

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. V. & R. O. MARTENSON)
940 Kimbark St.,)
Longmont, Colorado)
.....)

PERMIT NO. C-2078

.....
March 16, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
E. V. & R. O. Martenson of 940 Kimbark St., Longmont, Colo,
requesting that his Permit No. C-2078 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2078, heretofore issued
to E. V. & R. O. Martenson of 940 Kimbark St., Longmont, Colorado be,
and the same is hereby, declared cancelled effective February 5, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Donald E. [unclear]
.....
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 16th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. H. & EULA A. BOYD)
Cokedale, Colorado)
)
)
)
.....)

PERMIT NO. G-1472

.....
March 16, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
G. H. & Eula A. Boyd of Cokedale, Colorado,
requesting that his Permit No. G-1472 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-1472, heretofore issued
to G. H. & Eula A. Boyd of Cokedale, Colorado be,
and the same is hereby, declared cancelled effective February 2, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward E. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. R. SUMNER D/B/A)
HIKERS FOOD PRODUCTS COMPANY)
200 S. Chestnut)
Colorado Springs, Colorado)
.....)

PERMIT NO. C-1760

.....
March 16, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
W. R. Sumner d/b/a Hikers Food Products Company 200 S. Chestnut Colo Springs, Colo
..... of
requesting that his Permit No. C-1760 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1760, heretofore issued
to W. R. Sumner d/b/a Hikers Food Products Company of 200 S. Chestnut, Colo Springs, Colo
and the same is hereby, declared cancelled effective February 21, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis P. Shuman
.....
Edward E. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. J. DIGBY)
Route 8, Box 1104)
Denver, Colorado)
.....)

PERMIT NO. B-2697

March 16, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
..... W. J. Digby of Route 8, Box 1104 Denver, Colo.....
requesting that his Permit No. B-2697 be cancelled.

After careful consideration, the Commission is 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-2697....., heretofore issued
to W. J. Digby of Route 8, Box 1104, Denver, Colorado..... be,
and the same is hereby, declared cancelled effective March 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
David H. Jones
William Ericsson
Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. R. ALLEN)
1290 W. Alameda)
Denver, Colorado)
.....)

PERMIT NO. B-2849

March 16, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
L. R. Allen of 1290/Alameda, Denver, Colo,
requesting that his Permit No. B-2849 be cancelled.

After careful consideration, the Commission is 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-2849, heretofore issued
to L. R. Allen of 1290 W. Alameda, Denver, Colorado, be,
and the same is hereby, declared cancelled effective March 8, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shaw

David E. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 16th day of March, 1945.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)

CONNIE WILL)
Forks, Washington)
-----)

PRIVATE PERMIT NO. B-2701

March 16, 1945

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-2701 be suspended for a period of six months from March 4, 1945.

O R D E R

IT IS ORDERED:

That Connie Will of Forks, Washington be, and he is hereby, authorized to suspend his operations under Permit No. B-2701 for a period of not to exceed six months from March 4, 1945.

That unless said Connie Will shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis P. Bowman

Donald H. Greer

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1945.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
E. E. HARPER D/B/A)
COPE TRUCK LINE)
2952 Welton St.,)
Denver, Colorado)

PRIVATE PERMIT NO. B-1712

March 16, 1945

STATEMENT

By the Commission:

The Commission is in receipt of a communication from the above named permittee, requesting that Permit No. B-1712 be suspended for a period of six months from March 8, 1945.

ORDER

IT IS ORDERED:

That E E Harper d/b/a Cope Truck Line of Denver, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-1712 for a period of not to exceed six months from March 8, 1945.

That unless said E. E. Harper d/b/a Cope Truck Line shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shuman
Edward J. Wheeler
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1945.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
)
GLENN L. TABB)
Craig, Colorado)
)
.....)

PERMIT NO. C-10469

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Glenn L. Tabb of Craig Colorado
.....,
requesting that his Permit No. C-10469 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10469, heretofore issued to Glenn L. Tabb of Craig, Colorado be, and the same is hereby, declared cancelled effective February 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman
.....
Edward J. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GLENN SIMINOE)
Palisade, Colorado)
)
.....)

PERMIT NO. C-10546

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Glenn Siminoe of Palisade, Colorado,
requesting that his Permit No. C-10546 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10546, heretofore issued to Glenn Siminoe of Palisade, Colorado be, and the same is hereby, declared cancelled effective February 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Edward E. Baker
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOE ZINNIO)
Route 1, Box 96)
Pueblo, Colorado)
.....)

PERMIT NO. C-10268

.....
March 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Joe Zinnio of Route 1, Box 96, Pueblo, Colorado
.....,,
requesting that his Permit No. C-10268 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10268, heretofore issued to Joe Zinnio of Route 1, Box 96, Pueblo, Colorado be, and the same is hereby, declared cancelled effective February 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Donald D. Decker
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
A. R. SQUIRE)
Kremmling, Colorado)
)
)
.....)

PERMIT NO. C-9565

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
A. R. Squire.....of Kremmling....., Colorado.....,
requesting that his Permit No. C-9565.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9565....., heretofore issued
to A. R. Squire of Kremmling, Colorado..... be,
and the same is hereby, declared cancelled effective February 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Johnson
.....
Edward O. Wheeler
.....
Frederic Erickson
Commissioners.

Dated at Denver, Colorado,

this 17th..... day of March....., 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
O. D. WOODS)
)
Springfield, Colorado)
.....)

PERMIT NO. C-8684

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
O. D. Woods..... of Springfield, Colorado,
requesting that his Permit No. C-8684..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8684....., heretofore issued to O. D. Woods of Springfield, Colorado..... be, and the same is hereby, declared cancelled effective March 2, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Hewy P. Shuman
.....
Edward E. Dwyer
.....
Malcolm Ericsson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROLLA B. BURCH)
4539 Yates St.,)
Denver, Colorado)
.....)

PERMIT NO. G-7819

.....
March 17, 1945
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Rolla B. Burch of 4539 Yates St., Denver, Colorado
.....
requesting that his Permit No. C-7819 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7819, heretofore issued
to Rolla B. Burch of 4539 Yates St., Denver, Colorado be,
and the same is hereby, declared cancelled effective January 23, 1945

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Sherman
.....
Edward E. ...
.....
Malcolm Emerson
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1945.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. C. CLAUSSEN)
4619 Tejon St.,)
Denver, Colorado)
.....)

PERMIT NO. G-7687

.....
March 17, 1943

S T A T E M E N T

By the Commission:

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

J. C. Claussen of 4619 Tejon St., Denver, Colorado,

requesting that his Permit No. G-7687 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-7687 heretofore issued to J. C. Claussen of 4619 Tejon St., Denver, Colorado be, and the same is hereby, declared cancelled effective January 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. [unclear]
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March 19 43.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. M. MUSGROVE)
Hugoton, Kansas)
)
.....)

PERMIT NO. C-7025

.....
March 17, 1945

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
J. M. Musgrove of Hugoton, Kansas,
requesting that his Permit No. C-7025 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7025, heretofore issued to J. M. Musgrove of Hugoton, Kansas be, and the same is hereby, declared cancelled effective February 15, 1945

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shivers
David H. Brewer
Malcom Erickson
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 19 45

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. M. ALLEN)
128 Main St.,)
Childress, Texas)
.....)

PERMIT NO. C-6955

.....
March 17, 1945
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
W. M. Allen.....of 128 Main St., Childress, Texas,
requesting that his Permit No. C-6955.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6955, heretofore issued
to W. M. Allen of 128 Main St., Childress, Texas..... be,
and the same is hereby, declared cancelled effective February 12, 1945

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shouman
Edward J. Green
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 19 45

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

H. O. RINEARSON)
412 Douglas St.,)
Sterling, Colorado)
.....)

PERMIT NO. C-5836

.....
March 17, 1943.....

S T A T E M E N T

By the Commission:

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

H. O. Rinearson of 412 Douglas St., Sterling, Colorado

requesting that his Permit No. C-5836 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5836....., heretofore issued

to H. O. Rinearson of 412 Douglas St., Sterling, Colorado be,

and the same is hereby, declared cancelled effective February 10, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. ...
.....
Malcolm ...
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WESTERN BAKERS SUPPLY COMPANY)
P O Box 5326)
Terminal Annex, Denver, Colorado)
.....)

PERMIT NO. C-4569

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Western Bakers Supply Company of P O Box 5326 Terminal Annex, Denver, Colo
requesting that his Permit No. C-4569 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4569, heretofore issued to Western Bakers Supply Company of P O Box 5326, Terminal Annex, Denver, Colo and the same is hereby, declared cancelled effective February 4, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Johnson
.....
Edward J. Deery
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943

(Decision No. 20625)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)

HOWARD NEWBERRY
Guffey, Colorado

PRIVATE PERMIT NO. B-1164

March 17, 1943

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-1164 be suspended for an additional period of six months from March 4, 1943.

O R D E R

IT IS ORDERED:

That Howard Newberry of Guffey, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-1164 for an additional period of six months from March 4, 1943.

That unless said Howard Newberry shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry A. Johnson
David E. Decker
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
DOMINO MINES INC)
P O Box 297)
Colorado Springs, Colorado)
-----)

PERMIT NO. C-10955

March 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Domino Mines Inc of P O Box 297, Colo Springs, Colorado
requesting that his Permit No. C-10955 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10955, heretofore issued
to Domino Mines Inc of P O Box 297, Colo Springs, Colorado be,
and the same is hereby, declared cancelled effective February 18, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

David H. Wheeler

Malcolm Emerson

Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WALTER E. REINDL)
1001 W. 3rd)
La Junta, Colorado)

PERMIT NO. C-11099

March 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Walter E. Reindl of 1001 W. 3rd La Junta, Colorado
requesting that his Permit No. C-11099 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11099, heretofore issued to Walter E. Reindl of 1001 W. 3rd, La Junta, Colorado be, and the same is hereby, declared cancelled effective January 26, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Sherman
David E. Wheeler
Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
TONY BARJAS)
Oak Creek, Colorado)
.....)

PERMIT NO. C-11243

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Tony Barjas..... of Oak Creek, Colorado,
requesting that his Permit No. C-11243..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11243, heretofore issued
to Tony Barjas of Oak Creek, Colorado..... be,
and the same is hereby, declared cancelled effective February 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward H. Wheeler
.....
William E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

F. E. AKINS)
810 Palm St.,)
Abilene, Texas)
.....)

PERMIT NO. C-13175

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
F. E. Akins of 810 Palm St., Abilene, Texas,
requesting that his Permit No. C-13175 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13175, heretofore issued to F. E. Akins of 810 Palm St., Abilene, Texas be, and the same is hereby, declared cancelled effective February 23, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

V. A. TUMMONS)
Star Route)
New Castle, Colorado)
.....)

PERMIT NO. C-13184

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

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

V. A. Tummons Star Route New Castle, Colorado

..... of ,
requesting that his Permit No. C-13184 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13184....., heretofore issued to V. A. Tummons of Star Route, New Castle, Colorado..... be, and the same is hereby, declared cancelled effective February 2, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blouman
.....
Edward E. ...
.....
Malcolm Ericson
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
DR. PEPPER BOTTLING COMPANY)
410 W.17th St.,)
Cheyenne, Wyoming)
.....)

PERMIT NO. C-13583

.....
March 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Dr. Pepper Bottling Company of 410 - 17th St., Cheyenne, Wyoming
requesting that his Permit No. C-13583 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13583, heretofore issued to Dr. Pepper Bottling Company of 410 - 17th St., Cheyenne, Wyoming be, and the same is hereby, declared cancelled effective February 6, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Johnson
.....
Edward D. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. F. LUCERO)
Box 121)
Pagosa Springs, Colorado)
.....)

PERMIT NO. C-13654

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
E. F. Lucero of Box 121, Pagosa Springs, Colorado
requesting that his Permit No. C-13654 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13654 heretofore issued
to E. F. Lucero of Box 121, Pagosa Springs, Colorado be,
and the same is hereby, declared cancelled effective January 5, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman
.....
Edward J. [unclear]
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

W. A. RHOADARMER & SONS)
Pierce, Colorado)

PERMIT NO. C-13701

.....
March 17, 1943

S T A T E M E N T

By the Commission:

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

W. A. Rhoadarmer & Sons of Pierce, Colorado,

requesting that his Permit No. C-13701 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13701....., heretofore issued

to W. A. Rhoadarmer & Sons of Pierce, Colorado be,

and the same is hereby, declared cancelled effective February 5, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
David E. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER V. PETERSON &)
E. L. HOUCHIN &)
2567 S. Acoma St.,)
Denver, Colorado)
.....)

PERMIT NO. C-13808

.....
March 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Walter V. Peterson and
E. L. Houchin of 2567 S. Acoma St., Denver, Colorado
.....,
requesting that his Permit No. C-13808 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13808, heretofore issued
to Walter V. Peterson & E. L. Houchin of 2567 S. Acoma St., Denver, Colo be,
and the same is hereby, declared cancelled effective January 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

Edward J. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
KRAMER MINES INC.)
201 Continental Oil Building)
Denver, Colorado)
.....)

PERMIT NO. C-13840

.....
March 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Kramer Mines Inc. of 201 Continental Oil Building, Denver, Colo
.....,,
C-13840
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-13840, heretofore issued
to Kramer Mines Inc of 201 Continental Oil Building, Denver, Colorado be,
and the same is hereby, declared cancelled effective February 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Donald D. Decker
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 17th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WARNER SCHATZ)
Box 283)
Brighton, Colorado)
.....)

PERMIT NO. C-13887

.....
March 18, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Warner Schatz of Box 283, Brighton, Colorado,
requesting that his Permit No. C-13887 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13887, heretofore issued
to Warner Schatz of Box 283, Brighton, Colorado be,
and the same is hereby, declared cancelled effective January 22, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Edward J. Wheeler
William Erickson
Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOE BRADY)
1000 North Santa Fe.,)
Pueblo, Colorado)
.....)

PERMIT NO. C-13917

.....
March 18, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Joe Brady.....of 1000 North Santa Fe Pueblo, Colorado,
requesting that his Permit No. C-13917 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13917....., heretofore issued
to Joe Brady of 1000 North Santa Fe, Pueblo, Colorado.....be,
and the same is hereby, declared cancelled effective February 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward D. [unclear]
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN P. MOSES)
311 Pine)
Clayton, New Mexico)

PERMIT NO. C-14073

March 18, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
John P. Moses of 311 Pine Clayton, New Mexico
requesting that his Permit No. C-14073 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14073, heretofore issued to John P. Moses of 311 Pine, Clayton, New Mexico be, and the same is hereby, declared cancelled effective February 15, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shaw

Edward D. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEE HAROLD)
423 W. 2nd)
Julesburg, Colorado)
.....)

PERMIT NO. C-14133

.....
March 18, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Lee Harold of 423 W. 2nd Julesburg, Colorado
.....,
requesting that his Permit No. C-14133 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14133, heretofore issued
to Lee Harold of 423 W. 2nd, Julesburg, Colorado be,
and the same is hereby, declared cancelled effective February 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blum
.....
Edward J. ...
.....
William Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY M. LUNDIN D/B/A)
ASSOCIATED BUILDERS SUPPLY CO))
3043 Walnut St.,)
Denver, Colorado)
.....)

PERMIT NO. C-14271

.....
March 18, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Guy M. Lundin d/b/a
Associated Builders Supply Company of 3043 Walnut St., Denver, Colorado,
requesting that his Permit No. C-14271 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14271, heretofore issued
to Guy M. Lundin d/b/a Associated Builders Supply Company of 3043 Walnut St.,
Denver, Colorado
and the same is hereby, declared cancelled effective February 8, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Shuman
.....
Edward J. [unclear]
.....
Malcolm [unclear]
.....
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY HAUSER AND HARRY HARBISON, CO-)
PARTNERS, DOING BUSINESS AS "HAUSER)
& HARBISON," EAST PROSPECT STREET,)
FORT COLLINS, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER INTERSTATE RIGHTS TO)
HARRY H. HARBISON, P. O. BOX 302,)
FORT COLLINS, COLORADO.)

PUC NO. 907-I

March 18, 1943

S T A T E M E N T

By the Commission:

Heretofore, Henry Hauser and Harry Harbison, co-partners, doing business as "Hauser & Harbison," Fort Collins, Colorado, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as common carriers by motor vehicle in interstate commerce, and PUC No. 907-I issued to them.

Said certificate-holders now seek authority to transfer said certificate to Harry H. Harbison, Fort Collins, Colorado.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Henry Hauser and Harry Harbison, co-partners, doing business as "Hauser & Harbison," Fort Collins, Colorado, should be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 907-I to Harry H. Harbison, Fort Collins, Colorado, said transfer to be subject to the provisions of the

Federal Motor Carrier Act of 1935.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Shuman

Edward J. Wheeler

Miss Epiton
Commissioners

Dated at Denver, Colorado,
this 18th day of March, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAURICE E. HILL, ENGLEWOOD, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 5875-B

March 18, 1943

Appearances: Worth Allen, Esq., Denver,
Colorado, for the appli-
cant;
Cecil R. Ditsch, Esq.,
Littleton, Colorado, for
Julius Bussard, doing
business as "Bussard Taxi."

S T A T E M E N T

By the Commission:

The instant matter was heard in Denver, Colorado, on January 8,
1943.

Thereafter, a petition for an order re-opening the case and
receipt of further testimony was filed with the Commission.

Said petition for re-opening of the case alleges that certain
testimony of the protestant, Julius Bussard, does not conform to the
facts.

After careful consideration of said petition, the Commission
is of the opinion, and so finds, that said matter should be re-opened
for further hearing.

O R D E R

IT IS ORDERED:

That the instant matter be, and the same is hereby, re-opened
for further hearing, which further hearing shall be held in the Hearing
Room of the Commission in Denver, Colorado, at 10:00 o'clock A. M., on

March 30, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. J. Thurman

Edward J. Deane

Malcolm E. Eason
Commissioners

Dated at Denver, Colorado,
this 18th day of March, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
 JONES BROTHERS)
 Box 72)
 Phippsburg, Colorado)
-----)

PERMIT NO. C-4422

March 18, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Jones Brothers of Box 72 Phippsburg, Colorado
----- of -----, -----,
requesting that his Permit No. C-4422 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4422, heretofore issued
to Jones Brothers of Box 72, Phippsburg, Colorado be,
and the same is hereby, declared cancelled effective December 26, 1942

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blawie

David E. Baker

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

LEON A. MOOMAW)
Four miles north of)
Bayard, Nebraska)
.....)

PERMIT NO. C-13841

.....
March 18, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Leon A. Moomaw of Four miles north of Bayard, Nebraska
.....,
requesting that his Permit No. C-13841 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13841, heretofore issued
to Leon A. Moomaw of Four miles north of Bayard, Nebraska be,
and the same is hereby, declared cancelled effective January 28, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUPERT E. BORDEN, GRAND JUNCTION,)
COLORADO, FOR AN EXTENSION OF PUC)
NO. 1384, AUTHORIZING THE TRANSPOR-)
TATION OF COAL BETWEEN POINTS WITH-)
IN A RADIUS OF ONE HUNDRED MILES OF)
URAVAN, COLORADO, AND FOR THE)
TRANSPORTATION OF SULPHURIC ACID)
FROM GRAND JUNCTION, COLORADO, TO)
URAVAN, COLORADO, AND FROM GRAND)
JUNCTION, COLORADO, TO DURANGO,)
COLORADO, AND FROM MONTROSE, COLO-)
RADO, TO DURANGO, COLORADO.)

APPLICATION NO. 5431-B

March 19, 1943

Appearances: Lincoln D. Coit, Esq., Grand
Junction, Colorado, for ap-
plicant;
Wayne N. Aspinall, Esq., Grand
Junction, Colorado, by James
K. Groves, Esq., Grand Junc-
tion, Colorado, for G. W.
Hawthorne;
Cass M. Herrington, Esq., Denver,
Colorado, for The Rio Grande
Southern Railroad Company.

S T A T E M E N T

By the Commission:

At the opening of the hearing, which was held in Grand Junc-
tion, Colorado, on March 2, 1943, applicant asked to amend his applica-
tion to include transportation of soda ash from Grand Junction and
Montrose to Uravan and to Durango, and the transportation of ore and
concentrates from Uravan to Grand Junction and Durango.

No objections were interposed to said amendment, and the same
was authorized, save and except that any competitors may, within sixty
days from the date hereof, by written notice to the Commission, request
a hearing upon the additional authority granted under said amendment.

It was stipulated that in the transportation of coal, appli-
cant would agree not to serve any destination points presently served

by Rio Grande Southern Railroad.

Applicant testified as to the necessity for the proposed additional authority he is seeking and the demands that had been made upon him by shippers to perform said service.

It appears that special equipment is needed for the transportation of sulphuric acid, and applicant owns such equipment. No other freight can be transported with sulphuric acid.

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

After careful consideration of the record, the Commission is of the opinion, and so finds, that applicant should be authorized to extend his operations under Certificate No. 1384 to include the additional authority sought.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require the proposed extension of operations under Certificate No. 1384 to include the transportation of coal between points within a radius of one hundred miles of Uravan, Colorado, save and except that no delivery of coal shall be made to destination points presently served by the Rio Grande Southern Railroad Company; also including the transportation of sulphuric acid and soda ash from Grand Junction and Montrose, Colorado, to Uravan and Durango, Colorado, as well as the transportation of ore and concentrates from Uravan to Grand Junction and Durango; provided, however, that the authority to transport soda ash and ore and concentrates is subject to the right of any competitor not appearing at the instant hearing to file a written request with the Commission on or before sixty (60) days from the date of this order, asking for a hearing upon the question of said additional authority, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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, within twenty (20) days from date.

The applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. J. Shuman

Edward D. Decker

William E. Quinn
Commissioners

Dated at Denver, Colorado,
this 19th day of March, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
E. B. HARDENBURGH, DOING BUSI-)	
NESS AS "MARTIN TRUCK LINE,")	<u>CASE NO. 4880</u>
GRAND JUNCTION, COLORADO, PRI-)	
VATE CARRIER PERMIT NO. A-494.)	

March 19, 1943

Appearances: E. B. Evans, Esq., Denver,
Colorado, for the Com-
mission;
Cecil S. Haynie, Esq.,
Grand Junction, Colorado,
for Respondent.

S T A T E M E N T

By the Commission:

The instant case was instituted by issuance of a Show Cause Order on October 9, 1941, alleging that Respondent, in her operations under Private Permit No. A-494, had violated the law and our rules and regulations. Twelve separate charges are contained in said Show Cause Order.

At the hearing, most of these violations were rather satisfactorily explained on the part of Respondent. At least, it is clear from the record, we believe, that such violations as did occur were not wilfull, but stemmed from a desire on the part of the manager of respondent's operation to secure more business.

The evidence does disclose that respondent has transported freight shipments from and to points off of and outside of the territory described in the permit issued to Respondent. The excuse for these operations was the fact that predecessors in interest of Respondent had served said communities under said permit, and Respondent assumed she had like authority.

One of the violations charged is that Respondent's operations under private permit had been, in effect, those of a common carrier. The Commission has heretofore, in Case No. 4827, considered the question of revision of its Rules and Regulations Governing Private Carriers, and several hearings in connection therewith have been held. Due to the outbreak of the war and the resultant demands on all classes of transportation service, we have deemed it unwise to complete our investigation of said private carrier rules and regulations at the present time, and perhaps not until normal conditions once more return in the motor truck transportation industry. Therefore, in the instant case, we will not pass upon the question of whether, under the law and our presently established rules and regulations governing private carriers, Respondent has, as a matter of fact, been operating as a common carrier. However, this action is not to be construed to mean that we are, in any way, relaxing the law or our presently established rules and regulations.

Considerable time has elapsed since the hearing in the instant case, and we have had no further complaints concerning the operations of Respondent.

After careful consideration of the record, the Commission is of the opinion, and finds, that the instant case should be dismissed, with a warning to respondent, however, that services under said Permit No. A-494 must be confined to and from points specifically named in the order granting said permit.

O R D E R

IT IS ORDERED:

That the instant case be, and the same is hereby, dismissed, with a warning to Respondent, however, that operations under her permit must be confined to those points which have been specifically authorized to be served under the order originally granting said permit.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Thomas

Edward E. D. D. D.

Wm. Swinson
Commissioners

Dated at Denver, Colorado,
this 19th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
G. J. MOBERLY, DOING BUSINESS AS) P.U.C. NO. 1345
SAN MIGUEL STAGES, MONTROSE, COLO-)
RADO.)

March 17, 1943.

S T A T E M E N T

By the Commission:

C. J. Moberly, of Montrose, Colorado, is now the owner of certificate of public convenience and necessity No. 1345, authorizing certain motor vehicle operations between Montrose, Colorado, and Grand Junction, Colorado, and certain intermediate points, via Placerville, Norwood, and Uravan. Written petition has been filed with the Commission seeking authority to pledge and mortgage said Certificate No. 1345 with the Reconstruction Finance Corporation as partial security for a loan in the principal amount of \$10,000.00. Said loan is payable in approximately three years from the date hereof, at a monthly rate of \$300.00. Certain equipment belonging to mortgagor is also pledged to secure said loan.

The records of the Commission indicate that said certificate is in good standing, and it is alleged in said petition that due to increased production of strategic metals needed in the war effort, the said C. J. Moberly is desirous of increasing his service in his authorized territory, and said loan is needed to refinance some of his obligations for equipment, as well as to give him some working capital.

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

ORDER

IT IS ORDERED:

That C. J. Moberly, of Montrose, Colorado, be, and he is hereby, authorized to pledge and mortgage to the Reconstruction Finance Corporation his presently owned certificate of public convenience and necessity No. 1345, in accordance with the terms and conditions of a "Memorandum signed by Ross L. Hudson, Manager, Denver Loan Agency, Reconstruction Finance Corporation," a copy of which Memorandum is attached to the petition herein, marked Exhibit "A", and by reference made a part of this record.

IT IS FURTHER ORDERED, That this order shall become effective on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 17th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WAYNE B. THOMPSON, MESA, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. A-1034 TO WILLIS BARNES,)
MESA, COLORADO.)

APPLICATION NO. 3622-PT-AA

March 19, 1943.

Appearances: Wayne B. Thompson, Mesa, Colorado,
PER #2;
Willis Barnes, Mesa, Colorado,
Transferee, PER #2.

S T A T E M E N T

By the Commission:

On October 9, 1935, Decision No. 6713, Lee L. Prewett was granted
a Class "A" permit authorizing,-

"the transportation of farm products and livestock
from Mesa to Grand Junction, butter and sweet cream
from Mesa to Grand Junction, Clifton and Palisade, with
back haul of groceries, cartons and farm supplies
Grand Junction to Mesa, however specifically excluding
the right to serve intermediate points Mesa to Grand
Junction except butter haul to Clifton and Palisade."

Thereafter, on June 4, 1938, said permit, which had been given
the number A-1034, was authorized to be transferred to Wayne B. Thompson,
the transferor in the instant case.

At the hearing, which was held in Grand Junction, Colorado, on
March 2, 1943, the evidence disclosed that no obligations are outstanding
against transferor's operations under said permit; that the consideration
to be paid for transfer of said permit, including a 1938 model 1½-ton
Chevrolet truck, is the sum of \$500.00.

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

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

Transferee was advised that he should familiarize himself with the authority authorized under said permit and govern his operations accordingly.

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

ORDER

IT IS ORDERED:

That Wayne B. Thompson, of Mesa, Colorado, be, and he is hereby, authorized to transfer to Willis Barnes, of Mesa, Colorado, all of his right, title and interest in and to Permit No. A-1034.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to the transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Thompson

Edward D. T. T. T.

W. B. T. T. T.
Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
MOAD N. HORN, ECKERT, COLORADO, FOR)
A CLASS "D" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE FOR THE TRANSPORTATION OF)
FARM PRODUCE AND COAL FROM POINT TO)
POINT WITHIN A RADIUS OF 50 MILES)
OF ECKERT, COLORADO.)

APPLICATION NO. 6266-PP

March 19, 1943.

Appearances: Moad N. Horn, Eckert, Colorado,
pro se
Wayne N. Aspinall, Esq., Grand
Junction, Colorado, by James K.
Groves, and James K. Groves, Esq.,
Grand Junction, Colorado, for
G. W. Hawthorne;
W. J. Marlow, Cedaredge, Colorado,
pro se.

S T A T E M E N T

By the Commission:

At the instant hearing, which was held in Grand Junction, Colorado, on March 2, 1943, applicant, testifying in his own behalf, stated that he had been operating under temporary authority pending hearing upon his application; that he did not desire to transport any livestock; that he had a 1½-ton 1936 Chevrolet truck with stake bed, which was clear and free of all incumbrance, and that he had had numerous requests from various shippers in the Eckert territory to transport coal and farm produce for them. Applicant was the only witness in his own behalf.

W. J. Marlow, who operates under Certificate No. 1204, is authorized to perform the same service which applicant is seeking, from point to point within a fifty-mile radius of Cedaredge, which is located five miles from Eckert. He testified that there was no need for another permit in that territory; that he had two good trucks at the present time and one was sufficient to take care of all the business; that the granting of any further

rights in said territory would impair the service which he is now rendering the public. He conceded that at harvest time all of the trucks in the territory were needed to take care of the crop movements, but objected strenuously to any further permanent authority being granted.

Under the law, the Commission may not grant a private carrier permit if we determine that same would impair the service of a common carrier operation. In the instant case, we have only the testimony of applicant himself as to the need of his service. The testimony of protestant W. J. Marlew stands uncontroverted, and upon this record, we are compelled to deny the application.

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

ORDER

IT IS ORDERED:

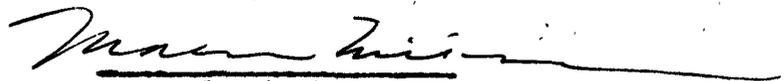
That the instant application be, and the same is hereby, denied.

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 19th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SIDNEY J. BEASLEY, RIDGWAY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE FOR THE TRANSPORTATION OF)
LEAD AND ZINC ORE FROM IRONTON TO)
FRANZ MILL AT OURAY, AND FROM BROWN)
MOUNTAIN TO MAYFLOWER MILL NEAR)
SILVERTON, SAN JUAN COUNTY, COLORADO.)

APPLICATION NO. 6196-PP

March 19, 1943.

Appearances: Sidney J. Beasley, Ridgway,
Colorado, pro se;
Jerome Paul, Esq., Ouray,
Colorado, for Fellin Brothers.

S T A T E M E N T

By the Commission:

At the hearing in the instant matter, which was held at Ouray, Colorado, on November 30, 1942, applicant, testifying in his own behalf, stated that he had had several requests from operators of mines to transport ore from Brown Mountain and Iron-ton to the Franz mill at Ouray, as well as to the Mayflower mill near Silver-ton; that the parties who had made said requests had advised him that it was almost impossible to get their ore hauled by presently established transportation service, and he named a number of operators who had made such requests upon him. He owns a 1937 Ford dump truck, and his financial standing and operating reliability were established to the satisfaction of the Commission.

Mr. Earl Alexander, who operated mining properties in the Brown Mountain and Iron-ton districts during the year 1942, testified that Fellin Brothers had hauled some ore for him and the service had been satisfactory, but had declined to give him service at a property situated on Brown Mountain on account of the condition of the road which had been constructed from the

main highway to said property, and that at another time Fellin had been too busy to give him the service desired. This witness had tried to operate his own truck for the transportation of ore, but had found same unsatisfactory.

On behalf of protestants Fellin Brothers, the evidence disclosed that they own eight trucks, six of which are listed with the Commission; that their equipment had not been busy over fifty per cent of the time during the past year. Various conversations that had taken place between Fellin Brothers and witness Alexander were gone into in great detail and disclosed considerable difference of opinion as to the actual facts. Evidence was also introduced to show that trucks of William Smith, a private carrier, were available for ore transportation. This testimony was to the effect that at the time of the hearing two trucks were available and another could be secured if necessary.

Under the law the Commission is not empowered to grant private permits if it is determined that the granting of same would impair the service of presently established common carriers.

Outside of Mr. Alexander, no shipper witness testified at the hearing, although applicant stated that he had tried to obtain the presence of several of them.

Upon the record as made, the Commission would not be justified in granting an additional permit in the Ouray territory. However, due to the absence of direct testimony as to the need of additional service, and to the further fact that there may be considerable increase in the movement of ore this coming summer from the territory in question, the Commission feels that applicant should have the right to request a further hearing if he can secure additional evidence as to the need for his service. We realize that during the winter months there is but little demand for ore transportation in the mountainous area of Ouray County and such need in all probability would not be established until mining operations have opened up in the spring.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant application should be denied; provided, however, that applicant may, if he so desires, request a further hearing for the purpose of introducing additional evidence, and provided further that such request is made on or before the 1st day of July, 1943.

O R D E R

IT IS ORDERED:

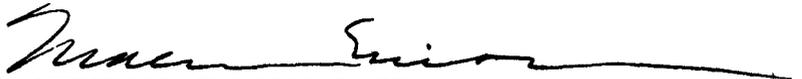
That the instant application be, and the same is hereby, denied; provided, however, that applicant may, if he so desires, request a further hearing for the purpose of introducing additional testimony as to the need for his proposed service, and provided further that such request is made on or before the 1st day of July, 1943.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF JOE PANARISO, ROUTE 2, BOX 721,)
PUEBLO, COLORADO, FOR AUTHORITY)
TO TRANSFER PRIVATE PERMIT NO.)
A-2255 TO PHILLIP PANARISO, RTE 2,)
BOX 721, PUEBLO, COLORADO.)

APPLICATION NO. 4798-BE-PBA

March 19, 1943.

S T A T E M E N T

By the Commission:

On February 25, 1943, Decision No. 29515, the Commission authorized the transfer of Permit No. A-2255 from Joe Panariso to Phillip Panariso. The operating authority under said permit is outlined in the statement preceding the order in said decision.

We are now in receipt of a written request from the said transferee, Phillip Panariso; to exclude from his authority all territory within a 50-mile radius of Denver, Colorado.

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

O R D E R

IT IS ORDERED:

That hereafter the operating authority under Permit No. A-2255 shall authorize the following operation, viz.;

Coal from "Leader Mines" in Huerfano County to Pueblo, Colo., and from coal mines in Fremont County to Pueblo; also the right to transport sand, gravel, and such other road surfacing materials as ordinarily are included in the surfacing of roads, from pits and supply points in the State of Colorado to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties, and all territory within a fifty-mile radius of Denver, Colorado.

That this order shall become effective on the day and date
hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
I. J. TAYLOR GRAIN COMPANY)
Paoli, Colorado)
)
)
.....)

PERMIT NO. C-851

.....
March 18, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
I. J. Taylor Grain Company of Paoli Colorado,
....., requesting that his Permit No. C-851 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-851, heretofore issued to I. J. Taylor Grain Company of Paoli, Colorado be, and the same is hereby, declared cancelled effective January 21, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Sherman
.....
Donald T. Wheeler
.....
William C. ...
Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN PRETIGER)
Price, Utah)
)
)
-----)

PERMIT NO. C-5428

March 18, 1943

S T A T E M E N T

By the Commission:

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

John Pretiger of Price Utah,

requesting that his Permit No. C-5428 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5428, heretofore issued to John Pretiger of Price, Utah be,

and the same is hereby, declared cancelled effective February 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

James E. [unclear]

William E. [unclear]

Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY PADILLA)
C/O V. K. JONES)
Sunnyside, Utah)
.....)

PERMIT NO. C-5967

.....
March 18, 1943.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Ray Padilla c/o V. K. Jones of Sunnyside, Utah,
requesting that his Permit No. C-5967 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5967, heretofore issued to Ray Padilla c/o V. K. Jones of Sunnyside, Utah, be, and the same is hereby, declared cancelled effective February 6, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. [unclear]
.....
William E. [unclear]
.....
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WILLIAM VEITH & H. L. FUNK)
D/B/A)
WEST SIDE GROCERY)
Gunnison, Colorado)

PERMIT NO. C-1118

March 18, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from William Veith &
H. L. Funk d/b/a West Side Grocery of Gunnison, Colorado,
requesting that his Permit No. C-1118 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1118, heretofore issued to William Veith & H. L. Funk d/b/a West Side Grocery of Gunnison, Colorado, and the same is hereby, declared cancelled effective February 18, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Donald D. Wheeler
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST ORTIZ & ED MARES)
Aguilar, Colorado)
.....)

PERMIT NO. C-12718

.....
March 18, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Ernest Ortiz & Ed Mares of Aguilar, Colorado,
requesting that his Permit No. C-12718 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12718, heretofore issued to Ernest Ortiz & Ed Mares of Aguilar, Colorado, be, and the same is hereby, declared cancelled effective February 19, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
David D. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

SUMMIT-NOEL-HAGGART)
Jetmore, Kansas)

PERMIT NO. C-13993

March 18, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Summit-Noel-Haggart of Jetmore, Kansas,
requesting that his Permit No. C-13993 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13993, heretofore issued
to Summit-Noel-Haggart of Jetmore, Kansas be,
and the same is hereby, declared cancelled effective February 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Hewitt P. Shuman

David H. Wheeler

William Erickson

Commissioners.

Dated at Denver, Colorado,

this 18th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACOB MARTIN)
3524 W. 45th Ave.,)
Denver, Colorado)

PRIVATE PERMIT NO. B-2742

March 20, 1943

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-2742 be suspended for a period of six months from March 1, 1943.

O R D E R

IT IS ORDERED:

That Jacob Martin of Denver, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-2742 for a period of not to exceed six months from March 1, 1943.

That unless said Jacob Martin shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shuman
Donald H. Beebe
Malcom Erickson
Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLYDE PETERSON)
1105 Palmer St.,)
Delta, Colorado)

PRIVATE PERMIT NO. B-2852

March 20, 1943

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-2852 be suspended for a period of six months from March 10, 1943.

O R D E R

IT IS ORDERED:

That Clyde Peterson of Delta, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-2852 for a period of not to exceed six months from March 10, 1943.

That unless said Clyde Peterson shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shuman
Donald E. ...
Malcolm ...
Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)

RAYMOND PUSEDU
Route 1
Trinidad, Colorado

APPLICATION NO. 5754-PP

March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Raymond Pusedu, of Route 1, Trinidad, Colorado requesting that the authority granted in Application No. 5754-PP, Decision No. 17894 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That the authority granted in Application No. 5754-PP, Decision No. 17894, heretofore issued to Raymond Pusedu be, and the same is hereby, declared cancelled effective March 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Donald H. Wheeler
Malcolm Ericsson
Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
PHILLIP SCHLAGEL)
Route 2)
Longmont, Colorado)
.....)

PERMIT NO. C-3311

.....
March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Phillip Schlagel.....of Route 2 Longmont, Colorado,
requesting that his Permit No. C-3311.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3311....., heretofore issued
to Phillip Schlagel of Route 2, Longmont, Colorado.....be,
and the same is hereby, declared cancelled effective February 18, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis P. Sherman
.....
Edward D. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 20th.....day of March....., 19 43
m

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
G. SCHWANINGER)
1425 S. Sherman St.,)
Denver, Colorado)
.....)

PERMIT NO. C-1681

.....
March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
G. Schwaninger of 1425 S. Sherman St., Denver, Colorado
.....,
C-1681
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-1681....., heretofore issued
to G. Schwaninger of 1425 S. Sherman St., Denver, Colorado..... be,
and the same is hereby, declared cancelled effective March 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 20th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
O. W. PETH)
635 North 3rd St.,)
Grand Junction, Colorado)
.....)

PERMIT NO. C-1808

.....
March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
O. W. Peth of 635 North 3rd St., Grand Junction, Colorado
requesting that his Permit No. C-1808 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1808, heretofore issued
to O. W. Peth of 635 North 3rd St., Grand Junction, Colorado be,
and the same is hereby, declared cancelled effective March 8, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
David E. Decker
.....
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 20th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. J. J. ANDREWS)
1715½ Carey Ave., Apt #2)
Cheyenne, Wyoming)
.....)

PERMIT NO. C-5292

.....
March 20, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Mrs. J. J. Andrews of 1715½ Carey Ave., Apt #2 Cheyenne, Wyoming
....., requesting that his Permit No. C-5292
.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5292, heretofore issued
to Mrs. J. J. Andrews of 1715½ Carey Ave., Apt #2, Cheyenne, Wyoming be,
and the same is hereby, declared cancelled effective March 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shaw
.....
David H. Baker
.....
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 20th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEORGE E. ROSE)
Ovid, Colorado)
)
)
.....)

PERMIT NO. C-8029

.....
March 20, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
George E. Rose of Ovid, Colorado
requesting that his Permit No. C-8029 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8029, heretofore issued to George E. Rose of Ovid, Colorado be, and the same is hereby, declared cancelled effective March 8, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry A. Shuman
.....
Donald D. Decker
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRED BROWN)
Box 714)
Arvada, Colorado)
.....)

PERMIT NO. C-9537

.....
March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Fred Brown of Box 714, Arvada, Colorado,
requesting that his Permit No. C-9537 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9537, heretofore issued to Fred Brown of Box 714, Arvada, Colorado be, and the same is hereby, declared cancelled effective March 12, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blum
.....
David D. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 20th day of March, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
 DELTA COUNTY CANNING COMPANY)
 Delta, Colorado)
)
)
 -----)

PERMIT NO. C-9765

March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Delta County Canning Company of Delta, Colorado,
requesting that his Permit No. C-9765 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9765, heretofore issued to Delta County Canning Company of Delta, Colorado be, and the same is hereby, declared cancelled effective March 5, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shouman

David O. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 20th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM WOODROW McHODGKINS)
Alamosa, Colorado)
.....)

PERMIT NO. C-12367

.....
March 20, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
William Woodrow McHodgkins of Alamosa, Colorado,
requesting that his Permit No. C-12367 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12367, heretofore issued to William Woodrow McHodgkins of Alamosa, Colorado be, and the same is hereby, declared cancelled effective March 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Sherman
.....
Edward O. Wheeler
.....
Mark E. Wilson
Commissioners

Dated at Denver, Colorado,

this 20th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WELSH ELEVATOR TRANSIT COMPANY)
101 West Main St.,)
Sterling, Colorado)
.....)

PERMIT NO. C-13709

.....
March 20, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Welsh Elevator Transit Company of 101 West Main St., Sterling, Colorado
.....,
requesting that his Permit No. 13709 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13709, heretofore issued
to Welsh Elevator Transit Company of 101 West Main St., Sterling, Colorado, be,
and the same is hereby, declared cancelled effective March 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. [unclear]
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 20th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM ARAGON D/B/A)
SAM'S AUTO PLACE)
Route 3, Box 64)
Greeley, Colorado)
.....)

PERMIT NO. C-14314

.....
March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Sam Aragon d/b/a
Sam's Auto Place of Route 3, Box 64, Greeley, Colorado,
requesting that his Permit No. C-14314 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14314, heretofore issued to Sam Aragon d/b/a Sam's Auto Place of Route 3, Box 64, Greeley, Colorado, and the same is hereby, declared cancelled effective March 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
David E. Wheeler
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 20 day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. A. BULLOCK, ROUTE 3, LONGMONT,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MO-)
TOR VEHICLE FOR HIRE FOR THE TRANS-)
PORTATION OF TIMBER, TIMBER PROD-)
UCTS AND SAWMILL PRODUCTS FROM FOR-)
ESTS AND CAMPS IN MOUNTAINS WEST OF)
HIGHWAY NO. 287 AND NORTH OF HIGH-)
WAY NO. 50 TO POINTS IN SAID AREA)
AND FROM AND TO POINTS IN SAID AREA,)
TO AND FROM POINTS IN THE STATE OF)
COLORADO; FARM PRODUCTS, INCLUDING)
LIVESTOCK, BETWEEN POINTS WITHIN AN)
AREA BOUNDED BY A LINE DRAWN NORTH)
AND SOUTH TEN MILES WEST OF LONG-)
MONT, SOUTH TO HIGHWAY NO. 36, EAST)
TO A LINE DRAWN NORTH AND SOUTH)
THROUGH AKRON, COLORADO, AND NORTH)
TO STATE LINE.)

APPLICATION NO. 6281-PP

March 20, 1943

Appearances: R. A. Bullock, Route 3, Long-
mont, Colorado, pro se;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division of
The Colorado Motor Carriers'
Association.

S T A T E M E N T

By the Commission:

At the hearing, which was held in Denver, Colorado, on
March 16, 1943, applicant agreed to eliminate from his application any
town to town movement of timber and sawmill products, and farm produce,
between towns in competition with presently established common carrier
service.

In view of this stipulation, all objections to the granting
of the authority sought were withdrawn.

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

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

O R D E R

IT IS ORDERED:

That R. A. Bullock, of Longmont, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber and timber products, and sawmill products from forests and camps in the mountains west of Highway No. 287 and north of Highway No. 50, to points in said area, and from and to points in said area, to and from points in the State of Colorado, including the right to transport farm products (including livestock) between points within the area bounded by a line drawn north and south ten miles west of Longmont from Highway No. 36 to the Colorado-Wyoming boundary line, and thence from said point on Highway No. 36 east to a line drawn north and south through Akron, Colorado; thence north to the Colorado-Nebraska boundary line, save and except that no town to town movement of either farm products or timber and sawmill products shall be rendered in competition with presently established common carrier service.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

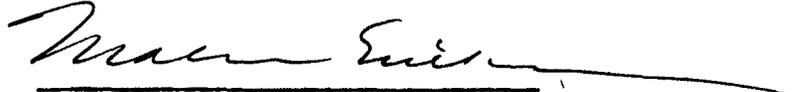
The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE GOETZ, WESTMINSTER, COLO-)
RADO, FOR AN EXTENSION OF HIS PER-)
MIT NO. B-2870 TO INCLUDE THE TRANS-)
PORTATION OF HAY, GRAIN, FARM)
PRODUCTS (NO LIVESTOCK), AND MANURE)
BETWEEN POINTS WITHIN A RADIUS OF)
ONE HUNDRED MILES OF WESTMINSTER,)
COLORADO.)

APPLICATION NO. 6125-PP-B

March 20, 1943

Appearances: Eugene Goetz, Westminster,
Colorado, pro se;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division
of The Colorado Motor
Carriers' Association.

S T A T E M E N T

By the Commission:

At the hearing, which was held in Denver, Colorado, on
March 16, 1943, applicant stipulated that he would eliminate from
his application any town to town movement of farm products, except
for the transportation, in bulk, of loose hay, ground hay, and grain.

In view of this stipulation, all objections to the grant-
ing of the authority sought were withdrawn.

The financial standing and operating reliability of appli-
cant were established to the satisfaction of the Commission.

Applicant is now authorized to transport:

sand, gravel, and other materials used in
making up the surface of roads, from pits
and supply points in the State of Colorado
to points within a radius of fifty miles
of said pits and supply points, excluding
service in Boulder, Clear Creek and Gilpin
Counties and including authority to trans-
port coal from mines in the northern Colo-
rado coal fields to Denver.

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

O R D E R

IT IS ORDERED:

That applicant be, and he is hereby, authorized to extend his operations under Permit No. B-2870 to include the transportation of farm products (no livestock) and manure between points within a radius of one hundred miles of Westminster, Colorado, save and except that no farm products outside of manure, loose hay, ground hay and grain, in bulk, shall be transported between towns within said area in competition with presently established common carrier service.

This order is made a part of the permit granted to applicant.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Shuman

Edward D. Deady

Walter E. Smith
Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
MILES BATEMAN, FORT LUPTON, COLORADO,)
FOR AN EXTENSION OF HIS PERMIT NO.)
2-667 TO INCLUDE THE TRANSPORTATION)
OF COAL, STOCK, FARM PRODUCE, HAY)
AND GRAIN BETWEEN POINTS WITHIN A)
RADIUS OF FIFTY MILES OF FORT LUPTON,)
COLORADO.)

