statute 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, respondents accepted, transported and delivered numerous shipments of freight, failing and neglecting to issue properly and completely itemized bills of lading for each of said shipments, and failing and neglecting to keep copies of bills of lading, all as required by Rule 30, and that during said period, said respondents failed and neglected to prepare and keep load sheets or manifests covering said shipments, as required by Rule 31.

2. That during the period aforesaid, said respondents accepted, transported and delivered numerous shipments of freight, assessing and collecting therefor rates and charges different from and lower than the rates and charges prescribed by this Commission for such service.

3. That during the period aforesaid, and particularly during the

months of July and September, said respondents exceeded the authority granted under the terms of their certificate by accepting, transporting and delivering shipments of freight from and to points outside of, and beyond, the territory or area authorized to be served by their said certificate.

4. That said respondents, during the period aforesaid, failed and neglected to file monthly reports of their operations, and to remit highway compensation taxes when the same became due, as required by Rule 27.

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 these said respondents have failed or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, or the provisions of their 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 respondents show cause, if any they 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 delinquencies, suspending or revoking the certificate heretofore issued to said respondents, or why it should not enter such other 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, 530 State Office Building, Denver, Colorado, on the 14th day of May, 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. Dene*  
*W. H. Danks*  
*Malcolm Wilson*  
Commissioners.

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