APPLICATION NO. 5041-PP-22

March 20, 1943.

Appearances: Miles Bateman, Fort Lupton,
Colorado, pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company;
T. A. Steakten, Jr., Esq., Denver,
Colorado, for Frank La Roche,
Frederick, Colorado.

S T A T E M E N T

By the Commission:

At the hearing, which was held in Denver, Colorado, on March 16, 1943, applicant stipulated that he would eliminate from his application the delivery of any coal within a 4-mile radius of Frederick, Colorado, and would further restrict his area to the territory fifty miles east of Highway No. 85 and fifty miles north of Highway No. 36, and did not propose to render any service between towns in competition with established common carriers.

In view of this stipulation, all objections to the granting of the authority sought were withdrawn.

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

Applicant now has a Class "A" permit, and the instant application seeks to extend operations under same. His present authority covers the transportation of,-

coal from the Baum coal mine, which is located approximately eight miles from Fort Lupton, to Fort Lupton and intermediate points, via Colorado Highway No. 52, and the transportation of coal from the northern Colorado coal fields to Fort Lupton and points within a radius of five miles thereof.

However, the operations under the proposed extension would be those of a Class "B" instead of a Class "A" carrier, and the permit will be changed accordingly.

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

O R D E R

IT IS ORDERED:

That Permit No. A-667 be changed to "B-667", and that the authority to transport coal thereunder be restricted to provide that no coal will be delivered within a radius of four miles of Frederick, and that in addition to said coal haul, as restricted, applicant be authorized to transport farm products, including livestock, from point to point within that portion of a 50-mile radius of Fort Lupton, Colorado, lying east of U. S. Highway No. 85 and north of U. S. Highway No. 36; provided, however, that no transportation of farm products, except in bulk, shall be authorized between towns in competition with presently established common carriers.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1943.

original

(Decision No. 20673)

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION)
OF THE FREIGHT RATES, AND CLASSIFICATION)
OF FREIGHT, OF ALL COMMON AND PRIVATE) CASE NO. 1585
MOTOR VEHICLE CARRIERS.)

March 20, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a petition from the Motor Truck Common Carriers Association, as Agent, for and on behalf of the Weicker Transfer and Storage Company, requesting authority to put in force a rate of 22 cents per can, subject to a minimum shipment of 25 cans, on milk or cream in ten-gallon shipping cans from Denver, Colorado, to Colorado Springs, Colorado, said rate to include the return of empty cans, and to remain in effect only for the duration of the present war.

In support of its request, the petition sets forth the following special circumstances and conditions:

"The shipments of milk originate at Sterling, Colorado, and are destined to the I. X. L. Creamery in Colorado Springs where it is processed for delivery to the Armed Forces.

"At present shipments move by truck from Sterling, Colorado, to Denver, Colorado, where it is transferred to rail for movement to destination. This method of handling is not approved by the consignee inasmuch as it often arrives in an unsatisfactory condition.

"Your petitioner has been informed that this traffic will average between 30 and 60 ten-gallon cans of milk daily, seven days per week.

"The present rate on milk from Denver to Colorado Springs, a distance of 73 miles, is 71¢ per 100 pounds, while the rate from Sterling to Denver, a distance of 123 miles, is 26¢ per ten-gallon can. In view of this fact, your petitioner feels justified in requesting a rate of 22¢ per ten-gallon can from Denver to Colorado Springs, Colorado."

Inasmuch as the Weicker Transfer and Storage Company is the only motor vehicle common carrier involved in the territory in question, the Commission does not feel that a hearing should be required in order to act on this petition.

The Commission finds that the request should be authorized.

O R D E R

IT IS ORDERED:

That the above statement, and statement of February 5, 1936, and various subsequent dates, are made parts hereof; that the order entered in this proceeding on February 5, 1936, as since amended, is further amended insofar as shall be necessary to give effect to the amended findings made in the above statement; and, except as herein amended, the above order, as amended, shall continue in full force and effect.

That this order shall become effective on the 23rd day of March, 1943, and that the rates prescribed and approved herein shall be published by Weicker Transfer and Storage Company and all 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 said Weicker Transfer and Storage Company shall cease and desist from demanding, charging, and collecting rates and charges which shall be greater or less than the rates herein prescribed; and private carriers by motor vehicle shall cease and desist from demanding, charging, and collecting rates and charges which shall be less than those prescribed herein.

This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier.

That this order shall continue in force until the further order of the Commission; and that the rates herein ordered shall expire at the close of the present war.

That jurisdiction is retained to make such further orders as may be necessary and proper.

That this order shall become effective on less than twenty (20) days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Shuman

Edward D. Wheeler

Malcolm E. Smith
Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1943

JH

(Decision No. 20674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY LAMBERT)
Box 113)
Morrison, Colorado)

APPLICATION NO. 6133-PP

March 24, 1943

S T A T E M E N T

By the Commission:

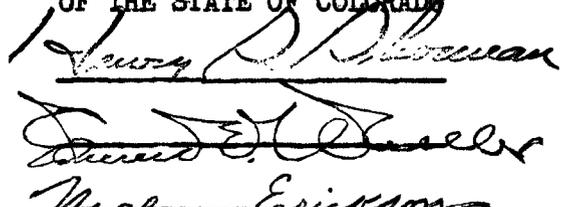
The Commission is in receipt of a communication from Ray Lambert of Morrison, Colorado requesting that the authority granted in Application No. 6133-PP, Decision No. 19635 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That the authority granted in Application No. 6133-PP, Decision No. 19635, heretofore issued to Ray Lambert be, and the same is hereby, declared cancelled effective March 18, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
)
YELLOW CAB COMPANY AND/OR)
BOULDER TAXI COMPANY)
3158 - 11th St.,)
Boulder, Colorado)
-----)

P U C NO. 1358

March 24, 1943

STATEMENT

By the Commission:

The Commission is in receipt of a communication from the above named certificate holder, requesting that Certificate No. 1358 be suspended for an additional six months from April 1, 1943.

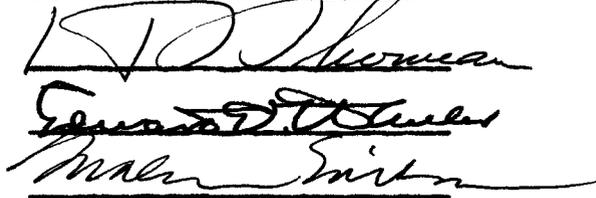
ORDER

IT IS ORDERED:

That Yellow Cab Company and/or Boulder Taxi Company of Boulder, Colorado be, and is hereby, authorized to suspend operations under Certificate No. 1358 for a period of not to exceed six months from April 1, 1943.

That unless said Yellow cab Company and/or Boulder Taxi Company shall, prior to the expiration of said suspension period, make a request in writing of the reinstatement of said Certificate, file insurance and otherwise comply with all rules and regulations of the Commission applicable to Certificate holders, said Certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 24th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. J. SCHULER, TELLURIDE, COLORADO,)
TO TRANSFER HIS INTEREST IN CERTI-)
FICATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY NO. 60 TO R. S. DUNN, TELLU-)
RIDE, COLORADO.)

APPLICATIONS NOS. 564-BBB-A
3152-AA

March 25, 1943

S T A T E M E N T

By the Commission:

Heretofore, certain certificates of public convenience and necessity have been issued to C. F. Loebnitz and C. J. Schuler, co-partners, doing business as "Telluride Transfer Company." Said certificates were operated under PUC No. 60, and the instant application seeks authority to transfer the interest of C. J. Schuler in and to said Certificate No. 60 to R. S. Dunn, Telluride, Colorado.

It further appears that the said R. S. Dunn is purchasing not only the undivided interest of the said C. J. Schuler in said certificate, but also his one-half interest in and to all property now belonging to the Telluride Transfer Company. The balance sheet of said company shows total assets of approximately \$39,000.00.

It also appears that no outstanding obligations, except current bills, exist against the present operations under said certificate, and the Commission is satisfied as to the financial standing and operating reliability of transferee.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought herein should be granted without the necessity of a formal hearing.

O R D E R

IT IS ORDERED:

That C. J. Schuler be, and he is hereby, authorized to transfer to R. S. Dunn all of his right, title and interest in and to certificate of public convenience and necessity No. 60.

This order shall become effective ten (10) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 25th day of March, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DURAND BROTHERS, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE FOR THE TRANSPORTA-)
TION OF BUILDINGS FROM THE GROUNDS)
OF THE ROCKY MOUNTAIN ARSENAL TO)
HOME AND BUILDING SITES WITHIN A)
TWENTY-FIVE-MILE RADIUS OF SAID)
ARSENAL, FOR W. A. HUTCHENS.)

APPLICATION NO. 6188-PP

March 25, 1943

Appearances: Durand Brothers, 203 South
Federal Boulevard, Den-
ver, Colorado, pro se;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Trans-
fer and Storage Company;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division
of The Colorado Motor
Carriers' Association,
The Duffy Storage and
Moving Company.

S T A T E M E N T

By the Commission:

At the instant hearing, which was held in Denver, Colorado,
on November 18, 1942, it was stipulated that the temporary authority
under which applicants were operating, should be extended until such
time as all houses and other buildings required to be removed from
the Rocky Mountain Arsenal territory had been transported therefrom.

In view of this stipulation, applicants consented that the
instant application should be dismissed.

The Commission extended said temporary authority in accord-
ance with said agreement.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby,
dismissed.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I D Shuman

Edward D. Seeler

William E. Eason
Commissioners

Dated at Denver, Colorado,
this 25th day of March, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. H. COLLIER)
302 Beattie)
Sterling, Colorado)
-----)

APPLICATION NO. 6174-PP

March 26, 1943

S T A T E M E N T

By the Commission:

On September 26, 1942, in Application No. 6174-PP, Decision No. 19733 W. H. Collier of Sterling, Colorado was granted authority to operate as a Class B private carrier by motor vehicle for hire. However, the application was never completed and permit was not issued.

Now the Commission is in receipt of a request to "please suspend authority granted in Decision No. 19733 for duration and six months thereafter as I am entering the armed forces of U.S.A. and refund deposit."

Therefore the Commission finds that said request should be granted.

O R D E R

IT IS ORDERED:

That W. H. Colloer of Sterling, Colorado, be and ~~is~~ hereby authorized to suspend the authority granted in Application No. 6174-PP, Decision No. 19733 to operate as Class B private carrier by motor vehicle for hire, for ~~the~~ duration and six months from March 20, 1943.

That unless said W. H. Collier shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said authority file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said authority, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shaw
Donald E. Queller
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 26th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN A. MEYERS)
4663 Logan St.,)
Denver, Colorado)

P U C NO. 513

March 26, 1943

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 certificate No. 513 be suspended for an additional six months from March 1, 1943.

O R D E R

IT IS ORDERED:

That John A. Meyers of Denver, Colorado be, and he is hereby, authorized to suspend his operations under Certificate No. 513 for an additional six months from March 1, 1943.

That unless said John A. Meyers shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said Certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to certificate holders, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 26th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH H. LEE)
Fowler, Colorado)

P U C NO. 517

March 27, 1943

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 Certificate Number 517 be suspended for an additional six months from April 1, 1943.

O R D E R

IT IS ORDERED:

That Joseph H. Lee of Fowler, Colorado be, and he is hereby, authorized to suspend his operations under Certificate No. 517 for an additional six months from April 1, 1943.

That unless said Joseph H. Lee shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said Certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to Certificate holders, said Certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. [Signature]
[Signature]
Malcolm Ericsson
Commissioners.

Dated at Denver, Colorado,
this 27th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
KLEIN-BARTZ MOTOR COMPANY)
921 E. 14th Ave.,)
Denver, Colorado)
.....)

PERMIT NO. C-13041

.....
March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Klein-Bartz Motor Company of 921 E. 14th Ave., Denver, Colorado,
requesting that his Permit No. C-13041 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13041, heretofore issued
to Klein-Bartz Motor Company of 921 E. 14th Ave., Denver, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blouman
.....
David E. Baker
.....
Melvin Erickson
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. A. BETTS)
Wetmore, Colorado)
)
.....)

PERMIT NO. C-3323

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

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

R. A. Betts of Wetmore Colorado

....., requesting that his Permit No. C-3323 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3323, heretofore issued to R. A. Betts of Wetmore, Colorado be, and the same is hereby, declared cancelled effective March 3, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

James J. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GORDON AULD)
La Salle, Colorado)
)
)
.....)

PERMIT NO. C-74

.....
March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Gordon Auld of LaSalle Colorado,
....., requesting that his Permit No. C-74 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-74, heretofore issued to Gordon Auld of La Salle, Colorado be, and the same is hereby, declared cancelled effective March 14, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blawie
.....
Edward H. Wheeler
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
 WILLIAM T. BULLARD)
 417 Mapleton)
 Boulder, Colorado)
.....)

PERMIT NO. C-3984

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
..... William T. Bullard..... of 417 Mapleton, Boulder, Colorado,
requesting that his Permit No..... C-3984..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No..... C-3984....., heretofore issued
to..... William T. Bullard of 417 Mapleton, Boulder, Colorado..... be,
and the same is hereby, declared cancelled effective January 15, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Donald J. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HARRY M. BEACH)
Bayfield, Colorado)
)
)
.....)

PERMIT NO. C-3958

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Harry M. Beach of Bayfield Colorado,
.....
requesting that his Permit No. C-3958 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3958, heretofore issued
to Harry M. Beach of Bayfield, Colorado be,
and the same is hereby, declared cancelled effective March 17, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Donald J. ...
Malcom Erickson
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JUNE CHEVROLET COMPANY)
966 Elm Ave.,)
Rocky Ford, Colorado)
.....)

PERMIT NO. C-14262

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
June Chevrolet Company of 966 Elm Ave., Rocky Ford, Colorado
....., requesting that his Permit No. C-14263 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14263, heretofore issued to June Chevrolet Company of 966 Elm Ave., Rocky Ford, Colorado be, and the same is hereby, declared cancelled effective February 28, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Sherman
.....
James J. O'Connell
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEORGE VENDEGNIA)
3424 Shoshone St.,)
Denver, Colorado)
.....)

PERMIT NO. C-14242

.....
March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
George Vendegnia of 3424 Shoshone St., Denver, Colorado
.....,,
requesting that his Permit No. C-14242 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14242, heretofore issued
to George Vendegnia of 3424 Shoshone St., Denver, Colorado be,
and the same is hereby, declared cancelled effective March 23, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward O. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
NAGEL BEVERAGE COMPANY)
1301 Main St.,)
Boise, Idaho)
-----)

PERMIT NO. C-13818

March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Nagel Beverage Company.....of 1301 Main St., Boise, Idaho
requesting that his Permit No. C-13818.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13818, heretofore issued
to Nagel Beverage Company of 1301 Main St., Boise, Idaho.....be,
and the same is hereby, declared cancelled effective March 21, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

Edward J. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. H. COLLIER)
302 Beattie St.,)
Sterling, Colorado)
.....)

PERMIT NO. C-13768

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
W. H. Collier of 302 Beattie St., Sterling, Colorado
....., requesting that his Permit No. C-13768 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13768, heretofore issued to W. H. Collier of 302 Beattie St., Sterling, Colorado, be, and the same is hereby, declared cancelled effective March 20, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. Wheeler
.....
Malcolm Erickson
Commissioners

Dated at Denver, Colorado,

this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
DON CHANCE)
Masonville Route)
Loveland, Colorado)
.....)

PERMIT NO. C-13767

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Don Chance of Masonville Route Loveland, Colorado
.....of.....,
requesting that his Permit No. C-13767 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13767, heretofore issued
to Don Chance of Masonville Route, Loveland, Colorado, be,
and the same is hereby, declared cancelled effective February 25, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward H. [unclear]
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
G. M. KISER)
343 Greenwood Drive)
Wichita, Kansas)
.....)

PERMIT NO. C-13486

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
G. M. Kiser of 343 Greenwood Drive Wichita, Kansas
.....,,
requesting that his Permit No. C-13486 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13486, heretofore issued
to G. M. Kiser of 343 Greenwood Drive, Wichita, Kansas be,
and the same is hereby, declared cancelled effective March 16, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward O. Wheeler
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MRS MERLE VAHSHOLTZ)
Route 1)
Madison, Kansas)
.....)

PERMIT NO. G-13017

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Mrs. Merle Vahsholtz of Route 1, Madison, Kansas,
....., requesting that his Permit No. G-13017 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-13017, heretofore issued to Mrs. Merle Vahsholtz of Route 1, Madison, Kansas be, and the same is hereby, declared cancelled effective March 24, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
David E. Wheeler
.....
Malcolm Ericsson
.....

Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
COOK'S WHOLESALE)
1624 - 9th St.,)
Greeley, Colorado)
.....)

PERMIT NO. C-12772

.....
March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Cook's Wholesale of 1624 - 9th St., Greeley, Colorado,
requesting that his Permit No. C-12772 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12772, heretofore issued
to Cook's Wholesale of 1624 - 9th St., Greeley, Colorado be,
and the same is hereby, declared cancelled effective March 8, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN SMALLEY)
La Veta, Colorado)

PERMIT NO. C-12725

March 30, 1943

S T A T E M E N T

By the Commission:

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

John Smalley of La Veta, Colorado,

requesting that his Permit No. C-12725 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12725, heretofore issued to John Smalley of La Veta, Colorado be, and the same is hereby, declared cancelled effective February 24, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

Edward O. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL FRANKLIN)
825 N. 2nd St.,)
Sterling, Colorado)
.....)

PERMIT NO. C-11232

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Earl Franklin.....of 825 N. 2nd St., Sterling, Colorado,
requesting that his Permit No. C-11232.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11232, heretofore issued
to Earl Franklin of 825 N. 2nd St., Sterling, Colorado.....be,
and the same is hereby, declared cancelled effective March 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Donald E. Baker
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
W. W. MALL)
Meeker, Colorado)
)
)
)
.....)

PERMIT NO. C-10534

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
W. W. Mall of Meeker, Colorado,
requesting that his Permit No. C-10534 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10534, heretofore issued to W. W. Mall of Meeker, Colorado, be, and the same is hereby, declared cancelled effective March 16, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
David H. [unclear]
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
DAVID ELLIOTT)
Timnath, Colorado)
)
)
.....)

PERMIT NO. C-10434

.....
March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
David Elliott of Timnath, Colorado,
requesting that his Permit No. C-10434 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10434, heretofore issued
to David Elliott of Timnath, Colorado be,
and the same is hereby, declared cancelled effective March 12, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward E. Dwyer
.....
Malcolm Ericsson
.....
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WATKINS OIL COMPANY)
7th Ave. and 11th St.,)
Greeley, Colorado)
.....)

PERMIT NO. C-10413

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Watkins Oil Company of 7th Ave and 11th St., Greeley, Colorado
.....
requesting that his Permit No. C-10413 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10413, heretofore issued
to Watkins Oil Company of 7th Ave. and 11th St., Greeley, Colorado be,
and the same is hereby, declared cancelled effective March 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Johnson
.....
Edward J. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

HARRY N. NORDLOH)
Box 198)
Strasburg, Colorado)
.....)

PERMIT NO. C-10355

.....
March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Harry N. Nordloh of Box 198 Strasburg, Colorado,
requesting that his Permit No. C-10355 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10355, heretofore issued to Harry N. Nordloh of Box 198 Strasburg, Colorado be, and the same is hereby, declared cancelled effective March 19, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blawie
Edward H. Wheeler
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SWIFT AND COMPANY)
1922 W. Second St.,)
Hastings, Nebraska)
.....)

PERMIT NO. C-9629

.....
March 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Swift and Company of 1922 W. Second St., Hastings, Nebraska
....., requesting that his Permit No. C-9629 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9629, heretofore issued to Swift and Company of 1922 W. Second St., Hastings, Nebraska, be, and the same is hereby, declared cancelled effective March 23, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blum
.....
David E. Baker
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ADOLPH LUTHI)
927 Allison)
Canon City, Colorado)
.....)

PERMIT NO. C-7836

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Adolph Luthi of 927 Allison, Canon City, Colorado,
....., requesting that his Permit No. C-7836 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7836, heretofore issued to Adolph Luthi of 927 Allison, Canon City, Colorado be, and the same is hereby, declared cancelled effective March 12, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blawie
.....
Edward J. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 30th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLARENCE FREED)
Box 361)
Lamar, Colorado)
.....)

PERMIT NO. C-14306

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Clarence Freed of Box 361 Lamar, Colorado
....., requesting that his Permit No. C-14306
.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14306, heretofore issued to Clarence Freed of Box 361, Lamar, Colorado be, and the same is hereby, declared cancelled effective March 15, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry P. Blumenthal
.....
Edward O. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
AGNES AND LEROY PALMER)
813 South Weber St.,)
Colorado Springs, Colorado)
.....)

PERMIT NO. B-2805

.....
March 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Agnes and Leroy Palmer of 813 South Weber St., Colo Springs, Colorado
requesting that his Permit No. B-2805 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2805, heretofore issued
to Agnes and Leroy Palmer of 813 South Weber St., Colo Springs, Colo be,
and the same is hereby, declared cancelled effective March 20, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shawan
.....
Edward O. Dwyer
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALFRED L. SMITH)
Fort Morgan, Colorado)
)
)
.....)

PERMIT NO. C-1840

.....
March 31, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Alfred L. Smith of Fort Morgan, Colorado,
requesting that his Permit No. C-1840 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1840, heretofore issued
to Alfred L. Smith of Fort Morgan, Colorado, be,
and the same is hereby, declared cancelled effective January 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shouman
.....
Edmund J. [unclear]
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 31st day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

CHARLES W. WARD)
4344 Wyandotte St.,)
Denver, Colorado)
.....)

PERMIT NO. B-2829

.....
March 31, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Charles W. Ward of 4344 Wyandotte St., Denver, Colorado
..... of ,
requesting that his Permit No. B-2829 be cancelled.

After careful consideration, the Commission is 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-2829, heretofore issued
to Charles W. Ward of 4344 Wyandotte St., Denver, Colorado be,
and the same is hereby, declared cancelled effective March 27, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman
.....
Edward J. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 31st day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEO E. MARQUEZ)
935 Navajo St.,)
Denver, Colorado)
.....)

PERMIT NO. B-2768

.....
March 31, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Leo E. Marquez of 935 Navajo St., Denver, Colorado,
requesting that his Permit No. B-2768 be cancelled.

After careful consideration, the Commission is 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-2768, heretofore issued
to Leo E. Marquez of 935 Navajo St., Denver, Colorado be,
and the same is hereby, declared cancelled effective March 26, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
David E. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 31st day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
VICTOR WRIGHT)
5069 Grant St.,)
Denver, Colorado)
.....)

PERMIT NO. C-11122

.....
March 31, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Victor Wright of 5069 Grant St., Denver, Colorado
.....;,
requesting that his Permit No. C-11122 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11122, heretofore issued
to Victor Wright of 5069 Grant St., Denver, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Sloan
Edward J. [unclear]
Walter Ericsson
Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALMA LINCOLN MINING COMPANY)
Idaho Springs, Colorado)
)
.....)

PERMIT NO. C-11022

.....
March 31, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Alma Lincoln Mining Company of Idaho Springs, Colorado,
requesting that his Permit No. C-11022 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11022, heretofore issued
to Alma Lincoln Mining Company of Idaho Springs, Colorado be,
and the same is hereby, declared cancelled effective March 25, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Frank E. Green
.....
Melvin Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
STERLING TRANSPORTATION COMPANY)
106 S. 2nd St., West)
Salt Lake City, Utah)
.....)

P U C
~~PERMIT~~ NO. 874-I

.....
March 31, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Sterling Transportation Company of 106 S. 2nd West Salt Lake City, Utah
requesting that his ^{P U C}~~Permit~~ No. 874-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

P U C
IT IS THEREFORE ORDERED, That ~~Permit~~ No. 874-I....., heretofore issued
to Sterling Transportation Company of 106 S. 2nd West, Salt Lake City, Utah,
and the same is hereby, declared cancelled effective March 22, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Brown
.....
Donald W. Decker
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 31st day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JACOB THOMPSON)
Wray, Colorado)
.....)

PERMIT NO. C-12792

.....
March 31, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Jacob Thompson of Wray Colorado,
requesting that his Permit No. C-12792 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12792, heretofore issued to Jacob Thompson of Wray, Colorado be, and the same is hereby, declared cancelled effective March 10, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shawan
.....
Edward J. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 31st day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
)
JACOB HENKLE)
29 Locust St.,)
Windsor, Colorado)
.....)

PERMIT NO. A-2533

.....
March 31, 1943.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Jacob Henkle.....of 29 Locust St., Windsor, Colorado,
requesting that his Permit No. A-2533.....be cancelled.

After careful consideration, the Commission is 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-2533....., heretofore issued
to Jacob Henkle of 29 Locust St., Windsor, Colorado.....be,
and the same is hereby, declared cancelled effective March 30, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Brown
.....
Edward J. ...
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 31st day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
FRANCIS TUCK)
Idaho Springs, Colorado)
-----)

PRIVATE PERMIT NO. A-818

March 31, 1943

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. A-818 be suspended for the duration and six months from March 26, 1943.

O R D E R

IT IS ORDERED:

That Francis Tuck of Idaho Springs, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. A-818 for the duration and six months from March 26, 1943.

That unless said Francis Tuck shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Lewis P. Shawan
Edward J. Wheeler
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
PARKINSON T & T COMPANY)
Delta, Colorado)

PRIVATE PERMIT NO. A-60

March 31, 1943

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. A-60 be suspended for a period of six months from March 29, 1943.

O R D E R

IT IS ORDERED:

That Parkinson T & T Company of Delta, Colorado be, and are hereby, authorized to suspend operations under Permit No. A-60 for a period of not to exceed six months from March 29, 1943.

That unless said Parkinson T & T Company of Delta, Colorado shall, prior to the expirations of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Edward J. ...
Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ORR TRANSFER & STORAGE COMPANY,)
212 W. ST. PAUL, WAUKESHA, WIS-)
CONSIN, P.U.C. NO. 1063-I.)

CASE NO. 20627-Ins.

March 31, 1943.

S T A T E M E N T

By the Commission:

On February 26, 1943, Certificate No. 1063-I was revoked for failure to have on file with the Commission the necessary insurance required by law. It now appears that said insurance was on file with the Commission at the time of the hearing in said matter, but through oversight had not been posted, and the Commission has been requested to reinstate said certificate.

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

O R D E R

IT IS ORDERED:

That our order of February 26, 1943, cancelling interstate certificate No. 1063-I, be vacated, and that said Certificate No. 1063-I be reinstated, effective February 26, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Thomas

Edward J. Wheeler

Walter E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEE MORRIS, CORTEZ, COLORADO, FOR AN)
EXTENSION OF PERMIT NO. A-2620 TO IN-)
CLUDE THE TRANSPORTATION OF ORE FROM)
MINES AND STOCK PILES WITHIN A RADIUS)
OF 75 MILES OF EGNAR, COLORADO, TO)
MILLS IN THE SAME RADIUS.)

APPLICATION NO. 5448-PP-B

March 31, 1943.

Appearances: Dan Milenski, Esq., Cortez,
Colorado, for applicant;
T. A. Stockton, Jr., Esq., Denver,
Colorado, for Rupert E. Borden,
doing business as Borden Transporta-
tion Company;
Harold Newrock, Esq., Denver, Colorado,
for Haines Motor Freight;
Cass M. Herrington, Esq., Denver,
Colorado, for Rio Grande Southern
Railroad Company.

S T A T E M E N T

By the Commission:

On February 28, 1941, Decision No. 16731, applicant was granted a Class "A" permit authorizing the transportation of ore from mines within a radius of ten miles of Egnar, Colorado, to Uravan, Colorado. In the instant case, which was heard at Cortez, Colorado, on February 17, 1943, authority is sought to extend operations under said permit to increase the pickup area to a radius of 75 miles of Egnar, and to include all mills within said area as destination points.

Testifying in his own behalf, applicant stated that he was willing to confine his operations to the delivery of ores to mills of the United States Vanadium Company. He has a 1½-ton 1940 Chevrolet truck which he loads with approximately five tons of ore. He further testified that he not only wanted to transport ore from the so-called "Canon Mines" to stock piles, but would also want the privilege of transporting said ores to the mill which has been

erected at Durango, Colorado, for the treatment of vanadium ores. He stipulated that in the event a stock pile of vanadium ore was started at Dolores, he would not transport any ores from Dolores to Durango in competition with Rio Grande Southern Railroad.

No other witness appeared on behalf of applicant. However, request was made that the Commission consider the evidence introduced in Application No. 6154-PP, Verl Hamilton, which was heard at Cortez, Colorado, on September 30, 1942.

On Behalf of protestant Rupert E. Borden, the evidence introduced disclosed the amount of equipment which he owned and which is available for use in transporting vanadium ore from stock pile at Dove Creek to Durango. This equipment consists of a number of large units which, according to the testimony would be available at all times to handle said movement.

It was further developed that the crushing plant of the mill at Durango was kept busy crushing ore received at said mill by rail, and for that reason it was advisable to crush and stock pile the crude ore at Dove Creek.

It further appeared that the rates now in effect for the transportation of this ore from the "Canon" mines to said stock pile, vary from seven to ten cents per ton mile, depending somewhat on the condition of the roads to the various mines. The rate from the Dove Creek stock pile to Durango is 4 cents per ton mile.

It is the position of the Borden line that ample common carrier service is available for the transportation of the crushed ore from the stock pile at Dove Creek to the mill at Durango, and the granting of any further permits for such service would impair the common carrier service.

Applicant was recalled at the close of protestant's testimony and stated that he would not desire to haul ore from the Canon mines unless he could transport same clear through to Durango.

In the Verl Hamilton case, supra, the Commission granted authority to transport ore from the Canon mines, but denied the right to haul the same

from the stock pile at Dove Creek to Durango. No new or additional evidence has been introduced in the instant case to change the conclusion of the Commission which was reached in the Hamilton case by order dated December 23, 1942, Decision No. 20216. Applicant stated that he had been requested by the U. S. Vanadium Corporation to seek this extension. However, no one representing said company appeared on behalf of applicant, and so far as the record is concerned it would appear that the presently established common carrier service is adequate to handle the movement of crushed ore from Dove Creek to Durango. This adequate common carrier service must be maintained, and under the law we are not permitted to grant private carrier permits which, in our opinion, might impair such service.

Applicant contends that the ore will not be transported from the Canon mines unless carriers are permitted to carry it clear through to Durango, and cited the fact that one or two of the carriers that had been authorized to haul ore in that territory had quit. Applicant considers the haul from Dove Creek to Durango as the "cream" and the transportation from Canon mines to this stock pile as the "skim milk" so far as the transportation service is concerned.

It would appear to the Commission that if sufficient compensation is not paid the carriers to justify the transportation from the Canon mines to the stock pile, the remedy is not to grant authority to transport the product on into Durango, but rather an increase in the rates paid from the mines to the stock pile.

In view of the fact that applicant has stated that he did not desire the extension unless authorized to haul to Durango, we have no alternative except to deny the application.

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

O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby,
denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
RUPERT E. BORDEN, GRAND JUNCTION,)
COLORADO, FOR AN EXTENSION OF)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 1384.)

APPLICATION NO. 5431-B

March 31, 1943.

Appearances: Lincoln D. Coit, Esq., Grand
Junction, Colorado, for applicant;
Wayne N. Aspinall, Esq., Grand
Junction, Colorado, by James K.
Groves, Esq., Grand Junction,
for G. W. Hawthorne;
Cass M. Herrington, Esq., Denver,
Colorado, for The Rio Grande
Southern Railroad Company.

S T A T E M E N T

By the Commission:

On March 19, 1943, Decision No. 20643, Rupert E. Borden was authorized to extend his operations under Certificate No. 1384 to include, inter alia, the transportation of ore and concentrates from Uravan to Grand Junction and Durango. It was further provided in said order that the right to transport said ores and concentrates was subject to the filing by any competitor who was not present at the hearing in said matter of a written notice with the Commission on or before sixty (60) days from the date of the order, that a hearing on said additional authority would be demanded.

The Commission is now in receipt of such written notice from Cass M. Herrington, Receiver for the Rio Grande Southern Railroad Company.

In view of said notice and the provisions of said order, the Commission is of the opinion, and so finds, that a further hearing should be held.

O R D E R

IT IS ORDERED:

That the instant matter be, and the same is hereby, set for

further hearing at the Court House in Grand Junction, Colorado, on April 9, 1943, at the hour of 9:30 A. M., only upon the question of the authority to transport ore and concentrates from Uravan to Grand Junction and Durango, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


W.D. Thomas


Edward D. Beale


W.A. Egan
Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
B. H. EITEMILLER, 1530 TENTH) PERMIT NO. A-742
AVENUE, GREELEY, COLORADO.)

April 2, 1943.

S T A T E M E N T

By the Commission:

On September 12, 1942, by Decision No. 19680, B. H. Eitemiller was authorized to suspend his operations under Permit No. A-742 for a period of not to exceed six months from August 28, 1942, with reinstatement proviso.

Under date of March 4, 1943, permittee requested additional suspension of his operations under said permit for a period of six months from February 28, 1943, and under date of March 5, 1943, by letter directed to permittee, the Commission granted him until April 5, 1943, to reinstate his permit. Thereafter, on March 12, 1943, the Commission refused to grant a further suspension.

Permittee now represents to the Commission that his son is in the Marine Corps, and that permittee himself is physically incapacitated from performing service required in his trucking operations, and hence is unable to carry on the business. He further represents that if he had known prior to March 12, 1943, that a second suspension for a period of six months could not have been obtained, he would have made efforts to dispose of his permit.

Under the circumstances, the Commission is of the opinion that a further suspension should be granted, and finds that applicant should be authorized to suspend his operations under Permit No. A-742 until July 5, 1943.

O R D E R

IT IS ORDERED:

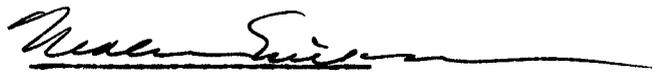
That B. H. Eitemiller, Greeley, Colorado, be, and he hereby is, authorized to suspend his operations under Permit No. A-742 until July 5, 1943.

That unless said B. R. Eitemiller shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


W. D. Thomas


Edward D. Decker


Nelson S. Quinn
Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TONY MULAY, 917 WEST TENTH STREET,)
PUEBLO, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 6308-PP

April 3, 1943

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 materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, and also excluding service within a radius of fifty miles of Denver, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

After 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 ORDERED:

That Tony Mulay, Pueblo, 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 materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said

pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, and also excluding service within a radius of fifty miles of Denver, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Shuman

Edward D. Cook

Walter E. Egan

Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MABLE L. PARKER AND JOHN D. PARKER,)
DOING BUSINESS AS "PARKER TRANSFER &)
STORAGE," SIOUX FALLS, SOUTH DAKOTA,)
TO HAVE THE INTEREST OF W. PARKER, DE-)
CEASED, IN P.U.C. NO. 1428-I, TRANS-)
FERRED TO SAID MABLE L. PARKER AND)
JOHN L. PARKER, DOING BUSINESS AS)
"PARKER TRANSFER & STORAGE.")

P.U.C. NO. 1428-I

April 3, 1943

S T A T E M E N T

By the Commission:

Heretofore, Interstate Certificate No. 1428-I issued to Walter Parker, doing business as "Parker Transfer & Storage."

On April 10, 1942, in MC-FC-16494, the Interstate Commerce Commission authorized the transfer of its certificate No. MC-71820, issued to said Parker, to Mable L. Parker and John D. Parker, co-partners, doing business as "Parker Transfer & Storage."

Thereupon, said transferees' insurance carrier, at their request, filed insurance with this Commission covering transferees' operations.

Formal application, through a misunderstanding, was not filed to transfer said permit on our records. Such application has now been filed.

Our records fail to disclose any reason why the request should not be granted.

After careful consideration of the record, the Commission is of the opinion, and finds, that said transfer should be authorized.

O R D E R

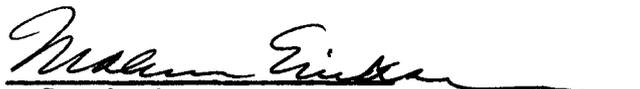
IT IS ORDERED:

That all the right, title and interest in and to P.U.C. No. 1428-I formerly held by Walter Parker, doing business as "Parker Transfer & Storage," be, and the same hereby is, transferred to Mable L. Parker and John D. Parker, doing business as "Parker Transfer & Storage," Sioux Falls, South Dakota, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


L. J. Shuman


Edward D. Seale


William E. Eick
Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
RUSSELL VENEZIO, 717 EAST SECOND,)
PUEBLO, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 6307-PP

April 3, 1943.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal and slack from coal mines in Fremont County to Pueblo, Colorado, also from coal mines in Huerfano County to Pueblo, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

After 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 ORDERED:

That Russell Venezia, Pueblo, 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 and slack from coal mines in Fremont and Huerfano Counties to Pueblo, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not

become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JAMES A. SCHAEFFER, DOING BUSINESS)
AS "SCHAEFFER TRUCK LINE," 1420)
MARKET STREET, DENVER, COLORADO.)

P.U.C. NO. 1195
SUPPLEMENTAL ORDER

April 3, 1943.

S T A T E M E N T

By the Commission:

On February 15, 1943, the Commission entered herein, without hearing, its order and decision No. 20476, authorizing James A. Schaeffer, doing business as "Schaeffer Truck Line," pending hearing on formal application for said authority to be filed by him, to:

"accept freight at Frisco on interchange with Rio Grande Motor Way from Grand Junction, destined to Leadville, and to transport freight between Wheeler, Frisco, Dillon, Breckenridge, Kokomo, Montezuma, Loveland Pass, and Climax."

Said Schaeffer and Rio Grande Motor Way, Inc., have asked that the name "Leadville" be changed to "Climax," inasmuch as service contemplated was between Grand Junction and Climax, and not Grand Junction and Leadville.

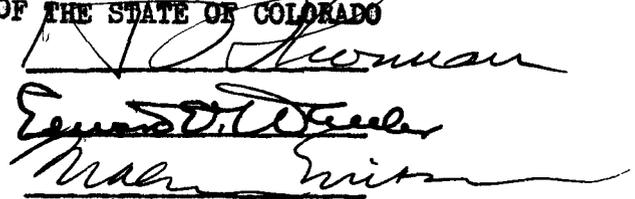
After careful consideration of the record, the Commission is of the opinion, and finds, that the request should be granted, and that said order and decision should be so amended.

O R D E R

IT IS ORDERED:

That the name "Leadville", appearing in the fifth line of the first paragraph of the order contained in Decision No. 20470, be changed to the name "Climax", and that said decision and order in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
JOE E. BERTA, RURAL ROUTE 1, CANON)	
CITY, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 6306-PP</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

April 3, 1943.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within a radius of one hundred miles of Canon City, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

After 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 ORDERED:

That Joe E. Berta, Canon City, 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 one hundred miles of Canon City, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers,

copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 4841-PP
SUPPLEMENTAL ORDER

RE MOTOR VEHICLE OPERATIONS OF A. L.)
BUCK, PALISADE, COLORADO.)

PERMIT NO. B-1903
CASE NO. 18300-R

April 3, 1943.

S T A T E M E N T

By the Commission:

On April 4, 1942, Permit No. B-1903 was cancelled, on account of failure of Respondent to file reports for the months of October, November, and December, 1940, the entire year of 1941, and the month of January, 1942.

On April 9, 1942, James H. Cole, Deputy Supervisor of the Colorado Highway Courtesy Patrol at Grand Junction, Colorado, informed the Commission that reports had been filed by Respondent for the months of October, November and December, 1940, and for the year 1941, on April 24, 1941, and report filed for the year 1942 on February 27, 1942, on a flat-rate basis. All taxes were paid.

Thereupon, Mr. Pollock, Secretary of the Commission informed Mr. Cole that cancellation order would be set aside. This was not done, and on March 2, 1943, Mr. Buck filed an application for a new permit.

After careful consideration of the record, the Commission is of the opinion, and finds, that applicant should not have been required to file a new application; that said order cancelling the permit, Decision No. 18300-R, of date April 4, 1942, should be set aside, and said permit restored to its active status.

O R D E R

IT IS ORDERED:

That said order of revocation, of date April 4, 1942, in Case No. 18300-R, be, and the same hereby is, set aside and held for naught, and said Permit No. B-1903 restored to its active status; that application fee of five dollars paid by Mr. A. L. Buck, under Receipt No. 27434, be transferred to his tax account.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
JOE TORTORICE AND SONS, ROUTE)
1, BOX 52, TRINIDAD, COLORADO.)

PERMIT NO. B-2711

April 3, 1943.

S T A T E M E N T

By the Commission:

On November 21, 1942, by Decision No. 20055, Permit No. B-2711 was suspended for a period of not to exceed six months from September 29, 1942.

On March 4, 1943, permit holders filed the necessary insurance and asked that said permit be reinstated.

After careful consideration of the record, the Commission is of the opinion, and finds, that said permit should be reinstated, as of March 4, 1943.

O R D E R

IT IS ORDERED:

That Private Carrier Permit B-2711 be, and the same hereby is, reinstated and restored to its active status, as of date March 4, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JONES BROTHERS, BOX 72,)
PHIPPSBURG, COLORADO.)

PERMIT NO. B-1018

April 3, 1943.

S T A T E M E N T

By the Commission:

On March 11, 1943, by Decision No. 20560, Jones Brothers, of Phippsburg, Colorado, were authorized to suspend operations under Permit No. B-1018 for a period of not to exceed six months from December 26, 1942.

On March 26, 1943, they asked that said permit be reinstated, effective as of April 1, 1943.

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

O R D E R

IT IS ORDERED:

That Permit No. B-1018 be, and the same hereby is, reinstated, effective as of April 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. W. Thomas

Eward O. Decker

Walter Smith
Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CLYDE BEESON AND A. L. BEESON, LONG-
MONT, COLORADO, TO TRANSFER PERMIT NO.
A-114 TO CLYDE BEESON, TO MAKE MORE
DEFINITE AND CERTAIN THE AUTHORITY
CONTAINED UNDER PERMIT NO. A-114 AND
PERMIT NO. A-561, AND TO COMBINE SAME
UNDER ONE NUMBER.

APPLICATION NO. 4028-PP-A
CLARIFICATION
SUPPLEMENTAL ORDER

April 5, 1943

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for the applicants;
V. G. Garnett, Denver, Colorado,
for The Colorado Rapid Transit
Company.

S T A T E M E N T

By the Commission:

On April 13, 1939, the Commission entered its order and decision No. 13339, and sought to determine definitely and accurately the territory which had been served, and was to be served, by Clyde Beeson under that part of Permit No. A-114 which was known as "Route No. 13," and under that part of Permit No. A-561, which was known as "Route No. 6."

It having developed that said territories were inaccurately described in said order, and that the second paragraph of the order contained in said Decision No. 13339 should be changed and amended to read as set forth in the order following.

The Commission, by letter, notified interested parties, and informed them that, in the absence of objections by them, said decision would be amended, so that said routes would be accurately described.

Said notices were forwarded on February 23, 1943. To date, no objections have been entered or received.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said order should be amended, as hereafter provided:

O R D E R

IT IS ORDERED:

That the second paragraph of the order contained in Decision No. 13339 be amended and changed to read:

"IT IS FURTHER ORDERED, That the territory heretofore known as Route No. 13, mentioned in Permit No. A-114, be, and the same hereby is, declared to include that territory described as follows:

"Beginning at a point two and one-half (2 1/2) miles south of Longmont on U. S. Highway No. 87; thence east a distance of six and one-half (6 1/2) miles to Colorado Highway No. 185; thence south two and one-half (2 1/2) miles; thence west six and one-half (6 1/2) miles to U. S. Highway No. 87; thence north to the point of beginning,"

"and that the territory known as Route No. 6 in Permit No. A-561 be, and the same hereby is, declared to comprise all that territory described as follows:

"Beginning at the Rinn Church located on Colorado Highway No. 185, being the northwest corner of Sec. 23, Township 2-North, Range 68-West; thence east six (6) miles to the northeast corner of Sec. 22, Township 2-North, Range 67-West; thence south eight (8) miles; thence west seven (7) miles to the country road one (1) mile west of Colorado Highway No. 185; thence north six (6) miles; thence east one (1) mile; thence north two (2) miles to the point of beginning,"

"and that the authority granted under Permit No. A-114, known as Route 13, as hereinabove described, and the authority known as Route 6, as hereinabove described, shall be consolidated; that hereafter the same shall be operated as Permit No. A-561, and the number A-114 be, and the same hereby is, declared abandoned,"

in lieu of the provisions contained in the second paragraph of said order contained in Decision No. 13339.

That said Decision No. 13339, except as herein amended, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

R. D. Sherman

Edward E. Wheeler

Wesley E. Egan
Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1943

JH

(Decision No. 20729)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
C. WILLIAMS AND V. WILLIAMS, SALIDA,
COLORADO, FOR AUTHORITY TO EXTEND
THEIR OPERATIONS UNDER PERMIT NO.
A-2589.

}
} APPLICATION NO. 5294-PP-BB
}
}

April 3, 1943

S T A T E M E N T

By the Commission:

On September 23, 1942, C. and V. Williams filed their application to extend their authority under Permit No. A-2589 to include the right to transport ore from Kramer Mines located in Brown Canyon, about nine and one-half miles from the main line of The Denver and Rio Grande Western Railroad Company, to mill in Chaffee County, and ores and concentrates from said mines and mill to railroad loading points in said county.

Upon receipt of said application, the Commission, on February 18, 1943, by letter, requested Everready Truck Line, Southwestern Transportation Company, and Rio Grande Motor Way, Inc., to state their objections, if any they had, to the granting of the said authority.

Everready Truck Line and Southwestern Transportation Company have not replied. Rio Grande Motor Way, Inc., has informed the Commission that it has no objection to the extension of the permit, as stated.

It would seem that no useful purpose would be served by setting said matter for hearing, after formal notice. The Commission therefore has determined to hear, and has heard, said application, forthwith, upon the records and files herein.

After 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 ORDERED:

That C. Williams and V. Williams, Salida, Colorado, should be, and they hereby are, authorized to extend their operations under Permit No. A-2589 to include the right to transport ore from Kramer Mines located in Brown Canyon, about nine and one-half miles from the main line of The Denver and Rio Grande Western Railroad Company, to mill in Chaffee County, and ores and concentrates from said mines and mill to railroad loading points in said county.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver,
Colorado, this
3rd day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JOHN TOLER AND E. S. ROBINSON, DOING)
BUSINESS AS "TOLER AND ROBINSON",)
611 UNION STREET, COLORADO SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS PRIVATE CARRIERS BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 6305-PP

April 3, 1943.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coal from the Canon City-Florence coal district and mines in El Paso County to Colorado Springs, and timber from timber camps within a radius of twenty-five miles of Lake George to mines in El Paso County.

Inasmuch as the motor carriers associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicants, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

After 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 ORDERED:

That John Toler and E. S. Robinson, doing business as "Toler and Robinson", Colorado Springs, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coal from Canon City-Florence coal district and mines in El Paso County to Colorado Springs, and timber from timber camps within a radius of twenty-five miles of Lake George to mines in El Paso County.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JESSE C. LINDER, 405 WALNUT STREET,)
FORT MORGAN, COLORADO, TO TRANSFER)
A PART OF PERMIT NO. B-1942 TO E. N.)
SOUTHWORTH, FORT MORGAN, COLORADO.)

APPLICATION NO. 4012-PP-A
SUPPLEMENTAL ORDER

April 3, 1943.

Appearances: Jesse C. Linder, Fort Morgan,
Colorado, pro se;
E. N. Southworth, Fort Morgan,
Colorado, pro se;
T. A. Stockton, Jr., Esq., Denver,
Colorado, for the Common Carrier
Division of The Colorado Motor
Carriers' Association.

S T A T E M E N T

By the Commission:

On July 30, 1942, the Commission entered its order and decision, No. 19390, authorizing the transfer by Jesse C. Linder, of Fort Morgan, Colorado, to E. N. Southworth, of Fort Morgan, Colorado, of that portion of Permit No. B-1942 which authorized the transportation of:

"milk from points in the area described as:
Commencing at Fort Morgan, Colorado, thence
north and west to Weldon Valley; thence
south to Platte Avenue (U. S. Highway No. 6);
thence east to Fort Morgan, Colorado."

Subsequently, it developed that the description furnished the Commission was not accurate, and that the area to be served should be described as:

"Transportation of milk to Fort Morgan, Colorado,
from points within and farms adjacent to the area
described as: 'Commencing at Fort Morgan, Colorado;
thence west on Highway No. 34 to intersection of
Highway No. 39; thence north on Highway No. 39 to
intersection of Highway No. 144; thence east on Highway
No. 144 to intersection with road known as 'River Road';
thence along said road to Fort Morgan, Colorado.'"

Applicants asked that said decision be amended so that the territory served be correctly described.

After careful consideration of the record, the Commission is

of the opinion, and finds, that the first paragraph of the order contained in Decision No. 19390 should be amended and changed as requested; that said decision, in all other respects, shall remain in full force and effect, and that a new number, designating the portion transferred, be issued to E. N. Southworth, Jesse C. Linder to retain the number "B-1942 for operations under that portion of the permit retained by him.

O R D E R

IT IS ORDERED:

That the first paragraph of the Order contained in Decision No. 19390 should be, and the same hereby is, amended and changed to read as follows:

That Jesse C. Linder, Fort Morgan, Colorado, should be, and he hereby is, authorized to transfer to E. N. Southworth, Fort Morgan, Colorado, a portion of Permit No. B-1942 authorizing the transportation of milk to Fort Morgan, Colorado, from points within and farms adjacent to the area described as:

Commencing at Fort Morgan, Colorado; thence west on Highway No. 34 to intersection with Highway No. 39; thence north on Highway No. 39 to intersection with Highway No. 144; thence east on Highway No. 144 to intersection with road known as "River Road"; thence along said road to Fort Morgan, Colorado.

That said Decision No. 19390, in all other respects, shall remain in full force and effect.

That a new number, designating the portion transferred, be issued to E. N. Southworth, Jesse C. Linder to retain the number "B-1942" for operations under that portion of the permit retained by him.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1943.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. E. HOCKETT, 1909 SIXTH AVENUE,)
GREELEY, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 6275-PP

April 5, 1943

Appearances: Robert McConnell, 1104 Sixth
Avenue, Greeley, Colorado,
for the applicant.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Fort Collins, Colorado, on March 4, 1943, at 1:30 o'clock P.M., applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of baled hay and straw, in intrastate and interstate commerce, from points in the area extending:

U. S. Highway No. 40 on the south, the Colorado-Nebraska-Wyoming boundary line on the north, the Colorado-Nebraska-Kansas boundary line on the east, and the Continental Divide on the west,

to points in said area, and to Army Camps in the State of Colorado, and points in Wyoming and Nebraska.

At the hearing, it appeared that Robert McConnell, who represented applicant, buys, bales, and sells alfalfa and native hay and straw; that said commodities are sold to dairies, feeders, and Army camps; that some of the hay so sold is hauled by McConnell's trucks; that Hockett's services are needed to haul for hire, McConnell's own equipment being insufficient to satisfy demands of customers.

No one objected to the granting of the authority sought.

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

After 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 ORDERED:

That L. E. Hockett, Greeley, 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 baled hay and straw, in intrastate and interstate commerce, from points in the area extending:

U. S. Highway No. 40 on the south, the Colorado-Nebraska-Wyoming boundary line on the north, the Colorado-Nebraska-Kansas boundary line on the east, and the Continental Divide on the west,

to points in said area, and to Army Camps in the State of Colorado, in intrastate commerce and to Wyoming and Nebraska, in interstate commerce.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. J. Roman

Edward V. Wheeler

Maureen Erickson

Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1945.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BENNIE GOLDSTEIN, DOING BUSINESS AS)
"GOLDSTEIN REFRIGERATOR LINE," 3358) APPLICATION NO. 3162-PP-AAAAA-B
LARIMER STREET, DENVER, COLORADO,) PETITION FOR REHEARING
FOR AN EXTENSION OF PERMIT NO. A-787.)

April 5, 1943

Appearances: John P. Beck, Esq., Denver, Colorado,
for the applicant;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage Co.;
Marion F. Jones, Esq., Denver, Colorado, and
Truman A. Stockton, Jr., Esq., Denver,
Colorado, for Gottula Transfer and
Trucking Company.

S T A T E M E N T

By the Commission:

On February 15, 1943, by Decision No. 20475, the Commission denied the application of Bennie Goldstein, doing business as "Goldstein Refrigerator Line," for an extension under his Permit No. A-787 to include the right to transport fresh meat and packing house products to the United States Air Base, located about seven miles east of Colorado Springs on Highway No. 24, and the Air Base located twelve miles east of Pueblo, on U. S. Highway No. 96.

On March 2, 1943, said Goldstein filed petition for rehearing, stating that if rehearing is granted he would be able to, and will, present testimony by officers of the United States Army that said service is absolutely needed, and that service of common carriers now serving the points will not be impaired.

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

O R D E R

IT IS ORDERED:

That petition for rehearing filed on March 2, 1943 in the above styled matter be, and the same hereby is, granted, and that said matter be, and the same hereby is, set for further hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on the 15th day of April, 1943, at 10 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
F. A. MATHEWS, ROUTE 5, LONGMONT,)	<u>APPLICATION NO. 3793-PP-B</u>
COLORADO, FOR A CLARIFICATION OF)	
PRIVATE PERMIT NO. A-588.)	
-----)	

April 7, 1943

Appearances: F. A. Mathews, Longmont,
Colorado, pro se;
Truman A. Stockton, Jr.,
Esq., Denver, Colorado,
for the Common Carrier
-Division of The Colo-
rado Motor Carriers'
Association.

S T A T E M E N T

By the Commission:

On January 2, 1934, Private Carrier Permit No. A-588 issued to F. A. Mathews, authorizing a milk operation over a route described as:

"Berthoud south and west to Johnstown. 40 miles in any other territory described in writing to the Commission."

Recently, said Mathews was required by the ODT to specifically describe his route.

He now asks that description of his authority under said permit be changed to conform to the description furnished The Office of Defense Transportation, which is:

beginning at the northwest corner of Section 24, Township 4-North, Range 69-West; thence south 3 miles; thence west 1/2 mile; thence south 4 miles; thence west 1 mile to U S Highway 287; thence on Highway 287 to the S 1/4 corner of Section 27, Township 2-North, Range 69-West; thence west to Colorado Highway No. 7; thence north on Highway 7 to junction of Colorado Highway 66; thence west through the Town of Lyons and 1 mile beyond on each of Highways 7 and 66, return on Highway 66 to the S 1/4 corner of Section 24, Township 3-North, Range 70-West; thence north 2 miles, thence east 1 mile; thence north 3 miles; thence east to U S Highway No. 287, thence north 1/2 mile; thence east 1 1/2 miles to intersection of line of beginning.

At the hearing, in Denver, Colorado, on February 26, 1943, it appeared that the request does not involve any enlargement of territory; that he has continuously served along said route since 1934.

No one appeared in opposition.

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

O R D E R

IT IS ORDERED:

That hereafter F. A. Mathews, Longmont, Colorado, under his Permit No. A-588, in addition to the right to transport coal, granted by Decision No. 9447, shall be authorized to transport milk to Johnstown, Colorado, over the route and from farms along the route described as:

beginning at the northwest corner of Section 24, Township 4-North, Range 69-West; thence south 3 miles; thence west $\frac{1}{2}$ mile; thence south 4 miles; thence west 1 mile to U S Highway 287; thence on Highway 287 to the S $\frac{1}{4}$ corner of Section 27, Township 2-North, Range 69-West; thence west to Colorado Highway No. 7; thence north on Highway 7 to junction of Colorado Highway 66; thence west through the Town of Lyons and 1 mile beyond on each of Highways 7 and 66, return on Highway 66 to the S $\frac{1}{4}$ corner of Section 24, Township 3-North, Range 70-West; thence north 2 miles, thence east 1 mile; thence north 3 miles; thence east to U S Highway No. 287, thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{2}$ miles to intersection of line of beginning,

with back-haul of empty cans.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. E. COX, BOX 342, MILLIKEN, COLORADO,) APPLICATION NO. 6274-PP
TO CLARIFY AND PROPERLY DESCRIBE MILK)
ROUTE, NOW BEING SERVED BY HIM.)

April 7, 1943

S T A T E M E N T

By the Commission:

On November 8, 1933, H. E. Cox was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

milk to Johnstown over a regular established route described as: Milliken northeast and back to Johnstown. 15 miles in any other territory described in writing to the Commission.

Recently, applicant has been required, under the Office of Defense Transportation regulations, to describe particularly the territory served by him, and to list customers served who reside in the area described.

He now asks that the authority under his permit be amended and changed, so as to conform with the description of the territory furnished the O.D.T., which territory has been served by him continuously since 1933.

He failed to appear at the hearing, but inasmuch as no one appeared in opposition to the granting of his request, the Commission determined to hear, and heard, said matter. The application and files in Permit No. A-579 were made a part of the record.

After careful consideration of the record, the Commission is of the opinion, and finds, that application should be granted, and territory hereafter served by applicant, H. E. Cox, under Permit No. A-579, should be described as set forth in the order herein.

O R D E R

IT IS ORDERED:

That H. E. Cox, Milliken, Colorado, be, and he hereby is, authorized to operate hereafter as a Class "A" private carrier by motor vehicle for hire for the transportation of milk, only, to Johnstown from farms along the route described as:

beginning at Johnstown, thence north 4 miles; thence east 7 miles; thence south to the north bank of Platte River, along the north bank of river to the southeast corner of Section 27, Township 4-North, Range 67-West; thence west to the southwest corner of Section 28, Township 4-North, Range 67-West; thence north to the point of beginning,

with back haul of empty cans; and that our records and files be amended and changed to conform with this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


L. D. Sherman


Edward D. Wheeler


William E. Erickson
Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOE RICHARD, WELLINGTON, COLORADO, TO EXTEND HIS MILK ROUTE UNDER PERMIT NO. B-1284.	}	<u>APPLICATION NO. 2436-PP-BB</u>
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April 7, 1943

Appearances: Winton S. Ault, Greeley, Colorado,
for the applicant;
Herbert E. Mann, Esq., Coronado Bldg.,
Greeley, Colorado, for Miller and
Son.

S T A T E M E N T

By the Commission:

Applicant, who operates as a milk hauler under Permit No. B-1284, herein seeks authority to extend his operations under said permit by adding certain territory to the territory which he now is authorized to serve, said additional territory being adjacent on the west to territory now served by Richard, and being described as:

commencing at the southwest corner of Section 2, Township 8-North, Range 69-West, thence west three miles to the southeast corner of Section 6, thence north 13 miles, thence east 3 miles, thence south 13 miles, to the point of beginning.

At the hearing, in Fort Collins, Colorado, on March 4, 1943, at 1:30 o'clock P.M., it appeared that applicant has been transporting milk from said area for a number of customers; that, recently, he determined that the territory in question is not included in his permit.

It did not appear that the proposed extension will impair the efficiency of any authorized common carrier service. In fact, it developed that no one is serving in the territory.

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

O R D E R

IT IS ORDERED:

That Joe Richard, Wellington, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-1284 to include the right to transport milk to Johnstown, Colo., from the territory described as:

beginning at the southwest corner of Section 2, Township 8-North, Range 69-West, thence west 3 miles to the southeast corner of Section 6, thence north 13 miles, thence east 3 miles, thence south 13 miles, to the point of beginning,

with back haul of empty cans.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Sherman

Edward H. T. Custer

Malcolm Spivey

Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1943

JH

(Decision No. 20737)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESLEY J. HERTER, BOX 175, JOHNS-) APPLICATION NO. 3142-PP-AB
TOWN, COLORADO, TO CLARIFY PERMIT NO.)
A-581.)

April 7, 1943

Appearances: Wesley J. Herter, Johnstown, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an application by Wesley J. Herter to have his operating rights under Permit No. A-581 extended, amended, or clarified, to include the right to transport milk, only, to Johnstown, Colorado, from the territory described as:

Sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, in Township 4-North, Range 67-West, and Sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36 in Township 4-North, Range 68-West, and Sections numbered 3 to 10, inclusive, in Township 3-North, Range 67-West, and Sections 1, 2, 11, and 12 in Township 3-North, Range 68-West,

with back-haul of empty cans.

The matter was regularly set for hearing, and heard, in Fort Collins, Colorado, on March 4, 1943, at 1:30 o'clock P.M.

No one appeared in opposition to the granting of the authority sought.

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

O R D E R

IT IS ORDERED:

That Wesley J. Herter, Johnstown, Colorado, be, and he hereby is, authorized to extend his authority under Private Carrier Permit No. A-581 to include the right under said extended authority to transport milk, only, to Johnstown, Colorado, from the territory described as:

Sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, in Township 4-North, Range 67-West, and Sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36 in Township 4-North, Range 68-West, and Sections numbered 3 to 10, inclusive, in Township 3-North, Range 67-West, and Sections 1, 2, 11 and 12 in Township 3-North, Range 68-West,

with back-haul of empty cans.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
C. C. GIBSON, 6200 NORTH FEDERAL
BOULEVARD, DENVER, COLORADO, FOR A
CLASS "B" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 6287-PP

April 7, 1943

Appearances: C. C. Gibson, Denver, Colorado,
pro se;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for South-
western Transportation Company;
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 in Denver, Colorado, on March 18, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock to sales barn located at 5800 Federal Boulevard, Denver, Colorado, from points within a radius of ten miles of Denver; hay to feed barns and farms within said ten-mile radius and to Westminster from South Park and points within said ten-mile area; hay, baled or loose, and grain, in bulk, from points within a radius of ten miles of Salida to Westminster and points within a radius of ten miles of Denver; dirt and trash between points within said ten-mile radius of Denver; coal from mines in the northern Colorado coal fields to points within a radius of ten miles of Denver.

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 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 ORDERED:

That C. C. Gibson, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock to sales barn located at 5800 Federal Boulevard, Denver, Colorado, from points within a radius of ten miles of Denver; hay to feed barns and farms within said ten-mile radius and to Westminster from South Park and points within said ten-mile area; hay, baled or loose, and grain, in bulk, from points within a radius of ten miles of Salida to Westminster and points within a radius of ten miles of Denver; dirt and trash between points within said ten-mile radius of Denver; coal from mines in the northern Colorado coal fields to points within a radius of ten miles of Denver, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.







Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES M. MOSES, 3616 WEST WALCH)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 6285-PP

April 7, 1943

Appearances: A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ashes, trash, sand, gravel, kindling, and firewood between points within a radius of ten miles of Garden Home Addition, which addition is located near Loretta Heights College.

Applicant, although duly notified of the time and place designated for hearing, which was set in Denver, Colorado, on March 18, 1943, failed to appear.

Notwithstanding his non-appearance, there being no objections to the granting of the authority sought, the Commission determined to hear, and heard, said matter.

The records and files in said application were made a part of the record, and the matter taken under advisement.

After 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 ORDERED:

That James M. Moses, 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 ashes, trash, sand, gravel, kindling, and firewood between points within a radius of ten miles of Garden Home Addition, which addition is located near Loretta Heights College.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
CHRIS CHRISTENSEN, 330 NORTH WOOD)
STREET, FORT COLLINS, COLORADO, FOR)
AUTHORITY TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
NO. 376 TO JOHN S. GRIFFITH, 117)
SOUTH WHITCOMB STREET, FORT COLLINS,)
COLORADO.)

APPLICATION NO. 1375-A

April 7, 1943.

Appearances: John S. Griffith, 117 S. Whitcomb
Street, Fort Collins, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

On July 8, 1929, Decision No. 2366, Chris Christensen was granted a certificate of public convenience and necessity authorizing a taxicab operation in and out of Fort Collins, Colorado, limited to a radius of not to exceed 75 miles of Fort Collins. The instant application, which was heard at Denver, Colorado, on April 2, 1943, seeks authority to transfer said certificate, which has been designated No. 376, to John S. Griffith, of Fort Collins.

The evidence disclosed that no outstanding obligations exist against the operations presently conducted by transferor; that the consideration being paid for the transfer of said certificate, including three cars, is the sum of \$2500.00; that in addition to the cars purchased from transferor, transferee has another car which can be used if business warrants.

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

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

After a careful consideration of the record, the Commission is of

the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS ORDERED:

That Chris Christensen, of Fort Collins, Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to certificate of public convenience and necessity No. 376 to John S. Griffith, of Fort Collins, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
HENRY VIEBROCK, 1211 NO. CUSTER,) CASE NO. 30216-Ins.
COLORADO SPRINGS, COLORADO, PERMIT)
NO. B-2208.)

April 7, 1943.

S T A T E M E N T

By the Commission:

On March 22, 1943, Private Permit No. B-2208 was revoked for failure to have on file with the Commission the necessary insurance required by law.

It now appears that said insurance was on file with the Commission at the time of the hearing in said matter, but through oversight had not been posted, and the Commission has been requested to reinstate said permit.

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

O R D E R

IT IS ORDERED:

That our order of March 22, 1943, revoking Permit No. B-2208, be, and the same is hereby, vacated, and said Permit No. B-2208 is reinstated, effective as of March 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1943.

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
M. E. ISAACSON, DOING BUSINESS AS)
SEDCWICK COUNTY ELECTRIC COMPANY,)
FOR AN ORDER AUTHORIZING TRANSFER)
OF CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY GRANTED IN)
APPLICATIONS NOS. 765-A AND 799-A.)

APPLICATIONS NOS. 765-AA AND 799-AA

April 7, 1943.

Appearances: E. T. Tengdin, Commercial National
Bank Building, Kansas City, Kansas,
for applicants;
R. E. Schweser, 204 S. 19th St.,
Omaha, Nebraska, for M. E.
Isaacson, doing business as
Sedgwick County Electric Company.

S T A T E M E N T

By the Commission:

On June 24, 1927, Application 765, Decision No. 1349, Public Service Company of Colorado was granted a certificate of public convenience and necessity authorizing the exercise of franchise rights for the distribution and sale of electricity within the corporate limits of the Town of Ovid. Said certificate also included the right to operate as a public utility for the sale and distribution of electricity along the route of its then established transmission lines and territory contiguous thereto, all situate within the County of Sedgwick, Colorado.

Upon the same date, in Application No. 799, Decision No. 1351, the said Public Service Company of Colorado was granted a certificate of convenience and necessity authorizing the exercise of certain franchise rights granted to it by the Town of Sedgwick, said certificate also authorizing an operation as a public utility for the sale and distribution of electricity along the transmission line or lines of said Public Service Company, and territory contiguous thereto, situate within said County of Sedgwick.

Thereafter, on January 6, 1942, Decision No. 18101, Public Service Company of Colorado was authorized to transfer said certificates of public

convenience and necessity to M. E. Isaacson, doing business as "Sedgwick County Electric Company."

The instant application seeks authority to transfer said certificates from the said M. E. Isaacson to Highline Electric Association, Incorporated, organized and existing under the laws of the State of Colorado.

At the hearing, which was held in Denver, Colorado, on April 2, 1943, the evidence disclosed that a cash consideration of \$34,900.00 was being paid for said certificates, including all physical property of transferor being operated under said certificates; that transferor's reasons for selling consisted of the fact that his operations were now surrounded by transferee's project, and he felt there was little chance for expanding his own business. It was further stated that the agitation for a State Power Authority also contributed to his decision to sell. It was further developed that some twenty miles of parallel lines could be eliminated, with a resultant saving in needed war materials, and it was felt that on the whole service would be improved.

The operating reliability of transferee was established to the satisfaction of the Commission.

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

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

O R D E R

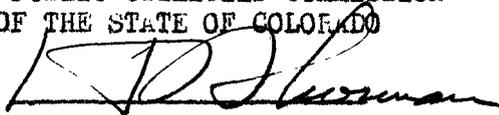
IT IS ORDERED:

That M. E. Isaacson, doing business as Sedgwick County Electric Company, be, and he is hereby, authorized to transfer to Highline Electric Association, Inc., all of his right, title and interest in and to certificates of public convenience and necessity, heretofore issued

in Applications Nos. 765 and 799.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1943.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. J. STROH, 1650 FIRST AVENUE,) APPLICATION NO. 1608-BB
GREELEY, COLORADO, FOR AN EXTENSION)
OF PUC NO. 518.)
-----)

April 7, 1943

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for the
applicant;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
M. S. Weber, Greeley, Colorado,
for Union Delivery Company.

S T A T E M E N T

By the Commission:

Applicant, J. J. Stroh, who operates as a common carrier by
motor vehicle for hire on call and demand, PUC No. 518, for the trans-
portation of:

livestock from points and places within twenty-
five miles of Greeley, Colorado, to Denver,
Colorado,

herein seeks authority to extend his operations under said certificate
to include the right to haul beet pulp from Brighton and Ovid, Colorado,
to farms, ranches, feed lots and feed yards within a twenty-five-mile
radius of Greeley, Colorado.

At the hearing, in Fort Collins, Colorado, on March 4, 1943,
it appeared that, under ODT regulations, applicant is required to
obtain a back-haul, if such haul is available; that, on account of
lack of trucks and scarceness of help, feed yards operating in the
Greeley area have been unable to get beet pulp from the factories
at Brighton and Ovid; that a number of large feeders, including Mont-
fort, Avery, Pates, Alex Ferguson, Henderson and Clark and others,
have requested applicant to get the authority he seeks.

No objections were made by anyone to the granting of the extension.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended operations of applicant, and that certificate of public convenience and necessity should issue therefor.

ORDER

IT IS ORDERED:

That public convenience and necessity require the extended motor vehicle operations, (PUC No. 518), on call and demand, of J. J. Stroh, Greeley, Colorado, for the transportation of beet pulp from Brighton and Ovid, Colorado, to farms, ranches, feed lots and feed yards within a twenty-five-mile radius of Greeley, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. J. Thomas

Edward V. Wheeler

Maen Erickson

Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1945.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
CLYDE LENOCKER, LA JUNTA, COLORADO,)	
TO SELL THE TAXI BUSINESS OPERATED)	<u>APPLICATION NO. 1344-A</u>
BY HIM UNDER CERTIFICATE NO. 474 TO)	
CHARLES F. BRILEY AND JOHN T. SIVILS,)	
OF LA JUNTA, COLORADO.)	

April 7, 1943.

Appearances: G. S. Cosand, Esq., La Junta,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

On April 30, 1930, Decision No. 2068, Clyde Lenocker was granted a certificate of public convenience and necessity designated as PUC No. 474, authorizing,-

the transportation of passengers and freight from point to point within the city of La Junta, Colorado, the transportation of passengers between the said city of La Junta and the territory lying within a radius of 20 miles thereof and all other points within the State of Colorado, and the transportation of freight between said city and points lying within a radius of fifty miles thereof and all other points within the state.

Under said certificate, no operations outside of the city of La Junta can be on schedule, and the rates of applicant on all trips made to points then having regular service, whether by rail or motor vehicle, had to be at least 33-1/3 per cent greater per passenger than the effective rate of such motor vehicle carrier.

The instant application, which was heard at Denver, Colorado, on April 2, 1943, seeks authority to transfer to Charles F. Briley and John T. Sivils that portion of said Certificate No. 474 authorizing a taxicab operation.

The evidence disclosed that the consideration being paid, including transferer's equipment used in the taxi operation, is the sum of \$2500.00.

Transferor desires to retain his freight and transfer operations, as well as his certificate number 474. Transferees desire to operate under the trade name of "Victory Cab".

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

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

After careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That Clyde Lenocker be, and he is hereby, authorized to sell to Charles F. Briley and John T. Sivils, doing business as "Victory Cab", all that portion of Certificate No. 474 heretofore issued in Application No. 1344, which authorizes the operation of a taxicab service.

That the remaining portion of said certificate as operated by transferor shall carry PUC No. 474, and that a new certificate number shall be granted to transferees.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferees until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
A. G. GOODWIN, 436 WEST FIRST)
STREET, LOVELAND, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
A-707 TO J. C. HANSEN, 528 EAST)
SEVENTH STREET, LOVELAND, COLORADO.)

APPLICATION NO. 3864-PP-A

IN THE MATTER OF THE APPLICATION OF)
J. C. HANSEN, 538 EAST SEVENTH ST.,)
LOVELAND, COLORADO, TO EXTEND HIS)
MILK ROUTE UNDER PERMIT NO. A-707.)

APPLICATION NO. 3864-PP-AB

April 7, 1943.

Appearances: T. J. Warren, Avery Building,
Fort Collins, Colorado, for
A. G. Goodwin;
J. C. Hansen, Loveland, Colorado,
pro se;
Herbert E. Mann, Coronado Bldg.,
Greeley, Colorado, for
Miller Brothers.

S T A T E M E N T

By the Commission:

A. G. Goodwin, who, under Permit No. A-707, is authorized to

transport:

milk to Loveland and Johnstown from points in
the area described as: commencing at Loveland
with Highway No. 87 as the eastern boundary,
thence to a point two miles south of Fort Collins;
thence on Highway 186 via Stout to Masonville;
thence southerly to Colorado Highway No. 16;
thence via Highway No. 56 south to Highway No. 87;
thence via Highway No. 87 to Loveland and also
to Johnstown,

herein seeks authority to transfer said permit to J. C. Hansen.

Hansen also asked to have the authority under said permit extended
to authorize the transportation of milk to Johnstown from an area which is
adjacent to and north of his present authority, and is bounded by the highway
extending from the southwest corner of Section 27, thence north to the

northeast corner of Section 22, thence east to the northwest corner of Section 21, thence south along the west side of Section 21 about three-quarters of a mile, thence west and south along the highway to its intersection with State Highway No. 186.

At the hearing in Fort Collins, Colorado, on March 4, 1943, at 1:30 o'clock P. M., it appeared that the consideration for the transfer is the sum of One Thousand Dollars (\$1,000.00); that application for extension was filed because applicant had been required to file a detailed description of his route with the Office of Defense Transportation, and to list his customers served. When checked by ODT against our records, it appeared that he was not authorized to serve John Soderberg, George Graham, and Ben Whitesell; that customers to be served reside along the highway heretofore described. He agreed to restrict the customers served by him under the extension to the three named, it also appearing that Soderberg resides on the highway just west of the territory described.

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

O R D E R

IT IS ORDERED:

That A. G. Goodwin, Loveland, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-707 to J. C. Hansen, Loveland, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That said J. C. Hansen should be, and he hereby is, authorized to extend his operations under said Permit No. A-707 to include the right to transport milk to Johnstown for John Soderberg, George Graham, and Ben Whitesell, who reside in or adjacent to the territory described as:

"bounded by the highway extending from the southeast corner of Section 27, thence north to the northeast corner of Section 22, thence west to the northwest corner of Section 21, thence south along the west side of Section 21 about three-quarters of a mile, thence west and south along the highway to its intersection with State Highway No. 186, all in Township 7 North, Range 69 West",

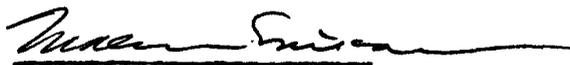
with back-haul of empty cans.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
G. L. VAIL, ELBERT, COLORADO, FOR)
AN EXTENSION OF PERMIT NO. A-72.)

APPLICATION NO. 6292-PP-B

April 7, 1943.

Appearances: G. L. Vail, Elbert, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On July 15, 1931, G. L. Vail was granted Private Permit No. A-72, authorizing an operation between Elbert and Denver. The instant application seeks authority to extend operations under said permit to include the transportation of milk, only, from an area described in said application to Denver, with the right to return empty milk containers.

At the hearing, which was held in Denver on April 2, 1943, applicant testified that heretofore he had transported milk from the creamery in Elbert, but that said creamery had closed and that it was now necessary to pick up the milk in the territory in which he seeks the extension and transport same directly to Denver.

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

Applicant has the necessary equipment to take care of the proposed increased operation.

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

O R D E R

IT IS ORDERED:

That G. L. Vail, of Elbert, Colorado, be, and he is hereby, authorized to extend his operations under Permit A-72 to include the transportation of milk, only, to Denver from the area described as:

Beginning at the SE Cor. of Sec. 18, T. 10 S., Range
63 W.; thence North to the NE Cor. of Sec. 6, T. 9 S.,
R. 63 W.; thence W. to the NW Cor. of Sec. 1, T. 9 S.,
R. 64 W.; thence N. to Colo. Highway No. 86; thence
W. via Highway 86 to the N. W. Cor. of Sec. 15, T. 8 S.,
R. 65 W., thence S. to the SW Cor. of Sec. 15, T. 10 S.,
R. 65 W.; thence E. to point of beginning,

including the right to transport back empty milk containers.

This order is made a part of the permit granted to applicant
and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JIM McMILLION, RAGO, COLORADO, FOR)	
A REISSUE OF PERMIT NO. B-2336 FOR)	<u>APPLICATION NO. 6286-PP</u>
THE TRANSPORTATION OF CREAM FROM)	
RAGO TO DENVER, COLORADO.)	

April 7, 1943.

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for the 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 cream from Rago to Denver, Colorado, with back-haul of empty cans. He asks that the number of a permit formerly owned by him, which was "Permit No. B-2336", be assigned to this permit in the event it issues.

No one appeared in opposition to the granting of the authority sought.

It did not appear that the proposed operation would impair the efficiency of any motor motor vehicle common carrier service now authorized to serve on schedule, or otherwise, between Rago and Denver, Colorado.

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 ORDERED:

That Jim McMillion, Rago, Colorado, be, and he hereby is

authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of cream from Rago to Denver, Colorado, with back-haul of empty cans.

That said permit, when issued, shall bear the number "A-2336."

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs,,required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
BYRON S. BUNKER, ARRIBA, COLORADO,)	
FOR AN EXTENSION OF PUC NO. 403,)	<u>APPLICATION NO. 1889-AAA-B</u>
AND FOR AUTHORITY TO TRANSFER SAME)	
TO ROY E. JOHNSON, ARRIBA, COLORADO.)	

April 8, 1943.

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for the applicant.

S T A T E M E N T

By the Commission:

On September 12, 1929, by Decision No. 2485, W. W. Clark, doing business as "The Clark Transportation Company," was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

freight between Arriba, Colorado, and points within the area extending 35 miles north, 6 miles east, 7 miles west thereof, on the one hand, and Denver, Colorado, on the other,

said certificate, PUC No. 403, by authority of the Commission, thereafter being acquired by M. E. Wagner, who subsequently, with the consent of the Commission, transferred said certificate to Byron S. Bunker, who now seeks an order of the Commission extending his authority under said certificate to serve the area immediately adjacent to the territory now served by him on the south, and extending to a point ten miles south of Arriba, and to transfer said certificate, as extended, to Roy E. Johnson, Arriba, Colorado.

A number of witnesses testified in behalf of applicant. It appeared that Frank W. Miller, doing business as Denver-Limon-Burlington Transportation Company, operates a line haul service, with authority to serve between Denver and Arriba; that he also serves points along U. S. Highway No. 40 and other highways south and east of Arriba as far as Cheyenne Wells and Burlington on the east, and Eads on the south; that his service is not satisfactory; that he hauls Arriba freight through Arriba, and back-hauls it for delivery--sometimes as long as two days later; that a

great number of farmers, ranchers, and feeders operate in the territory south of Arriba; that it is difficult to get transportation service for the movement of their stock in and out, and for the transportation of feed which they need for cattle, sheep and hogs; that, on occasions, a number of ranchers have been compelled to go to Denver to get trucks to haul their cattle; that occasionally truck service can be obtained from Hugo; that the Arriba farming territory and the Hugo territory are separated by an extensive strip of grass land, and Arriba is not within the Hugo trade territory; that service by Hugo truckers has not been satisfactory for some four or five years; that while rail service is available, and was reasonably satisfactory until about a year ago, it is not now adequate.

No one appeared in opposition to the granting of the authority sought.

It would seem that public convenience and necessity require the proposed extension, and that transfer proposed should be authorized.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended operations of applicant, and that certificate of public convenience and necessity should issue therefor, and that he should be authorized to transfer said certificate, as extended, to Roy E. Johnson.

ORDER

IT IS ORDERED:

That public convenience and necessity require the extended motor vehicle operations under PUC No. 403 of applicant, on call and demand, to serve the area south of and immediately adjacent to the territory now served, said area extending to a point ten miles south of Arriba, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

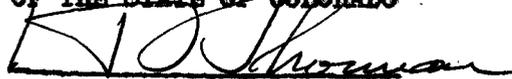
This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

IT IS FURTHER ORDERED, That Byron S. Bunker, Arriba, Colorado, be, and he hereby is authorized to transfer all his right, title and interest in P.U.C. No. 403, as herein extended, to Roy E. Johnson, Arriba, Colorado.

The tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 8th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

xxx

IN THE MATTER OF THE APPLICATION OF)
RUPERT E. BORDEN, GRAND JUNCTION,)
COLORADO, FOR AN EXTENSION OF)
CERTIFICATE NO. 1384.)

APPLICATION NO. 5431-B
SUPPLEMENTAL ORDER

April 8, 1943.

Appearances: Lincoln D. Coit, Esq., Grand Junction,
Colorado, for applicant;
Wayne N. Aspinall, Esq., Grand Junction,
Colorado, by James K. Groves, Esq.,
Grand Junction, Colorado, for G. W.
Hawthorne;
Cass M. Herrington, Esq., Denver,
Colorado, for Rio Grande Southern
Railroad Company.

S T A T E M E N T

By the Commission:

On March 19, 1943, Decision No. 20643, the Commission granted an extension of Certificate No. 1384 to Rupert E. Borden, authorizing the transportation of coal, sulphuric acid and soda ash, and ores and concentrates within certain areas.

Our attention has been called to the fact that at the hearing in said matter, it was stipulated by counsel that service under said extension between Grand Junction and Gateway, Colorado, in competition with the operations of G. W. Hawthorne would be excluded from the authority granted. However, the order fails to make said exclusion, and we have been requested to amend the same, nunc pro tunc, to conform to the fact.

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

O R D E R

IT IS ORDERED:

That our Decision No. 20643 of March 19, 1943, be, and the same is hereby, amended, nunc pro tunc, to provide that in the transportation of

commodities authorized under said decision, no transportation service shall be performed between Grand Junction and Gateway in competition with the presently established operations of G. W. Hawthorne.

That except as herein amended and modified, said original order of March 19, 1943, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 8th day of April, 1943.

(Decision No. 29750)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

CASE NO. 1585

April 6, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a petition from the Motor Truck Common Carriers Association, as Agent, for and on behalf of the Rio Grande Motor Way, Inc., requesting authority to put in force a rate of 37 1/2 cents per 100 pounds, subject to a minimum weight of 25,000 pounds, on butter; cream, in bottles, in cases, or in shipping cans; Eggs; Frosted Foods; Ice Cream; Milk, in bottles, in cases, or in shipping cans; Orange Juice, in bottles, in cases, straight or mixed shipments, from Denver to Pando, Colorado, said rate to include the return of empty containers, and to remain in effect only for the duration of the present war.

In support of its request, the petition sets forth the following special circumstances and conditions:

"Since the establishment of Camp Hale at Pando, Colorado, by the U. S. Army, there has been a growing demand for the commodities named in the above requested item.

"The Meadow Gold Dairies entered into a contract with the War Department to furnish the above described commodities to Camp Hale, and was doing so by use of leased equipment. However, it develops that they are no longer able to obtain the necessary equipment for handling of the proposed shipments and must now rely upon the presently available common carrier service.

"* * * The present prescribed rate on these commodities between Denver and Pando, Colorado, is 51 cents per one hundred pounds, subject to a minimum weight of 10,000 pounds."

Inasmuch as the Rio Grande Motor Way, Inc. is the only motor vehicle common carrier involved in the territory in question, the Commission does not feel that a hearing should be required in order to act on this petition.

The Commission finds that the request should be authorized.

O R D E R

IT IS ORDERED:

That the above statement, and statement of February 5, 1936, and various subsequent dates, are made parts hereof; that the order entered in this proceeding on February 5, 1936, as since amended, is further amended insofar as shall be necessary to give effect to the amended findings made in the above statement; and, except as herein amended, the above order, as amended, shall continue in full force and effect.

That this order shall become effective on the 9th day of April, 1943, and that the rates prescribed and approved herein shall be published by Rio Grande Motor Way, Inc. and all 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 said Rio Grande Motor Way, Inc. shall cease and desist from demanding, charging, and collecting rates and charges which shall be greater or less than the rates herein prescribed; and private carriers by motor vehicle shall cease and desist from demanding, charging, and collecting rates and charges which shall be less than those prescribed herein.

This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier.

That this order shall continue in force until the further order of the Commission; and that the rates herein ordered shall expire at the close of the present war.

That jurisdiction is retained to make such further orders as may be necessary and proper.

That this order shall become effective on less than twenty (20) days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 6th day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
E. O. STEVENS, HUDSON, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 257)
TO L. C. BENNETT, HUDSON, COLORADO.)

APPLICATION NO. 1062-AA
SUPPLEMENTAL ORDER

April 9, 1943.

Appearances: W. W. Gault, Esq., Brighton,
Colorado, for L. C. Bennett.

S T A T E M E N T

By the Commission:

On November 10, 1942, by Decision No. 19982, the Commission authorized E. O. Stevens, Hudson, Colorado, to transfer PUC No. 257 to L. C. Bennett, Hudson, Colorado.

It appears that Transferee L. C. Bennett has now returned to his position with the Colorado State Courtesy Patrol, and does not desire to conduct operations under PUC No. 257, and requests that said certificate be transferred back to E. O. Stevens. Transferor E. O. Stevens is willing to resume said operations.

The Commission is of the opinion, and finds, that said request should be granted.

O R D E R

IT IS ORDERED:

That L. C. Bennett, Hudson, Colorado, is hereby authorized to transfer all his right, title and interest in and to PUC No. 257 to E. O. Stevens, Hudson, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
FRED T. GIBSON, LA JARA, COLORADO,)
FOR AN EXTENSION OF PERMIT NO. B-2394.)

APPLICATION NO. 3808-PP-AB

April 9, 1943.

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for the applicant.

S T A T E M E N T

By the Commission:

On September 18, 1942, Fred T. Gibson filed application for extension of his operating rights under Permit No. B-2394.

The matter was set for hearing in Alamosa, Colorado, on March 11, 1943. At that time, Marion F. Jones, as attorney for applicant, asked that said application be dismissed.

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

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THOMAS L. REASONER, 113 EAST PIKES)
PEAK AVENUE, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 164 TO THOMAS L. REASONER)
AND R. A. COOK, DOING BUSINESS AS)
"ALLIED MOTOR TOURS," COLORADO)
SPRINGS, COLORADO.)

APPLICATION NO. 847-AAA

April 9, 1943.

S T A T E M E N T

By the Commission:

By Decision No. 17399, PUC No. 164, authorizing the use of two cars in sightseeing service, was transferred from B. E. Beals to Thomas L. Reasoner.

By Decision No. 20045, authority was granted to transfer certificate of public convenience and necessity, PUC No. 165, from the Morgan W. James Estate to Thomas L. Reasoner, said certificate authorizing the use of three cars. Said order also directed the consolidation of the certificates if and when the transfer was consummated.

Pursuant to the authority contained in said decision, said transfers were duly consummated and the consolidated was effected.

Said Thomas L. Reasoner now informs the Commission that he, heretofore, subject to the approval of the Commission, transferred an undivided one-half interest in said operating rights to R. A. Cook, and asks that said consolidated operation, P.U.C. No. 164, be transferred to Thomas L. Reasoner and R. A. Cook, co-partners, doing business as "Allied Motor Tours."

It appears from the application that transferee Cook is an experienced sightseeing operator, and is financially, and otherwise, able and qualified to carry on said operation.

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

ORDER

IT IS ORDERED:

That Thomas L. Reasoner be, and he hereby is, authorized to transfer P.U.C. No. 164, authorizing the operation of five cars in sightseeing service, subject to the conditions and restrictions, if any, governing said operations contained in previous orders of the Commission, to Thomas L. Reasoner and E. A. Cook, doing business as "Allied Motor Tours," Colorado Springs, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferees until changed according to law and the rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1943.

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ADOLPH A BETHKE, GILCREST, COLO-)
RADO, FOR AN EXTENSION OF PUC NO.)
557.)

APPLICATION NO. 1658-A-BB

April 9, 1943

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for the applicant;
Herbert Boyle, Esq., Denver,
Colorado, for the Colorado
and Southern Railway Company;
E. G. Knowles, Esq., Denver,
Colorado, for Union Pacific
Railroad Company;
Herbert E. Mann, Esq., Greeley,
Colorado, for Miller Brothers;
Clay Apple, Esq., Greeley, Colo-
rado, for E. H. Shepherd and
William Romey;
Worth Allen, Esq., Denver, Colo-
rado, for Tom Connell, Frank
Pless, A. W. Karr and Co., H.
Connell, and Ed Mapes;
Walter H. Borgman, Longmont, Colo-
rado, for Borgman Brothers;
Walter Moore, Denver, Colorado,
Milk Administrator.

S T A T E M E N T

By the Commission:

As limited by the amended application filed herein and stipula-
tions of counsel at the hearings, which began in Denver, Colorado, on
March 18, 1943, Adolph A. Bethke herein seeks authority to extend his
call and demand operations under certificate of public convenience and
necessity, PUC No. 557, to include the right to transport milk to the
Frank Creamery at Fort Collins, Colorado, from farms within the area
described as:

commencing at the southeast corner of Section 13, Township 5-North, Range 65-West, thence west along the section lines to the southwest corner of Section 13, Township 5-North, Range 67-West; thence north following the section lines to the northwest corner of Section 13, Township 7-North, Range 67-West; thence east following the section lines to the intersection with Highway U. S. 85, thence southeasterly along U. S. Highway 85 to the section line dividing Sections 7 and 18, in Township 6-North, Range 65-West; thence east to the northeast corner of Section 13, Township 6-North, Range 65-West; thence south to the point of beginning,

with back-haul of empty cans, without the right to serve any customers now served by Miller Brothers under their authority PUC No. 1419, and the transportation of milk to Greeley for Beatrice Creamery, only, from farms within and adjacent to the area, being a strip three miles long, immediately west of and adjacent to U. S. Highway No. 85, being more particularly described as:

starting at a point opposite Seeley's Lake, on U. S. Highway 85, about two miles north of Greeley; thence north along said U. S. Highway No. 85 to the east and west highway one mile north of Eaton; thence west three miles along said highway; thence south parallel to said U. S. Highway No. 85 to a point three miles west of the point of beginning, thence east to the point of beginning,

It developed that the milk moving to the Beatrice Creamery in Greeley is now hauled by farmers in their trucks; that, on account of scarcity of farm help, farmers do not now desire to haul their milk to the creamery in Greeley, and want for-hire service.

There was no opposition on the part of anyone to the granting of the extension to Greeley.

It also appeared that milk has been moving from the territory first mentioned in Frink trucks to the Frink Creamery; that milk so hauled, for the most part, has been processed at said creamery, but, occasionally, some milk has moved to Denver, to satisfy demands of the so-called "milk pool" in times of scarcity. It was stipulated that, should extension here sought be granted, milk moved by Bethke to Fort Collins under said extension would not be trucked to Denver to anyone except said milk pool.

Mr. Walter Moore, employed by "Denver Milk Pool", stated that, in his opinion, too many trucks were now covering the same area, which included territory Bethke now seeks to serve; that such service involves a waste of trucks and manpower; that milk should not go to Fort Collins, but should be put on trucks going to Denver, to which Mr. Jones suggested that if the milk moved to Denver, it could, and would, move in Bethke trucks, since Mr. Bethke now had authority to serve said area for the transportation of milk moving to Denver.

Also, it developed that, until about two years ago, milk was hauled from the area described to Fort Collins by William Romey, (PUC No. 1275), and E. H. Shepherd (PUC No. 1426); that they began hauling milk to Golden, and discontinued service to Frink practically without prior notice. Mr. Romey, on cross-examination, admitted that he hauled the milk, which amounted to approximately 2400 pounds daily at the beginning of the service, and about 3600 pounds daily when he discontinued the service, and that he quit hauling on short notice. He justified his action because the trip to Golden, via Fort Collins, involved transportation over a route 110 miles in length, while transportation from the territory directly to Golden meant 82 miles of transportation service, only; that the haul was more profitable for him, and Frink's customers not objecting, he decided to take the milk there.

When Romey and Shepherd discontinued their service, Mr. Frink hauled the milk in his trucks. After considerable period of time, most of his old customers returned to him, and his volume now has increased to 6,000 pounds daily. He stated that he does not like to operate trucks; that he prefers to have a for-hire trucker haul the milk; that he would not like to turn the business over to Mr. Romey if he were willing to haul, because he is afraid that Romey would again persuade his customers to ship their milk to Golden; that, for the most part, said milk is processed into cheese and evaporated milk, some of it moving to Denver, if the pool is short; that there are from 36,000 pounds to 39,000 pounds of milk received daily at Fort Collins; that shippers change infrequently, their business being fairly constant.

Mr. Romey obviously does not care to handle Frink's milk to Fort Collins, although, when the question was asked him directly, he, after long hesitation, agreed that he would move it "if I have to". He also stated that, while in his opinion there were enough carriers now available to haul all milk to any point -- that is, authorized delivery points of said carriers, he conceded that the granting of the authority sought to Bethke probably would not affect other carriers now serving in the territory because the milk is going to Frink anyway.

Mr. Wagemuth, appearing for the Fort Lupton and Johnstown condenseries, stated that he gets some milk from the territory Bethke proposes to serve; that he, too, on occasions, sends milk to the pool in Denver, if needed, their shipments last year averaging 14,000 pounds daily; that Johnstown receives approximately 100,000 pounds daily, and could release 20,000 pounds of that amount, if necessary; that Bethke serves his plant at Johnstown; that service was very good until about one year ago, when Mr. Bethke became ill; that it continued poor during Bethke's illness, which lasted about nine months, that since his return to the job, about thirty days prior to the hearing, service has been satisfactory; that possibly Bethke's service to his plant might not be so good if he took on more business.

Mr. Bethke stated that he had five trucks hauling milk, and seven additional trucks in line haul service from and to Denver, and maintained one truck in reserve to serve the milk territory, and also for use occasionally in line haul relief work. While it appeared that many of the trucks had seen extensive service, Mr. Bethke claimed, and probably with considerable truth, that they are in as good condition as the trucks of most carriers now operating. He stated that he has operated a milk route for nineteen years, and has never missed serving a day; that as a part of the arrangement to haul Mr. Frink's milk, he is to secure one truck from Frink, which, in his opinion, will be sufficient to serve Fort Collins creamery.

It would seem that public convenience and necessity require the proposed operation. While service is to Frink Creamery, primarily, the farmers selling milk are receiving the service. It is true that a direct haul to Denver is shorter than via Fort Collins, but haul to Fort Collins is shorter than to Denver. Denver gets milk only when it asks for it from Frink in emergencies. We believe farmers have a right to have access to several markets. Sometimes it is more desirable to ship to one than to the other. This would seem to be obvious, since the fact that Mr. Roney was serving Golden permitted them to ship to Golden instead of to Fort Collins, and to perhaps there receive a better price for their milk. If they desire to ship to Fort Collins, they should have that privilege. It was clear that Mr. Roney did not desire to go to Fort Collins, notwithstanding, under his certificate of public convenience and necessity, he is required to do so. In order to get the milk and his old customers, it was necessary for Frink to institute a Commercial Carrier service. This he did. The service and the price received for the milk apparently were satisfactory, for he now has many of the customers whom Mr. Roney changed to Golden. Now that Frink has been able to locate a common carrier of experience and ability to handle the milk for him, Mr. Roney objects to the granting of the authority to perform the service. In view of the record, and under the circumstances, we do not think that his objections are well taken.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the extended motor vehicle operations of applicant, and that certificate of public convenience and necessity should issue therefor.

ORDER

IT IS ORDERED:

That public convenience and necessity require the extended motor vehicle operations of Adolph A. Bethke, Gilcrest, Colorado, under FUC No. 577, on call and demand, to include the right to transport milk to the Frink Creamery at Fort Collins, Colorado, from farms within the area described as:

commencing at the southeast corner of Section 13, Township 5-North, Range 65-West, thence west along the section lines to the southwest corner of Section 13, Township 5-North, Range 67-West; thence north following the section lines to the northwest corner of Section 13, Township 7-North, Range 67-West; thence east following the section lines to the intersection with Highway U. S. 85, thence southeasterly along U. S. Highway 85 to the section line dividing Sections 7 and 18, in Township 6-North, Range 65-West; thence east to the northeast corner of Section 13, Township 6-North, Range 65-West; thence south to the point of beginning,

with back-haul of empty cans, without the right to serve any farmers now served by Miller Brothers under PUC 1419, if any there be, said milk not to be trucked from Fort Collins to Denver to any consumer other than "Denver Milk Pool", and the transportation of milk to Greeley for Beatrice Creamery, only, from farms within and adjacent to the area, being a strip three miles long, immediately west of and adjacent to U. S. Highway No. 85, being more particularly described as:

starting at a point opposite Seeley's Lake, on U. S. Highway 85, about two miles north of Greeley; thence north along said U. S. Highway No. 85 to the east and west highway one mile north of Eaton; thence west three miles along said highway; thence south parallel to said U. S. Highway No. 85 to a point three miles west of the point of beginning, thence east to the point of beginning,

and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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 within twenty days from date.

The applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

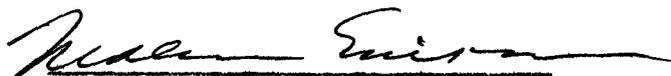
The authority herein granted is subject to all applicable orders
of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 9th day of April, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
LESTER RIGGINS, MONTE VISTA, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 6280-PP

April 9, 1943.

Appearances: Conour and Conour, Esqs., Del Norte,
Colorado, for E. B. Faus, James
Ashton, E. T. Walker;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
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 application was filed on February 3, 1943,
and set for hearing in Alamosa, Colorado, on March 11, 1943, at 10:00
o'clock A. M., due notice of the time and place of hearing being for-
warded to applicant.

Notwithstanding said notice, he failed to appear at the time
and place designated for hearing. Thereupon, protestants moved that said
application be dismissed for lack of prosecution.

The matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same is hereby,
dismissed, for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. J. Thomas

Edward D. Decker

Walter E. Eason

Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WESTERN TANK & ROAD)
SUPPLY COMPANY)
1912 West 2nd St.,)
Wichita, Kansas)

PERMIT NO. C-11798

April 9, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Western Tank & Road Supply Company of 1912 West 2nd St., Wichita, Kansas
requesting that his Permit No. C-11798 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11798, heretofore issued
to Western Tank & Road Supply Company of 1912 West 2nd St., Wichita, Kansas,
and the same is hereby, declared cancelled effective March 17, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shawan

Edward D. Wheeler

William Erickson

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM A. LUINO)
Edgewater, Colorado)
)
)
.....)

PERMIT NO. C-5961

.....
April 9, 1943
.....

S T A T E M E N T

By the Commission:

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

William A. Luino of Edgewater, Colorado,

requesting that his Permit No. C-5961 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5961, heretofore issued
to William A. Luino of Edgewater, Colorado be,

and the same is hereby, declared cancelled effective March 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shawman

Edward O. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)

H. COHEN
Rocky Ford, Colorado

PERMIT NO. C-3411

April 9, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
H. Cohen of Rocky Ford, Colorado,
requesting that his Permit No. C-3411 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3411, heretofore issued
to H. Cohen of Rocky Ford, Colorado, be,
and the same is hereby, declared cancelled effective March 30, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Johnson
Edward O. Wheeler
Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN LEACH)
1047 Kalamath St.,)
Denver, Colorado)
-----)

PERMIT NO. C-906

April 9, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
John Leach of 1047 Kalamath St., Denver, Colorado
----- of -----,
requesting that his Permit No. C-906 ----- be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-906, heretofore issued
to John Leach of 1047 Kalamath St., Denver, Colorado ----- be,
and the same is hereby, declared cancelled effective March 26, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry D. Norman

Edward E. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)
)
JACOB HANKLE)
29 Locust St.,)
Windsor, Colorado)
.....)

PERMIT NO. C-11830

.....
April 9, 1943.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Jacob Hankle of 29 Locust St., Windsor, Colorado
.....
requesting that his Permit No. C-11830.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11830....., heretofore issued
to Jacob Hankle of 29 Locust St., Windsor, Colorado.....be,
and the same is hereby, declared cancelled effective March 31, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis D. Thurman

Edward D. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ACME LUMBER COMPANY)
3424 E. Colfax Ave.,)
Denver, Colorado)
.....)

PERMIT NO. C-14131

.....
April 9, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
.....Acme Lumber Company..... of 3424 E. Colfax Ave., Denver, Colorado
requesting that his Permit No. C-14131..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14131....., heretofore issued
to Acme Lumber Company of 3424 E. Colfax Ave., Denver, Colorado..... be,
and the same is hereby, declared cancelled effective March 18, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....

David E. Wheeler
.....

Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 9th..... day of April....., 19 43.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)

GEORGE F. CARMACK)
P O Box 82)
Durango, Colorado)
.....)

PERMIT NO. C-14132

.....
April 9, 1943

S T A T E M E N T

By the Commission:

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

George F. Carmack of P O Box 82 Durango, Colorado

..... of
requesting that his Permit No. C-14132 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14132, heretofore issued
to George F. Carmack of P.O Box 82, Durango, Colorado be,
and the same is hereby, declared cancelled effective March 29, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shawman

Edward J. Decker

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. E. FLOOD)
Cedaredge, Colorado)
)
.....)

PERMIT NO. C7887

.....
April 9, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. E. Flood of Cedaredge, Colorado,
requesting that his Permit No. C-7887 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7887, heretofore issued
to C. E. Flood of Cedaredge, Colorado be,
and the same is hereby, declared cancelled effective March 9, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shaw
.....
Edward D. [unclear]
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)

PAUL FIELD)
605 W. 3rd)
Leadville, Colorado)
.....)

PERMIT NO. C-10221

.....
April 9, 1943.....

S T A T E M E N T

By the Commission:

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

Paul Field of 605 W. 3rd, Leadville, Colorado

requesting that his Permit No. C-10221 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-10221, heretofore issued
to Paul Field of 605 W. 3rd, Leadville, Colorado be,
and the same is hereby, declared cancelled effective February 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shaw
.....
Edward D. Decker
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN CHABINO
Star Route
Kim, Colorado
.....)

PERMIT NO. C-14083

.....
April 9, 1943.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
John Chabino of Star Route Kim, Colorado
....., requesting that his Permit No. C-14083 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14083, heretofore issued
to John Chabino of Star Route, Kim, Colorado be,
and the same is hereby, declared cancelled effective January 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shaw

Edward W. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
MRS. HARRIETT M. BUCKINGHAM)
201 Colorado Blvd.,)
Denver, Colorado)
.....)

PERMIT NO. B-2871

.....
April 9, 1943.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Mrs. Harriett M. Buckingham of 201 Colorado Blvd., Denver, Colorado
requesting that his Permit No. B-2871 be cancelled.

After careful consideration, the Commission is 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-2871, heretofore issued
to Mrs. Harriett M. Buckingham of 201 Colorado Blvd., Denver, Colorado be,
and the same is hereby, declared cancelled effective March 18, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry P. Sherman
Edward H. Wheeler
Malcolm F. ...
Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
D. J. FLOOK)
Genoa, Colorado)
)
.....)

PERMIT NO. C-615

.....
April 9, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
D. J. Flook of Genoa, Colorado,
requesting that his Permit No. C-615 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-615, heretofore issued
to D. J. Flook of Genoa, Colorado be,
and the same is hereby, declared cancelled effective March 30, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis D. Shuman
.....
Edward J. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 9th day of April, 1943...

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
D. J. FLOOK & SON)
Genoa, Colorado)

PRIVATE PERMIT NO. A-185

April 9, 1943

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. A-185 be suspended for a period of six months from March 30, 1943.

O R D E R

IT IS ORDERED:

That D. J. Flook & Son of Genoa, Colorado, be, and are hereby, authorized to suspend operations under Permit No. A-185 for a period of not to exceed six months from March 30, 1943.

That unless said D. J. Flook & Son shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be bevoled without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Donald E. Dwyer
Malcolm Ericsson
Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
A. B. COOLEY AND O. B. COOLEY, DOING)
BUSINESS AS "COOLEY BROTHERS", MOSCA,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-1654 TO O. B. COOLEY,)
MOSCA, COLORADO.)

APPLICATION NO. 3313-PP-A

April 9, 1943.

Appearances: O. B. Cooley, Mosca, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company.

S T A T E M E N T

By the Commission:

Applicants, A. B. Cooley and O. B. Cooley, doing business as "Cooley Brothers," Mosca, Colorado, herein seek authority to transfer Private Carrier Permit No. B-1654 to O. B. Cooley, the said A. B. Cooley being desirous of withdrawing from the partnership.

At the hearing in Alamosa, Colorado, on March 11, 1943, it appeared that there are no outstanding unpaid obligations against said partnership; that said O. B. Cooley is capable, willing, and able to carry on the proposed operation.

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

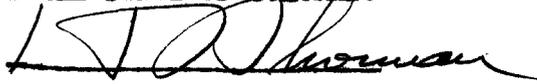
O R D E R

IT IS ORDERED:

That A. B. Cooley, of the firm of A. B. Cooley and O. B. Cooley, doing business as "Cooley Brothers," Mosca, Colorado, operating under Permit No. B-1654, be, and he hereby is, permitted to withdraw from said

operation, and that our records and files be amended to show O. B. Cooley
as owner and operator of said Permit No. B-1654.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
R. G. JAMES, 116 WEST VERMIJO)
STREET, COLORADO SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-916 TO T. E. DOBBIE, 1619 CHEYENNE)
ROAD, COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 2263-PP-BAA

April 9, 1943.

Appearances: T. E. Dobbie, Colorado Springs,
Colorado, for the applicants;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division of the
Colorado Motor Carriers'
Association.

S T A T E M E N T

By the Commission:

R. G. James herein seeks authority to transfer Private Carrier
Permit No. B-916 to T. E. Dobbie, Colorado Springs, Colorado. Said permit
authorizes the transportation of:

coal, ice, sand, gravel and fertilizer between
Pikes Peak, Corley and City Mines, and Colorado
Springs, Breadmoor, Fountain and Manitou, and
between Colorado Springs, Breadmoor, Fountain
and Manitou, and coal from Pueblo to Colorado
Springs, Breadmoor, Fountain and Manitou, and
from mines in the Florence-Canon City coal district
to Colorado Springs; livestock from and to points
within a radius of ten miles of Colorado Springs,
to and from sales ring of Charles McGuire, located
on East Boulder Street, in or near Colorado Springs;
hay and grain to Colorado Springs and Ivywild from
farms east of the mountains, but not more than
fifty miles distant from Colorado Springs; coal
from Pikes Peak, Corley and City Mines, and from
Florence-Canon City coal district, to Limon.

At the hearing in Colorado Springs, Colorado, on March 17, 1943,
it appeared that all outstanding indebtedness of James against said operation

has been paid; that two trucks, in addition to the operating right, are to be transferred by him to transferee.

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

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

O R D E R

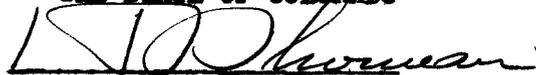
IT IS ORDERED:

That R. G. James, Colorado Springs, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-916 to T. E. Dobbie, Colorado Springs, Colorado.

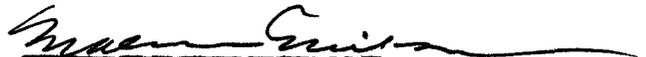
The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 9th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FRED MESTAS, MESITA, COLORADO, FOR AN
EXTENSION OF PERMIT NO. B-1787. } APPLICATION NO. 3354-PP-BB

April 9, 1943

Appearances: Merle M. Marshall, Esq., Alamosa, Colorado,
for the applicant;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer & Storage Co.;
Conour & Conour, Esqs., Del Norte, Colo.,
for E. B. Faus, E. T. Walker, James
Ashton;
J. E. Pound, Esq., Alamosa, Colorado,
for Joe F. Gallegos.

S T A T E M E N T

By the Commission:

Fred Mestas, on August 24, 1936, by Decision No. 8302, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

livestock, grain and potatoes from points within a radius of 30 miles of Mesita, Colorado to points in the San Luis Valley and to Pueblo, with back-haul of coal, only, from mines in the Walsenburg coal fields to points within a radius of 30 miles of Mesita, Colorado.

He now seeks authority to extend his operations under said permit to include the right to transport livestock and farm products from points in said area, to Denver and Alamosa, and mill products from Alamosa and Denver to points in said area.

The testimony developed that Mr. Mestas now has two one and one-half ton trucks, equipped with stock rack and grain box; that, for the most part, livestock formerly moved from his territory around Mesita to Pueblo, but, due to the closing of the Nuckells Packing Company factory in Pueblo, livestock must now move to Denver or Alamosa; that wheat, peas, and other produce raised around Mesita move to Alamosa; that Mesita is served by the San Luis Valley Southern Railway Company, but its service is so poor farmers ship by truck; that most of his customers live within a fifteen-mile radius of Mesita; that Joe

Gallegos, who purchased Arguello's certificate, and resides in Fort Garland, has authority to serve part of the territory served by applicant; that he is not readily available, and has served only when requested so to do by applicant; that applicant does not propose to perform any town to town service; that mill products referred to are millers' tankage, and prepared farm feeds, which would move from Alamosa or from Denver to farms; that Mesita is without a store; that a number of farmers have discussed organizing a cooperative mercantile company, in which event, he might desire to haul said mill products to Mesita for distribution by the store.

A number of large operators living in Mestas' territory appeared and testified generally that service of common carriers was inadequate, and practically wholly lacking; that they needed applicant's service, not only on account of the scarcity of for-hire trucks, but because they no longer are able, on account of lack of farm help or lack of trucks, to furnish their own transportation service; that they ship cattle, hogs, sheep, grain, and vegetables to market. Hogs and cattle formerly moved to Pueblo, but now must move to Alamosa or Denver. They require movements of prepared feeds from Denver and Alamosa to their farms.

Among others who testified were W. J. Jensen, who resides two miles from Mesita, John Winters, whose place is four miles from Mesita, C. E. Shull, and John Rell, of the same vicinity, Frank Petersen, who lives nine miles beyond San Acacia, a feeder and trader and livestock raiser, R. E. Catlan, Henry Quinlan, and Clayton Williams, who live near Mesita.

Joe F. Gallegos stated that he operated under P.U.C. No. 1152; that he has an application for extension pending, which extension would permit him to transport used household goods, furniture, farm equipment, machinery, and livestock from Denver; cement from Portland; lumber and building supplies from Pueblo to points within a radius of fifteen miles of San Luis, being his pick-up territory; that he has two trucks equipped with livestock racks; that, generally, he serves territory around San Luis; that he lives at Fort Garland, but goes to San Luis every other day, Fort Garland being but sixteen miles from San Luis; that he employs two drivers; that he handled nine loads

of livestock to Denver in February, and five loads in January; that his business chiefly is around San Luis; that he is willing to serve in the san Acacia area, if requested so to do.

Mr. Conour, for his clients, stated that they had no objection to the granting of the authority requested by applicant, if limited to the Rio Grande River on the west, and points ten miles north, ten miles east, and ten miles south of Mesita.

After careful consideration of the record, the Commission is of the opinion, and finds, that the extension sought, as limited in the Order following, should be granted; that it did not appear that the granting of said extension will impair the efficiency of any common carrier now serving the area, and that farmers, who will be served under the extension, require more for-hire service.

ORDER

IT IS ORDERED:

That the authority of Fred Mestas, under Private Carrier Permit No. B-1787, should be, and it hereby is, extended to include the right to transport farm products, including livestock, from points within a radius of fifteen miles of Mesita to Denver and Alamosa, and mill products from Alamosa and Denver to points in said fifteen-mile radius, without the right to serve between towns served by line haul motor vehicle carriers on schedule.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

That said application, in all other respects, should be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 9th day of April, 1943

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. P. WIEDERKEHR AND CLYDE WIEDERKEHR,)
DOING BUSINESS AS "J. P. WIEDERKEHR) APPLICATION NO. 5743-B
AND SON," DEL NORTE, COLORADO, FOR AN)
EXTENSION OF P.U.C. NO. 1451.)

April 9, 1943

Appearances: Conour & Conour, Esqs., Del Norte, Colorado,
for the applicant;
E. B. Faus, Monte Vista, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer & Storage Co.

S T A T E M E N T

By the Commission:

On February 3, 1942, by Decision No. 18274, applicant was authorized to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of certain commodities therein designated:

from point to point within an area fifteen miles north, south and west, and eight miles east of Del Norte, and between points within the area described as two lines drawn east and west fifteen miles north and fifteen miles south, and two lines drawn north and south fifteen miles west and eight miles east of the center of the town of Del Norte, Rio Grande County, Colorado, and between points in said area and points within fifty miles of Del Norte, subject to certain limitations therein expressed.

Applicant herein seeks authority to extend his service by amending his certificate by inserting the words "used household goods and furniture" after the comma between the words "lumber" and "from" in the seventh line of the Order contained in said decision.

There was no objection to the granting of the additional authority sought, and protestants stipulated that the testimony submitted in support of the original application of applicants at the hearing, in Alamosa, Colorado, on October 16, 1941, should be made a part of the record. Attention was also called to the fact that the Commission found, in its said Decision No. 18274, that:

"there is also some demand for the movement of farm families between farms, from town to farm, and from farm to town, especially in the spring of the year when tenants are moving,"

but did not include said authority in the certificate granted, because it was not requested by applicants.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the amendment requested and the proposed operation of applicant for the transportation of used household goods and furniture, and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the extended motor vehicle common carrier operations of applicants, on call and demand, for transportation of "used household goods and furniture," and that the Order contained in Decision No. 18274 be, and the same hereby is, amended, by inserting the words "used household goods and furniture" after the comma between the words "lumber" and "from" in the seventh line of said Order, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicants shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission within twenty days from date.

The applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

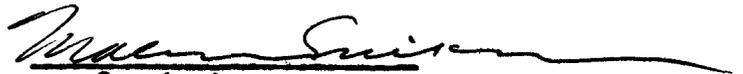
This order shall become effective twenty days from date.

That said Decision No. 18274, in all other respects, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 9th day of April, 1943.

JH

(Decision No. 20774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CHARLEY AKES, ROUTE 3, BOX 37, GOLDEN,
COLORADO, FOR AN EXTENSION OF PERMIT
NO. B-2896.) APPLICATION NO. 6231-PP-B

IN THE MATTER OF THE APPLICATION OF
CARL AKES, 935 SOUTH TENNYSON STREET,
DENVER, COLORADO, FOR AN EXTENSION OF
PERMIT NO. B-2344.) APPLICATION NO. 4982-PP-B

April 7, 1943

Appearances: Charley Akes, Golden, Colorado,
pro se;
Carl Akes, Denver, Colorado,
pro se;
Truman A. Stockton, Jr., Esq., Denver,
Colorado, for Buckley Brothers, Curnow
Livery and Storage, and Joe Heppberger;
Marion F. Jones, Esq., Denver, Colorado,
for Roy Kohl and Gately Motor Company.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on April 2, 1943.

The applicants, Charley Akes and Carl Akes, being the owners of Permits Nos. B-2896 and B-2344, in the order named above, seek identical authority to extend their operations to include the transportation of ore and concentrates between points within a radius of fifteen miles of Georgetown, and from and to points in said area, to and from Golden, Rollinsville and Leadville, Colorado.

Upon stipulation of applicants and protestants, the above applications were consolidated for hearing.

Applicant Carl Akes testified, to which testimony Charley Akes subscribed, that the inducing motive in seeking extension of operations at the present time was the desire on the part of one

H. V. George, who is conducting mining operations within a radius of fifteen miles of Georgetown, to have ores and concentrates transported in the immediate future from said mines to Golden, Rollinsville and Leadville, and to the Milliken Mill at Idaho Springs. However, applicant stated that they desired to enter into business under their proposed extended operations and to list other customers with the Commission in proper manner.

Applicant Carl Akes is the owner of one 1936 Ford, two 1937 Fords, one 1939 Chevrolet, and one 1940 Chevrolet dump trucks, all of one and one-half ton capacity, and Applicant Charley Akes is the owner of one 1941 Ford dump truck, with one and one-half ton capacity.

Applicants stated they were willing to limit their operations to serving mines within the area applied for east of the Continental Divide, whereupon Marion F. Jones stated that Roy Kohl and Gately Motor Company withdrew their objections.

Carl Akes further testified that the facilities of other carriers authorized to conduct operations within the territory applied for are adequate, but he reported that Mr. George had stated that the other carriers wanted him to wait until June 1 before they attempted to make any move of the ores and concentrates, on account of weather conditions. Applicant testified that they would be able to get into the mine by using a bulldozer.

William Buckley, of Silver Plume, Colorado, representing Buckley Brothers, testified that he had eight trucks with rover authority to serve the area in question; that he was familiar with the mine operated by George, and also the roads; that it might be possible at the present time to get into the mine with a bulldozer, but that one trip would cut up the road so badly that that would be all, in his opinion, which could be undertaken until later in the summer. He testified that he advised Mr. George that the ore could not be moved at the present time, and probably not until May 15; that he has trucks available, and is willing to move the ore as soon as it can be moved, in his opinion.

Mrs. Joe Heppberger, testifying on behalf of Gilpin County Bus and Freight Line, stated that this operation owned three dump trucks and a bulldozer, none of which have been used in the last three months; that it has a twenty-mile radius of Blackhawk, in which is included the mine operated by George.

E. J. Trenberth, President of Curnow Livery and Transfer Company, testified that his company has operating authority over the same territory that applicants seek to serve; that he talked with Mr. George about a month ago, and that George thought that Curnow would be able to get in with a four-wheel-drive truck, owned by Curnow, but Trenberth thought it impossible. Trenberth testified that he had talked with the man operating the bulldozer at the mine for George, and was told by him that he did not think a truck would be able to get in until July or August. The mine is located at timberline, and the roads are very poor. Trenberth also testified that there is more than adequate equipment and facilities owned by presently-authorized carriers in this area, and that no further service is needed.

Harold Swena, of Swena Transfer, testified that he is the owner of a rover certificate, with authority within a radius of fifteen miles of Golden, which would include the mines operated by George; that he has three or four dump trucks, which have been idle most of the winter, and that service to the area is adequate.

Carl Akes states that he did not want the permit to conduct operations for George alone, but that he wanted authority for future movements and additional customers. Charley Akes subscribed to all of the testimony of Carl Akes.

It appears from the evidence that there is adequate authorized common carrier service within the area applied for and to the points designated, and that any further authorized service by applicants would impair the efficiency of the now adequate motor vehicle common carrier service operating in that area, and the Commission so finds.

O R D E R

IT IS ORDERED:

That the instant applications of Carl Akes and Charley Akes be, and they hereby are, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 9th day of April, 1943

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

* * *

IN THE MATTER OF THE APPLICATION OF
FRED GIBSON, LA JARA, COLORADO, FOR
A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 6262

RE MOTOR VEHICLE OPERATIONS OF
FRED GIBSON, LA JARA, COLORADO.

PERMIT NO. B-2394

April 10, 1943

- Appearances: Marion F. Jones, Esq., Denver, Colorado, for the applicant;
 R. E. Conour, Esq., Del Norte, Colorado, for E. B. Faus, E. T. Walker, and James Ashton;
 T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
- A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
 Charles Vance, La Jara, Colorado, for Lute Vance.

S T A T E M E N T

By the Commission:

Fred Gibson, La Jara, Colorado, who heretofore has operated as a Class "B" private carrier by motor vehicle for hire under Permit No. B-2394, herein seeks authority to operate as a common carrier by motor vehicle for hire, on call and demand, for the transportation of farm products, including livestock, and farm equipment, between points within a radius of twenty-five miles of La Jara, Colorado, and between points in said radius on the one hand, and, on the other, points in the State of Colorado, and the transportation of cement from Portland to Antonito.

At the hearing, in Alamosa, Colorado, on March 11, 1943, it appeared that Gibson, besides a trucking operation under Permit No.

B-2394, which authorizes the transportation of:

farm products and livestock within a five-mile radius of La Jara, and cement from Portland to Antonito,

has operated a gas station at La Jara. He has three Chevrolet trucks -- one a 1935 model, two being 1936 models. They are equipped with stock, beet and grain beds. Since November, with the consent of the Commission, he has been furnishing emergency service for the transportation of livestock from La Jara to Denver, and between points within a radius of approximately fifteen miles of La Jara. Demands for common carrier service and the extension of his private carrier service, for the most part, have come from farmers residing within the area extending to Antonito on the south, which is about fifteen miles from La Jara, points within a ten-mile radius of La Jara on the north, Mesita on the east, and farms within seven miles of La Jara on the west. He added that he might get some grazed cattle from the mountains distant more than seven miles from La Jara, and that he was willing to cut the radius on the north to fifteen miles, which would take him into Alamosa. On the south, he would be satisfied with the State Line, but wants to extend twenty-five miles to the east and west, respectively. He has not hauled any cement since 1936. At the time, service was performed for WPA. There is no demand for cement movement at this time, inasmuch as Sargent, the dealer in La Jara, now buys cement from Barr Lumber Company. He stated that, due to scarcity of farmer-owned trucks, and inability of carriers to get additional equipment, in his opinion, for-hire motor vehicle service is now inadequate. Too, the farmers have been unable to get satisfactory service by rail. It is difficult to get cars when wanted, and much time is consumed in waiting for movement of cars after loading lay-overs in transit. Farming and ranching and livestock operations also have increased in a large way. More cattle are being raised. More lambs, especially clover lambs, are being fed. Clover lambs move to market when ready from small farm flocks, which require shipment by truck, and not by rail. The Barr Lumber Company, a Private Carrier, has two trucks. J. D. Haynie, another Private Carrier, operates one truck, and Lute Vance, a common carrier at La Jara, has six trucks. However, he does not handle

livestock, so applicant, at Vance's request, has been moving livestock from the vicinity of La Jara to Denver about twice weekly, using one or two trucks each trip. This, with the consent of Vance and this Commission. He proposes, if the certificate is granted, to furnish an all-inclusive farm service -- that is, to move tractors and other farm machinery from sales, from farm to farm, and town to farm, without any town to town service, and to handle all types of farm products, including wool and grease. He admitted that the desire to keep his trucks busy, in addition to his wish to satisfy the farmers' demands for service, brought about the filing of the application.

It appeared that the only common carriers furnishing livestock and farm service were located at Monte Vista, fifty miles by road, and Del Norte, sixty-five miles by road, until recently, when Ashton leased some trucks from one Elmer Nelson, and opened a branch office at Alamosa, with Nelson in charge as agent, using the two semi-trailers and one straight truck so leased for service in that area.

A great number of farmers and ranchers residing in the La Jara district, and Charles Vance, appearing for the La Jara common carrier, Lute Vance, testified in support of the application. S. T. Parsons, a farmer and rancher, who lives three miles south of La Jara and handles hogs, cattle and three thousand sheep, stated that the farms and ranches in the district handle about 90,000 sheep, and large quantities of hogs and cattle; that it is fifty-two miles to the high range from his home ranch; that he has twelve ranches in all, which extend over an area about sixteen miles in length; that it is necessary to move stock and sheep between ranches and from and to ranges; that his neighbors have similar problems; that farm equipment, feed and supplies must be moved; that farm products, including wool, must go to markets; that sheep must be taken to shearing pens, located eighteen miles to twenty miles west of La Jara; that he runs sheep at Deertrail and Summitville; that they, too, must be moved, although it is more convenient to have lambs and sheep, located near Summitville, handled out of Del Norte; that he will have 1800 or 2000 lambs to move next fall; that he prefers, ordinarily, to ship by

rail, but if shipped by rail, it is necessary to move the lambs and sheep to rail-heads by truck; that he does not own any trucks; that rail service has been very unsatisfactory; that last fall he moved green lambs to La Jara for shipment, and was compelled to return them to the ranch because trucks were not available, and when moved by rail, they were forty hours enroute to Denver; that he has not been able to get for-hire truck service when needed; that it is unsatisfactory to make arrangements for truck service, especially at this time, by telephone; that neighborhood service is essential.

Similar testimony was given by Mr. Jackson and Jesse Ross and Frank Ross, who reside on ranches south of La Jara. Mr. Morgan, who has a ranch five miles southwest of La Jara, and Oscar Horton, who lives seven miles northwest of La Jara. Mr. Jackson has twenty-five ewes, one hundred head of cattle, and fifty hogs. Jesse Ross runs horses, cattle, and hogs. Frank Ross raises hogs and cattle. Mr. Morgan has sheep, range cattle, and milk cows. Oscar Horton has livestock and hogs. They all farm extensively. Jackson stated that he attempted to employ Ashton to move two hundred native buck lambs from Wolf Creek last fall; that Ashton then was booked for two weeks ahead; that it was difficult to get sugar beets moved to the railroad at Bountiful, and transportation of green hay and farm machinery, which is necessary throughout the area, has been difficult for farmers to obtain. Frank Ross was compelled to wait ten or twelve days before he could get service from Haynie for movement of some hogs. When finally moved, they were too heavy, and some of them broke down. Jesse Ross was compelled to wait a week or ten days for service by Haynie and Barr. Gibson finally furnished service for both Ross operations. The service was very satisfactory. Mr. Morgan stated that he arranged with Haynie to move some livestock, and gave him a week's notice; that the day appointed, Haynie was in Denver with his truck out of order. He waited until Monday. Finally, he called James Ashton at Del Norte, who moved part of them. Haynie then took a load, but seventeen were left over that he was compelled to feed. His feed was short. He stated that, in his opinion, there were plenty of truckers, but not enough trucks; that the difficulty

was to get service when you wanted it; that the kind of service depends on "how you stand in with the truckers;" that if they wish to, they put off others and give you prompt service. Mr. Horton mentioned a number of occasions when neighbors had been compelled to wait for service because trucks of for-hire carriers were laid up for repairs.

In opposition, James E. Ashton, PUC No. 1313, who is authorized to serve in part of the La Jara area, and between most points in the San Luis Valley, and from and to points in the Valley, to and from points in the State, testified that he now maintains an office in Alamosa; that, prior to its establishment about one and one-half months prior to the hearing, business was handled out of Del Norte; that he handles livestock, farm products, farm supplies, and farm equipment; that he has ten trucks, two thirty-two feet, two thirty feet, one twenty-eight feet, two twenty-four feet, one sixteen feet, and two pick-ups. A year ago, he had only four trailers and one straight job. Two to four of the trucks are used to haul baled hay in the Saguache area to Pando; the sixteen-foot truck is kept at Saguache regularly. He has expended approximately \$10,000.00 for equipment during the past six months. While he has not been able to handle local business around La Jara from Del Norte, he believes that he will not now have any difficulty in handling all business available from Alamosa; that, primarily, he wants to furnish long haul service, and on that account, objects to the in-and-out service proposed by applicant, not to local service. 1942 livestock tonnage was double tonnage handled in 1941, due to high livestock prices and demand for stock. Walker, another common carrier who had one truck a year ago, and who recently acquired the Curtis operation, has four trucks now. Postel continues to operate but one truck. Curtis' operation, which was a three-truck-service, was transferred to Walker.

Bruce Faus, of Faus Transportation Company, stated that his company operates a line haul service between La Jara and Antonito.

E. T. Walker, PUC No. 1251, with headquarters at Del Norte, Colorado, stated that he can serve between points within a radius of twenty-five miles of La Jara under his authority; that he has been serving

the Carmel area, ten to twelve miles northwest of La Jara, where ranchers engage in extensive livestock operations; that Ashton and Postel also serve that area; that he has an agent at Carmel, who calls Del Norte.

Elmer Nelson, of Alamosa, testified to his arrangement with Ashton. He stated that he had been in Alamosa one and one-half months; that he has two semis, and one straight job. He filed an application for permit to operate his trucks for hire, but dismissed the application when he became Ashton's agent.

Charles Vance, of La Jara, who is Manager for Lute Vance, the common carrier operation, PUC No. 441, stated that his father operates six trucks; that the section around La Jara is growing rapidly; that more land is in cultivation, and more livestock is being produced; that farmer-owned trucks are few in number; that his trucks are insufficient to handle local or in and out service, especially during the summer and fall months; that the application should be granted.

Upon the record, it appears that the farmers residing in the vicinity of La Jara have not been receiving the service which they require, and are entitled to. It is possible that better service may be offered since Ashton has established an agency in Alamosa. This, however, cannot satisfy the requirements of the people at La Jara as well as their needs can be satisfied by a resident trucker. Mr. Ashton concedes that by stating that he is not interested in, and does not desire to perform, local service; that when he wants is the long haul -- in and out, but the ranchers and farmers, no doubt, would prefer to have all their transportation requirements, when possible, satisfied by one carrier, especially if he is a local operator. It would seem to be desirable, especially in view of the emergency and growth of La Jara community, to allow Mr. Gibson's application for the most part. His primary local service can be supplemented by the long haul service of Ashton, for with his limited equipment of small capacity, he will not be able to handle extensive cattle or sheep movements, and no doubt will call Ashton, Walker, and other carriers when service of that type is

required. Frequently, farmers require shipments of small consignments of livestock. These he will be able to handle as a local service for his customers. There does not seem to be any demand or need for his service in Alamosa, or the territory immediately adjoining. The same reasoning which justified granting a certificate for service in, from and to section around La Jara, would compel the conclusion that Ashton, with his new Alamosa service, can better serve there.

Mr. Vance, who probably is in a better position to know the requirements of the people at La Jara than any of the carriers testifying at the hearing, joins in requesting that Gibson's application be granted.

Therefore, after a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the motor vehicle common carrier call and demand service of applicant, as limited in the Order following, and that certificate of public convenience and necessity should issue therefor; that Private Carrier Permit No. B-2394 should be cancelled.

Q R D E R

IT IS ORDERED:

That public convenience and necessity require the proposed motor vehicle common carrier service of Fred Gibson, on call and demand, for the transportation of farm products, including livestock, and wool in grease, and farm equipment, between points within the area extending to the Colorado-New Mexico State Line on the south; on the north to a line drawn east and west through a point ten miles north of La Jara; on the east to a line drawn north and south through Mesita; and on the west to a line drawn north and south through a point seven miles west of La Jara, and from and to points in said area, to and from points in the State of Colorado, without the right to transport farm equipment between towns served by line haul "motor vehicle carriers" operating on schedule, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

That Permit No. B-2394 be, and the same hereby is, cancelled and revoked.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN DEINES, JR., LOVELAND, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. A-578 TO ROY E. SANS AND)
FRANK W. BRISTOL, DOING BUSINESS AS)
"SANS AND BRISTOL," BERTHOUD, COLO-)
RADO.)

APPLICATION NO. 6265-PP-A

April 10, 1943

Appearances: John Deines, Jr., Loveland,
Colorado, pro se;
Roy E. Sans, Berthoud, Colo-
rado, pro se;
Frank W. Bristol, Berthoud,
Colorado, pro se.

S T A T E M E N T

By the Commission:

John Deines, Jr., of Loveland, Colorado, herein seeks authority to transfer his Private Permit No. A-578 to Frank W. Bristol and Roy E. Sans, doing business as "Sans and Bristol," Berthoud, Colorado. This permit, issued on December 20, 1933, authorized the transportation of:

freight over regular established routes described as "Johnstown southwest to Berthoud and Loveland. Twenty-eight miles in any other territory described in writing to the Commission."

Under that authority, he has been transporting milk to Johnstown from points in the territory described as:

beginning at the northeast corner of Section 5, Township 4-North, Range 67-West; thence west along the north boundary line of Township 4-North, to U. S. Highway No. 87; thence south via Highway No. 87 to the south line of Township 3-North; thence east along said township line to the southeast corner of Section 32, Township 3-North, Range 67-West; thence north to the point of beginning.

Applicants asked that when and if transfer is authorized, the territory

served under Permit No. A-578 be described as presently served. Also, transferee, on February 19, 1943, by letter, asked the Commission to consolidated milk hauling operations under Permits Nos. A-578 and A-576, and asked that the consolidated territory be described as:

"beginning at Johnstown, Colorado; thence one mile north, thence west to the northwest corner of Section 6, Township 4-North, Range 69-West; thence south to the southwest corner of Section 31, Township 3-North, Range 69-West; thence east to the southeast corner of Section 32, Township 3-North, Range 67-West; thence north to the point of beginning; also from Fort Collins to Denver and intermediate points."

Application was amended to cover said requests, and notice thereof was duly given parties in interest.

At the hearing, in Fort Collins, Colorado, on March 4, 1943, it appeared that the consideration for the transfer is the sum of five hundred dollars (\$500.00); that transferees now are engaged in transporting milk as Private Carriers, under Permit No. A-576, with authority as follows:

"milk haul, starting at Berthoud west of Johnstown 36 miles, also Fort Collins to Denver and intermediate points; farm products (except livestock) from farms within a radius of 6 miles of Berthoud, Colorado, to storage and shipping points; building materials only from Denver to Berthoud, for The Gould Lumber Company and the Fred Harsh Lumber Company, only; building materials for said companies only from Berthoud to points within a radius of 6 miles thereof and to branch yards at Eaton, Wellington, Johnstown, La Port, Longmont, and Wildes; cement from Fort Collins and plaster from Loveland factories to yards of said companies; packaged petroleum products from Berthoud to Johnstown; rock from the Benson quarry, located 9 miles west of Berthoud to points within a 6-mile radius of Berthoud, Colorado."

It is proper that the territory to be served should be clearly defined. The suggested description for consolidated territory includes the territory now served under Permits Nos. A-578 and A-576, and some territory where transferees do not now have customers. While no one appeared in opposition at the hearing, some carriers authorized to serve territory not now served by transferees, but sought to be included in the consolidated permit, may have appeared and protested, if they under-

stood territory described by applicants included some territory not served. It appears from a customers' list furnished the department that the transferees, under Permit No. A-576, do not serve anyone south of the south boundaries of Sections 27, 28, 29, and 30, west of U. S. Highway No. 87, in Township 4-North, Range 69-West; except one customer in Section 22, Township 3-North, Range 69-West, abutting U. S. Highway No. 87 on the west, so they would be able to serve all customers now served if their authorized consolidated pick-up territory is described as:

"beginning at the northeast corner of Section 5, Township 4-North, Range 67-West; thence west to the northwest corner of Section 6, Township 4-North, Range 69-West; thence south 5 miles to the southwest corner of Section 30, Township 4-North, Range 69-West; thence east three and one-half miles to U. S. Highway No. 87; thence south via Highway 87 to the south center line of Section 34, Township 3-North, Range 69-West; thence east to the southeast corner of Section 32, Township 3-North, Range 67-West; thence north to the point of beginning,"

and they also are allowed to serve the farm in Section 22, Township 3-North, Range 69-West on the west side of, and abutting, U. S. Highway No. 87, which they now serve.

Since no common carrier is presently transporting milk to Johnstown from the territory now served by transferees under their Permit No. A-576, it would seem to be proper to permit consolidation of said permits, and to permit them to serve under said consolidated permit the territory now served under the two permits (and additional customers) afore-described.

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority sought to transfer said Permit No. A-578 should be granted; that territory to be served under Permit No. A-576 should be described so as to include the territory actually served by transferees under said authority; that operating rights under Permit No. A-576 and Permit No. A-578 should be consolidated, and that said permit shall hereafter be known as "Permit No. A-576."

O R D E R

IT IS ORDERED:

That John Deines, Jr., Loveland, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-578, authorizing the transportation of:

milk to Johnstown from points in the territory described as: beginning at the northeast corner of Section 5, Township 4-North, Range 67-West; thence west along the north boundary line of Township 4-North, to U. S. Highway No. 87; thence south via Highway No. 87 to the south line of Township 3-North; thence east along said township line to the southeast corner of Section 32, Township 3-North, Range 67-West; thence north to the point of beginning,

to Roy E. Sans and Frank W. Bristol, doing business as "Sans and Bristol," Berthoud, Colorado.

The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred.

That said transferred authority be combined with and operated under Permit No. A-576; that, under the consolidated permits, transferees, in addition to other service now authorized under Permit No. A-576, be, and they hereby are, authorized to transport milk to Johnstown from territory described as:

"beginning at the northeast corner of Section 5, Township 4-North, Range 67-West; thence west to the northwest corner of Section 6, Township 4-North, Range 69-West; thence south 5 miles to the southwest corner of Section 30, Township 4-North, Range 69-West; thence east three and one-half miles to U. S. Highway No. 87; thence south via Highway 87 to the south center line of Section 34, Township 3-North, Range 69-West; thence east to the southeast corner of Section 32, Township 3-North, Range 67-West; thence north to the point of beginning,"

with back-haul of empty cans.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Edward D. Weedy

Walter E. ...
Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1943.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

APPLICATION NO. 6293-PP

April 10, 1943.

Appearances: Harold Andrews, Ault, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
T. A. Stockton, Jr., Esq., Denver,
Colorado, for the Common Carrier
Division of The Colorado Motor
Carriers' Association.

S T A T E M E N T

By the Commission:

The above matter was heard at Denver, Colorado, on April 2, 1943.

Applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes, onions, cabbage, wheat, and beets within a radius of fifteen miles of Ault, Colorado.

At the hearing, he was allowed to amend his application to substitute for the commodity "wheat", the words "grain for feed," and to add "beans for feeding purposes."

Applicant owns a 1937 Diamond T 1½-ton truck and a 1933 Chevrolet 1½-ton truck, both of which are worth approximately \$1,000.00. His net worth is about \$1,800.00 or \$1,900.00.

After considerable testimony concerning territory to be served and movements from town to town, it finally developed from applicant's statements that he desired common carrier authority. He was under the impression that if he obtained a Class "B" permit, he would be able to solicit customers and add their names to his customer list on twenty-four hours notice to the Commission. He stated definitely that his operation would not pay unless he would be allowed to serve all who would call for his service,

and when he could obtain by solicitation. The Commission explained to him that this would constitute a common carrier operation, for which he had not applied, and which might be resisted by other common carriers operating in the territory sought to be served by him, were they aware that he desired a common carrier authority.

Pretestants moved, in view of applicant's statements above, that his application be dismissed.

The Commission finds that, in view of the testimony as above stated, the application should be dismissed.

O R D E R

IT IS ORDERED:

That the instant application be dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 10th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF PAUL H. SAKAWYE, 2946 HUMBOLDT)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 6294-PP

April 10, 1943.

Appearances: Mrs. Paul H. Sakawye, Denver,
Colorado, for applicant;
A. J. Fregean, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Marion F. Jones, Esq., Denver,
Colorado, for South Park
Motor Company;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division of the
Colorado Motor Carriers'
Association;
Harold Swena, Golden, Colorado,
for Swena Transfer.

S T A T E M E N T

By the Commission:

The above matter was heard at Denver, Colorado, on April 2, 1943.

Applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of agricultural commodities and related supplies (hay, vegetables, fertilizers, etc.,) from Denver on U. S. Highway No. 285 to Jefferson and return; vegetables from point to point within a radius of forty miles of Denver, Colorado.

At the hearing, under cross-examination by protestants, applicant, speaking through his wife, Mrs. Paul H. Sakawye, agreed to limit operations to include only farm produce, in bulk, from farms to Denver; to eliminate Clear Creek, Boulder and Gilpin Counties from the authority sought; to conduct no movements between towns on U. S. Highway 85 and to transport hay, only from Jefferson to Denver.

Under the limitations agreed to by applicant, protestants withdrew their objections.

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

The Commission finds that applicant should be granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, as set forth in the following order.

ORDER

IT IS ORDERED:

That Paul H. Sakawye, Denver, Colorado, is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay, only, from Jefferson, Colorado, to Denver, Colorado, on U. S. Highway 285; farm products of all kinds from farms within a radius of forty miles of Denver, to Denver, excluding service in Boulder, Clear Creek and Gilpin Counties, and also excluding movements of such commodities between towns on U. S. Highway 85.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

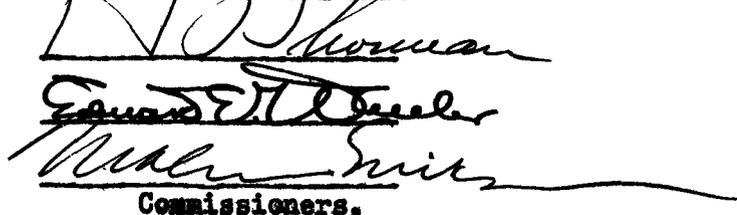
This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That said application, in all other respects, is hereby denied.

That the authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 18th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TED GIBBENS, DOING BUSINESS AS)
"GIBBENS TRUCK SERVICE", 826 EAST)
FOURTH STREET, PUEBLO, COLORADO,)
FOR AUTHORITY TO TRANSFER CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY NO. 570 TO BUEL LOWDER,)
1000 NORTH SANTA FE, PUEBLO, COLO-)
RADO.)
-----)

APPLICATION NO. 1715-AA

RE: PRIVATE CARRIER OPERATIONS OF)
BUEL LOWDER, 1000 NORTH SANTA FE,)
PUEBLO, COLORADO: PERMIT B-2905)
-----)

APPLICATION NO. 6169-PP

April 10, 1945

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for the applicants;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Stor-
age Company;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division of
The Colorado Motor Carriers'
Association.

S T A T E M E N T

By the Commission:

By Decision No. 5205, dated January 30, 1951, G. R. Pratt
was authorized to operate as a common carrier by motor vehicle for
hire, on call and demand, for the transportation of:

farm products from the farms in Pueblo County
to markets in the City of Pueblo, and other
points in said County, and farm supplies from
points in said county to said farms, with the
proviso that he should not engage in the trans-
portation of freight between points on or near
the Santa Fe Trail and other points in said
county served by scheduled carriers, and for
the conduct of a general transportation and
cartage business in Vineland, Pueblo County,
Colorado, and between points in said county
and other points in the State, with the pre-
vises that for the transportation of commodi-
ties other than household goods between points
served singly or in combination by scheduled

carriers applicant should charge rates which in all cases should be at least 20% in excess of those charged by the scheduled carriers; that he should not operate on schedule between any points, or transport coal from the mines to any territory involved herein, or, without the consent of the Commission, establish a branch office or have an agent employed in any town or city other than Vineland for the purpose of developing business.

Subsequently, said operating rights, pursuant to authority to transfer contained in Decision No. 11608, were acquired by Ted Gibbens, who now seeks authority to transfer the same to Buel Lowder, Pueblo, Colorado.

At the hearing, in Colorado Springs, Colorado, on March 17, 1945, it developed that Buel Lowder has a Private Carrier Permit, No. B-2905, which he proposes to cancel if the transfer of the certificate is authorized, providing that clause prohibiting transportation of coal be eliminated, so that he can engage in movement of coal for hire.

It further appeared that there are no unpaid outstanding operating obligations against said certificate; that Lowder is able and willing to carry on said operations.

Inasmuch as the motor carrier associations and other interested parties have indicated they have no objection to the issuance of authority, limited to the transportation of coal, it would seem to be desirable to eliminate the prohibition against transportation of coal, and to authorize transferee to perform such service.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of transferee for the transportation of coal; that the request for authority to transfer said certificate should be granted; that said Private Carrier Permit No. B-2905 should be cancelled.

O R D E R

IT IS ORDERED:

That all that part of Decision No. 3205, being Paragraph (c) of the Order contained in said decision, reading as follows:

"The applicant shall not transport coal from the mine to any territory involved herein,"

be, and the same hereby is, stricken and eliminated from said Order, and

that said Order, in all other respects, shall remain in full force and effect.

That Ted Gibbens, Pueblo, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to said operating rights granted in said Decision No. 5205, as herein amended, to Buel Lowder.

The tariff of rates, rules and regulations of the transferee shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

That Private Carrier Permit No. B-2905 be, and the same hereby is, cancelled and revoked, effective if and when transfer of said PUC No. 570 is consummated.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.







Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1943.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
H. H. BEATTY AND IONE BEATTY, DOING
BUSINESS AS "QUARTZITE TRANSPORTATION
COMPANY," RED CLIFF, COLORADO, FOR
AUTHORITY TO OPERATE BUS SERVICE BE-
TWEEN RED CLIFF, COLORADO AND CAMP
HALE, COLORADO.

APPLICATION NO. 6295

April 10, 1943

Appearances: Howard Roepnack, Esq., Equitable Bldg.,
Denver, Colorado, for the
applicant.

S T A T E M E N T

By the Commission:

This matter was heard at Denver, Colorado, on April 2, 1943.

Applicants seek authority to conduct a taxicab passenger transportation service, intrastate, between Red Cliff, Colorado, and Camp Hale, Colorado, during the continuance of Camp Hale as a United States Military Reservation.

It appears from the evidence that applicants are husband and wife; that the operation will be conducted as a partnership under the name of "Quartzite Transportation Company;" that each partner shall be entitled to an equal share in the profits, and shall assume an equal part of the loss. Service will be on call day and night. The equipment to be operated and the valuation thereof was testified to be as set forth in the application.

Mrs. Ione Beatty, testifying for applicants, stated that the operation would be between Red Cliff and the gates of Camp Hale or, if allowable by military authorities, to points within Camp Hale; that the equipment will be maintained at Red Cliff, and that the minimum charge will be \$2.25 per one-way trip, with an additional charge of 75¢ per passenger, over three passengers, per one-way trip.

The Commission is in receipt of a letter dated March 25, 1943, from The Denver and Rio Grande Western Railroad Company, signed by T. R. Woodrow, General Attorney, in which it is stated that The Denver and Rio Grande Railroad Company and the Rio Grande Motor Way, Inc., do not object to the issuance of the authority sought, with the understanding that the rate specified for the service will continue to be non-competitive with scheduled rail and bus service, and to that end will not be changed without notice to said companies.

Applicants, at the hearing, agreed to comply with such limitations.

The Commission finds that present and future public convenience and necessity require, and will require, the proposed motor vehicle non-scheduled taxicab passenger service of applicants between Red Cliff, Colorado and Camp Hale, Colorado, for the duration of the war, or during the continuance of Camp Hale as a United States Military Reservation, or until further order of the Commission, and that certificate of public convenience and necessity should issue therefor, as limited in the Order herein.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the non-scheduled motor vehicle taxicab passenger service of H. H. Beatty and Ione Beatty, doing business as "Quartzite Transportation Company," Red Cliff, Colorado, between Red Cliff, Colorado, and Camp Hale, Colorado, for the duration of the war, or during the continuance of Camp Hale as a United States Military Reservation, or until further order of this Commission, with the following provisos:

(a) Minimum rate of \$2.25 per one-way trip, with an additional 75¢ charge per passenger, over three passengers, per one-way trip, shall be charged;

(b) Such rates shall continue to be non-competitive with rates charged by The Denver and Rio Grande Western Railroad Company and Rio Grande Motor Way, Inc., presently authorized schedule carriers serving said points, and that such rates shall not be changed without notice to said companies and approval of this Commission; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The applicants shall file tariffs of rates, and rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

The applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1943

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

EDGAR G. SHULTZ (deceased))
185 S. Navajo St.,)
Denver, Colorado)
-----)

PERMIT NO. C-12110

April 15, 1943

S T A T E M E N T

By the Commission:

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

Edgar G. Shultz (deceased) of 185 S. Navajo St., Denver, Colorado

requesting that his Permit No. C-12110 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12110, heretofore issued
to Edgar G. Shultz (deceased) of 185 S. Navajo St., Denver, Colorado be,

and the same is hereby, declared cancelled effective February 16, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shawan

Edward J. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
IRVIN BEAVERS)
416 N. Santa Fe)
Florence, Colorado)
.....)

PERMIT NO. G-12530

.....
April 15, 1943

S T A T E M E N T

By the Commission:

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

Irvin Beavers of 416 N. Santa Fe, Florence, Colorado

requesting that his Permit No. G-12530 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-12530, heretofore issued
to Irvin Beavers of 416 N. Santa Fe, Florence, Colorado be,
and the same is hereby, declared cancelled effective April 2, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry D. Thurman
Edward J. Wheeler
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
PETE C. DIAZ)
Trinidad, Colorado)
)
)
.....)

PERMIT NO. **C-14310**

.....
April 15, 1943

S T A T E M E N T

By the Commission:

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

Pete C. Diaz of **Trinidad**, **Colorado**,

requesting that his Permit No. **C-14310** be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. **C-14310**, heretofore issued
to **Pete C. Diaz of Trinidad, Colorado** be,
and the same is hereby, declared cancelled effective **March 10, 1943**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry D. Shawan
.....
Edward D. Wheeler
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 15th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

C. R. LAGREE
Springfield, Colorado

PERMIT NO. C-14196

April 15, 1943

S T A T E M E N T

By the Commission:

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

C. R. LaGree of Springfield, Colorado

requesting that his Permit No. C-14196 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14196, heretofore issued

to C. R. LaGree of Springfield, Colorado be,

and the same is hereby, declared cancelled effective April 22, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shawman
Edward J. Wheeler
Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ROY R. EFFINGER)
General Delivery)
Mesa, Arizona)
.....)

PERMIT NO. C-13746

.....
April 15, 1943
.....

S T A T E M E N T

By the Commission:

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

Roy R. Effinger of General Delivery Mesa, Arizona,

requesting that his Permit No. C-13746 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13746, heretofore issued

to Roy R. Effinger of General Delivery, Mesa, Arizona be,

and the same is hereby, declared cancelled effective April 3, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shuman
Edward D. [unclear]
Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ELMER E. HOWARD
Rand, Colorado

PERMIT NO. C-12840

April 15, 1943

S T A T E M E N T

By the Commission:

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

Elmer E. Howard of Rand, Colorado,

requesting that his Permit No. C-12840 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12840, heretofore issued
to Elmer E. Howard of Rand, Colorado be,
and the same is hereby, declared cancelled effective April 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shawan

Edward D. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)
)
SAYERS BROTHERS)
Trinidad, Colorado)
)
.....)

PERMIT NO. C-9562

April 15, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Sayers Brothers of Trinidad , Colorado ,
requesting that his Permit No. C-9562 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9562 , heretofore issued
to Sayers Brothers of Trinidad, Colorado be,
and the same is hereby, declared cancelled effective March 4, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman

David E. Wheeler

William Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April , 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)
)
RECTOR FOOD PRODUCTS COMPANY)
619 E. 4th St.,)
Pueblo, Colorado)
.....)

PERMIT NO. C-8583

.....
April 15, 1943.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Rector Food Products Company of 619 E. 4th St., Pueblo, Colorado
requesting that his Permit No. C-8583 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8583, heretofore issued
to Rector Food Products Company of 619 E. 4th St., Pueblo, Colorado be,
and the same is hereby, declared cancelled effective **April 5, 1943**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry D. Shawan
.....
Edward D. Wheeler
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)

I. WEINREICH
2830 West Colfax
Denver, Colorado

PERMIT NO. C-7841

April 15, 1943

S T A T E M E N T

By the Commission:

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

I. Weinreich of 2830 West Colfax Denver, Colorado

requesting that his Permit No. C-7841 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7841, heretofore issued
to I. Weinreich of 2830 West Colfax, Denver, Colorado be,
and the same is hereby, declared cancelled effective April 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shawan
Edward D. Wells
Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

)
LOGAN COUNTY IMPLEMENT COMPANY
Sterling, Colorado)
)
)
.....)

PERMIT NO. C-4044

.....
April 15, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Logan County Implement Company of Sterling, Colorado,
requesting that his Permit No. C-4044 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4044, heretofore issued
to Logan County Implement Company of Sterling, Colorado be,
and the same is hereby, declared cancelled effective **March 23, 1943**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry D. Shawman
.....
Edward D. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
BUD A. EARLY)
3981 S. Acoma St.,)
Englewood, Colorado)
-----)

PERMIT NO. C-6668

April 15, 1943

S T A T E M E N T

By the Commission:

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

Bud A. Early of 3981 S. Acoma St., Englewood, Colorado

requesting that his Permit No. C-6668 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6668, heretofore issued
to Bud A. Early of 3981 S. Acoma St., Englewood, Colorado be,

and the same is hereby, declared cancelled effective April 6, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis D. Shawman

Edward D. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHIGLE OPERATIONS OF)

J. C. KEETON
Manzanola, Colorado

PERMIT NO. G-5533

April 15, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
J. C. Keeton of Manzanola, Colorado,
requesting that his Permit No. G-5533 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-5533, heretofore issued
to J. C. Keeton of Manzanola, Colorado be,
and the same is hereby, declared cancelled effective April 15, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Lewis R. Johnson
David E. Wheeler
Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
THE RIDDOCH LUMBER COMPANY)
3031 N. Nevada)
Colorado Springs, Colorado)
.....)

PERMIT NO. C-2767

.....
April 15, 1943.....

S T A T E M E N T

By the Commission:

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

The Riddoch Lumber Company of 3031 N. Nevada, Colo Springs, Colorado

requesting that his Permit No. C-2767 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2767, heretofore issued

to The Riddoch Lumber Company of 3031 N. Nevada, Colo Springs, Colorado be,

and the same is hereby, declared cancelled effective April 10, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Harry D. Shawan
Edward D. Wheeler
Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

)
KENNETH COMRIE)
818 Bennett Ave.,)
Glenwood Springs, Colorado)
.....)

PERMIT NO. C-605

.....
April 15, 1943

S T A T E M E N T

By the Commission:

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

Kenneth Comrie of 818 Bennett Ave., Glenwood Springs, Colo

requesting that his Permit No. C-605 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-605, heretofore issued
to Kenneth Comrie of 818 Bennett Ave., Glenwood Springs, Colorado be,
and the same is hereby, declared cancelled effective **March 31, 1943**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry D. Shawan
Edward D. Wheeler
Malcom Erickson
Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. COULSON)
Box 273, Route 1)
Loveland, Colorado)

PRIVATE PERMIT NO. A-594

April 16, 1943

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. A-594 be suspended for a period of six months from March 14, 1943.

O R D E R

IT IS ORDERED:

That C. H. Coulson of Box 273, Route 1, Loveland, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. A-594 for a period of not to exceed six months from March 14, 1943.

That unless said C. H. Coulson shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry D. Shaw

Edward J. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CHICAGO, ROCK ISLAND AND PACIFIC)
RAILWAY COMPANY (FRANK O. LOWDEN AND)
JOSEPH B. FLEMING, TRUSTEES), TO CLOSE)
ITS VONA STATION, IN KIT CARSON COUNTY,)
COLORADO, AND SUBSTITUTE CUSTODIAN)
THEREAT.)

APPLICATION NO. 6218
INVESTIGATION AND SUSPENSION
DOCKET NO. 246.

April 14, 1943

Appearances: Hodges, Vidal and Goree, Esqs.,
by James Goree, Esq., Denver,
Colorado, for Chicago, Rock
Island and Pacific Railway
Company and its Trustees;
George E. Steinmetz, Esq., Bur-
lington, Colorado, for the
Town of Vona and Kit Carson
County, Colorado;
J. F. Young, 917 Gloyse Building,
Kansas City, Missouri, for the
Order of Railroad Trainmen.

S T A T E M E N T

By the Commission:

On November 10, 1942, the Chicago, Rock Island and Pacific
Railway Company (Frank O. Lowden and Joseph B. Fleming, Trustees), by
their attorneys, William V. Hodges and James L. Goree, filed with the
Commission an application for authority to close and discontinue their
telegraph agency station at Vona, Colorado, effective December 15,
1942, alleging, as ground therefor, that the business at Vona Station
consists mostly of carload shipments; that less than carload shipments
have dwindled to insignificance by reason of the operation of motor
trucks, public and private; that the business at Vona is largely
seasonal; that said station can be operated as a pre-paid station,
and billing and accounts, telegrams, and other agency facilities can
be handled at Stratton, distant west approximately seven miles, or
at Seibert, distant east approximately seven miles, at both of which
stations agents and telegraph operators are maintained; that the cost

of operating and maintaining said Vona station as an agency telegraph station is not justified by the business there transacted, or the revenue received therefrom; that an agency is no longer there required, either for the purposes of the railroad or for the use and convenience of the public; that petitioners can procure a custodian to handle the business of the station at a nominal salary, and at much less expense; that, due to the war, there is a very serious shortage of competent telegraph operators and persons competent to discharge the duties of railroad agents; that the continued maintenance of an agent at Vona will be unnecessary, unreasonable and wasteful, especially when every effort should be made, as now, to conserve manpower to aid in the prosecution of the war.

On December 11, 1942, protests having been filed by the Board of County Commissioners of Kit Carson County, the Town Board of Trustees of Vona, the Postmaster of Vona, the General Chairman of the O.R.T., and numerous business people and citizens of Vona and nearby tributary territory, objecting to the closing of said station, the Commission entered its order, suspending the effective date of the proposed closing until April 16, 1943, unless otherwise ordered by the Commission.

The matter was set for hearing, and heard, at Vona, Colorado, on January 28, 1943, and taken under advisement.

The evidence disclosed that Vona is an incorporated town of approximately 250 people, having a number of grocery stores, restaurants, filling stations, elevators, and other business institutions; that commercial and business telephone service is supplied by a locally-owned cooperative telephone service, connecting with the Mountain States System at Stratton; that exchanges are maintained at Vona and Joes; that toll charges, besides tax, to Seibert and Stratton, are ten cents; that charge, Stratton to Burlington, is forty cents; that Stratton, seven miles west, and Seibert, seven miles east of Vona,

are agency stations; that an agent telegrapher and one operator is employed at Stratton, and an agent and operator is employed at Seibert; that the territory immediately adjacent to and tributary to Vona is wholly agricultural, and said station has been used principally for the shipment of grain and livestock, incoming carload freight being ranch supplies, petroleum products, livestock, coal and lumber. It also is served by for-hire trucks. The agent is on duty regularly between the hours of 8:30 A.M. and 5:30 P.M., daily, except Sunday, with one hour off for lunch, commercial telegraph service and express service being furnished through the agent. Current train service consists of passenger trains, and freight service, the Recket, streamline passenger train, not stopping at Vona. For the most part, trains pass through at night. No change in existing train service is proposed.

Exhibits introduced by applicant show the total revenue from the station from all sources, including carload and l.c.l. shipments received and forwarded, ticket sales, cream and express revenue, for the years 1938 to 1942, both years inclusive, crediting the station with all revenue, interline and connecting, on carload and local freight which is handled to and from the station. Based upon said computation, the total revenue credited to the station amounted to \$14,944.24 for 1938; \$12,931.69 for 1939; \$17,710.66 for 1940; \$9,785.56 for 1941; \$13,811.26 for 1942. L.c.l. merchandise handled during 1942 amounted to \$525.11. Figures include passenger revenue, which included cream and baggage, totalled \$1,072.13 in 1942. In addition, Western Union Telegraph net revenues for messages forwarded pre-paid and received collect, only, amounted to \$113.28 in 1942, and were approximately the same for the years 1931 to 1941, inclusive. Express revenue amounted to about \$360.00 yearly, being \$349.47 in 1942. Salary paid the agent for ten months in 1942 amounted to \$1,712.74, he being paid at the rate of 77¢ per hour for eight hours a day, six days a week, with time and one-half for overtime. Total agency expense, including station heating, water for

stock yards and supplies, amounted to \$1,816.21 for ten months. This amount does not include cost of maintaining station building and facilities at Vona.

Applicant's witnesses testified that actual duties of agent require about three hours daily; that hours of service cannot be reduced, the railroad being required, under its contract with the union, to pay the agent for eight hours; that, if agency at Vona is closed, agency and telegraph station service will be available at Stratton and Seibert; that it is proposed to obtain a custodian to care for the station, he to be paid at the rate of 46¢ per hour, it being contemplated that his services will not cost more than \$25.00 per month; that custodian will keep the station clean at all times and provide heat during the winter; that station, except waiting room, will be closed when custodian is not on duty; that freight, inbound, necessarily must be pre-paid, or, if C.O.D., will be left at a neighboring station; that freight will be unloaded by the train crew and placed in the station building, freight being similarly handled at nights in the past; that custodian will deliver freight to people who call for it at the hours when he is on duty; that freight will be picked up without billing and billed at the nearest town where agent is maintained; that cars may be ordered by telephone at Stratton where bills will be left for inbound freight, and may be paid or picked up there. Outbound freight, in carloads, will be billed by conductor at nearest station, memorandum being left for the shipper by the conductor; that cream will be left in the freight house, and the train baggageman will place it on the train; that commercial telephone may be used at company's expense to order cars, and if not satisfactory, company will install a telephone; that installation of a custodian would mean a saving of approximately \$125.00 monthly to railway company.

C. N. Luke, Chief Clerk in the Superintendent's Office, who offered the exhibits in behalf of the applicant, admitted that there was no loss on station operations during 1942. He also testified that there was a shortage of competent telegraphers, but, upon cross-examination, he was unable to furnish any definite information relative to the situation on the Rock Island. He could offer no assurance that the agent, if removed, would be given a position elsewhere, but suggested that he was eligible for retirement on pension. He admitted that vacations may have been granted on the division in 1942 to practically all agents. He could not state how many men were employed on the division, or whether the number had been increased or reduced during the year 1942, or whether company had or had not refused to employ telegraphers applying for work during 1942; whether there had been any increase in force, or in the number of positions, or whether telegraphers on other divisions of the Rock Island were still on furlough and had not been called back to work.

Mr. C. L. Simons, Trainmaster, stated that, from ~~conversations~~ with the dispatcher, he believed the railroad had been unable to complete its vacation program in 1942, and had been compelled to close some train stations for short periods of time, on account of relief operators not being available in case of sickness, etc., and to refuse lay-off requests because of shortage of help. He stated that he did not know that the O.R.T. maintained an employment office in St. Louis, and did not know whether competent telegraphers were or were not available through that employment office. He admitted that there could be some delay in number of trains if the agent were removed.

The principal witness for protestants was Mr. A. T. Jeffers, Mayor of Vona, who appeared as a witness in his capacity as Mayor. He also is the agent for the Chicago, Rock Island and Pacific Railway at Vona. It developed that he had been employed by the railroad for twenty-six years, and notwithstanding his years of service for company, some-

times was without a regular assignment; that he has been at Vona for four years; that, besides his regular shift from 8:30 A.M. to 5:30 P.M., he has been frequently called at other times to perform station or operator work and, by request, has remained on duty after 5:30 P.M., sometimes as late as 9:30 at night; that over-time in December amounted to 53 hours; in January, to 47 hours; that the railroad does not have a block signal system, the semaphore in front of the station which is used to signal trains being manually operated by the agent; that drouth conditions prevailed in the Vona section until the year after he went there; that, at that time, a quarter section of land would not support one cow; that the population of Vona and the surrounding territory had decreased; that, in recent years, heavy rains had restored the pasture lands and brought about abundant crops. Hay could be cut on all pasture land during 1942. 55,000 bushels of wheat, 6,000 bushels of barley are in storage in the two elevators at Vona and on farms nearby. Herds have doubled or trebled. 17,000 head of cattle, and 20,000 to 30,000 sheep are pastured in the vicinity. A number of large operators recently have leased or purchased ranches. They will ship and receive large numbers of cattle, and must ship in ranch supplies in volume. 62 cream shippers now ship from Vona, as compared with 40, four years ago. Mr. Jeffers stated that as Mayor of the Town, and as agent for the railroad, he has conducted an intensive campaign to get all possible freight for the railroad. His efforts have been attended with considerable success. Both l.c.l. and carload shippers "signed up" to ship by rail. Besides soliciting and handling freight, and discharging his regularly assigned duties, he has performed many special services for the public to establish good-will toward the railroad, and to get business for it. Before, during, and after hours, he has protected cream shipments, winter and summer, cared for baby chicks until consignee claimed them, inspected tank cars, and handled damage claims, obtain and furnished information about passenger service of Rock Island and connecting line, and arranged for five or six reservations monthly out of Burlington on through trains that did not stop at

Vona, Burlington being given credit for tickets sold where agent at Vona obtained the business. He was convinced that, even though a custodian could be hired for the salary suggested, service would not be comparable with service furnished by a station agent; that the community would be harmed.

Mr. Roberts, who operated a bulk plant at Vona since 1924, and who, in January, 1941, expanded his business by buying Continental bulk plant after the railroad chief clerk told him agent was not to be removed at Vona, stated he will close his bulk plant at Vona if the agent is removed; that he supplies the territory extending 20 miles south of Vona, and to Joes, Kirk, and Cope on the north; that he receives 60 or more cars of petroleum products yearly, with freight charges in some years of \$14,000 to \$16,000. He consistently has shipped by rail in order to help the community, notwithstanding poor service, delays at Goodland, misplaced cars, etc. He always has found the agent very cooperative, and with his help, he has been able to get stray cars moving again.

E. D. Wilson, Manager of McDougal Grain Company Elevator at Vona, G. H. Harold, and P. D. Bonham, merchants at Vona, O. D. Reid, and B. L. Kerl, ranchers and livestock raisers, the County Treasurer, the Deputy County Assessor, and the County Commissioners of Kit Carson County, testified to increase in business in the area, the re-settling of farm and ranch lands, and growth of farms and livestock industries in the community, and voiced their opinions that continuation of agency station with telegraph and express service was essential, not only to continued growth of the community, but continued existence of Vona as a town. Moreover, they believed that removal of the station would mean the loss of practically all revenue now received by the railroad from that community. Roberts would quit, and stockmen would ship from the railroad on the north, where they prefer to go, anyway, because the railroad would not install scales at Vona. They believed revenue would be greatly increased if scales were installed. They also objected to expense and inconvenience of telephoning to and from Stratton or Seibert to get service now furnished locally by railroad, and being required to go to Stratton or Seibert for express, or to pay freight bills or to make claims for damages, etc., especially

at this time, on account of lack of trucks and cars, difficulty in obtaining rubber, parts and gas, and lack of time, because of scarcity of farm help.

M. A. Klutier, now agent at Limon, stated that he had been employed by the Rock Island for 24 years; that, for 22 years of that time he had been on the extra list, and that if the agency station at Vona were closed, unless the agent now employed there elected to receive a pension, he again would be on the extra list.

Upon the whole record, it would appear that the change proposed by the railroad is not justified; that, considering the needs of the community, the revenue received from the station, and the fact that the railroad, at the time of hearing, was enjoying a substantial increase in earnings, the change from an open telegraph agency railroad station to a custodian station will not furnish adequate service to the patrons of said station; that the custodian cannot, in view of railroad-O.R.T. contract, and provisions of the Wage and Hour Act, which provide for minimum compensation of 46¢ per hour, in the limited time that he will be on duty, perform services for patrons that agent gives. No doubt, railroad would attempt to fix hours that would best suit the public convenience, but two hours daily is a very limited time, considering the needs of farmers. The agent has been compelled to work many hours over-time, on account of Government freight. Such movement not only will continue, but probably will increase. More, and not less, trains will move over the railroad. From an operating standpoint, the need for service will not lessen. As suggested at the hearing, the agent is the contact man for the railroad with the people. The agent at Vona has been very aggressive, and wholeheartedly has worked for the railroad's interests. Considerable business probably would be lost if agency were closed, and the community activities and interests, no doubt, would be adversely affected. Business at said station probably will increase, and the expense involved in maintaining said station, which is not operated at a loss, will not be so unreasonably out of proportion to the convenience afforded the public through the station agency as to impose an unlawful burden on the railroad. If it had been shown that station is

being operated at a loss, and that services of agent-operator are needed at a more important station, we probably would reach a different conclusion than that here reached. It did not appear that the agent's services are needed elsewhere. On the contrary, applicant's witness suggested that agent was eligible for pension, so we cannot say that closing should be permitted in order to provide adequate agent telegraph service at more important station on the Rock Island. See Re Chicago, Milwaukee, St. Paul and Pacific R. R. Co. (Mont.) 26 P.U.R. (N.S.) 390, and cases there cited; Los Angeles and Salt Lake Railroad Company v. Public Utilities Commission (Utah), 15 Pac. 2nd, 369.

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

ORDER

IT IS ORDERED:

That the above-styled application be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. T. Shuman

Edward D. Wheeler

Walter Epison
Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS A. BRENNAN, ERIE, COLO.)
)
)
)
.....)

PERMIT NO. B-2867

April 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Thomas A. Brennan of Erie Colo.,
requesting that his Permit No. B-2867 be cancelled.

After careful consideration, the Commission is 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-2867, heretofore issued
to Thomas A. Brennan of Erie, Colorado, be,
and the same is hereby, declared cancelled effective April 9, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shawan

Edward J. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 17th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEON D. WURTZ)
2832 W. 43rd St.)
Denver, Colorado)
.....)

PERMIT NO. B 2853

April 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Leon D. Wurtz..... of 2832 W. 43rd, Denver, Colo.,
requesting that his Permit No. B-2853..... be cancelled.

After careful consideration, the Commission is 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-2853....., heretofore issued
to Leon D. Wurtz, 2832 W. 43rd St., Denver, Colo...... be,
and the same is hereby, declared cancelled effective April 8, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shosman

Edward J. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 17th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. LELA BENNING)
P.O. BOX 945,)
DENVER, COLORADO)
.....)

PERMIT NO. C-14014

.....
April 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Mrs. Lela Benning of P.O. Box 945, Denver, Colo.,
requesting that his Permit No. C-14014 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14014, heretofore issued to Mrs. Lela Benning, Denver, Colorado, be, and the same is hereby, declared cancelled effective April 10, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. [Signature]
.....
Edward D. [Signature]
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 17th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED BENNING)
26 SO. ADAMS ST.)
DENVER, COLORADO.)
.....)

PERMIT NO. B-2850

.....
April 17, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Lela Benning
for Mr. Fred Benning of 26 So. Adams St Denver, Colorado,
requesting that his Permit No. B-2850 be cancelled.

After careful consideration, the Commission is 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-2850, heretofore issued
to Fred Benning, 26 So. Adams St., Denver, Colorado be,
and the same is hereby, declared cancelled effective April 10, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

Edward J. [Signature]

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 17th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. J. FORD)
Boulder, Colorado)

PRIVATE PERMIT NO. B-1007

April 17, 1943

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-1007 be suspended for a period of six months from April 9, 1943.

O R D E R

IT IS ORDERED:

That E. J. Ford of Boulder, Colorado be, and he is hereby, authorized to suspend his operations under Permit No. B-1007 for a period of not to exceed six months from April 9, 1943.

That unless said E. J. Ford shall, prior to the expirations of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Malcolm Erickson
Edward E. Wheeler
Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
TOM FREEMAN)
Stone City, Colorado)

APPLICATION NO. 5828-PP

April 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tom Freeman of Stone City, Colorado requesting that the authority granted in Application No. 5828-PP, Decision No. 18163 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That the authority granted in Application No. 5828-PP, Decision No. 18163, heretofore issued to Tom Freeman of Stone City, Colorado be, and the same is hereby, declared cancelled effective January 9, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis P. Shorman
Donald J. Wheeler
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TOM H. ENNIS, ROUTE NO. 1, MONTROSE,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE FOR THE)
TRANSPORTATION OF MILK AND CREAM IN)
CANS FROM FARMS TO TOWN WITHIN A)
RADIUS OF TWENTY-FIVE MILES OF)
MONTROSE, COLORADO.)

APPLICATION NO. 6309-PP

April 17, 1943

Appearances: Orville Dunlop, Montrose,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The instant matter was set for hearing at Grand Junction, Colorado, on April 9, 1943. However, when said case was called, no appearance was entered on behalf of applicant. However, no protestants appeared objecting to the authority sought, and the Commission determined to, and did, hold the hearing upon the application on file herein.

It appears that applicant is the owner of a 1938 Chevrolet truck, and Mr. Dunlop, a common carrier authorized to serve in the Montrose area, stated that in his opinion the proposed service is needed.

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 ORDERED:

That Tom H. Ennis, of Montrose, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk and cream, in cans, from farms to town within a radius of twenty-five miles of Montrose, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance at all times with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. J. Shuman

Edward D. Wheeler

Malcolm E. Quinn
Commissioners

Dated at Denver, Colorado,
this 17th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARDIE JAMISON, BOX 252, OLATHE,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE FOR THE)
TRANSPORTATION OF FARM PRODUCE,)
FARM MACHINERY, USED HOUSEHOLD)
GOODS, AND LIVESTOCK, FROM FARM TO)
FARM WITHIN A RADIUS OF FIFTEEN)
MILES OF OLATHE, COLORADO.)

APPLICATION NO. 6303-PP

April 17, 1943

Appearances: Hardie Jamison, Olathe, Colo-
rado, pro se;
Orville Dunlop, Montrose,
Colorado, pro se;
Roy R. Schultz, Delta, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

At the hearing, which was held in Grand Junction, Colorado, on April 9, 1943, applicant testified that he was willing to eliminate from his application the authority to transport household goods and livestock. In view of this statement, protestants withdrew any objections to the granting of the authority sought, and stated that in their opinion there was a need for the proposed transportation of farm produce and farm machinery between points within a radius of fifteen miles of Olathe.

Applicant owns the necessary equipment to perform the services requested, and his financial standing and operating reliability were established to the satisfaction of the Commission.

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

O R D E R

IT IS ORDERED:

That Hardie Jamison, of Olathe, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce and farm machinery from farm to farm within an area extending fifteen miles from Olathe, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Shuman

Edward D. Decker

Walter G. Quinn
Commissioners

Dated at Denver, Colorado,
this 17th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BERT E. KIRKS, OLATHE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE FOR THE TRANSPORTA-)
TION OF FARM PRODUCE FROM POINT TO)
POINT WITHIN A RADIUS OF FIFTEEN)
MILES OF OLATHE, COLORADO.)

APPLICATION NO. 6304-PP

April 17, 1943

Appearances: Orville Dunlop, Montrose,
Colorado, pro se;
Ray R. Schultz, Delta, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

The instant matter was set for hearing at Grand Junction, Colorado, on April 9, 1943. However, when said application was called, no appearance was entered on behalf of applicant. Protestants present stated that if no movement of livestock was involved, they had no objection to the granting of the authority sought, as they felt there was a need for the proposed service.

Applicant had written the Commission a letter, stating that if was impossible for him to appear at the hearing, as he was engaged in driving a school bus, and could not get there. The record discloses that he owns a 1934 Chevrolet truck, which he proposes to use in his operation.

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

O R D E R

IT IS ORDERED:

That Bert E. Kirks, of Olathe, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of farm produce, only (no livestock), from point to point within a radius of fifteen miles of Olathe, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Shuman

Edward D. Decker

Malcolm Epison

Commissioners

Dated at Denver, Colorado,
this 17th day of April, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HOWARD M. SHULTS, 1208 WHITE AVENUE,)
GRAND JUNCTION, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PERMIT NO. B-2726)
TO BOB HEEL, 639 STRUTHERS AVENUE,)
GRAND JUNCTION, COLORADO.)

APPLICATION NO. 5801-PP-A

April 17, 1943

Appearances: Cecil Haynie, Esq., Grand
Junction, Colorado, for
applicants;
Orville Dunlop, Montrose,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On December 5, 1941, Howard M. Shults was granted a Class "B"
private carrier permit, authorizing the transportation of:

"livestock (including sheep), from point to
point within a radius of twenty miles of
Grand Junction, Colorado, and from and to
points within said radius, to and from all
points in the State of Colorado, except
that no service shall be rendered in com-
petition with the line haul operations of
G. W. Hawthorne."

The instant application, which was heard at Grand Junction,
Colorado, on April 9, 1943, seeks authority to transfer said permit to
Bob Heel, of Grand Junction, Colorado.

The testimony disclosed that there are no outstanding obliga-
tions against the operations under said permit by transferor. It was
further disclosed that the consideration paid for said transfer was the
sum of \$75.00.

Said permit was suspended by order of the Commission for a
period of six months from December 8, 1942.

No evidence was introduced opposing said transfer, and the operating reliability and financial standing of transferee were established to the satisfaction of the Commission.

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

O R D E R

IT IS ORDERED:

That Howard M. Shults, of Grand Junction, Colorado, be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. B-2726 to Bob Heel, Grand Junction, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. T. Johnson

Eward D. ...

Ma ...
Commissioners

Dated at Denver, Colorado,
this 17th day of April, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARY-LAY COMPANY, BOX 1511,)
LUBBOCK, TEXAS, PERMIT C-13705.)

CASE NO. 30156-INS.

April 17, 1943.

S T A T E M E N T

By the Commission:

On March 22, 1943, the Commission entered its order, revoking Permit No. C-13705 for failure to keep on file with the Commission the necessary insurance required by law.

It now appears that respondent, at all times, had effective insurance, and same was in process of being filed at the time of hearing in said matter. Proper insurance is now on file with the Commission, and no lapse occurred. We have been requested to reinstate said permit.

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

O R D E R

IT IS ORDERED:

That our order of March 22, 1943, be, and the same is hereby, set aside, and Permit No. C-13705 is reinstated, effective as of March 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. T. Shuman

Edward D. Deuel

Maun E. Eason

Commissioners

Dated at Denver, Colorado,
this 17th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEORGE R. HENRY)
1230 Walnut St.,)
Denver, Colorado)
.....)

PERMIT NO. C-11688

.....
April 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
George R. Henry of 1230 Walnut St., Denver, Colorado
....., requesting that his Permit No. C-11688 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11688, heretofore issued to George R. Henry of 1230 Walnut St., Denver, Colorado be, and the same is hereby, declared cancelled effective April 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shawan
Edward D. [unclear]
Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 17th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
E. C. BROOKS)
Route 3,)
Cedarvale, Kansas)
.....)

PERMIT NO. C-7398

.....
April 17, 1943
.....

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 Route 3 Cedarvale, Kansas,
.....,,
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 of Route 3, Cedarvale, Kansas be,
and the same is hereby, declared cancelled effective March 17, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman
.....
Edward D. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 17th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MOUNTAIN STATES MIXED FEED)
COMPANY)
Box 206)
Denver, Colorado)
-----)

PERMIT NO. C-137

April 17, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Mountain States Mixed Feed Company of Box 206 Denver, Colorado,
requesting that his Permit No. C-137 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-137, heretofore issued
to Mountain States Mixed Feed Company of Box 206, Denver, Colorado be,
and the same is hereby, declared cancelled effective April 1, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Henry D. Shawman

Edward D. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,
this 17th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DAWSON CATTLE COMPANY and	}	
F. R. CARPENTER,		
	}	
Complainants,		
vs.	}	<u>CASE NO. 4853</u>
COLORADO UTILITIES CORPORATION,	}	
Defendant.		

April 17, 1943

Appearances: F. R. Carpenter, Esq., Hayden, Colorado,
for Complainants;
Addison M. Gooding, Esq., Steamboat
Springs, Colorado, for Defendant.

S T A T E M E N T

By the Commission:

On February 13, 1940, the complainants herein filed an informal complaint, No. 2232, with this Commission, asking for reduction in and relief from excessive charges collected by defendant from complainants for electricity furnished to complainants. On January 9, 1941, complainants filed another informal complaint, No. 2246, asking for the relief prayed for in their previous complaint, and, in addition thereto, charging that an increase in rates, which had been put into effect by defendant subsequent to the filing of their previous complaint, was unreasonable. No adjustments were made by respondent upon said informal complaints.

On April 4, 1941, by Decision No. 16908, this Commission consolidated said informal complaints and transferred the same to the formal docket as "Case No. 4853", and ordered that an investigation be made and a hearing held relative to the schedules, tariffs, rates, fares, tells, rentals, charges, classifications, rules, regulations, contracts, or practices of defendant as the same affect the complainants, and as to whether or not the defendant

should make reparation or refunds to complainants. Said informal complaints were incorporated in said order.

Defendant, in its answer filed herein, alleged that this Commission is without power, jurisdiction, or authority to consider, adjudicate, order, or direct reparations or refunds; that the rates charged complainants were based upon demands, requirements, and information furnished by the Dawson Land Company, the predecessor of the Dawson Cattle Company; that defendant was not notified by complainants, or their predecessor, of any changes requiring or permitting any different classification or rate than that charged from 1927 to 1940; that the rate complained of was applied and followed in fixing charges without question, protest, or objection by complainants; that defendant's tariff, "First Revised Sheet No. 20," was in effect throughout the period involved and approved by this Commission; that defendant's tariffs, "Third Revised Sheet No. 9" and "Fourth Revised Sheet No. 9," were applicable to complainants from February, 1940, to May, 1940; that from May, 1940, to August, 1940, "Second Revised Sheet No. 20" was applicable to complainants; that defendant was required by contract between it and complainant's predecessor to, and did, furnish electricity to complainants "at the standard rate per K.W.H. fixed by licensee (defendant) and the Public Utilities Commission of the State of Colorado," and that complainants have not been subjected to unusual or different rates than those charged to other customers; that defendant did not make periodic inspections of complainants' premises; that complainants installed a three-phase motor upon their premises in May, 1940, without advising defendant; that at a cost of approximately \$3,000.00, defendant constructed a three-phase line from the town of Hayden, Colorado, to complainants' premises upon the request of complainants'

predecessor; that the cost and value of said line were in excess of the cost and value of a single or two-phase line; that said three-phase line would not have been installed except upon the demand of complainants' predecessor.

FINDINGS

The complainant, Dawson Cattle Company, is a corporation, and is the successor of the Dawson Land Company. The complainant Carpenter did not bear or pay any of the charges collected by respondent and therefore, as to him, the complaint should be dismissed.

Some time during the year 1926, the officers of the Victor-American Fuel Company, who were also the officers of the Dawson Land Company, and the defendant entered into negotiations for a right-of-way across the land of the Dawson Land Company for one of defendant's transmission lines. Conferences and correspondence between the parties indicate that the Dawson Land Company estimated its requirements for electric energy at about 15 h.p. The Dawson Land Company also requested the defendant to construct a three-phase power line to the improvements on the land of the Dawson Land Company.

Later, on May 4, 1928, the Dawson Land Company and defendant entered into and executed a written agreement wherein the Land Company granted to the defendant a right-of-way across the Land Company's premises for a transmission line, and as consideration therefor the defendant agreed to construct a power line to the ranch buildings of the Land Company. It was therein provided:

"The licensee shall erect and maintain a power line to connect up the Dawson Land Company's buildings owned by the grantee so as to enable the Dawson Ranch to have electricity for lighting and power purposes at the standard rate per kilowatt hour fixed by the licensee and the Utilities Commission of the State of Colorado."

Nothing was mentioned in said contract about the minimum requirements of the Dawson Land Company, the kind of electrical equipment the Dawson Land Company intended to install and use, nor the minimum rate or charge to be made to and paid by the Land Company.

Shortly thereafter, the defendant constructed its transmission line across the premises of the Land Company and constructed a three-phase power line from Hayden, Colorado, to the ranch buildings of the Land Company. Since said construction, the defendant has operated and maintained its said transmission line on and across said premises, and has maintained the three-phase power line from Hayden to the ranch buildings of the Land Company. The Land Company, and its successor, the Dawson Cattle Company, have used electrical power for lighting and other purposes, obtained by means of the power line constructed by defendant from Hayden to the ranch buildings.

The original sheets 2-A and 2-B of defendant's tariff, Colo. P.U.C. No. 1, which were issued March 1, 1927, and effective April 1, 1927, were introduced in evidence.

Sheet 2-A contains the following availability clause:

"Available to all rural customers using electricity for such purposes as lighting, cooking, heating, refrigeration and all small power purposes of 5 h.p., or under, who take service through one meter at the voltage and phase of the Corporation's transmission system and when service is metered at secondary voltage on consumer's premises."

A rate of \$5.25 net was prescribed therein for the first 20 k.w.h. metered per month for combined uses if connected power load does not exceed 5 h.p. It was also provided therein that the connected power load shall equal the sum of manufacturer's ratings of all power motors installed, excluding motors for refrigeration.

Sheet 2-B contained the following availability clause:

"Available to all rural and industrial consumers using relatively small quantities of electricity for lighting and motors with demand of from 5 h.p. to 50 KVA if service is taken at the voltage and phase of the Corporation's transmission system when service is metered at the secondary side of the step-down transformers."

Therein, the rates were prescribed as being \$1.25 per month per h.p. for each connected motor load or fraction thereof, plus an energy charge ranging from 18 cents per k.w.h. for the first 20 k.w.h. metered per month to 2 cents per k.w.h. for all over 7500 k.w.h. metered per month, and provided for a minimum of \$6.25 per month.

On August 1, 1929, the defendant issued its tariff, Colo. P.U.C. No. 2, which cancelled P.U.C. No. 1. In P.U.C. No. 2, Sheet 2-A of P.U.C. No. 1 was incorporated as Sheet No. 9, and Sheet 2-B of P.U.C. No. 1 was incorporated as Sheet No. 20. The availability clauses of Sheets 2-A and 2-B were carried forward into Sheets 9 and 20, respectively, of P.U.C. No. 2, and were continued in substantially the same form until July 16, 1940, when Second Revised Sheet No. 20 became effective, and until October 10, 1940, when Fourth Revised Sheet No. 9 became effective. Second Revised Sheet No. 20 contained the following clause relating to the monthly minimum guarantee:

"The minimum charge per meter per month shall be the service charge, but in no event shall this be based on less than a 5 kw. demand. All three-phase rural service rendered, when the actual demand is less than 5 kw. shall be considered as 5 kw. regardless of the lesser demand."

Fourth Revised Sheet No. 9, in the availability clause, contained the following:

"Three-phase service is not permitted on this rate."

Prior to February 29, 1940, the defendant assessed and collected charges from the Dawson Cattle Company on the basis of the rates set forth in Sheet 2-B of Colo. P.U.C. No. 1 and Sheet 20 of Colo. P.U.C. No. 2. On February 29, 1940, the defendant admitted that an error had been made and that the correct rate to assess was that shown in Sheet No. 9 as revised.

From February 29, 1940, to July 16, 1940, the defendant assessed its charges against the Dawson Cattle Company upon the basis of the rates set forth in Third Revised Sheet No. 9.

Subsequent to October 10, 1940, the effective date of Second Revised Sheet No. 20, the defendant has been assessing its charges against the Dawson Cattle Company upon the basis of the rates set forth in Second Revised Sheet No. 20.

The evidence discloses that since the construction of the power line, the maximum requirements and consumption of the Land Company and of the Dawson Cattle Company have been less than the 5 kw. per month.

The Commission is of the opinion, and so finds, that prior to February 29, 1940, the Dawson Cattle Company has been overcharged in an amount which represents the difference between the charges as paid by it based upon Sheet No. 2-B of P.U.C. No. 1 and Sheet No. 20 of P.U.C. No. 2, and the charges which should have been assessed upon the basis of Sheet No. 2-A of P.U.C. No. 1 and Sheet No. 9 of P.U.C. No. 2.

From February 29, 1940, to October 10, 1940, the Dawson Cattle Company was assessed charges upon the correct rate; therefore, that period is not involved in this proceeding.

It is the contention of the complainants that the provisions of Second Revised Sheet No. 20, have no application to the Dawson Cattle Company. Sheet No. 20 is not applicable to the Cattle Company except as it is made so by the availability clause of Fourth Revised Sheet No. 9. Complainants contend that the words "three-phase service is not permitted on this rate", contained in the availability clause of Fourth Revised Sheet No. 9, constitute an unjust, unreasonable, and discriminatory regulation.

The defendant attempted to justify the provisions of Fourth Revised Sheet No. 9 on the basis that the charges against the Dawson Land Company and the Dawson Cattle Company should be assessed upon the basis of the minimum requirements, as mentioned in the preliminary negotiations which preceded the execution of the contract dated May 4, 1928. However, the Commission is of the opinion, and so finds, that all preliminary negotiations were merged into the executed contract, in which there was no mention made of any minimum requirements, and that the assessing of charges upon the basis of such a minimum requirement is unjust, unreasonable, and discriminatory.

The Commission is of the opinion, and finds, that that portion of Sheet No. 9, providing that "three-phase service is not permitted on this rate", is unreasonable, unjust, discriminatory, and illegal, and should be cancelled.

The Commission finds that subsequent to October 10, 1940, the complainant, Dawson Cattle Company, has borne and has paid excessive and illegal charges based upon Second Revised Sheet No. 20, and that it is entitled to reparation based upon the difference between the charges as paid and the charges figured upon the basis of Fourth Revised Sheet No. 9; and further finds that the defendant shall at once proceed to recalculate in accordance with Sheet No. 9 of P.U.C. No. 2, the bills rendered the Dawson Cattle Company, for the twenty-four months preceding February 29, 1940, and each succeeding month subsequent to February 29, 1940, in which the Complainants' monthly bills for electric service were calculated on defendant's Sheet 20 of P.U.C. No. 2, and make due reparation to the complainant of the difference in the amount collected and the amount as above computed, together with interest thereon for one-half of the elapsed time at the rate of six per cent (6%).

O R D E R

IT IS THEREFORE ORDERED, By the Commission, that the above complaint, insofar as it concerns the complainant, F. R. Carpenter, be, and the same hereby is, dismissed.

IT IS FURTHER ORDERED, By the Commission, that that portion of Fourth Revised Sheet No. 9 in respondent's tariff, Colo. P.U.C. No. 2, reading as follows: "three-phase service is not permitted on this rate", is determined to be unjust, unreasonable, discriminatory, and illegal, and the same is hereby cancelled.

IT IS FURTHER ORDERED, By the Commission, that the respondent shall make reparation to the complainant, Dawson Cattle Company, of the difference between the charges borne and paid by said complainant, as assessed under First Revised Sheet No. 20 and Second Revised Sheet No. 20 of respondent's tariff, Colo. P.U.C. No. 2, and the correct charges which should have been assessed under the provisions of Third Revised Sheet No. 9 and Fourth Revised Sheet No. 9 of respondent's tariff, Colo. P.U.C. No. 2, together with interest thereon for one-half of the elapsed time at the rate of six per cent (6%).

IT IS FURTHER ORDERED, That the complainant's electric bills shall at all future times be calculated on Sheet 9 and revisions thereof, so long as the complainant's service meets the requirements of the Availability Clause of said Sheet 9 and revisions thereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 17th day of April, 1943

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OSCAR REED, GRAND JUNCTION, COLORADO,) APPLICATION NO. 6284
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

April 21, 1943.

Appearances: Cecil S. Haynie, Esq., Grand Junction,
for applicant;
Thos. K. Younge, Esq., Grand Junction,
for Plateau Valley Stage Line;
Wayne M. Aspinall, Esq., Grand Junction,
for Gateway Stage Line;
Orville Dunlop, Montrose, Colorado,
pro se;
Mrs. Louise Wagner, Fruita, Colorado,
for William Wagner.

S T A T E M E N T

By the Commission:

At the hearing, which was held in Grand Junction, Colorado, on April 9, 1943, the evidence on behalf of applicant disclosed that a sales ring for livestock is now being conducted in Grand Junction, and the proprietor thereof testified that a large quantity of livestock moved into and out of said yard, but in recent months it had been very difficult to secure adequate trucking facilities. This witness pointed out numerous instances where delays had occurred in the movement of livestock from said salesyard, the delays ranging from two or three days to as long as eight days in one instance. The witness was familiar with applicant and his equipment and felt there was a distinct need for his services. He did state, however, that very little, if any, delay had occurred in the movement of livestock from what is known as the "Plateau Valley" territory.

Another witness who lives on Kahnah Creek and is engaged in stockraising and farming, testified that in that community considerable difficulty had been experienced in getting truck transportation for the livestock; that applicant had large equipment, and if authorized to serve,

It would be a big help to his community. Another witness from the "Redlands" territory, who is a horse dealer, testified that applicant had the best equipment in the country; that he had experienced difficulty in securing trucks to transport horses, and that the situation was particularly bad within the last six months.

Testifying in his own behalf, applicant stated that he had been operating under a "T" permit, and since the filing of the present application, had secured temporary authority to operate thereunder, with the result that he had been busy most of the time. He further testified that the majority of his operations would be for movements in and out of the sales yard at Grand Junction; that he had equipment which would transport one-half carload of cattle at one time.

Applicant has some \$3,000.00 in cash and real estate, and his trucks are clear. He had been serving the Plateau Valley area, but was willing to stipulate that the specific terms named in the certificate granted the Plateau Valley Stage Line, should be eliminated from his application. He further testified that he had had no calls to serve in Hootcross County in competition with Orville Dunlap, but would want to go into that territory if calls did come in.

On behalf of protestants, Mrs. Wagner, wife of William Wagner, who is the owner of a certificate authorizing the transportation of farm produce within a 25-mile radius of Fruita, testified that Mr. Wagner was now in the Army, but that she and her brother were endeavoring to carry on the operations; that they had a 1938 $1\frac{1}{2}$ -ton truck and could get more equipment if needed; that no necessity existed for further authority in that area.

Mr. Gibson, of the Plateau Valley Stage Line, testified that they had been operating under Certificate No. 212 since 1929; that they have six trucks, one of which is used for the transportation of passengers and mail, and the rest for the movement of general freight, including livestock, and have stock racks for that purpose. They have six employees. It appears that their certificate reads, -

"between Grand Junction and Collbran via Plateau City, and intermediate points; no service between Grand Junction and Palisade or from Palisade to Grand Junction and intermediate points."

Later, they were granted an extension thereof authorizing service to and from Mesa, Colorado.

Under this certificate, they have been serving, not only the teams mentioned but the Plateau Valley area, extending roughly 30 miles east of Collbran, to the Delta County line on the south, and four or five miles north of Collbran and west to Grand Junction; fifty per cent of their freight is from this territory surrounding the communities they are specifically authorized to serve, and twenty-five per cent of their business is the transportation of livestock. He further stated that they had always been of the opinion that they had the right to serve the surrounding territory, had reported all hauls to the Commission, and paid highway compensation tax upon the actual distances traversed. It had recently been brought to their attention that no specific authority existed in their certificate for such service, and they expected to file an application for an extension to properly cover the service.

The record discloses that there is an undoubted convenience and necessity to be served by the operations proposed by the applicant, with the exception that the record does not justify the granting of a certificate in the Plateau Valley area or in the territory now served under the Wagner certificate. Even the witness for applicant stated that service for the Plateau Valley territory had been very good, and we believe it would be inequitable at this time to grant a certificate to serve that area, even though the Plateau Valley Stage Line, upon a strict interpretation of the terms of its certificate, does not have specific authority to serve surrounding area. The fact remains that they, apparently in good faith, have been rendering such service for over thirteen years.

We further believe that without more of a showing as to any inadequacy in service for the transportation of farm products in the Wagner

territory, said certificate should be protected, particularly in view of all the circumstances surrounding this operation.

At the hearing, it was stipulated that any competition with G. W. Hawthorne in his operations between Gateway and Grand Junction would be eliminated.

After careful consideration of the record, the Commission is of the opinion, and so finds, that, as hereinafter limited, the authority sought should be granted.

O R D E R

IT IS ORDERED:

That the public convenience and necessity require the proposed operations of Oscar Redd as a motor vehicle common carrier, on call and demand, for the transportation of farm produce and livestock from point to point within a radius of 50 miles of Grand Junction, Colorado, and from and to said area to and from any point in the State of Colorado, save and except that no farm produce shall be transported in the 25-mile radius of Fruita, Colorado, in competition with the operations of William Wagner under Certificate No. 1136, and provided also that no livestock or farm produce shall be transported from points on State Highways Nos. 65, 332, 330 and 339, in competition with Plateau Valley Stage Line, or from an area extending west of Collbran to U. S. Highway No. 24, south of Collbran 12 miles, east of Collbran 30 miles, and north of Collbran 5 miles; and provided further that no operations shall be conducted in competition with those of G. W. Hawthorne, a common carrier operating between Grand Junction and Gateway, or Orville Dunlop, of Montrose, operating under Certificate No. 876, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant's operations under the common carrier certificate herein granted shall be kept separate and apart from his operations under Permit B-2386.

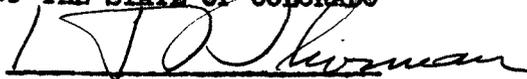
Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

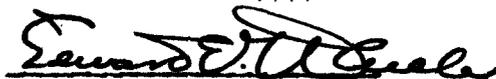
Applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1943.

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COLORADO RAILROADS FOR INCREASES IN)	
INTRASTATE FREIGHT RATES AND)	
CHARGES, AND PASSENGER FARES, IN)	APPLICATION NO. 5819
LINE WITH INCREASES IN INTERSTATE)	
FREIGHT RATES AND CHARGES APPLIED)	
FOR IN I. C. C. DOCKET EX PARTE 148.)	

April 16, 1943.

- Appearances: J. A. Gallaher, Esq., 429 Equitable Building, Denver, Colorado, for the steam carriers;
- E. G. Knowles, Esq., Denver, Colorado, for Union Pacific Railroad Company;
- J. H. Shepherd, Esq., Telephone Building, Denver, Colorado, for The Denver and Salt Lake Railway Company;
- Douglas McHendrie, Esq., 730 Equitable Building, Denver, Colorado, for The Atchison, Topeka and Santa Fe Railway Company;
- J. H. Cummins, Esq., Denver, Colorado, for The Colorado and Southern Railway Company and Chicago, Burlington & Quincy Railroad Company;
- G. A. Hoffelder, Chicago, Illinois, for Chicago, Burlington & Quincy Railroad Company;
- E. D. Speer, Topeka, Kansas, for The Atchison, Topeka and Santa Fe Railway Company;
- O. L. Strieby, Denver, Colorado, for the Missouri Pacific Railroad Company;
- A. C. Mattson, 1200 Fidelity Building, Kansas City, Missouri, for the Chicago, Rock Island & Pacific Railroad Company;
- A. J. Stilling, Omaha, Nebraska, for Union Pacific Railroad Company;
- F. C. Hogue, General Traffic Manager, The Denver and Rio Grande Western Railroad Company, George Williams, and W. M. Carey, Denver, Colorado, for The Denver and Rio Grande Western Railroad Company;
- Truman A. Stockton, Jr., Esq., Denver, Colorado, for The Motor Truck Common Carriers' Association;

Chamber of Commerce, Pueblo,
Colorado;
Lowe P. Siddons, Esq., and F. H.
Orgren, P. O. Box 1052, Colorado
Springs, Colorado, for the Holly
Sugar Corporation;
E. B. Evans, Esq., Denver, Colorado,
for The Public Utilities
Commission;
Monroe P. Hester, Denver, Colorado,
for Great Western Sugar Company;
George Work and L. B. Fitzpatrick,
Denver, Colorado, for the Colorado
Milling & Elevator Company;
F. O. Sandstrom, Denver, Colorado,
for the Colorado-New Mexico Coal
Operators;
A. J. Baumann, Denver, Colorado,
for Armour & Company;
R. W. Lentz, Denver, Colorado,
Traffic Manager, for Swift & Company;
A. Brester, Denver, Colorado, Traffic
Manager, Cudahy Packing Company;
John R. Wolf, Esq., Boulder, Colorado,
for the Boulder County Metal
Mining Association;
D. I. McCarl, Denver, Colorado,
for the Colorado Potato Growers'
Exchange;
F. J. Rebhan, Denver, Colorado, for
American Crystal Sugar Company;
R. L. Ellis, Denver, Colorado,
for Kumer Empson Company;
L. K. Wilson, Denver, Colorado,
for Rocky Mountain Produce Company;
T. S. Wood, Denver, Colorado, for
The Public Utilities Commission;
Reginald C. Carey, Sugar City, Colorado,
Vice President, National Sugar
Manufacturing Company.

S T A T E M E N T

By the Commission:

On March 16, 1942, by Decision No. 18528, the Commission issued its order authorizing all common carriers by railroad, who were parties to the original petition filed herein, to apply the increases in rates and charges on Colorado intrastate traffic to the same extent as had been authorized by the Interstate Commerce Commission in its report and findings in Ex Parte No. 148 on interstate traffic. Jurisdiction of said matter was retained by the Commission.

The Commission is now in receipt of a decision issued by the Interstate Commerce Commission in said Ex Parte No. 148 matter, dated April 6, 1943, wherein the increases on rates and charges applicable on interstate freight traffic, heretofore authorized by the Interstate Commerce Commission, have been suspended from the effective date of said order of the Interstate Commerce Commission, to-wit, May 15, 1943, to January 1, 1944.

The Commission's decision No. 18528 was largely based upon prior action of the Interstate Commerce Commission in Ex Parte No. 148, as well as having in view the keeping of interstate and intrastate rates in Colorado upon a parity. We are now of the opinion, and so find, that the Commission should, upon its own motion, reopen the instant case for the purpose of determining what, if any, changes or modifications should be made in our original order, Decision No. 18528.

IT IS ORDERED, That the instant case be, and the same is hereby, reopened for the purpose of determining what, if any, action should be taken by the Commission in amending, modifying, cancelling, or otherwise changing its said Decision No. 18528, dated March 16, 1942.

IT IS FURTHER ORDERED, That said matter be set for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on the 3rd day of May, 1943, at the hour of 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Shuman

Edward D. Wheeler

Walter E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1943.



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

At a General Hearing of The
Public Utilities Commission
of the State of Colorado,
held at its office in Denver,
Colorado, April 19, 1943.

INVESTIGATION AND SUSPENSION DOCKET NO. 247

Appearances: J. L. Rice, Esq., Denver, Colorado, for the Chicago, Burlington & Quincy Railroad Company;
H. Vance Austin, Esq., Sterling, Colorado, for protestants and Logan County, Colorado;
I. S. Griffin, Keota, Colorado, for the Town of Keota, Colorado;
C. A. Smith, 176 West Adams, Chicago, Illinois, for the Order of Railway Telegraphers.

S T A T E M E N T

By the Commission:

On November 27, 1942, the Chicago, Burlington & Quincy Railroad Company filed notice with The Public Utilities Commission, pursuant to the provisions of General Order No. 34, that it intended to, and would, withdraw its agent from its station at Padroni, in Logan County, Colorado, on December 27, 1942, and thereafter would maintain and conduct the same as a non-agency station.

Protests having been filed with the Commission, signed by approximately 65 residents of Padroni area and by the Board of County Commissioners of Logan County, Colorado, protesting the closing of the agency, the Commission, by Investigation and Suspension Order No. 247, found that the proposed closing and discontinuance of the station might injuriously affect the rights and interests of the protestants and others, and postponed the effective date of the closing of the station for a period of 120 days from December 27, 1942, or until April 26, 1943, unless otherwise ordered by the Commission, and directed that a hearing be had on the protests at Sterling, Colorado.

Hearing was had on January 13, 1943.

The evidence disclosed that Padroni is an unincorporated village, with approximately 198 inhabitants, located on the Sterling-Alliance line of the Burlington. Peetz and Sterling, the nearest station agencies of said railroad, are located respectively 14 miles north and 11 miles south of Padroni. Jessica and Buchanan are, respectively, 1 mile south and 4 miles north of Padroni. They are not agency or custodian stations, but Jessica has a beet dump, and Buchanan has a beet dump and cattle loading chute. Car ordering, billing and collections for carload shipments in and out of Jessica and Buchanan are handled by the agent at Padroni. Territory immediately adjacent and tributary to Padroni is devoted almost exclusively to livestock raising and farming, and said station business, principally consists of shipments of livestock, livestock feeds, ranch supplies, and milk and cream. L.c.l. freight and express are small in volume. Padroni is not on the main Sterling-Peetz oil and concrete highway. The highway is 3 miles east of Padroni, and access to it is by means of a gravel road. The Alliance-Sterling-Denver truck service of Resler Truck Line operates over this highway, S. H. 13, and has authority to serve Padroni in intrastate and interstate commerce, but apparently service has not been good, chief truck service in Padroni being by shipper-owned trucks. Business houses in Padroni are six in number, and include a lumber yard, store, garage, and blacksmith shop. Telephone service is available to Sterling and Peetz. The north-bound passenger train arrives at Padroni at 11:50 o'clock P.M., and south-bound train arrives at 2:58 o'clock A.M., the station agent not being on duty at the time of train arrivals, as his regular hours are from 8:00 o'clock A.M. to 12:00 o'clock noon, and from 1:00 o'clock P.M. to 5:00 o'clock P.M. The agent is a telegrapher. The railroad superintendent testified that, in his opinion, the agent's office duties require about two hours' time daily, of which time approximately thirty minutes would be consumed in book work. This work, of course, is scattered through the eight-hour day. As the railroad's representative, he may spend some time in soliciting business.

It appeared that l.c.l. traffic at Padroni is limited. While out-bound l.c.l. increased from 1323 pounds, with revenue of \$9.80 in 1939, to 4521 pounds, with revenue of \$46.56 in 1942, in-bound l.c.l. decreased from 126,581 pounds, with revenue of \$968.37 in 1939, to 48,144 pounds, with revenue of \$340.07 in 1942. According to applicant's Exhibit 2, the daily average in 1942 was 12 pounds forwarded, with revenue of 12¢, and 131 pounds received, with revenue of 93¢. Carload traffic (crediting 50% of local revenue and all interline revenue to the station) showed 56 cars, with revenue of \$2,262.11, and 46 cars received, with revenue of \$2,586.88 in 1939, and 48 cars forwarded, with revenue of \$1,728.23, and 63 cars received, with revenue of \$2,864.18 in 1942. Carload shipments, especially of cattle, frequently included a number of cars in shipments. Exhibit 2 disclosed a daily average of .153 cars, with revenue of \$6.20, and .126 cars received, with revenue of \$7.09 in 1939, and .132 cars, with revenue of \$5.01 forwarded, and .137 cars, with revenue of \$7.85 in 1942, which would amount to one car in seven days forwarded, and one car in six days received in 1942. During a number of months out of the four-year period covered by the exhibit, no carloads were received or forwarded from Padroni. From Jessica, beet shipments of 410 cars in 1939, 357 cars in 1940, 317 cars in 1941, and 140 cars in 1942 were made by the Great Western Sugar Company. From Buchanan, beets amounting to 92 cars in 1939, 82 cars in 1940, 73 cars in 1941, and 81 cars in 1942 were shipped by Great Western Sugar Company. All shipments were made in the fall of the year. Billing is handled by Great Western Sugar Company, and it did not appear in opposition. 20 carloads of cattle, cotton seed and soy bean oil meal were also received and forwarded through the Buchanan station, in the period from 1939 to 1942, both years inclusive. Revenue from beets at Jessica amounted to \$871.58 in 1942. For the same period, revenue at Buchanan amounted to \$1,196.31. Passenger revenue for 1942 amounted to \$154.85. In 1942, milk and cream shipments yielded \$213.18 and express and telegraph service produced \$71.41. Without including the revenue from Jessica and Buchanan, applicant's exhibits show total revenue from this station from all sources to be \$6,313.01 in

1939, \$5,807.08 in 1940, \$6,817.22 in 1941, and \$5,514.48 in 1942. If revenues from Jessica and Buchanan were included, the revenue for 1942 amounted to \$7,582.37. The agency expense for 1942 in Padroni amounted to \$2,133.69. This item includes agent's salary, station supplies, and other local out-of-pocket costs. It does not include any part of out-lay by railroad for maintenance, wages of train crews and others, interest on indebtedness, supplies, generally, taxes, and other over-head charges. In lieu of an agent-telegrapher at Padroni, the railroad proposes to substitute a custodian. The public will look to him, and to the agencies at Peetz and Sterling for service. It is contemplated that a custodian can be obtained for \$40.00 per month, besides living quarters at the depot, and fuel and water. He will be expected to keep the depot open, lighted, heated, and clean, to order cars, inspect them and have them spotted for loading, to secure information as to rates and service, to receive, deliver, load, unload, check, and care for l.c.l. and express when he is available. The service will not include collection of freight charges or billing. Out-bound freight must move collect, unless shipper decides to go to Sterling or Peetz, the shipments being left in the freight room to be loaded by train employees in the same manner that it is now handled when the agent is not on duty. Freight bill will be prepared at the first open station, and a copy mailed to consignor, who will be compelled to attach a shipping tag with necessary data. In-bound freight will be left at the station by the train crew. Livestock contracts can be signed at Padroni or at Sterling or Peetz, where they will be billed, or on the train, if shipped via Sterling, or provision could be made to have agent or consignor or bank at Sterling sign for him. They would move freight collect, unless freight is paid at Sterling. The custodian or the shipper can order cars from Sterling or Peetz. Superintendent suggested that arrangements for credit might be made with the railroad, for l.c.l. freight charges, and could be paid, after receipt of freight, by mail at Sterling or at Peetz. He also stated that toll charges for railroad business will be paid by the railroad; that there will be no change in the method of handling mail; that the custodian will handle express on the same basis as it is now

handled by the station agent, who receives ten percent commission from the express company for handling express; that cream will be loaded by the baggageman, as now, and will be billed by him.

The railroad contended that the inconvenience that would be suffered by railroad patrons in the method of handling freight, milk and cream at Padroni, and being compelled to occasionally go to Sterling or Peetz, would be so slight in proportion to the benefit that would accrue to the railroad by the change that it should be allowed. In connection with the last mentioned claim, the railroad urged that the services of the agent-telegrapher at Padroni were required elsewhere; that very few commercial telegrams were handled at Padroni, and that they could be telephoned to the custodian from Sterling or Peetz; that telegrapher's services were not required for movement of trains; that the Burlington system is desperately short of telegraph operators; that the railroad has been unable to hire experienced men on account of the war, and for the same reason, very few young men are seeking employment as student telegraphers; that Mr. Arbegast, agent at Padroni, for a number of months, was used as a telegraph operator at Sterling, but shortly prior to the hearing, he had returned to Padroni, pursuant to his seniority rights, he being number 48 on the seniority list on the Sterling Division of a total of 74 operators; that junior to him on the system, 13 men are employed on regular jobs, and 12 on temporary assignments; that 492 vacation days accrued to employees during 1942 that could not be taken; that 9 positions are open which cannot be filled; that 46 operators, of whom 25 are still in service, were hired from June 1, 1942 to time of hearing; that those not serving left for various reasons -- military service, lack of qualifications, better jobs, etc. On January 5, 5 assigned agents were away from their assigned stations and working temporarily on jobs where their services were more valuable. During the time that Mr. Arbegast was at Sterling, Mrs. Arbegast assumed and satisfactorily discharged the agent's duties. She is not a telegrapher. The railroad contended that the service performed by her, except for the billing of freight and the collection of charges, was about the same as the service

which would be furnished by a custodian.

The railroad also offered some exhibits to show a greater volume of business apparently satisfactorily handled by custodians at non-agency stations on the Burlington line, the billing and collection of charges being handled by neighboring stations, as proposed at Padroni. And in this connection, urged that carload freight was moving satisfactorily from Jessica and Buchanan without agents at said places, and that said business and the Padroni business can be handled satisfactorily from Peetz or Sterling in the same manner.

In opposition, Sherman Hoor, of Sterling, offered an exhibit showing location of 105 occupied farms in what he termed the "Padroni area." For the most part, they were within five miles of Padroni. R. J. Wright, Secretary and Superintendent of the North Sterling Irrigation district, also furnished an exhibit showing location of irrigated lands in the vicinity of Jessica, Padroni and Buchanan under the North Sterling Irrigation District. It appeared that besides considerable acreage of dry land, 11,251 acres of irrigated lands were farmed in 1942. These lands were included in 83 complete farm units, and supported 160 families. The principal crops raised were alfalfa, hay, corn, barley, beets, and small grains. 2500 head of cattle were on feed, and 1200 head of sheep were being fattened at the time of the hearing. The wheat produced is handled at Sterling, on account of lack of facilities to ship from Padroni. Attention also was directed to the fact that needs of farmers that now might be satisfied at Padroni would require extra trips to Sterling, which would mean more gasoline used and more wear on tires; that, also, some time would be consumed in going the extra distance; that the government had urged increased production of farm commodities raised in the Padroni area, and that closing the station, to some extent, would mean lost time in the crop production effort; that farmers would be inconvenienced in getting seed and mail order shipments.

A number of livestock raisers and producers testified in opposition. Raymond E. Ramey, Hammil Brothers, Roy Fortin, and Messrs. Lambert, Myer, Leitell, Green and Smith are all producers of livestock.

Some of them testified. Mr. Ramey shipped 15 cars of cattle in, and 27 cars of cattle out, during 1942. They moved in 12 shipments. Mr. Green shipped 5 cars of cattle in 1942. He also is a member of the School Board, and is afraid that he would be unable to get school supplies promptly. Donald Hammil, who lives 9 miles from Sterling, and uses the Chicago, Burlington & Quincy at Padroni and the Union Pacific at Sterling to ship or receive cattle, testified that he trucked them to Sterling, and drives them to Padroni; that he has 639 cattle to ship in 1943; that he would be inconvenienced to some extent by closing the station. T. J. Kritchen, Commissioner, District No. 2, stated that the county maintained a shop at Padroni, and some parts were shipped in and some old parts were shipped out via the railroad. S. Y. Cooper, a cream producer, shipped 6640 pounds of cream in 1942 to Denver and to Nebraska. He expressed some concern about damage claims, claims for lost cans, etc. Mr. Rice, for the Burlington, stated that the railroad would assume responsibility after the cans were left at the depot, and would pay for losses. Witness Smith, a banker of Sterling, stated that he was Secretary of the Farm Loan Association, and that closing the station might affect the value of the farm lands in the vicinity of Padroni adversely. L. K. Parr, Manager of Padroni Lumber Company, presented an exhibit showing the value of coal, lumber, posts, and building materials received by him by rail during 1942 at Padroni.

Upon the whole record, it appears that the change proposed by the railroad is not unreasonable, considering the burdens placed upon the railroads by the war, to furnish emergency transportation for movement of freight essential in the defense industries, and movement of vast quantities of Army and Navy supplies and the transportation of great numbers of men. The records show that the railroads of the United States last year moved more than eleven million men in the armed forces. Successful prosecution of the War Effort is of paramount importance. The United States Government has requested the railroads to discontinue all service except essential service at all stations where practicable in order to supply service essential to the War Effort and the movement

of freight and men which serves that purpose. This seems to be in the public interest at this time. The discontinuance of agency service at Padroni probably could be justified on the showing made as to volume of business handled. The volume of l.c.l. traffic, express and cream handled during 1942 was not large. While some inconvenience may be suffered by receivers and shippers of freight on account of lack of agency service to handle collection of freight charges, do the billing and perform other service that will not be performed by a custodian, on the whole, we believe that experience has shown that l.c.l. freight, milk and cream and carload freight can be satisfactorily handled in the manner that the railroad company proposes to handle it -- at least considering the fact we are at war and the railroad needs the services of agent-telegraphers elsewhere, we cannot say that the inconvenience is out of proportion to the benefits that, in the opinion of the management, will accrue to the railroad and the public as a whole by abandonment of the station. The question is one of managerial discretion, and under the law, unless the management acts arbitrarily in the exercise of said discretion, we cannot interfere with their decision. See Residents of Royalton, et al, v. Central Vermont Railway Company, 138 Atlantic, 782; Southern Railway Company v. Public Service Commission, et al, 10 S.E. (2nd) 769; Lowden v. State, 8 Pacific (2nd), 1061; Petition of Town of Grenville, 46 N.M. 3 119 Pacific (2nd) 632; State v. Chicago and North Western Railway Company (Minn.) 297 N.W. 715; Thompson -- Trustee of Chicago and North Western Railway Company v. Commission 6 N.W. (2nd) 607.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that, subject to conditions hereinafter expressed, the Chicago, Burlington and Quincy Railroad Company should be authorized to close its agency and telegraph station at Padroni, Colorado, effective May 1, 1943.

O R D E R

IT IS ORDERED:

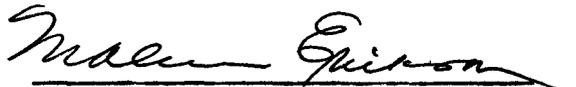
That public convenience and necessity require that the Chicago, Burlington and Quincy Railroad Company be, and it hereby is, authorized

to abandon and close its agency and telegraph station at Padroni, Colorado, effective May 1, 1943, said railroad, however, to provide custodian and custodian service at said station, and to absorb telephone charges, if any, incidental to ordering cars, etc., in re carload railroad business accruing at Padroni, Jessica, or Buchanan, which is handled through Sterling or Peetz, where said business is not handled by the custodian.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 19th day of April, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HAGEN FUEL & FEED COMPANY)
603 W. Colo Ave.,)
Colorado Springs, Colorado)
.....)

PERMIT NO. C-1518

.....
April 21, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Hagen Fuel & Feed Company of 603 W. Colo Ave., Colorado Springs, Colo
requesting that his Permit No. C-1518 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1518, heretofore issued
to Hagen Fuel & Feed Company of 603 W. Colo Ave., Colorado Springs, Colo be,
and the same is hereby, declared cancelled effective April 15, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Johnson
.....
Edward D. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 15th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
GEORGE W. FOY)
Uravan, Colorado)
)
)
.....)

PERMIT NO. C-13025

.....
April 21, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
George W. Foy of Uravan, Colorado,
requesting that his Permit No. C-13025 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13025, heretofore issued to George W. Foy of Uravan, Colorado be, and the same is hereby, declared cancelled effective April 10, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Johnson
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Edward J. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,
this 10th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
ESTATE OF S. R. GIDDINGS)
PAUL JESSER, MANAGER)
Timnath, Colorado))

P U C NO. 511

April 21, 1943

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 certificate No. 511 be suspended for an additional six months from April 14, 1943.

O R D E R

IT IS ORDERED:

That the Estate of S. R. Giddings, Paul Jesser, Manager, Timnath, Colorado be, and is hereby, authorized to suspend operations under certificate No. 511 for an additional six months from April 14, 1943.

That unless said Estate of S. R. Giddings, Paul Jesser, Manager, Timnath, Colorado shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to certificate holders, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Peterson
David H. Baker
Melvin Erickson
Commissioners.

Dated at Denver, Colorado,
this 21st day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF ROCKY MOUNTAIN MOTOR COMPANY,)
1730 GLENARM PLACE, DENVER, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
A MOTOR BUS LINE FOR THE TRANSPORTA-)
TION OF PASSENGERS BETWEEN DENVER,)
COLORADO, AND ROCKY MOUNTAIN ARSENAL,)
ADAMS COUNTY, COLORADO, VIA DERBY,)
COLORADO.)

APPLICATION NO. 556-A-B

April 23, 1943.

Appearances: Hodges, Vidal and Goree, Esqs.,
Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

Since the hearing upon the above application, which was held in Denver on September 22, the authority sought under the instant application has been granted to the Denver Tramway Corporation, upon request of the War Department and with the acquiescence of applicant herein.

It therefore appears that the instant application should be dismissed without prejudice.

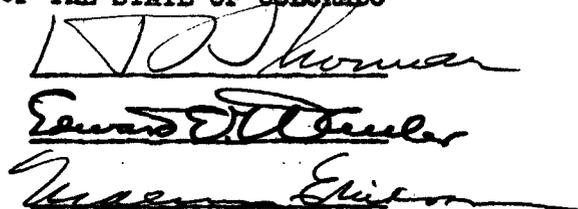
O R D E R

IT IS ORDERED:

That the instant application be, and the same is hereby, dismissed without prejudice.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 23rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JOHN M. DAVIS, IDAHO SPRINGS, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE FOR THE TRANSPORTATION)
OF SAND, GRAVEL AND OTHER ROAD SURFACING)
MATERIALS FROM PITS AND SUPPLY POINTS IN)
COLORADO TO JOBS WITHIN A RADIUS OF 50)
MILES OF SAID PITS AND SUPPLY POINTS.)

APPLICATION NO. 6258-PP

April 23, 1943.

Appearances: John M. Davis, Idaho Springs,
Colorado, pro se;
T. A. Stockton, Jr., Esq., Denver,
Colorado, for Curnew Livery
and Transfer Company.

S T A T E M E N T

By the Commission:

At the hearing which was held in Denver, Colorado, on March 16, 1943, applicant, testifying in his own behalf, stated that he owns two trucks, one 1940 and one 1941, both Chevrolet 1½-ton trucks; that said trucks are clear, and that a need exists for his proposed service.

Upon cross-examination, it developed that applicant had been operating under Permit A-763 under a leasing agreement with the owner thereof which was on file with the Commission.

It further developed that a transfer of said permit to applicant had been denied by the Commission. However, nothing was disclosed indicating any reason why the operations of applicant under said leasing agreement should in any way debar him from receiving the authority which he seeks herein.

No protests were interposed to the granting of the authority sought, and the financial standing and operating reliability of applicant were established to the satisfaction of the Commission.

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

O R D E R

IT IS ORDERED:

That John M. Davis, of Idaho Springs, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road surfacing materials, from pits and supply points in Colorado to jobs within a 50-mile radius of said pits and supply points.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

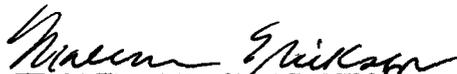
The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 23rd day of April, 1943.

BH

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TED GIBBENS, DOING BUSINESS AS)	
"GIBBENS TRUCK SERVICE", 826 E. 4TH)	
STREET, PUEBLO, COLORADO, FOR AUTHOR-)	<u>APPLICATION NO. 1713-AA</u>
ITY TO TRANSFER CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
NO. 370 TO BUEL LOWDER, 1000 NORTH)	
SANTA FE, PUEBLO, COLORADO.)	

RE PRIVATE CARRIER OPERATIONS OF)	
BUEL LOWDER, 1000 NORTH SANTA FE,)	
PUEBLO, COLORADO, PERMIT NO. B-2903.)	<u>APPLICATION NO. 6169-PP</u>

April 23, 1943.

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for applicants;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for the Common
Carrier Division of The Colorado
Motor Carriers' Association.

S T A T E M E N T

By the Commission:

On April 10, 1943, Decision No. 20779, the Commission authorized the transfer of certificate of public convenience and necessity No. 370 from Ted Gibbens, doing business as Gibbens Truck Service, to Buel Lowder. In the same order, Permit No. B-2903 belonging to said transferee was ordered cancelled.

We are now advised by transferee that he was under the impression the authority contained in said Permit B-2903, which authorized the transportation of clay, rock, sand, gravel, and other road surfacing materials, from pits and supply points in the State of Colorado that are within a radius of 150 miles of Pueblo, to points in said radius, would be included in the authority under the certificate transferred to him, and we are

requested to include such authority under said certificate.

In view of the fact that the Colorado Motor Carriers' Association interpose no objection to the granting of such authority, and service in counties where local common carriers do object, is eliminated, the Commission believes said request should be granted.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said order of transfer should be amended accordingly.

O R D E R

IT IS ORDERED:

That our order of April 10, 1943, Decision No. 20779, be, and the same hereby is, amended to extend the operating rights under certificate of public convenience and necessity No. 370 to include the right to transport clay, rock, sand, gravel, and other materials used in making up the surface of roads, from pits and supply points in the State of Colorado which are within a radius of 150 miles of Pueblo, to points in said radius, excluding service in Boulder, Clear Creek and Gilpin Counties.

IT IS FURTHER ORDERED, That except as herein amended, said original decision of April 10, 1943, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. J. Phoman

Edward D. Wheeler

Walter E. Egan
Commissioners.

Dated at Denver, Colorado,
this 23rd day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

* * *

IN THE MATTER OF THE APPLICATION OF)	
C. H. PHILLIPS, SANFORD, COLORADO,)	
FOR A CLASS "B" PERMIT TO OPERATE)	<u>APPLICATION NO. 6279-PP</u>
AS A PRIVATE CARRIER BY MOTOR VE-)	
HICLE FOR HIRE.)	
-----)	

April 28, 1943

Appearances: Leonard Haynie, Esq., Alamosa,
Colorado, for the applicant;
T. A. White, Esq., Denver, Colo-
rado, for Rio Grande Motor Way,
Inc.;
A. J. Fregeau, Denver, Colorado,
for Welcker Transfer and Stor-
age Company;
Conour and Conour, Esqs., Del
Norte, Colorado, for E. B.
Faus, James Ashton, E. T.
Walker.

S T A T E M E N T

By the Commission:

C. H. Phillips, of Sanford, Colorado, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock, farm machinery, seed, and farm produce, between points within a radius of twenty miles of Sanford, and from and to points in said area, to and from Pueblo and Denver, Colorado.

Mr. Phillips stated that he has a Commercial Carrier Permit, under which he has been buying and selling various commodities; that, among other things, he has purchased junk, rubber, and iron, which he has moved to Pueblo, and back-hauled coal and grain; that, during the winter, on account of shortness of trucks for movement of cattle in his neighbor- hood, he asked for, and received, authority to haul for hire, pending hearing of his application; that he has a one and one-half ton truck, and is in a position to purchase additional equipment, if he needs it, and if the

equipment is available; that, primarily, the movement of livestock will be from ranches to sales barns in Alamosa and Denver, and from sales barns to ranches within said twenty-mile radius, and to Denver; that most of the twenty persons listed as his customers, all of whom live within six miles of Sanford, are people who called him to haul cattle because they were unable, conveniently, to get service from authorized truckers; that, prior to discontinuance of service by Curtis, people had a for-hire service available, but since Curtis quit, they have had some difficulty in getting truckers; that farm machinery, especially tractors, might move to Denver or Alamosa for repairs, and subsequent return by him; that, while he will limit the number of customers served by him, if required by the Commission, and will otherwise comply with rules and regulations of the Commission, he had not expected to limit his service to any particular number of persons, and had intended to hold himself out as willing to serve everybody that wanted his service, and contemplated being allowed to haul for them if he sent in their names to the Commission before furnishing the service; that he has not been asked to furnish any town to town service, although some requests for other service have been received from people living more than six miles from Sanford.

Fred Christensen, who is a rancher south of Sanford, described the difficulties he had in moving livestock by rail during the winter. On one occasion, a carload of cattle required four days' time to get to Denver. He stated that for-hire trucks have not been available at all times; that Mr. Barr, a local Private Carrier, told him that he would require one to three weeks advance notice for service. Christensen feeds 500 to 2500 sheep, of which 1,000 to 1500 are shipped yearly. In addition, he sends two or three carloads of cattle and some hogs to market. Cattle and sheep would move by rail, if rail service were satisfactory. He requires some local hauling, and believes that service -- at least locally, by Alamosa truckers, is too expensive.

T. W. Crowthers, B. S. Reynolds, and Frank Reed, all of Sanford, generally testified to the same effect. Mr. Crowthers, on one occasion, contracted with Reinhardt for service, a day, a week ahead, being fixed for movement of cattle. On the day appointed, Reinhardt informed him that he could not serve for a week. Finally, Haynie, Barr, and Phillips, operating under Barr's permit, moved the cattle. He requires movement of stock to summer range in New Mexico, and also ships farm machinery and farm products by truck, at times. He ships 100 head of cattle yearly to Denver, 100 hogs in the same period of time, and expects to move 1000 sheep and lambs in the spring. B. S. Reynolds has 300 head of cattle and is feeding 73 steers. He expects to ship by rail, if he can. Phillips has handled some hogs and calves for him at Barr's request. What he wants is to be in a position to go to some trucker in his community, make arrangements for service in a few days, and then have him make good. Frank Reed has 600 head of hogs and 1000 chickens. The hogs move to Denver. His chickens require considerable feed, and he has had some difficulty in getting feed, as well as machinery and hogs, moved. On one occasion, Phillips hauled for him at Vance's suggestion, after he was unable to get Barr's service.

In opposition, Bruce Faus stated that Faus Transportation Company has authority to serve on call and demand in the vicinity of Sanford, and also operates a line haul service into Sanford; that, while he has served the town, his company has not served any farms in the area within the last six months. However, they are willing to perform service, if requested. In 1942, Faus lost \$2500.00.

James E. Ashton, who operates under PUC No. 1313, can serve the area sought to be served by applicant, and has moved some livestock and wool during the past six months. Recently, he has leased some trucks from one Nelson, and has arranged with Nelson to act as his agent in Alamosa, he (Nelson), as agent and manager, operating the leased trucks for Ashton. Ashton thinks he will be able to furnish all in and out service that may be required, but does not care especially to perform the local service around Sanford.

It would seem, in view of the greatly increased activity in farming, ranching, and livestock raising in the San Luis Valley, that it is desirable to make available as much for-hire service as may be necessary. Farmers not only do not have the number of truckers formerly operated by them, but, due to scarcity of labor for farms, and the necessity of putting in more time on their places, require ample truck facilities. It is important that all food products move promptly to market; that feed and other supplies reach the farmers as promptly as possible. It did not appear that the granting of the authority sought will impair the efficiency of now-authorized common carrier services. We believe applicant, if he accepts the permit hereby granted, will comply with the rules and regulations governing private carrier operations; will limit his service to persons with whom he has bona fide contracts, and will not be advertising or otherwise hold himself out as willing to serve the public generally.

After careful consideration of the record, the Commission is of the opinion, and finds, that the application should be granted, as limited in the Order following, and that the available common carrier service is not adequate; that the issuance of the permit will not impair the efficiency of said common carrier services.

O R D E R

IT IS ORDERED:

That C. H. Phillips, Sanford, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, including livestock, and farm machinery, between points within a radius of six miles of Sanford, Colorado, and from and to points in said area, to and from points in the State of Colorado, without the right to serve between points served by motor vehicle carriers operating singly or in combination, on schedule.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

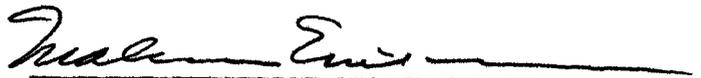
The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 28th day of April, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ROLLIE WESTERKAMP, 5003 GRANT ST.,) APPLICATION NO. 3772-PP-BB
DENVER, COLORADO, FOR AN EXTENSION)
OF PERMIT NO. B-1813.)

April 24, 1943.

Appearances: Rollie Westerkamp, Denver,
Colorado, pro se;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for
Colorado Transfer and Ware-
housemen's Association, and
Common Carrier Division of
The Colorado Motor 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:

Applicant, Rollie Westerkamp, who, on March 11, 1937, Decision
No. 9578, was authorized to operate as a Class "B" private carrier by
motor vehicle for hire for the transportation of:

culverts, flumes, pipe, head-gates and other
like products for the Thompson Manufacturing
Company, only, where he also assists in or per-
forms the installation service for said company,
between said company's manufacturing plant in
Denver, Colorado, and farms or construction projects
where installation also is being made by the
Thompson Manufacturing Company, within a radius of
fifty miles of Denver, Colorado; provided, however,
that the applicant shall not engage in any trans-
portation service from town to town along the line
of scheduled common carriers then serving the
Denver area, and provided further that the appli-
cant's authority shall extend to the transportation
of only these light products of the Thompson
Manufacturing Company,

Applicant now seeks authority to extend his authority to include
the right to furnish similar service for R. Hardesty Manufacturing Company.

In support of his application, Mr. Westerkamp stated that he

thought the proposed service would not unduly interfere with the business of carriers now furnishing the service; that wood culverts are now being supplied for highway and irrigation installations instead of steel culverts; that most highway work has been discontinued on account of government restrictions; that he performs the same service he is authorized to perform for Thompson outside the city limits of Denver for R. Hardesty Manufacturing Company within the city limits of Denver; that, occasionally, Hardesty has contracts to fill outside the city, and he would like to be in a position to handle their business; that he has engaged in this type of service for Thompson, Hardesty, and other similar concerns for a number of years, and knows how to install culverts to their satisfaction.

In opposition, protestants asked that the record in Decision No. 17117, Application No. 3772-PP-B, be made part of the record in the instant matter, which request was granted.

It there appeared that Weicker, Gallagher, Swena, and a great number of other call and demand carriers are equipped to, and do, furnish service sought to be performed by applicant, not only for R. Hardesty Manufacturing Company, but for other manufacturers and distributors of culverts, pipe, and similar commodities; that the movement of said commodities has been handled by employees of said carriers who are familiar with the work and know the kind of service required; that the service is adequate; that said carriers, especially Gallagher and Weicker, have purchased large quantities of heavy equipment in order to handle building materials and other heavy materials, as well as equipment for the large number of government projects that have been pending in the state; that said work, for the most part, is now completed; that said carriers still have the equipment, and if they are to keep it in order to be prepared at all times to serve the government and contractors who may require the service, they must have some business to meet overhead charges. Weicker now has 71 trucks which it considers to be surplus equipment.

It would appear that no additional showing has been made by

applicant why we should, in effect, reverse our decision and order No. 17117, where we denied his request to add R. Hardesty Manufacturing Company and other manufacturers to his list of customers. Reference, therefore, is hereby made to said decision.

In the instant matter, the common carrier service is adequate. We believe the granting of the extension sought would tend to impair the efficiency of the service of common carriers now serving, and therefore, after careful consideration of the record, we are of the opinion, and find, that said application for extension should be denied.

O R D E R

IT IS ORDERED:

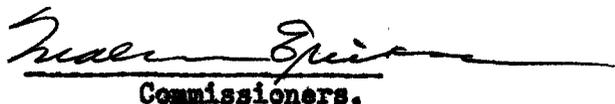
That the instant application be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. M. CAMERON, DOING BUSINESS AS
" J. M. CAMERON COAL COMPANY,"
601 ELEVENTH STREET, GREELEY, COLORADO,
FOR AUTHORITY TO TRANSFER PERMIT NO.
B-1326 TO GERTRUDE I. CAMERON, DOING
BUSINESS AS "J. M. CAMERON COAL
COMPANY," 601 ELEVENTH STREET,
GREELEY, COLORADO.

APPLICATION NO. 2574-PP-AB-A

April 23, 1943

S T A T E M E N T

By the Commission:

J. M. Cameron, doing business as "J. M. Cameron Coal Company," Greeley, Colorado, has filed application with the Commission to transfer Permit No. B-1326 to his wife, Gertrude I. Cameron, doing business as "J. M. Cameron Coal Company," Greeley, Colorado.

The application recites that J. M. Cameron is physically unable to carry on the business; that his wife, Gertrude I. Cameron, for the past three years, has assisted him in conducting the business under said permit, their son, E. M. Cameron, performing most of the transportation work; that he desires to transfer his trucks and equipment to his wife, providing this Commission will approve the transfer of his permit to her, in order that she may continue the business; that this application be considered to be an assignment of the permit, subject to our approval, and that said assignment be permitted without a hearing.

It would appear that no useful purpose would be served by requiring a hearing on said application. Apparently, Mr. Cameron is ill, and unable to longer conduct the business in which he has been engaged. His wife has the necessary experience and pecuniary responsibility to property conduct the operation.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that the transfer of said permit, No. B-1326, by J. M. Cameron, doing business as "J. M. Cameron Coal Company," should be approved, and our records should be amended and corrected to show the transfer accordingly.

O R D E R

IT IS ORDERED:

That transfer of Private Carrier Permit No. B-1326, by J. M. Cameron, doing business as "J. M. Cameron Coal Company," Greeley, Colorado, to Gertrude I. Cameron, doing business as "J. M. Cameron Coal Company," Greeley, Colorado, be, and the same hereby is, approved, and our records be changed and amended so as to show the owner of said permit to be Gertrude I. Cameron, doing business as "J. M. Cameron Coal Company," Greeley, Colorado.

The right of transferee to operate under this order shall depend upon her compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1943

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RINGSBY TRUCK LINES, INC., DENVER,) CASE NO. 4896
COLORADO, P.U.C. CERTIFICATE NO.)
1348-I.)

April 23, 1943

Appearances: E. B. Evans, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones, Esq., Denver, Colo.,
for Respondent.

S T A T E M E N T

By the Commission:

The instant matter was heard in Denver, Colorado, on May 15, 1942. The show cause order issued herein was based upon allegations that respondent has failed to report and pay highway compensation tax upon freight transported between Grand Junction and the Colorado-Utah state line.

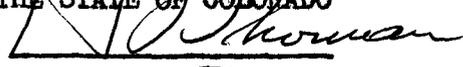
At the close of the hearing, the attorney for the Commission advised that if proper settlement of said highway compensation tax was effected, he recommended the instant case be dismissed. The Commission is now advised that said highway compensation tax has been paid by respondent, and after a careful consideration of the record, we are of the opinion, and so find, that the instant case should be dismissed.

O R D E R

IT IS ORDERED:

That the instant case be, and the same is hereby, dismissed.
This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1943

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FANNIE G. CLAMMER FOR AN AMENDMENT)	<u>PERMIT NO. A-763</u>
OF PRIVATE CARRIER PERMIT NO. A-763.)	
-----)	

April 26, 1943

Appearances: Charles R. Enos, Esq., Denver, Colorado, for the applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. Stockton, Jr., Esq., Denver, Colorado, for the Colorado Transfer and Warehousemen's Association, Joe Hepberger;
Harold Swena, Golden, Colorado for Swena Transfer.

S T A T E M E N T

By the Commission:

This is an application by Fannie G. Clammer, owner since recent death of her husband, of Permit No. A-763, to amend or extend her authority under said permit to include the right to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of general commodities between points within a radius of twenty-five miles of Idaho Springs, Colorado, and between Idaho Springs, Colorado, and points within said twenty-five-mile radius of Idaho Springs on the one hand, and, on the other, Boulder, Colorado Springs (including Colorado City), Leadville, and intermediate points.

The files in re Permit No. A-763, the reports covering operations under said permit which had been filed with the Commission, and our order and decision, No. 19417, were made a part of the record.

It appears therefrom that, on or about the 18th day of June, 1934, H. J. Clammer, of Idaho Springs, Colorado, in writing, requested the Commission to issue a permit to him, reciting that:

"I haul ore and any small jobs I can pick up around Idaho Springs --- have no regular line or runs or stops."

An application blank was forwarded to Clammer, and, on June 29, 1934, he filed the application which asked for a permit "Boulder, Colorado Springs, Leadville, and intermediate points." Permit No. A-763 issued on July 6, 1934, with authority as indicated.

Thereafter, Clammer began his operation and filed with this Commission, under Permit No. A-763, his monthly report of tonnage hauled for the month of June, 1934, and, during his lifetime continued to file reports of his operations under said permit, as required by the rules and regulations of the Commission. The first customer list filed on January 26, 1935, listed the following customers:

- Black Bear Mines, Inc.
- Calvin Mine,
- Treasure Vault Mine
- The Montezuma M. & M, Inc.
- Strohle Garage
- Alma Lincoln M & M Co,

all of Idaho Springs, Colorado. Subsequently, he filed a number of customer lists, all of which listed customers whose residences are either at Idaho Springs or in the vicinity thereof.

The monthly reports filed from June, 1934, to June, 1942, inclusive show that very little of the extensive transportation business conducted thereunder was within the terms of the authority granted, and our records fail to show that any objection was ever raised about said operation by the Commission, its officers and employees, or competing carriers. The reports show that Mr. Clammer, for the most part, confined operations to the transportation of ore and concentrates in Clear Creek and Gilpin Counties, most of his hauling being in the area within 10 miles of Idaho Springs. In July, August, September and October, 1934, he apparently served some mines 10, 12, and 18 miles from Idaho Springs. In October, 1936, March, April, July, and August, 1937, he served mines 10, 12, and 13 miles from Idaho Springs. In December, 1939, he served a mine 10 miles from Idaho Springs. Each month from October, 1940, to April, 1941, he served a mine 20 miles from Idaho Springs. From time to time, he hauled

concentrates from Idaho Springs, Dumont, and Georgetown to Leadville, and to Colorado Springs, and made one trip from Idaho Springs to Boulder. Local services -- that is, services around Idaho Springs, except for service to the mines heretofore mentioned, were within a radius of 10 miles of Idaho Springs. Reports also disclose that during said period, he moved substantial quantities of coal from mines in the northern Colorado coal fields to Idaho Springs, and one load of pipe, Denver, to Idaho Springs; also one load of machinery, Denver to Idaho Springs. Mrs. Clammer's operations under permit have been similar.

Mrs. Clammer stated that she had two trucks; that she had attempted to sell said permit to J. M. Davis and Shelby Davis, but had not consummated the sale, on account of our Decision No. 19417 on August 15, 1942; and that said J. M. and Shelby Davis had been operating the permit for her, with option to buy.

All things considered, it would seem that the request of applicant, in part, should be granted. If the extension as asked were granted, in effect, she then would be permitted to perform a line haul service, handling all commodities if she so desired, between all points on highways extending from Leadville to Idaho Springs, Idaho Springs to Boulder via Central City, Idaho Springs to Boulder via Denver, Idaho Springs to Colorado Springs via Denver, and from and to said points, to and from all points within a radius of twenty-five miles of Idaho Springs. No evidence was offered, and no showing made that would justify such extension. It would seem that the service authorized under this permit should be limited to the service ordinarily performed by permittee thereunder. The only commodity backhauled in quantity was coal. In the entire period of operation under Mr. Clammer, he hauled only one load of pipe and one load of machinery.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said permit, No. A-763, should be amended and changed so as to authorize operations by Fannie G. Clammer, as a Class "B" private carrier by motor vehicle for hire for the transportation of ores and concentrates between points within a radius of twenty miles of Idaho Springs, and from points in said area, to mills at Leadville, Boulder and Colorado Springs, and the transportation of coal from mines in

the northern Colorado coal fields to Idaho Springs.

O R D E R

IT IS ORDERED:

That our records and files, in re Permit No. A-765, and the authority of Fannie G. Clammer, as permit-holder thereunder, be amended and changed, so as to show that permit-holder is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ores and concentrates between points within a radius of twenty miles of Idaho Springs, and from points in said area, to mills at Leadville, Boulder, and Colorado Springs, and the transportation of coal from mines in the northern Colorado coal fields to Idaho Springs, Colorado.

That said permit, in the future, shall be known as "Permit No. B-763".

That said application, in all other respects, should be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Thomas

Edward H. Deuel

Walter E. Quinn

Commissioners

Dated at Denver, Colorado,
this 26th day of April, 1943.

hs



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE GIORDANO AND MIKE GIORDANO,)
DOING BUSINESS AS GIORDANO COAL)
COMPANY, AND RAVENSWOOD FUEL)
COMPANY, COMMERCIAL CARRIER)
PERMIT NO. C-1747.)

CASE NO. 4893

April 26, 1943.

Appearances: E. B. Evans, Esq., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Instant matter was instituted by issuance of show cause order February 28, 1942, and case was set for hearing at several different times, but always vacated, due to the fact that our auditing and legal departments and respondents were endeavoring to get the matter satisfactorily adjusted without necessity of hearing.

Commission is now advised by our counsel that instant case should be dismissed, as respondents' operations have been brought within the law and matters of highway compensation tax satisfactorily adjusted.

After careful consideration of the record, the Commission is of the opinion, and so finds, that instant case should be dismissed.

O R D E R

IT IS ORDERED:

That instant case is hereby dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

IN THE MATTER OF THE APPLICATION OF)
GUY G. KELLER, LAFAYETTE, COLORADO,)
FOR CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE MOTOR VEHICLE)
BUS SERVICE BETWEEN FIRESTONE, COLO-)
RADO, ON THE ONE HAND, THE SMALL ARMS)
AMMUNITION PLANT OF THE REMINGTON ARMS)
COMPANY, ON THE OTHER; LONGMONT,)
COLORADO, ON THE ONE HAND, AND THE)
SMALL ARMS AMMUNITION PLANT OF THE)
REMINGTON ARMS COMPANY, ON THE OTHER;)
AND BOULDER, COLORADO, ON THE ONE HAND,)
AND THE SMALL ARMS AMMUNITION PLANT)
OF THE REMINGTON ARMS COMPANY, ON)
THE OTHER.)

APPLICATION NO. 5822

April 26, 1943.

Appearances: Francis Manchini, Esq., and
John W. Metzger, Esq., First
National Bank Bldg., Denver,
Colorado, for applicant;
W. A. Alexander, Esq., Denver,
Colorado, for Denver Tramway
Corporation;
J. L. Rice, Esq., Denver, Colorado,
for Denver & Interurban Motor
Company;
Hodges, Vidal and Goree, Esqs.,
Denver, Colorado, for Colorado
Motor Way Company.

S T A T E M E N T

By the Commission:

At the hearing, testifying in his own behalf, applicant detailed the routes which he proposed to serve under the authority, if granted, which is sought herein, as outlined in the caption above. He testified in regard to a survey he had made of various communities involved, and expressed the opinion that a definite need existed for his proposed service, not only to the munitions plant but also for workers in coal mines who live at points distant from the mines and are compelled to secure transportation to and from same. Several petitions signed by various individuals requesting

that he be granted the authority sought, were offered in evidence, but due to objections by protestants, were not made part of the record. No other witnesses except applicant's father, who testified that he would help him financially if necessary, appeared on behalf of applicant.

Protests were interposed by the Colorado Motor Way, Denver and Interurban Motor Company, and Denver Tramway Corporation, and evidence of the service they were rendering in the territory involved and additional service they proposed to install, was introduced. It was the position of protestants that present service was adequate, or could be made so by proposed increased facilities, and that public convenience and necessity required no further certificates.

The Commission deems it unnecessary to discuss in detail all the various schedules and proposals which were submitted at the hearing as to ways and means by which adequate service would be rendered to the public.

Upon the record as it stands, we are unable to determine that applicant made a showing of public convenience and necessity sufficient to justify the granting of a certificate. Considerable time has elapsed since the hearing, and we believe that reasonably adequate service exists in the territory involved, taking into consideration war demands, shortage of equipment and rubber. Unless a distinct and vital need is shown for increased service, we doubt the advisability of granting new certificates if presently operated common carrier service is or can be made sufficient to meet the reasonable demands of the public.

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

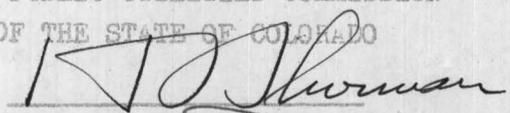
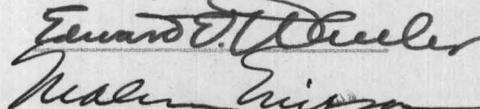
ORDER

IT IS ORDERED:

That the instant application be, and the same is hereby, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 26th day of April, 1943.
BH



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

R. I. NIGHTINGALE,
Petitioner,

vs.

SAN MIGUEL POWER ASSOCIATION,
INC.,
Respondent.

CASE NO. 4809

April 23, 1943

Appearances: L. D. Hunt, Esq., Denver, Colorado,
for Petitioner, R. I. Nightingale;
Harry W. Gueno, Esq., Delta, Colorado,
and Ernest L. Rushmer, Esq., St.
Louis, Mo., for Respondent, San
Miguel Power Association;
E. B. Evans, Esq., Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

The instant case was based upon complaint filed by R. E. Nightingale, owner and operator of electric plant at Norwood, against San Miguel Power Association, Inc., a so-called R.E.A. project, operating over the mesa where Norwood is located, and the lower San Miguel Valley, Counties of San Miguel and Montrose.

Said complaint is based upon the proposition that respondent is a public utility, and as such is operating without a certificate of public convenience and necessity from this Commission in competition with complainant and to his detriment.

To said complaint a demurrer and motion to dismiss was filed by respondent, in which it is alleged, inter alia, that complainant is restricted under order of this Commission to service within the corporate limits of the Town of Norwood, and that respondent is not a public utility. The Commission refused to pass upon said

demurrer and motion prior to hearing.

The evidence disclosed that complainant and his predecessors in interest have, since May, 1935, been furnishing Town of Norwood and certain customers outside corporate limits thereof with electrical energy. This service, so far as Norwood is concerned, was authorized by franchise granted. Application was filed with Commission by complainant for a certificate of public convenience and necessity to exercise said franchise rights within the Town of Norwood and also for authority to serve a five-mile radius outside thereof. Due to the possibility of R.E.A. service, said application was protested by various individuals in the Norwood area, including the town officials of Norwood. However, on July 21, 1939, complainant was granted a certificate to exercise his franchise rights within the corporate limits of Norwood, but denied authority to serve outside thereof. This decision was not appealed from although complainant continued his service to some five customers outside the corporate limits of Norwood and was still serving same at the time of instant hearing. A limited number of other customers reside within this five-mile radius that could have been, but never were, served by complainant, and some of these are now being served by respondent.

Respondent is a cooperative association, organized under Sections 210-214, Chapter 41 - 35 C.S.A. Under a loan of Federal funds, respondent has constructed certain transmission and distribution lines extending some sixty miles from Illium, which is seven miles west of Telluride, Colorado, and where current is purchased by respondent from Western Colorado Power Company, to a point approximately six miles northwesterly from Nucla. It serves approximately 400 customers. In the early stages of its organization residents of the town of Norwood were solicited for membership in the Association, but later said applications were rejected and application fees returned. No service

was ever rendered to any of said residents.

By-laws of the Association provide, inter alia, that:

"Any person, firm, corporation, or body politic, may become a member of the cooperative by (a) paying the membership fee hereinafter specified, (b) agreeing to purchase from the cooperative electric energy as hereinafter specified, and (c) agreeing to comply and be bound by the certificate of incorporation of the cooperative and its by-laws and any amendments thereto, and such rules and regulations as may from time to time be adopted by the board of directors."

The membership fee is \$5.00.

The respondent applied for and received a franchise from the Town of Nucla, and service is being rendered to its inhabitants, including the entering into of street lighting contract with the town. Request was made by respondent for a franchise from the Town of Norwood, but later this request was withdrawn. The association has refused some memberships, but only where it was not feasible to serve. Generally speaking, respondent proposes service to any and all possible customers in its area that it may be feasible to serve, the only exception being those now receiving current from a central station service. The act under which the loan of Federal funds was secured provides that loans may be made "for rural electrification and furnishing electrical energy to persons in rural areas who are not receiving central station service as hereinafter provided."

Negotiations were held between complainant and respondent looking toward the purchase of complainant's plant by respondent, but no agreement was ever made. Association lines in the immediate proximity of Norwood parallel lines of complainant for a distance of approximately 250 feet both east and west of Norwood. Complainant is now serving approximately 95 customers within the corporate limits of Norwood. The actual number of customers served by respondent within a 5-mile radius of Norwood is not clear from the record. However, it is serving five customers within a radius of one-half mile of Norwood, which is the same number being served by complainant.

The general territory served by respondent is thinly populated, and prior to installation of R.E.A. service, practically the entire 400 customers of respondent were without benefit of electrical service. Additional extensions of respondent's lines are contemplated after the war to Bed Rock and the Paradox Valley. At present, respondent serves approximately 75 per cent of the people living within 1,000 feet of its lines, and ultimately a general service to the entire San Miguel area is contemplated.

Does this record disclose that respondent is a public utility as same is defined by our statute? The definition of a public utility is found in Section 3 of Chapter 137 - 35 C.S.A. and is as follows:

"The term 'public utility', when used in this chapter includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, a person or municipality operating for the purpose of supplying the public for domestic, mechanical or public uses, and every corporation, or person now or hereafter declared by law to be affected with a public interest, and each thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control, and regulation of the Commission and to the provisions of this chapter; provided, that nothing in this chapter shall be construed to apply to irrigation systems, the chief or principal business of which is to supply water for the purpose of irrigation."

The question involved has not been directly passed upon by Colorado courts. In Davis v. People, ex rel Public Utilities Commission, 79 Colo. 642, P.U.R. 1926E, 635, 247 Pac. 801, our Supreme Court promulgated the general doctrine that:

"In determining whether a business is that of a common carrier, the important thing is what it does, not what its charter says. A service may affect so considerable a fraction of the public that it is public in the same sense in which any other may be called so. The public does not mean everybody all the time."

Davis was hauling freight by truck for over 90% of the shippers in his territory. He had organized most of the shippers into an association and transported goods under a contract with the asso-

ciation. The Court stated that the association was in fact a "sham organization" and that the limitation that Davis would only haul for members of the association, was a mere device to hoodwink the law, and declared that he was in fact a common carrier.

It will be noted that in the definition of a public utility, supra, irrigation systems are specifically exempted from the provisions of the act. Cooperative associations are not. The cooperative association statute was passed by the same Legislature that enacted the statute defining a public utility. It would appear that if it had been the intention to exempt cooperatives from the jurisdiction of the Commission, the Legislature would have included same in their exemption of irrigation systems.

It is true that R.E.A. systems, as now functioning, were not in existence at the time said laws were passed. However, it would seem clear that it was not the intention of the Legislature to exempt cooperatives as such under the rather generally accepted rule that where the Legislature has made exceptions to a general rule, it must be deemed to have included in its exceptions all that it intended to except. The Supreme Court of Utah in Garkane Power Co. v. Public Service Commission, 98 Utah 466, 33 P.U.R. (N.S.) 129, 100 Pac. (2d) 571, held that a rural electric association operating in Utah was not a public utility, and hence not under the control of the Public Service Commission of that state. To the same effect is the case of Inland Empire Rural Electrification v. Department of Public Service, 199 Wash. 527; 30 P.U.R. (N.S.) 173, 92 Pac. (2d) 258. The most recent decision was by the Wyoming Supreme Court in Rural Electric Co. v. State Board of Equalization, P.U.R. 42 (N.S.) 153; 120 Pac. (2d) 741. This case holds that a rural electric association operating in Wyoming is a public utility and subject to the application of the general sales tax law of Wyoming. While it is true that this decision

construes the status of the R.E.A. insofar as the tax law of Wyoming is concerned, yet the opinion goes very thoroughly into the entire history of what constitutes a public utility and analyzes and discusses the various decisions of courts of last resort as to the general principles of what does or does not constitute the dedication of property to a public use. The statutes of Wyoming and Colorado defining what constitutes a public utility, are quite similar. It would appear that the conclusions reached in said decision apply with equal force to the instant case, and we deem it unnecessary to go into all the authorities that are set out and discussed in said opinion.

In the instant case, it would appear that there has been a dedication of the property of respondent to a public use. The fact that it proposes to, and does serve any and all persons that may feasibly be served, except those already receiving current from central station service, who are willing to pay a \$5.00 membership fee, including towns, school districts, and in fact all classes of service, takes us back to the theory promulgated by our own Supreme Court in the Davis case, supra, that the service is to "so considerable a fraction of the public that it is the public in the same sense in which any other may be called so."

In determining this issue, we may not as an administrative body be concerned with personal views as to the wisdom or otherwise of any law, whether state or federal, nor in any way attempt to invade the province of the legislative branch of our State government. We conceive our duty merely to apply the law as we understand it to the facts that develop upon the record, and this leads to the conclusion that respondent is a public utility and subject to the jurisdiction of the Commission. It is true that so far as the regulation of rates is concerned, a non-profit cooperative would not need any regulation. However, the question of rates is not the only one involved.

We now come to the second question involved; that is, whether or not respondent is in competition with and operating to the detriment of complainant. It is true that Section 36 of Chapter 137, 35 C.S.A. provides that a public utility may extend its facilities to adjoining territory not theretofore served by a public utility of like character without obtaining a certificate from this Commission. However, complainant in this case saw fit to apply to the Commission for a certificate to serve not only within the corporate limits of Norwood, but within a five-mile area outside thereof, and the Commission found that while the public convenience and necessity required his operations within the corporate limits of Norwood, the same public convenience and necessity did not require his operations outside thereof, and specifically denied him authority to serve in said area. No appeal was taken from this decision by complainant, and he continued to render service outside of said corporate limits. It is clear that insofar as service within the Town of Norwood is concerned, no competition is being offered. By accepting the benefits of our order of July 21, 1939, granting complainant the right to operate in Norwood, we believe complainant is estopped from maintaining that the part of said order (that denying his right to serve within a five-mile area outside of Norwood) is invalid. Said order is not separable. The Commission might or might not have granted any certificate except in the manner and form in which it did. People v. Public Service Commission, 227 N.Y. 428, 125 N.E. 438, P.U.R. 1920B 350, involved the following situation: An application was filed by a railroad company for authority to construct a railroad. A certificate was granted, but in granting the certificate the Commission directed the railroad to file a map with it and to construct the line of railroad in accordance with the map. Upon appeal the court first held that the Commission had no

power to impose the condition in connection with the certificate of filing a map. The further question in the case was whether, in having so determined, the court could detach the illegal provision from the remaining provisions and permit the order to stand insofar as it granted a certificate of public convenience and necessity. Upon this point, the court said:

"We should be glad if this could be done, for whatever the final disposition upon the merits may be, there is no doubt that the labors and expense of the petitioner in attempting to procure permission to construct this road have been greatly increased through the misapprehension by the Public Commission of the statutes which cover the proceeding. We do not, however, think it is possible to relieve the petitioner by a process of separation of the different provisions of the order which has been made and thus by elimination of the illegal provisions affirm the balance of the order. The court is not justified in eliminating and disregarding illegal provisions of an order, unless it is apparent that the provisions which are legal in form are not connected with and affected by those which are illegal."

In Multa Trina Ditch Co. v. Stobaugh, 76 Col. 451, the defendants in error attempted to have a portion of a decree, which was in their favor, held valid, and another portion of the same decree, which was unfavorable, held invalid. The Supreme Court held that defendants in error may not avail themselves of one portion of the 1920 decree which gives to them for their ditch the additional amount of 180 cubic feet which the former conditional decree did not contain and repudiate other portions thereof which may be unfavorable.

In our opinion, if any portion of our Decision of July 21, 1939, is invalid, the entire order is invalid, in which event complainant would have no standing before the Commission to prosecute his complaint.

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

as defined by the statutes of the State of Colorado and should apply to the Commission for authority to conduct its business as presently operated.

We are further of the opinion, and so find, that complainant has failed to establish that any operations of respondent are in competition with or to the detriment of respondent.

O R D E R

IT IS ORDERED:

That the San Miguel Power Association, Inc., in its operations as a corporation, in supplying and distributing electrical current in the counties of San Miguel and Montrose, is a public utility under the statutes of the State of Colorado, and is subject to the jurisdiction of the Commission.

IT IS FURTHER ORDERED, That the complaint filed herein be, and the same is hereby, dismissed.

IT IS FURTHER ORDERED, That jurisdiction of the instant matter be retained to the end that such further order or orders may be entered herein as the Commission may deem proper.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. J. Phouman

Edward D. Wheeler

Malcolm E. Eason
Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1943.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

THE HIGHLAND UTILITIES COMPANY,)
A Corporation,)
)
Complainant,)
)
v.)
)
THE WESTERN COLORADO POWER COMPANY,)
A Corporation,)
)
Defendant.)

CASE NO. 4891

April 24, 1943.

Appearances: Dan Milenski, Esq., Cortez, Colorado,
and Lowell D. Hunt, Esq., Denver,
Colorado, for Complainant;
George R. Corey, Esq., Salt Lake City,
Utah, and Moynihan, Hughes and
Sherman, Esqs., Montrose, Colorado,
for Defendant;
E. B. Evans, Esq., Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

Complainant, Highland Utilities Company, hereinafter designated as "Highland", operates electrical service as a public utility in Montezuma County, particularly in the towns of Mancos, Cortez and Dolores, Mesa Verde National Park, and the territory adjacent to said towns and park. It has approximately eight hundred customers, 85 per cent of whom are classed as urban and 15 per cent rural. Energy is purchased from defendant, Western Colorado Power Company, hereinafter designated as "Western", delivery being made at a point on boundary line between La Plata and Montezuma Counties. This current is furnished under Western's schedule on file with the Commission designated P-24. Western also has on file with the Commission its schedule designated P-25, which is applicable to "rural cooperative associations in all territory served by the company". It is conceded rates under P-25 are lower than those under the

P-24 schedule.

Highland alleges unjust discrimination and seeks to restrain Western from selling energy to other utilities upon more favorable conditions and returns than to Highland. Highland further alleges that Western had offered to sell energy to Empire Electric Association, Inc., hereinafter designated "Empire", under its P-25 schedule. Empire is an REA project operating in Montezuma and Dolores Counties. Western denies this allegation, and, except for this question, there is practical agreement upon the facts.

Western is now serving under its Schedule P-25 the Delta-Montrose Power Lines Association, San Miguel Power Association, Inc., and La Plata Electric Association, all of which are REA projects.

The record discloses that to enable Western to deliver energy to Highland, it constructed approximately ten miles of transmission line to the La Plata-Montezuma County line. Highland contends the cost of this line was figured in the rate given them by Western, and the same line would be used by Western in delivering energy to Empire. The contract between Western and Highland provides for an annual minimum charge of \$7500.00, but this has never been operative as requirements of Highland have always exceeded this figure. For the year 1941, Highland's actual bill from Western under Schedule P-24 was \$25,277.34, and, if based upon Schedule P-25, would have been \$17,198.50, or a saving of 31.9 per cent. For 1941, Highland's consumption per month was approximately 125,000 KWH, La Plata Electric Association 19,000 KWH, San Miguel Power Association 31,000 KWH, and Delta-Montrose Rural Power Lines 60,000 KWH. Empire is now obtaining its energy from mobile Diesel engine. Its present lines extend from north of Dove Creek in Dolores County, through Cahone, Ackman, Lewis and Arriola, to points south and slightly west of Dolores. At the time of hearing, it was serving 267 customers, including the incorporated town of Dove Creek, where it has a 25-year franchise.

An extension of this project has been approved in Washington and can be built whenever materials are obtainable. This extension would give it approximately 200 additional customers, and extend its line south

and west through Mancos to within three miles of the Montezuma-La Plata line and south through Cortez and points south and west thereof. Its present average KWH consumption is approximately 18,000 per month. Forty per cent of its service is estimated to be urban and sixty per cent rural. Empire is seeking and has sought to obtain energy from both Highland and Western. Highland has submitted to it certain proposed rates. Western says they made no commitment on rates, but the manager of Empire was handed their P-25 schedule when he inquired about rates to rural electric cooperatives. However, on November 25, 1941, Western, by letter, at that time declined to consider furnishing Empire service, calling attention to the fact that Highland was located in their territory and had available supply of current. Highland contends that the threat of Empire obtaining lower rates in its territory is detrimental to securing renewal franchises, and that it is being damaged by the unjust discrimination between the rates under P-24 and P-25.

Western contends that it has a right to classify REA projects separately, and that the schedule P-25 returns at least an out-of-pocket cost. Also that said rate was given because of threats by REA administrators to build their own generating plants if low rates were not made. Western further states it will not serve Empire unless ordered to do so by some regulatory body.

It would appear that the type of service rendered by Highland and Empire is somewhat similar and that is true of the other cooperatives served by Western, the only material distinction being that in rural service the farms served by the co-ops are less productive and more sparsely located.

We question whether Western could under all circumstances refuse service to Empire at the La Plata-Montezuma County line upon the ground that it is outside its service area. It is now serving Highland at this line. In any event, it would appear advisable to determine at this time the question of whether unlawful discrimination exists in the rates and service

by Western to REA co-ops under Schedule P-25.

Section 19, Chapter 137, Vol. IV, 35 CSA, page 502, provides:

"No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person, or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any respect, either between localities or between any class of service. The Commission shall have the power to determine any question of fact arising under this section."

Section 15, Chapter 137, Vol. IV - CSA, page 498, gives the Commission authority to,-

"correct abuses and prevent unjust extortions in the rates, charges and tariffs of public utilities of this state."

The Commission heretofore has found that San Miguel Power Association, Inc., which Western is now serving, is a public utility. See R. I. Nightingale, Petitioner, v. San Miguel Power Association, Inc., Respondent, Case 4809, decided April 23, 1943, Decision No. 20831.

It is fundamental that unless these REA projects are entitled to special classification as such, Western is not justified in establishing rates which are unduly prejudicial to Highland or preferential to the REA projects unless the character of service rendered is so dissimilar as to justify a difference in classification, or such difference in classification can be justified upon other lawful grounds. REA projects are comparatively a new venture, yet their development throughout the United States has been very rapid in the past few years. The Federal Act creating same places its administration under the Department of Agriculture. Its purpose is to bring electrical energy to farms and rural areas not then receiving electrical service. This latter provision, if properly administered, means that established private utility or municipal utility customers could not be served by these projects. The competition, if any, exists in the unserved customer areas.

Evidence in the instant case disclosed that the lines of Empire and Highland are nearly parallel for short distances. Witness for Highland, when asked why his company had not served Empire customers in the past, replied that some of them had never requested service and others they felt could not be served economically.

It is apparent from the record that these REA projects do bring service to farms and communities to which it has not appeared practical to private utilities to serve in the past. The resultant benefits to large areas of our state are not to be denied. The local projects are in form cooperative associations organized under Colorado statutes, the Department of Agriculture, through its rural electric association set-up, exercises a complete supervision over such projects. The extent of the project, initial rates to be charged, engineering services, etc., are all determined in Washington.

Western, in its brief, contends that REA projects are a department of the Government, and that giving the Government preferential rates does not violate prescribed rules requiring equality of treatment, citing, inter alia, U. S. Shipping Board Corporation v. Western Union Telegraph Co., 48 Sup. Ct. Rep. 198, 275 U. S. 415. Said case holds the U. S. Shipping Board is a department of the Government and hence is entitled to government rates for sending of telegrams. The shipping board is a private corporation in form, but its entire capital stock was subscribed for and owned by the Government. This condition does not exist under the REA set-up. After the loans advanced by the Government are repaid, the ownership of the physical assets of these mutual cooperatives will belong to their membership.

As pointed out in said shipping board case, supra, instrumentalities of government, like national and federal reserve banks, are not departments of the government, but private corporations in which the government is interested, and we believe REA projects come under the definition "instrumentalities of government" rather than "department of government." This

being true, the doctrine of "preferential rates to the Government not being discriminatory to its competitors" does not apply.

In Re Wholesale Rates for Power to Rural Cooperatives, 19 P.U.R. (N.S.), page 22, the Kentucky Public Service Commission justifies a lower rate for REA projects upon the grounds, inter alia, that:

"The material social advantages of rural electrification which will benefit the public generally, constitute the justification for special classification and rate for service to non-profit, rural electrification cooperative associations."

This same case holds that if the rate granted the rural cooperatives will cover the out-of-pocket cost of rendering the service, with a margin for general overheads and fixed charges, it is justified under the rule that competitive conditions justify rate differences between utility customers. It is further held that electric utilities may reasonably be required to serve non-profit rural electrification cooperatives at rates that will produce a lower margin of profit than for certain other classes of service in view of the rule that ability to pay is an element to be considered in determining a fair and reasonable rate level.

In Re Public Service Company, P.U.R. 1929-D, page 342, the Colorado Commission held that a tariff providing for a discount for current used for unwatering mines and smelter operations, was not an unreasonable or unlawful preference, quoting with approval the case of Guthrie Gas, Light, Fuel and Improvement Co. v. Board of Education, 64 Okla. 157, P.U.R. 1917-E 200, to the general effect that where discriminations are in the interest of the public and benefit the people generally, they are usually favored by the courts.

In Wisconsin State Rural Electrification Coordination Committee v. Wisconsin Gas and Electric Company, 17 P.U.R. (N.S.), page 33, the Wisconsin Public Service Commission holds that,-

"The fixation of a rate for service to rural electric cooperative associations is not unlawful and unreasonable on the ground that standard rates and conditions of service are not fixed for all utilities competing for the business and applicable to all of them alike."

We believe that special classification of REA projects in this state by utilities selling current wholesale, is justified and is a reasonable discrimination and not an unlawful preference to said cooperatives, and would not be in contravention of our state statutes. Irrespective of the question of differences in the character of the service rendered, it is our opinion that such separate classifications may be justified on the grounds of ability of customers to pay, advantages to the public, and the right of utilities to meet, by law rates if necessary, the threat of new competitive generating plants. Rates offered under said schedules may not, however, impose any burden upon other customers of the utility, and must not be unduly discriminatory or unreasonably preferential to the cooperatives.

The territory presently served by Empire, or which it will serve under its proposed extension, has been to a large extent within the service area of Highland, and it has failed, whether justified or otherwise, to extend service to the rural areas, although, as we understand the situation, the same low cost Government money was available to it for this purpose as became available to Empire. As long as the cooperatives conduct their operations in conformity with the spirit and intent of the law which the Congress, in its wisdom, has enacted, viz., the bringing of electrical energy to farms and rural areas not then receiving electrical service, we believe special classification is justified.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant complaint should be dismissed.

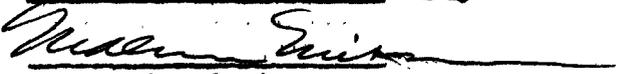
O R D E R

IT IS ORDERED:

That the instant complaint be, and the same is hereby, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward D. Wheeler

Commissioners.

Dated at Denver, Colorado,
this 24th day of April, 1943.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
CARL BAESSLER, JR., 1450 HAVANA)
STREET, AURORA, COLORADO.)

PRIVATE PERMIT NO. B-2855

April 28, 1943.

S T A T E M E N T

By the Commission:

On January 28, 1943, by order of the Commission, Decision No. 20297, Carl Baessler, Jr., of Aurora, Colorado, was given authority to suspend operations under Permit No. B-2855 for a period of not to exceed six months from January 1, 1943, with the privilege of reinstatement.

The Commission is now in receipt of a communication from said 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 so finds, that said order of suspension should be set aside and said permit restored to its active status.

O R D E R

IT IS ORDERED:

That our order of January 28, 1943, Decision No. 20297, be, and same is hereby, set aside, and Permit No. B-2855 is restored to its active status, as of May 1, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIS SOWERS, 205 UNIVERSITY) CASE NO. 16900-R
AVENUE, LARAMIE, WYOMING, PUC)
NO. 1230-I.)

April 28, 1943.

S T A T E M E N T

By the Commission:

On October 9, 1941, Commission revoked Certificate No. 1230-I for failure to file reports for the period March 1, 1941, to July 1, 1941. It now appears that said reports had properly been filed by respondent with the Port officers, but due to the fact that no report blanks for common carriers were available, said reports were made out upon "C" blanks, and as respondent was also operating under a "C" permit, the reports inadvertently were not credited to his common carrier operations. We have been requested to reinstate said certificate.

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

O R D E R

IT IS ORDERED:

That our order of October 9, 1941, revoking Certificate No. 1230-I, be, and same is hereby, set aside, and said certificate is reinstated as of October 9, 1941.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
ALFRED ARCHULETA, 620 MADISON ST.,)	
MONTE VISTA, COLORADO, FOR A CLASS)	<u>APPLICATION NO. 6289-PP</u>
"B" PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

April 28, 1943.

Appearances: Alfred Archuleta, Monte Vista,
Colorado, pro se;
A. J. Tait, Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Conour and Conour, Del Norte,
Colorado, attorneys for J. P.
Wiederkehr.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, at Alamosa, Colorado, on March 25, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes to Monte Vista from farms within the area extending five miles west, and fifteen miles north, east, and south of Monte Vista, and dehydrated potatoes from dehydrating plant in Monte Vista, to railroad cars, also freight from depot in Monte Vista to said dehydrating plant.

It developed that the dehydrating plant in question is operated by the Dehydrating Division of the Wisconsin-Michigan Steamship Company for the Government; that potatoes move to the plant in Monte Vista; that, ordinarily, they are not handled by applicant, but he seeks the authority here asked to move potatoes from farms to Monte Vista in order to care for emergency hauls. It also developed that Monte Vista is a home-ruled city; that the movement of freight to the plant, and processed potatoes from the plant to railroad cars, is within the city limits, and therefore not under the jurisdiction of the Commission.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of potatoes to plant of said Company at Monte Vista from farms within the area extending five miles west, and fifteen miles north, east and south of Monte Vista; that said application, in all other respects, should be denied.

O R D E R

IT IS ORDERED:

That Alfred Archuleta, Monte Vista, 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 potatoes to plant of Dehydrating Division, Wisconsin-Michigan Steamship Company, only, at Monte Vista from farms within the area extending five miles west, and fifteen miles north, east and south of Monte Vista.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

That said application, in all other respects, should be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

J. J. Korman
Eduard J. G. Greer
Richard E. Smith
Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

IN THE MATTER OF THE APPLICATION OF)
JASPER FRANCISCO, BOX 301, DEL)
NORTE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 6263-PP

April 29, 1943.

Appearances: Tony Valdez, Del Norte, Colorado,
for the applicant;
Conour and Conour, Del Norte,
Colorado, for J. P. Wiederkehr,
E. T. Walker, and James Ashton;
A. J. Tait, Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing in Alamosa, Colorado, on March 11, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sugar beets between points within a radius of twenty-five miles of Del Norte; head lettuce, cauliflower, peas, and spinach, from farms in the same area to loading sheds in said radius, and potatoes from points within a radius of twenty-five miles of Del Norte to warehouses in Del Norte, and from said warehouses to loading points within a radius of two miles of Del Norte.

There was no objection to the granting of the authority sought for the transportation of sugar beets, lettuce, and other vegetables, as stated.

As to potatoes, it appeared that applicant, for some time, has been employed by Evans Produce Company at Del Norte; that occasionally during times when other carriers seemingly were not available, he, with the approval of the Commission, hauled potatoes from the warehouse of Evans

Produce Company in Del Norte to railroad loading track, about two miles from the city, and has hauled a few loads of potatoes in emergencies from farms to the warehouse in order to fill a car. At the warehouse, potatoes are graded, washed, sacked, and otherwise prepared for shipment.

Mr. Evans, of Evans Produce Company, urged that the application be granted. He stated that his concern has a large warehouse in Del Norte, which has a capacity of 15,000 sacks. After the potatoes are ready for shipment, it has been necessary in the past to move them to railroad loading track, about two miles distant. Besides Francisco, Private Carriers Ferris, Denton, Martinez and Gonzales Brothers, and Wiederkehr, a common carrier, have, at times, handled potatoes to the railroad cars. He has one truck, which he is not able to use for that purpose because it has been used in the warehouse to handle potatoes to the washers and return. A new siding is now being constructed at the warehouse, which will be completed in about two weeks. It is to be 1396 feet in length, and after it is constructed, potatoes probably will be loaded at that siding, which will shorten the hauling materially, and probably make it unnecessary to use the public highways in the service. All potatoes, at this time, are moving from his plant to government warehouses. He stated that he had not been satisfied with the services of Messrs. Ferris, Denton, Martinez, and Gonzales Brothers for a number of reasons. He added that the handling of potatoes involves more than the mere movement in the trucks; that he never has any "kick-backs" on the cars that are loaded by Francisco; that potatoes must be handled so as not to bruise them; they also must be properly counted out, properly loaded in the cars, and accurately counted after loading; that on shipments to the government, if one car is short, a tremendous amount of work is involved in settling the matter; that government shipments require 6 bills of lading, 6 bills and 3 telegrams, and if anything, even a minor detail, is wrong with the shipment, they must start all over again; that 98% of the shipments move outside of the state; that he requires services of a carrier who is available at all times; that Francisco is willing to stay on the job and devote his time to the business of Evans; that, at times, he has called carriers

to perform service, and has been compelled to wait until the next day to get it; that if Francisco is unable to get authority, he, Evans, will be compelled to buy another truck.

On cross-examination, it was suggested by counsel for protestants that the difficulty between Wiederkehr, whose services Evans had admitted were satisfactory, and Evans, was the rate. Evans stated that while Wiederkehr's service was satisfactory, he was unable to pay five cents a sack out of the small commission that he received for handling potatoes; that Francisco was willing to handle them for two cents a sack for a distance of two miles or less, inasmuch as he furnished Francisco two men to help load and unload; that Francisco had been able, in eight to ten hours, to move 840 sacks in seven trips, which figured \$16.80 for the use of his truck a distance of 28 miles, and his services for the same period.

In opposition, Mr. Wiederkehr stated that he maintained five trucks to haul farm products and other commodities in the area he is authorized to serve, which includes the territory Francisco is asking to serve; that he is willing to haul potatoes, if Mr. Evans will pay the prescribed rate; that a year ago last fall, he hauled a load two miles, and had to wait for the load; that he was on duty five hours -- from 1:00 o'clock to 6:00 o'clock; that the inspector turned down the load, and he was required to unload and start over; that, on another occasion, he was called after supper, moved 80 sacks out of a car and moved 80 from the warehouse to the car; that Mr. Evans thought he should handle it for two cents each way; that he charged three cents a sack, or \$4.80 for moving the 80 sacks of potatoes each way; that he is unable to make a profit out of the amount that Evans is willing to pay. His tariff was made a part of the record, and shows that rate for moving potatoes from fields to cellars, sheds, or storage or shippers' premises, 1 mile and under, is 3 cents per sack; from field, sheds or cellars to town, shipping or storage points, 6 miles or under, the rate is 5cents per sack; 10 miles and over 6 miles, the rate is 6 cents; 15 miles and over 10 miles, the

rate is 7 cents per sack. He added that besides the five flat trucks and one dump truck he maintains, Gonzales Brothers have four or five trucks, McClanahan has one truck, Martinez has two trucks, Walker has four trucks, and that a number of other truckers without authority are hauling potatoes.

Art Valesquez, who is employed by Gonzales Brothers, stated that Gonzales Brothers had been unable to make money off the Evans potato haul at the rates Mr. Evans paid.

It will be observed that for the haul from the car to the warehouse, and warehouse to the car, under his tariff, Mr. Wiederkehr should have received 5 cents per sack. Apparently, he gave Mr. Evans the benefit of the rate from field or storage points to the warehouse of 3 cents per sack.

It would seem that no useful purpose would be served by granting Francisco authority to haul potatoes. He could not haul them for 2 cents a sack. Mr. Evans stated that he cannot pay more than 2 cents per sack. It would, therefore, seem that his remedy is to buy a truck, as he suggests, and do his own hauling. If we granted the permit to Francisco, in order to continue employment under Mr. Evans, it would be necessary for him to violate the law. If the rate is too high, Mr. Evans should file a complaint against the rate and the Commission can determine whether the rate should or should not be reduced.

After careful consideration of the record, the Commission is of the opinion, and finds, that Jasper Francisco should be authorized to operate as a Class "B" private carrier by motor vehicle for hire with authority as hereinafter set forth.

O R D E R

IT IS ORDERED:

That Jasper Francisco, Del Norte, 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 lettuce, pear, cauliflower and

spinach from farms within a radius of twenty-five miles of Del Norte, Colorado, to shipping sheds in said area, and sugar beets from fields in said area to beet dumps in the same radius.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

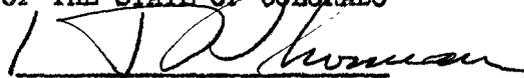
The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

That said application, in all other respects, should be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1943.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

APPLICATION NO. 6264-PP

April 29, 1943.

Appearances: Joseph Ellsworth Denton, Del Norte,
Colorado, pro se;
Conour and Conour, Del Norte,
Colorado, for E. T. Walker and
J. P. Wiederkehr;
A. J. Tait, Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing in Alamosa, Colorado, on March 11, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, except livestock, between points within the area extending 20 miles north, 4 miles south, 16 miles east, and 25 miles west of Del Norte, without the right to haul said commodities between towns.

Applicant stated that during the 1942 harvest season, he was unable to get transportation service for movement of his crops; that, although he made arrangements with Mr. Wiederkehr to haul for him, he then purchased a truck to haul his potatoes, and now seeks authority to haul for hire, in order to keep his truck busy when his farming operations do not require use of the truck; that, during harvest season last year, he hauled some grain and some potatoes for his neighbors under an emergency permit from the Commission; that if the permit herein sought is granted, he expects to operate during the vegetable season around Del Norte, and to haul grain and potatoes, when those crops are moving, for any farmer who needs his service, as he expects to hold himself

out to serve everyone. He stated that, at the time he had the emergency permit, he left word at the potato sheds, grocery stores, pool hall, and other places, that if his service was needed, he was available.

It was suggested by protestants that the service applicant seeks to perform is that of a common carrier, and that the application should be denied.

It is true that applicant indicated that he expected to hold himself out to serve everyone who needed his service. That, he cannot do under a Contract Carrier Permit. If he should be granted the permit here sought, he would be compelled to limit his service to contract customers -- that is, those with whom he had contracts for service duly approved by the Commission prior to performing the work.

Under the showing made, we cannot grant the permit. Should applicant, after due consideration, be of the opinion that he could conduct his operations within the rules of the Commission governing operations of private carriers, he should make application for rehearing, and submit further testimony, if it appears that there may be room for additional for-hire service during the harvest season in the Del Norte area.

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

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward E. Decker

Nelson
Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O. R. CLAUNCH, LA JARA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 6288-PP

April 29, 1943.

Appearances: O. R. Claunch, La Jara, Colorado,
pro se;
Conour and Conour, Del Norte,
Colorado, for E. T. Walker,
James Ashton and E. B. Faus;
A. J. Tait, Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled matter was called for hearing at Alamosa, Colo-
rado, on March 25, 1943, pursuant to prior setting.

Applicant asked that the application be dismissed, without
prejudice.

The request was taken under advisement.

After careful consideration of the record, the Commission is of
the opinion, and finds, that said application should be dismissed without
prejudice.

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is,
dismissed, without prejudice.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1943.

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
A. L. OVERMYER, 1305 EAST QUINCY)
STREET, ENGLEWOOD, COLORADO, FOR A)
CLASS "A" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 6251-PP

April 29, 1943.

Appearances: A. L. Overmyer, Englewood,
Colorado, pro se;
Conour and Conour, Esqs., Del Norte,
Colorado, for James E. Ashton, E. T. Walker;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage Company;
Allumbaugh and Williams, Ordway,
Colorado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for Gately Motor Co.

S T A T E M E N T

By the Commission:

On December 16, 1942, A. L. Overmyer, Englewood, Colorado, filed his application to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay and grain, mules and horses, between points in Colorado and U. S. Army Camps, cantonments, reservations, fields, and other Government-operated projects in Colorado, for the duration of the present war.

The matter was set for hearing, and heard, in Denver, Colorado, on January 25, 1943.

On February 19, 1943, by Decision No. 20511, upon application of James E. Ashton and Edward T. Walker, who had not received notice of hearing, the Commission entered its order, reopening said matter for further hearing, with the proviso that all evidence taken on January 25,

1943, be stricken, and that the matter be set for hearing in Alamosa, Colorado, on March 11, 1943.

A copy of said order, with the notice of setting therein contained, was served upon all other parties in interest known to the Commission.

The hearing was duly had in Alamosa, Colorado, on March 11, 1943, the time designated. Notwithstanding said setting and notice, said applicant failed to appear.

It there developed that Ashton, Walker, Faus and Postel, who operate approximately fifteen trucks, have authority to haul hay from the San Luis Valley to Camp Hale at Leadville; that Ashton and Walker's application to reopen this matter was filed because of their desire to furnish said service; that they have been hauling hay from the upper part of the San Luis Valley to said camp, Ashton employing, at times, as many as four trucks in said service; that they are able to furnish all service for the transportation of hay that may be required; that service is adequate.

Notwithstanding testimony taken in Denver at the hearing on January 25, 1943, was required to be resubmitted at the hearing in Alamosa, Colorado, the Commission is of the opinion that no useful purpose would be served by standing on the provisions of said order; that the testimony taken in Denver, except insofar as it involves operations from the San Luis Valley, should be considered.

It there appeared that applicant has been requested to haul hay to United States Army Camps, and other government-operated projects in the State of Colorado, for the duration of the war. Applicant agreed that he would not interfere with the line haul service of Rio Grande Motor Way, and thereupon, Mr. Tait, traffic manager of said company, stated that Motor Way was not opposed to the application, as limited. He further agreed to eliminate transportation of mules and horses and thereupon Mr. Jones, for Gately Motor Company, withdrew objections.

After careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to transport hay and grain to Army camps and other government-operated projects in the

in the State of Colorado from points in the state, except from points in the San Luis Valley or points within the call and demand territory of Allumbaugh and Williams, PUC No. 369, who are authorized to transport:

freight from Pueblo and Sugar City, Colorado, and intermediate points, and between points on said route and farms within a radius of fifteen miles of Ordway and within a radius of five miles of other towns, east of Boone, Colorado; livestock, used household goods, used farm machinery and equipment in connection with the movement of farmers between points in their present authorized territory under PUC No. 369 and to and from points in said territory, from and to points in the State of Colorado; provided no authority is granted to pick up commodities on US Highway No. 50, with the exception of livestock,

and between points served by line haul motor vehicle carriers, singly or in combination.

O R D E R

IT IS ORDERED:

That A. L. Overmyer, Englewood, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay to Army camps and other government-operated projects in the State of Colorado from points in the state, except from points in the San Luis Valley or points within the call and demand territory of Allumbaugh and Williams Truck Line (PUC No. 369), or between points served by line haul motor vehicle carriers, singly or in combination.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That said application, in all other respects, should be, and the same hereby is, denied.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. T. Shuman

Edward E. Decker

Walter E. Gibson
Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CASEY JONES MARKET)
Ft Morgan, Colorado)
)
.....)

PERMIT NO. C-9159

.....
April 29, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Casey Jones Market of Ft Morgan, Colorado,
requesting that his Permit No. C-9159 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-9159, heretofore issued
to Casey Jones Market of Ft Morgan, Colorado be,
and the same is hereby, declared cancelled effective April 13, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis P. Shawman
.....
David E. Wheeler
.....
Malcolm Ericsson
.....

Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. C. JONES)
Ft Morgan, Colorado)
)
.....)

PERMIT NO. B-2837

.....
April 29, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
J. C. Jones of Ft Morgan, Colorado,
.....
requesting that his Permit No. B-2837 be cancelled.

After careful consideration, the Commission is 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-2837, heretofore issued to J. C. Jones of Ft Morgan, Colorado be, and the same is hereby, declared cancelled effective April 13, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shaw
.....
Edward D. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
HOWARD'S LUMBER & SUPPLY)
COMPANY)
La Veta, Colorado)
.....)

PERMIT NO. C-3966

.....
April 29, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Howard's Lumber & Supply Company of La Veta, Colorado,
requesting that his Permit No. C-3966 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-3966, heretofore issued to Howard's Lumber & Supply Company of La Veta, Colorado be, and the same is hereby, declared cancelled effective April 11, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shawan
.....
David H. Wheeler
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

G. M. POLHEMUS)
1000 S. 9th St.,)
Canon City, Colorado)
.....)

PERMIT NO. C-4438

.....
April 29, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
G. M. Polhemus of 1000 S. 9th St., Canon City, Colorado
....., requesting that his Permit No. C-4438 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4438, heretofore issued to G. M. Polhemus of 1000 S. 9th St., Canon City, Colorado be, and the same is hereby, declared cancelled effective April 2, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shawman
.....
Edward D. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SMITH LUMBER & CONSTRUCTION)
COMPANY)
Steamboat Springs, Colorado)
.....)

PERMIT NO. G-11019

.....
April 29, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Smith Lumber & Construction Company of Steamboat Springs Colorado
.....,,
C-11019
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. G-11019, heretofore issued
to Smith Lumber & Construction Company of Steamboat Springs, Colorado be,
and the same is hereby, declared cancelled effective April 19, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. Wheeler
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

HARRY EPSTEIN)
Ft. Morgan, Colorado)

PERMIT NO. C-358

April 29, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Harry Epstein of Ft. Morgan, Colorado,
requesting that his Permit No. C-358 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-358, heretofore issued
to Harry Epstein of Ft. Morgan, Colorado be,
and the same is hereby, declared cancelled effective April 7, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman

Edward W. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. N. MASON & SON INC.)
110 W. 1st St.,)
La Junta, Colorado)
-----)

PERMIT NO. G-5777

April 29, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
R. N. Mason & Son Inc. of 110 W. 1st St., La Junta, Colorado,
requesting that his Permit No. G-5777 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-5777, heretofore issued
to R. N. Mason & Son Inc. of 110 W. 1st St., La Junta, Colorado be,
and the same is hereby, declared cancelled effective March 26, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman

Edward E. Wheeler

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 29th day of March, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
J. D. STONE)
Granada, Colorado)
)
)
.....)

PERMIT NO. C-5785

.....
April 29, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
.....J. D. Stone.....of Granada....., Colorado.....,
requesting that his Permit No. C-5785.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5785....., heretofore issued
to J. D. Stone of Granada, Colorado.....be,
and the same is hereby, declared cancelled effective March 24, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shaver
.....
James E. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
PAUL DASHNER)
Lamar, Colorado)
)
.....)

PERMIT NO. C-12928

.....
April 29, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Paul Dashner of Lamar, Colorado,
requesting that his Permit No. C-12928 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-12928, heretofore issued to Paul Dashner of Lamar, Colorado be, and the same is hereby, declared cancelled effective April 23, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry R. Shaw
.....
Edward E. Wheeler
.....
Malcom Erickson
.....
Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. F. MORRISON & SONS)
2303 Mapleton)
Boulder, Colorado)
.....)

PERMIT NO. C-7284

.....
April 29, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
H. F. Morrison & Sons of 2303 Mapleton, Boulder, Colorado,
....., requesting that his Permit No. C-7284 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7284, heretofore issued to H. F. Morrison & Sons of 2303 Mapleton, Boulder, Colorado be, and the same is hereby, declared cancelled effective April 29, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lewis P. Blawie
.....
Edward J. ...
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 29th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
L. R. POBANZ)
Sterling, Colorado)
)
)
.....)

PERMIT NO. C-13102

.....
April 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
L. R. Pobanz of Sterling, Colorado,
requesting that his Permit No. C-13102 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13102, heretofore issued to L. R. Pobanz of Sterling, Colorado be, and the same is hereby, declared cancelled effective April 22, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman

Edward D. Wheeler

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. R. HENDRIKSON)
Rocky Ford, Colorado)

APPLICATION NO. 6253-PP

April 30, 1943

S T A T E M E N T

At the Commission:

The Commission is in receipt of a communication from C. R. Hendrikson of Rocky Ford, Colorado requesting that the authority granted in Application 6253-PP, Decision No. 20250 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That the authority granted in Application No. 6253-PP, Decision No. 20250, heretofore issued to C. R. Hendrikson be, and the same is hereby, declared cancelled effective April 26, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shorman
Donald H. [unclear]
Malcolm Erikson
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1943

■

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. H. PARR)
R. F. D. #1)
Parcell, Oklahoma)
.....)

PERMIT NO. B-2901

.....
April 30, 1943

S T A T E M E N T

By the Commission:

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

C. H. Parr of R F D #1 Parcell, Oklahoma

requesting that his Permit No. B-2901 be cancelled.

After careful consideration, the Commission is 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-2901, heretofore issued to C. H. Parr of R F D #1, Parcell, Oklahoma be, and the same is hereby, declared cancelled effective **March 1, 1943**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
Edward J. ...
.....
Malcolm ...
Commissioners.

Dated at Denver, Colorado,

this 30th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
DELMAR J. McINTOSH)
2342 - 7th St.,)
Denver, Colorado)
.....)

PERMIT NO. C-13348

.....
April 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Delmar J. McIntosh of 2342 - 7th St., Denver, Colorado,
requesting that his Permit No. C-13348 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13348, heretofore issued to Delmar J. McIntosh of 2342 - 7th St., Denver, Colorado be, and the same is hereby, declared cancelled effective April 8, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shaw
.....
Edward D. Wheeler
.....
Malcolm Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 30th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

DELMAR J. McINTOSH)
2342 - 7th St.,)
Denver, Colorado)
.....)

PERMIT NO. B-2673

.....
April 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Delmar J. McIntosh of 2342 - 7th St., Denver, Colorado,
requesting that his Permit No. B-2673 be cancelled.

After careful consideration, the Commission is 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-2673, heretofore issued
to Delmar J. McIntosh of 2342 - 7th St., Denver, Colorado be,
and the same is hereby, declared cancelled effective April 8, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shawan
.....
Edward J. Keeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 30th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SPEAROW EQUIPMENT COMPANY)
1412 - 10th Ave.,)
Sidney, Nebraska)
.....)

PERMIT NO. C-13514

.....
April 30, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Spearow Equipment Company of 1412 - 10th Ave., Sidney, Nebraska
....., requesting that his Permit No. C-13514 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-13514....., heretofore issued to Spearow Equipment Company of 1412 - 10th Ave., Sidney, Nebraska be, and the same is hereby, declared cancelled effective March 27, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Donald D. [unclear]
Malcolm [unclear]
Commissioners.

Dated at Denver, Colorado,

this 30th day of April, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

R. R. FLEMING)
1610 S. San Juan,)
La Junta, Colorado)

PERMIT NO. G-11675

April 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
R. R. Fleming of 1610 S. San Juan La Junta, Colorado
requesting that his Permit No. G-11675 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-11675, heretofore issued to R. R. Fleming of 1610 S. San Juan, La Junta, Colorado be, and the same is hereby, declared cancelled effective April 22, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
Edward H. Wheeler
Malcom Erickson
Commissioners.

Dated at Denver, Colorado,

this 30th day of April, 19 43.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
JOHN W. CARLSON)
Ignacio, Colorado)
)
.....)

PERMIT NO. C-11106

April 30, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
John W. Carlson of Ignacio Colorado,
requesting that his Permit No. C-11106 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-11106, heretofore issued to John W. Carlson of Ignacio, Colorado be, and the same is hereby, declared cancelled effective April 3, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman

Edward D. Dwyer

Malcom Erickson

Commissioners.

Dated at Denver, Colorado,

this 30th day of April, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

IN THE MATTER OF THE APPLICATION)
OF MIKE JOSEPH, SAN LUIS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 6277-PP

*** - - - - -

- - - - -
May 1, 1943.
- - - - -

- Appearances: Leonard Haynie, Esq., Alamosa, Colorado, for the applicant;
Conour and Conour, Esqs., Del Norte, Colorado, for E. T. Walker, James Ashton, and E. B. Faus;
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
J. E. Pound, Esq., Alamosa, Colorado, for Joe Gallegos.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, and the application as amended thereat, Mike Joseph herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, vegetables, livestock, used household goods and furniture, scrap iron and scrap rubber, from farms within a radius of twenty-five miles of San Luis, Colorado, to Fort Garland, Alamosa, Pueblo, and Walsenburg; coal from mines in Huerfano County, lumber from mills near San Pablo and La Veta Pass, to points in said area, and household goods and furniture between points in said twenty-five-mile radius.

Applicant stated that he wanted to haul for everyone in his community, and intended to hold himself out as willing to so operate; that he has four trucks, being an International and a Chevrolet equipped with grain bodies, a dump truck, and a motor fuel tank truck; that he has been operating a filling station, and also has a Commercial Carrier

Permit, under which he has bought and sold coal and some other commodities; that, if the permit is granted, he expects to haul grain and vegetables in the summer and fall from fields to railroad loading points and to Pueblo; that, during the grain harvest, he will haul grain for the farmers to Alamosa; that under his "C" permit, he has been buying scrap iron and rubber, which he resold in Pueblo, and under the same permit, he has bought coal in Walsenburg and resold it in the San Luis area. Movement of household goods will be for farmers, chiefly from ranch to ranch, town to ranch, and ranch to town. Lumber he will back-haul from the mills mentioned in the application. He expects to obtain, and to keep going will require, a gross business of \$300 to \$500 monthly. Upon cross-examination, he stated that the bulk of the people in Costilla County live in the San Luis area; that Faus, and his predecessor in interest, have operated in the territory for some time; that they have a line haul service; that the bulk of his business will be the movement of coal throughout the year, grain in the summer months, potatoes and vegetables in the fall.

In opposition, Mr. Faus, of the Faus Transportation Company, described the various for-hire carrier services that are available. His Company has a common carrier certificate, and can handle:

livestock and other farm products, farm supplies, farm equipment and machinery, and used household goods and furnishings, between points within the area extending 15 miles north, 15 miles west of San Luis and to the crest of the Culebra Range on the east, and from the Colorado-New Mexico state line on the south, and from and to points in said area, to and from points in the State of Colorado,

and operates a line haul service for the transportation of freight in intrastate commerce for the transportation of:

livestock and other farm products and household goods from San Acacio, Mesita, Jarosa, Garcia, San Pablo, Chama and San Luis and the vicinities thereof to Pueblo and intermediate points, including Walsenburg; merchandise and freight generally, from Pueblo and intermediate points to San Luis, San Pablo, Chama, San Acacio, Jarosa and Garcia, with the right to interchange freight with other line haul common carriers destined to or from said points.

The San Luis territory also is served in whole or in part by Joe F. Gallegos, PUC 1152, W. A. Jones, PUC 353, Aragon Truck Line, PUC 914, James Ashton, PUC No. 1313.

Mr. Faus stated that his company operates regularly on schedule between Pueblo and Taos, via San Luis; that he has twenty-five units; that, during the summer he has hauled vegetables from the area to Pueblo, Denver, and other points in Colorado; that he did not haul locally from farms to railroad loading points during the last season, because no one sought his service; that when requested, he has made deliveries from Denver and Pueblo directly to the ranch if desired, and similarly has picked up at the ranches or farms and made deliveries to Denver and Pueblo; that he has moved furniture from ranch to ranch in said district; that, in his opinion, he thought the common carrier service now available was more than adequate to handle the business, and stated that the line haul service could not stand the loss of any business and continue to furnish service needed by the communities for the transportation of necessary food, merchandise, and household and farm equipment and supplies.

Inasmuch as applicant indicated that the service he proposes to render is that of a common carrier, and not of a private carrier, and that he will need business from practically all the people in his community to keep going, we cannot grant a permit to operate as a private carrier for hire. The record indicates that there may be some inadequacy of service for the movement of grain, potatoes, and vegetables during harvest season. Should applicant, after consideration, be of the opinion that he could operate as a private carrier and conform to our rules and regulations governing such operations, he can apply for further hearing. Perhaps the facts developed at such hearing may show that private carrier permit should issue to him for the transportation of grain, potatoes and vegetables during the harvest season, although considering limited opportunities for business, Gallegos, Aragon, Faus, Mestas, and

other carriers operating should be able to handle it.

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

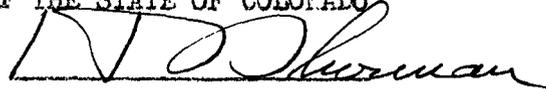
O R D E R

IT IS ORDERED:

That the above-entitled application should be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 1st day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
L. C. LE BLANC AND ROBERT LE BLANC,)
CROOK, COLORADO, DOING BUSINESS AS)
"L. C. AND ROBERT LE BLANC," FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 6297-PP

May 1, 1943

Appearances: L. C. LeBlanc, Crook, Colo-
rado, pro se;
Robert LeBlanc, Crook, Colo-
rado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for F. V. and
J. H. Hallbusch, Lester
Smith, William Blanken-
beckler, E. F. Anderson,
Hawkins Transfer, Paul
Hickman.

STATEMENT

By the Commission:

L. C. LeBlanc and Robert Le Blanc, co-partners, doing business as "L. C. and Robert LeBlanc," Crook, Colorado, herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of farm products, including livestock, between points within a fifty-mile radius of Crook, Colorado.

At the hearing, in Sterling, Colorado, on April 13, 1943, the evidence disclosed that Mr. L. C. LeBlanc is a farmer, living eight miles northwest of Crook and nine miles northeast of Proctor. His son, Robert LeBlanc, resides with him; that they farm 300 acres of land, 100 of which is in grain, the balance in beets and other farm crops; that they also feed livestock; that they purchased a truck last fall because they were unable to get service for movement of grain when they wanted it; that the equipment of truckers contacted, most of the time, was out of order.

Mr. L. C. LeBlanc stated that if he procured the permit, he expected to serve the public, generally, and would handle business on over-night requests -- otherwise he might delay the fellow who wants service; that he would not want others to wait for him; that he expects to actively solicit business, and to get all the business that he can, and will take care of it; that he has hauled a load of grain now and then for neighbors when the neighbors could not get other service, and by them was paid what they thought the service was worth. He also stated that the equipment of Mr. Hellbusch was very poor; that stock racks would not hold cattle, and that the grain beds are not tight; that Hellbusch has to place blankets on the floor in order to keep grain from leaking.

His son, Robert LeBlanc, stated that during harvest time, many trucks were needed; that he thought they would want to operate over a fifty-mile area at this time of the year, the balance of the time, a twenty-mile radius of Creek would enable them to keep busy.

The application was opposed by Common Carriers Smith, Hellbusch, Blankenbeckler, Anderson, Hawkins, and Hickman.

Mr. Lester Smith testified that he served practically all the area applicants want to serve; that he headquarters at Sterling; that he has two trucks -- one a semi, the other a 1939 GMC with a 14-foot grain box; that Hellbusch, at Creek, has two trucks, Hawkins, at Peets, has two trucks; that all carriers would be willing to use Le Blancs' equipment as emergency equipment when volume of business required such use; that, ordinarily, such occasions occur only during harvest season.

Mrs. Hellbusch, testifying for her husband, who operates under PUC No. 818, stated that they have authority to serve within a radius of twenty-five miles of Creek; that they have two trucks; that Creek is a small community, and in her judgment, there is not enough business to justify the granting of authority to another carrier; that, at the time of the hearing, one of the two trucks owned by them was idle; that, during harvest season, Hellbusch could use more trucks, but would be willing to use Le Blancs' trucks as emergency equipment.

From the record, it appears that the equipment of Mr. Hollbusch is not in good order. While it may be difficult to get new equipment, it would seem that since the chief complaint about Hollbusch's equipment is defects in the bodies, both stock racks and grain beds, the equipment could be repaired and placed in good order. This condition may be due to Mr. Hollbusch's incapacity, he having broken a leg some time ago. We suggest that his equipment should be placed in good repair.

The testimony perhaps would justify the granting of private carrier authority to haul grain and livestock in a limited area around the home of applicants. However, applicants, although they have asked for private carrier authority, do not want to engage in that type of service. They stated that they want to serve the public, generally, and to be in a position to serve everyone on call, without delay. As private carriers, they could not serve in such capacity, but could serve only a limited number of customers, with whom they have contracts, and then only after said contracts have been approved by the Commission. They could, from time to time, add additional customers, but they would not be able to serve those customers until after the contracts were forwarded to the Commission and approval had.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that the service sought to be performed by applicants is that of a common carrier, and that application for private carrier authority should be denied.

O R D E R

IT IS ORDERED:

That the above-styled application should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
RICHARD JAMES TOOLE, CRAIG, COLORADO,) APPLICATION NO. 6302-PP
FOR A CLASS "A" PRIVATE CARRIER)
PERMIT.)

May 1, 1943.

Appearances: Richard James Toole, Craig,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant, Richard James Toole, Craig, Colorado, herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of gasoline, only, over U. S. Highway No. 40 from Texaco Refinery, one mile west of Craig, Colorado, to Moffat County Cooperative Service Station, one-fourth mile east of Craig, Colorado.

No one appeared at the hearing in Steamboat Springs, Colorado, on April 20, 1943, in opposition to the granting of the authority sought, and R. B. "Dick" Wilson, Walter Utsinger, J. J. Stanton, and Nelson Brothers, in writing, waived objections to the granting of the authority.

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

After 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 ORDERED:

That Richard James Toole, Craig, 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 gasoline, only, over U. S. Highway No. 40 from Texaco Refinery, one mile west of Craig, Colorado, to

Moffat County Cooperative Service Station, one-fourth mile east of
Craig, Colorado.

All operations hereunder shall be strictly contract operations,
the Commission retaining jurisdiction to make such amendments to this
permit deemed advisable.

This order is the permit herein provided for, but it shall
not become effective until applicant has filed a statement of his customers,
copies of all special contracts or memoranda of their terms, the
necessary tariffs, required insurance, and has secured identification
cards.

The right of applicant to operate hereunder shall depend upon
his compliance with all present and future laws and rules and regulations
of the Commission.

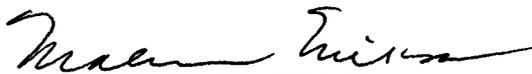
The authority herein granted is subject to all applicable
orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1943.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
G. A. WILLIAMSON, OVID, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1205 TO EUGENE B. DeMANCHE, OVID,)
COLORADO.)

APPLICATION NO. 4447-A

May 1, 1943.

Appearances: Eugene B. DeManche, Ovid,
Colorado, for applicants;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division of
The Colorado Motor Carriers'
Association.

S T A T E M E N T

By the Commission:

By Decision No. 11652, of date March 31, 1938, Lowe Williamson was authorized to operate as a common carrier by motor vehicle for hire, with authority to conduct a general cartage and transfer business, and for the transportation, not on schedule, of:

general freight between points within a radius of five miles of (and including) Ovid, Colorado, and the transportation of building materials and supplies for the Sterling Lumber Company, only, from and to, to and from, Ovid, Sterling and Julesburg, with the proviso that for the transportation of all freight, except furniture and household goods, between points served by scheduled motor vehicle or railroad common carriers, rates should be charged, in all cases, which are at least twenty per cent in excess of those charged by said scheduled carriers, and rates for transportation of furniture and household goods to be not less than those provided in tariff of the Colorado Transfer and Warehousemen's Association on file with the Commission.

He now seeks authority to transfer said certificate to Eugene B. De Manche, Ovid, Colorado.

At the hearing, in Sterling, Colorado, on April 13, 1943,

it appeared that the consideration for the transfer is the sum of \$75.00; that there are no outstanding unpaid obligations against said operation; that transferee, pecuniarily and otherwise, is qualified and able to carry on the business.

After 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 ORDERED:

That G. A. Williamson, Ovid, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1205 to Eugene B. DeManche, Ovid, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Johnson

Edward D. Decker

Malcolm E. Smith

Commissioners.

Dated at Denver, Colorado,
this 1st day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM SCHIERMEYER, ROUTE 1,)
HOLYOKE, COLORADO, FOR AUTHORITY TO)
TRANSPORT LIVESTOCK FROM AND TO)
STERLING FEED YARDS, STOCKYARDS AND)
SALES BARN, TO AND FROM POINTS IN)
THE STATE OF COLORADO.)

APPLICATION NO. 1630-B

May 5, 1943

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for the
applicant;
Marion F. Jones, Esq., Denver,
Colorado, for Lester Smith,
Hawkins Transfer, E. F. Ander-
son, William Blankenbeckler,
Paul Hickman.

STATEMENT

By the Commission:

On February 28, 1937, by Decision No. 9472, William Schier-
meyer was authorized to extend his operations under his common carrier
certificate to include the right to transport:

all commodities, except coal and groceries (but
including livestock) from point to point within
the area extending 20 miles south of Holyoke and
to the county line on the east, west and north,
and from and to points in said area, to and from
points in the State of Colorado, no authority,
however, being granted to transport such commo-
dities as are ordinarily handled by line haul common
carriers between points served by authorized motor
vehicle common carriers on schedule,

his application to transport livestock into and out of Sterling feed
yards, sales pavillions, and stockyards being denied, except from and
to Phillips County.

Subsequently, he applied for, and was granted, a further hear-
ing, as to the portion of the application which was denied. The matter
was set for hearing, and heard, in Sterling, Colorado, on April 13, 1943.

At the hearing, it developed that Mr. Schiermeyer has six trucks, consisting of two 20-foot semis, three 14-foot, one 13-foot, and one trailer; that he has been very actively engaged in handling livestock from his Holyoke area into Denver; that he passes through Sterling; that, frequently, in Denver he has been asked to haul livestock to Sterling and occasionally has been asked to haul livestock from Sterling to points other than those in Phillips County; that, primarily, he wants authority to haul livestock from Denver to Sterling in order to get a back-haul at times when he would otherwise return empty. He expects to maintain a truck in Sterling on sales days, but does not intend to establish an agency or have a telephone in Sterling. It also developed that, for a period of about three or four months, he had a cab card which erroneously showed that he had authority to serve Sterling. In that period of time, he made about twenty-five or thirty trips to or from Sterling with livestock. He is very busy at this time, and stated that he thought the busy season would extend from about September 1 to June 1, following.

Mr. L. C. Hoover, who operates a sales barn in Sterling, testified that Mr. Schiermeyer furnishes excellent service; that, at times, trucks are not available, notwithstanding service of Ackley, Blankenbeckler, and Hawkins have been satisfactory with him. He stated that he had used Mr. Smith's service, but on one occasion, thought Smith had not handled the movement of 700 head of sheep properly, in that he had not made delivery when promised, and since that time he had refused to patronize Smith's service; that Hellbusch's trucks are in very poor condition; that more stock is being raised in the neighborhood and, at times, has to remain in the pens too long before being moved. In addition to the non-movement of the sheep, he stated that a man whose name he thought was Smith, was unable to have a cow moved from the Peetz section; that Chalkey Wilson had been delayed in moving some cattle.

In opposition, Lester Smith, PUC No. 1276, stated that he has a new 25-foot semi trailer, and a 1939 GMC truck, equipped with stock rack and grain body. He stated that the only difficulty he has had with Mr.

Hoover has been over the haul of sheep mentioned, and his disinclination or refusal to pay the prescribed rates; that Hoover arranged with Mrs. Smith for haul of sheep by Smith, who, at that time, was in Omaha. The morning the sheep were supposed to have been hauled, Smith returned from Omaha with two tires blown out. Hoover called and wanted to know where the sheep were. Smith told him he was unable to go because he did not have tires, and moreover, the roads were so bad that it was not smart to go. Thereupon, Hoover became very angry, and finally secured Ackley's services. Ackley hauled the sheep on two days following, six or seven of them died, and the owner thereafter stated that the sheep never should have been moved on account of impassable roads and generally bad weather conditions. Subsequently, he hauled some hogs for Hoover, but when told that the rate was 24¢, Hoover refused to pay, stating that Ackley would haul for 23¢.

Common Carriers Hawkins, with three trucks, Blankenbeckler, with a semi, a truck, and a "pup," E. F. Anderson, with five trucks, Hellbusch, with two trucks, and Maloney and other Private and Common Carriers, serve the territory. They operate to Denver on Mondays, Tuesdays, and Wednesdays, and 90% of the time return without a back-haul.

Delbert Hawkins, of Peets, Colorado, stated that he knew of no Smith in his neighborhood who had a cow to move; that Hoover had never called him; that he was able to handle all demands in his section; that his three trucks are idle 50% of the time.

Mrs. William Blankenbeckler stated that Mr. Blankenbeckler had not been contacted in regard to Chalkey Wilson haul; that they have ample equipment, and will buy more equipment if needed; that equipment now owned is busy most of the time, but ordinarily can handle all business offered, and when not able to handle it, have obtained the services of other common carriers to handle the business.

E. F. Anderson, PUC No. 577, stated that he could handle all the business in his area from and to Sterling or other points in the State. Private Carrier Simmons stated that he serves the Sterling yards for his contract customers, and has two trucks — with bodies of 20 feet and 16 feet, respectively.

Upon the record, as made, we cannot say that the evidence shows that the service now offered by common carriers serving the Sterling territory is inadequate. If it were inadequate, they have indicated that they are in a position to, and would, correct the deficiency. Operators now serving need a back-haul from Denver, too. Therefore, notwithstanding the fact that Mr. Schiermeyer is an able operator, and no doubt would furnish very satisfactory additional service to and from Sterling, if the extension were granted, we cannot grant the application.

After careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity do not require the proposed extended motor vehicle common carrier service of applicant, and that said application should be denied.

O R D E R

IT IS ORDERED:

That application of William Schiermeyer, Holyoke, Colorado, to extend his certificate of public convenience and necessity to include the right to serve to and from sales barns at Sterling, from and to all points in the State of Colorado, should be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. T. Shuman

Edward D. Decker

Wm. E. Ripon
Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ORIGINAL

IN THE MATTER OF THE APPLICATION OF)
JOE F. GALLEGOS, FORT GARLAND, COLO-)
RADO, FOR AN EXTENSION OF PUC NO.)
1152.)

APPLICATION NO. 4057-AB

May 1, 1943

- Appearances: Jesse E. Pound, Esq., Alamosa, Colorado, for the applicant;
 Conour and Conour, Esqs., Del Norte, Colorado, for E. B. Faus, E. T. Walker, James Ashton;
 A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.;
 T. A. Stockton, Jr., Esq., Denver, Colorado, for the Common Carrier Division of The Colorado Motor Carriers' Association;
 A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
 M. M. Marshall, Esq., Alamosa, Colorado, for Fred Mestas.

S T A T E M E N T

By the Commission:

Joe F. Gallegos, under his certificate of public convenience and necessity, PUC No. 1152, is authorized to operate as a common carrier by motor vehicle for hire for the operation of a general transfer, moving and cartage business between points within a radius of fifteen miles of San Luis, and for the transportation, on call and demand, of:

farm products, including livestock, and wool from farms and ranches in said area to loading points and markets in Colorado; timber from timber camps, lumber and mill products from saw mills in said area to loading points and markets in Colorado; machinery and farm supplies from point to point within said area, used household goods, farm machinery, farm equipment and livestock from and to points within a fifteen-mile radius of San Luis, Colorado, to and from points in the San Luis

Valley, when moving a rancher or a farmer, with the proviso that he shall not engage in any transportation service of competitive character between points on the line of scheduled common carriers serving said area.

He now seeks to extend his authority under said certificate to include the transportation of used household goods, furniture, farm equipment, machinery and livestock from Denver, cement from Portland, lumber and building supplies from Pueblo, to points in said fifteen-mile radius, including San Luis.

It appeared that applicant has two Chevrolet trucks, equipped with stock racks; that he does not have vans, but expects to use the trucks equipped with stock racks to haul furniture if he is asked to move someone from Denver to some point in his San Luis territory; that, to date, he has received only one request to move furniture from Denver; that some farm machinery and equipment moves from Denver to farms near San Luis and occasionally, to the Town of San Luis; that, occasionally, a farmer buys a team of horses in Denver which he wants moved; that farms or business houses in his territory need cement from Portland and lumber and building supplies from Pueblo, at times; that, so far as he knows, there is no inadequacy in the service now offered, except for the movement of horses, his primary reason for requesting authority being to get a pay load back from Denver or Pueblo.

Mr. Faus' testimony in Application No. 6277-PP, Mike Joseph, was made a part of the record, by stipulation. He there stated his company has a common carrier certificate, and can handle:

livestock and other farm products, farm supplies, farm equipment and machinery, used household goods and furnishings, between points within the area extending 15 miles north, 15 miles west of San Luis, and to the crest of the Culebra Range on the east, and from the Colorado-New Mexico State Line on the south, and from and to points in said area, to and from points in the State of Colorado,

and operates a line haul service for the transportation of freight in intrastate commerce for the transportation of:

livestock and other farm products and household goods from San Acacio, Mesita, Jarosa, Garcia, San Pablo, Chama and San Luis and the vicinities thereof to Pueblo and intermediate

points, including Walsenburg; merchandise and freight, generally, from Pueblo and intermediate points to San Luis, San Pablo, Chama, San Acacia, Jarosa and Garcia, with the right to interchange freight with other line haul common carriers destined to or from said points.

The San Luis territory also is served in whole or in part by W. A. Jones, PUC 353, Aragon Truck Line, PUC 914, James Ashton, PUC No. 1313.

Mr. Faus stated that his company operates regularly on schedule between Pueblo and Taos, via San Luis; that he has twenty-five units; that, during the summer, he has hauled vegetables from the area to Pueblo, Denver, and other points in Colorado; that he did not haul locally from farms to railroad loading points during the last season, because no one sought his service; that, when requested, he has made deliveries from Denver and Pueblo directly to the ranch, if desired, and similarly has picked up at the ranches or farms and made deliveries to Denver and Pueblo; that he has moved furniture from ranch to ranch in said district; that, in his opinion, the common carrier service now available is more than adequate to handle the business, and his line haul service could not stand the loss of any business and continue to furnish service needed by the communities for the transportation of necessary food, merchandise, and household and farm equipment and supplies.

It also appeared that Rio Grande Motor Way, subject to the approval of the Interstate Commerce Commission and this Commission, has purchased the operating rights of Faus. Mr. Tait, for Rio Grande Motor Way, stated that his company, under lease arrangement, pending decision on purchase application, has been operating the line; that they furnish tri-weekly service between Pueblo and Taos, via San Luis; that, during the month of February, business to San Luis out of Denver and Pueblo amounted to 9,038 pounds and 13,075 pounds, respectively. Two trucks are used in the operation. Farm deliveries have been made when requested, and amounted to about one weekly. If enough freight is diverted from the line, it will mean poor service, less frequent trips, and increase in costs of operation. All demands to date have been handled without complaint by customers. Service to towns, in his opinion, is essential. He stated that, if requested, his company would handle livestock.

A. J. Fregeau, for Weicker Transfer and Storage Company, pro-
tested the application. He stated that Weicker is equipped to, and does,
handle household goods, used farm machinery and equipment, from Denver
or Pueblo; that it has and maintains 38 household goods vans, which are
in service only twenty percent of the time; that, in addition, they have
fifteen trucks, and eighty trucks that could be used for the handling of
machinery and heavy equipment; that they need all the business they can
get in order to maintain their equipment; that a great number of other
companies, including Buehler with three trucks, Jackson with ten vans,
Johnson with four vans, Logan with two vans, operate a household goods
and van call and demand service out of Denver.

It would seem that, except for movement of livestock out of
Denver, the territory is now adequately served by call and demand carriers.
We cannot grant additional call and demand service in the territory where
the existing service is adequate or even inadequate, where the carriers
are willing to improve their service. While Faus Transportation Company
and their probably successor, Rio Grande Motor Way, would be willing to
handle livestock, said service, at present, is limited to service out of
Pueblo directly, and on interchange out of Denver via Weicker. We ap-
prehend that neither Weicker nor Faus would care to transport a team of
horses in a truck loaded with merchandise, especially meat and similar
perishable commodities. The movement of livestock might occasionally fur-
nish applicant with a back-haul.

Therefore, after careful consideration of the record, the Com-
mission is of the opinion, and finds, that public convenience and neces-
sity require the proposed extended motor vehicle common carrier service
of applicant for the transportation of livestock, only, from Denver to
points in the area he is now authorized to serve, and that certificate of
public convenience and necessity should issue therefor; that public con-
venience and necessity do not require said extended service, as otherwise
proposed.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the proposed ex-
tended motor vehicle call and demand common carrier service of applicant

for the transportation of livestock, from Denver, Colorado, to points within a radius of fifteen miles of San Luis, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

This order is subject to compliance by applicant with all present and future laws and rules and regulations of this Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

That said application, in all other respects, should be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BYRON S. BUNKER, ARRIBA, COLORADO,)
FOR AN EXTENSION OF PUC NO. 403,)
AND FOR AUTHORITY TO TRANSFER SAME)
TO ROY E. JOHNSON, ARRIBA, COLORADO)
-----)

APPLICATION NO. 1889-AAA-B
SUPPLEMENTAL ORDER

May 1, 1943

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for the applicant.

S T A T E M E N T

By the Commission:

On April 8, 1943, the Commission entered its order and decision, No. 20748, granting extension of certificate of public convenience and necessity, PUC No. 403, to Byron S. Bunker.

No one appeared at the hearing in opposition to the granting of the authority sought.

It now appears that, in drawing the order, the language "from and to points in said area, as extended, to and from points in the State of Colorado, and" was omitted from the Statement between the words "and" and "to" at the end of the 13th line of the Statement, and following the word "and" at the end of the 4th line of the Order.

After careful consideration of the record, the Commission is of the opinion, and finds, that said Statement and Order should be corrected in the particulars mentioned, by inserting said language, "from and to points in said area, as extended, to and from points in the State of Colorado, and".

O R D E R

That said Decision No. 20748 be, and the same hereby is, amended and corrected ~~numa pro iama~~ as of date April 8, 1943, by inserting the words:

"from and to points in said area, as extended,
to and from points in the State of Colorado,
and"

between the words "and" and "to" at the end of the 15th line of the
Statement, and by inserting the same words following the word "and" at the
end of the 4th line of the Order contained in said Decision No. 20748,
so that said first paragraph of the Order, as amended, will read:

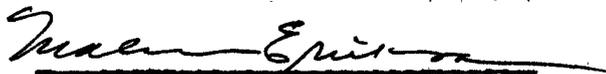
"That public convenience and necessity require
the extended motor vehicle operations under PUC
No. 403 of applicant, on call and demand, to serve
the area south of and immediately adjacent to the
territory now served, said area extending to a
point ten miles south of Arriba, and from and to
points in said area, as extended, to and from
points in the State of Colorado, and this order
shall be taken, deemed and held to be a certificate
of public convenience and necessity therefor."

That, in all other respects, said order shall remain in full
force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1945.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF C. G. WHITCOMB, 229 NORTH FRONT,)	
STERLING, COLORADO, FOR A CLASS "B")	<u>APPLICATION NO. 6299-PP</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

May 1, 1943.

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for the
applicant;
Marion F. Jones, Esq., Denver,
Colorado, for William Blanken-
beckler, Lester E. Smith, J. H.
and F. V. Hellbusch, Hawkins
Transfer.

S T A T E M E N T

By the Commission:

Applicant, C. G. Whitcomb, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain and feed from point to point within a radius of thirty miles of Sterling, Colorado.

At the hearing in Sterling, Colorado, on April 13, 1943, the testimony showed that applicant, under Commercial Carrier Permit No. C-8188, for about nine years, has been operating grain trucks. He now has three tractors, three semis, one tandem, and one straight truck. His net worth is about \$25,000.00. A great number of feeders in the Sterling territory where he seeks to operate his for-hire service, feed cattle, poultry, hogs, and sheep. Many of them prefer to have their feed hauled by a for-hire carrier, rather than to purchase it from him. Applicant stated that he did not propose to haul between Sterling and Peetz.

Protestants all agreed that applicant is a "fine fellow," and that he should have a permit.

The evidence did not disclose that the proposed operation will impair the efficiency of any authorized motor vehicle common carrier.

After 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 ORDERED:

That C. G. Whitcomb, Sterling, 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 and feed from point to point within a radius of thirty miles of Sterling, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 1st day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
C. E. HARDRICK, 1025 WEST 19th ST.,)
PUEBLO, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT A-1208-I TO GEORGE)
WRIGHT, 1321 PARK AVENUE, CANON)
CITY, COLORADO.)

PERMIT NO. A-1208-I

May 1, 1943.

S T A T E M E N T

By the Commission:

Heretofore, C. E. Hardrick, Pueblo, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle in interstate commerce, and Permit No. A-1208-I issued to him.

Said permit-holder now seeks authority to transfer said permit to George Wright, Canon City, Colorado.

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

After careful consideration of the record, the Commission is of the opinion, and finds, that said transfer should be authorized.

O R D E R

IT IS ORDERED:

That C. E. Hardrick, Pueblo, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-1208-I to George Wright, Canon City, Colorado, said transfer to be subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

Dated at Denver, Colorado,
this 1st day of May, 1943.
bh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE REGULATIONS, PRACTICES AND)
SERVICES OF THE COLORADO AND)
SOUTHERN RAILWAY COMPANY IN THE) CASE NO. 4906
OPERATION OF ITS STATION AT)
BRANSON, COLORADO, AND EMPLOYMENT)
OF AN AGENT THEREAT.)

May 1, 1943.

S T A T E M E N T

By the Commission:

The Commission has been requested by The Colorado and Southern Railway Company and the community of Branson, Colorado, to dismiss the above-entitled matter, said parties by stipulation, reference to which is hereby made, having amicably settled their differences, each agreeing to withdraw the petitions filed by them — the one by Branson to require the railway company to keep the agent on duty from 8:00 o'clock A. M., to 5:00 o'clock P. M., and the one by the railway company to close the station as an agency station.

After careful consideration of the record, the Commission is of the opinion, and finds, that said matter should be dismissed.

O R D E R

IT IS ORDERED:

That the above-styled case, and the respective petitions of the community of Branson, Colorado, and The Colorado and Southern Railway Company, be, and the same hereby are, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

Dated at Denver, Colorado,
this 1st day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ORIGINAL

IN THE MATTER OF THE APPLICATION OF)
DEE WANN, SIMLA, COLORADO, FOR AN)
EXTENSION OF PERMIT NO. B-2360.)
-----)

APPLICATION NO. 4496-PF-B

May 1, 1943

Appearances: John P. Foard, Esq., Colorado Springs, Colorado, for the applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Hartsel Truck Line, C. Barnhill, A. D. Garriott;
Frank Mobey, Esq., Colorado Springs, Colorado, for Woodward Truck Line.

S T A T E M E N T

By the Commission:

Dee Wann, of Simla, Colorado, on May 10, 1939, by Decision No. 15481, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

used household goods, farm products, including livestock, for farmers, from farm to farm, town to farm, and farm to town, within a radius extending twelve miles north, twenty-five miles south, and ten miles east and west of Simla, and from and to farms in said area, to and from points in the State of Colorado, except to and from Denver, and specifically excluding competition with line haul motor vehicle common carriers between points served by them.

He now seeks authority to extend his operations by enlarging his present pick-up and delivery and point to point area to twenty-five miles of Simla, and to include the right to transport livestock, farm machinery, used household goods, feed and flour, lumber and building materials, between points in said area, and from and to points therein, to and from points in the State of Colorado.

Formal protests were filed by Hartsel Truck Line, G. Barnhill, Woodward Truck Line, and A. D. Garriott, Woodward Truck Line. Hartsel Truck Line stated, however, that they had no objection to the granting of authority to transport livestock.

At the hearing, in Colorado Springs, Colorado, on March 17, 1943, Mr. Wann stated that he has two trucks; that when he obtained his permit, cattle, sheep and hogs were moving to Pueblo and Colorado Springs; that, due to increased prices for livestock in Denver and closing of the Nuckolls Packing Company plant in Pueblo, livestock now moved to Denver; that Barnhill, Garriott, Burrows, Jessup, Woodward, and Hartsel, are common carriers operating from all or part of the territory which he seeks to serve; that Hartsel's hauling now is limited to movement of commodities for merchants; that Burrows has a milk route; that all of said carriers have been in business a number of years, and to the best of his knowledge, have not recently added equipment; that much more livestock must now move by truck than formerly, due to the fact that many farmers no longer have trucks, and those who do have do not have the time to operate them, and more livestock is being raised or purchased as stockers by people in the community than was raised there at the time his permit was granted; that, on occasions, he has hauled livestock for Barnhill and for Garriott when they were unable to handle the business with their trucks; that, if extension is granted, he does not expect to engage in any service in competition with line haul carriers, and contemplates that his service will be from farm to farm, farm to town, and town to farm, except the transportation of feed and farm machinery from Denver to elevators or business houses in towns; that very little farm machinery is now moving. As to household goods, he stated that it, like farm machinery, would chiefly move between farms in his home territory; that it might move from Denver but, to date, he had never been asked to handle any from said point. Lumber and building materials are not used in quantity in his territory, and very little are moving from Denver. Feed and flour still move in about the same volume that was moving at the time of his original hearing. He primarily wants to haul new machinery, household goods, lumber, and building materials, feed and flour from Denver because he wants a back-haul, not because service

is inadequate. In fact, Hartsell devotes all his equipment and time to that type of service. As he expressed it, "it helps out."

Messrs. Stubbs, Frasier, Hendricks, Thornsworth, Cowder, Payne, and Eamon, in person, and twenty-two other residents of Simla area, testified in support of the application.

Mr. J. E. Stubbs resides 17 miles north of Simla, by road, on the Big Sandy. He buys, sells and pastures sheep and cattle. At the time of the hearing, he had 2,000 sheep and 450 cattle. He has experienced considerable difficulty in getting them moved. He sold 150 heifers to John Matheson. They lay at the railroad loading corral at River Bend for 26 hours, and the shrink amounted to \$450.00. On occasions, he has sought the services of Barnhill, Woodward, and Garriott, and has been compelled to wait as many as seven days on Barnhill, and three or four days on Woodward and Garriott. Hartsell was not engaged in hauling livestock. The last time he contacted Mr. Garriott, he could not serve. Chiefly, his cattle, and the cattle of his neighbors, move to Denver. On account of the inadequate truck and rail facilities and service, he, on other occasions, has suffered great inconvenience, loss of time, and pecuniary loss as well. When he buys cattle, he must receive them at the time appointed. Ordinarily, feed and water are not available to care for them, and unless he can get prompt service by truck, loss necessarily must follow, and the same is true when he sells, whether they are sold f.o.b. his ranch, or purchasers' place. In his opinion, the service of Dee Wann and other truckers is needed.

Mr. Frasier, who lives 2 miles west of Limon, said the service had been very poor since September, and was more acute at the time of the hearing; that, at one time, he had trucks, trailers, gas and tires; that they are no longer available; that during the harvest season, if crops are bountiful, there was considerable delay in movement of the crops, as well as in movement of stock.

Ed Hendrick, of Matheson, who buys and sells cattle, sheep and hogs, has found that, for a period of four or five months, in the fall, and during the harvesting season, additional trucking facilities are badly needed.

Ed Thornsworth, of Simla, had to wait two weeks before Barnhill could haul some of his hogs to Denver. He stated that formerly, his hogs went to Pueblo and Colorado Springs, but that he cannot now dispose of them at said points.

Mr. Cowder stated that he raises cattle, beans and hogs; that hogs now go to Denver; that he has found that Barnhill's truck is too large to handle shipments of his and those of his neighbors. Barnhill does not want to move the truck unless he has a full load.

Albert Payne, who lives 19 miles south and 4 miles east of Simla, is engaged in general farming and livestock raising, and produces cattle, hogs, beans and grain. He stated that, on two occasions, he was unable to get trucks to Denver.

Carl Eason, who lives 15 miles north of Simla, and engages in farming, stock raising, dairying, and chicken raising, stated that, for a long period of time, he has been unable to get Woodward Truck Line when he needed service; that, formerly, he and many farmers moved their stock in trailers, but they are unable to do that at this time, because the volume has greatly increased, and they do not have the necessary equipment; that he has had considerable difficulty in getting feed for his 200 hogs, and on one occasion when they were almost starving, was told by a common carrier to get his neighbors to get the feed.

In opposition, Mr. Barnhill, with headquarters at Ramah, 5 miles from Simla, stated that he has been operating since 1950; that he is authorized to transport, on call and demand:

farm products, including livestock, farm equipment and farm supplies into, out of, and between points within a 10-mile radius of Ramah, except from points within a 10-mile radius around Peyton; and the transportation of the same commodities out of and into

points within the following-described territory: beginning at a point 10 miles east of Peyton, thence north to a point due west of Kuhns Crossing, thence east via Kuhns Crossing to Colorado State Highway No. 86 and along said highway to the east boundary line of Range 59, thence south to the south boundary line of Township 11-South, thence east to Colorado State Highway 71, thence south along said highway to the south boundary line of Township 13-South, thence west a distance of 36 miles to the west boundary line of Range 62, thence north to U S Highway 40-South, thence east along U S Highway 40-South to the point of beginning, besides transportation of cement and some additional commodities, subject to some restrictions from and to points in last mentioned area.

Mr. Barnhill stated that he has three trucks, 24, 20 and 16 feet, respectively; that it was true that business had greatly increased, on account of the war and development of the country due to increased moisture; that drivers are hard to get; that, during a few months in the year, he is very busy, and the balance of the time his trucks are not engaged continuously; that in his opinion, the situation will not be helped by adding additional carriers, because the complaints received chiefly come from farmers who have only a few head of hogs or stock to move, and if ten carriers, instead of two or three carriers, receive requests to move a small number from different farmers, naturally they will wait until they get requests from other farmers to make up a load. If only a few truckers are available, loads are more quickly obtained, because farmers have less truckers to go to. At Hartsell's request, he has been trying to take care of Hartsell's farm customers.

A. D. Garriott, PUC No. 1368, who also is engaged in the produce business, has authority to transport, on call and demand:

farm products, including livestock, farm equipment, and supplies, coal and timber between points within a 20-mile radius of Matheson and points outside thereof, excluding service from or to points between Denver and Matheson (except Colorado Springs on US 24, US 40 and US 85.), excluding all that territory in Lincoln County lying east of State Highway No. 71.

He stated that he has two trucks, equipped with 12-foot and 14-foot racks, respectively; that he has been trucking since 1924; that, at times, he had too much to do; that rush sometimes starts as early as July, and in September and October reaches the peak; that from March 1 to 17, he had only one load to haul, and on the date of hearing, had an order to move nine hogs. He stated that he thought livestock had increased about 15% in number, and that the increase in hogs was even larger; that most trucks had been in operation during the past twelve months about twelve hours a day.

In rebuttal, Mr. Hamm stated that hogs and cattle, especially the latter, now move throughout the year.

Mr. Stockton called attention to the fact that no evidence had been offered as to inadequacy of service for movement of any commodities except livestock and farm products.

We think the testimony in the instant matter, like the testimony offered in many similar applications, shows that there is a greatly increased need for "for-hire truck service". Naturally, due to increased prices for livestock, wherever conditions permit, farmers have increased their herds and flocks. Many more stock and feeder cattle and sheep are being kept on farms. More lambs, calves and hogs are being produced and fed. They, necessarily, must move to market. The markets formerly provided at Pueblo and Colorado Springs are gone. Now all stock goes to Denver. For years, the Simla territory experienced drouth. That situation has changed. This, too, has contributed to larger livestock production and feeding. Larger crops mean more use of trucks. Farmers have been unable to buy new trucks, to get repairs, or tires for the old ones. Moreover, on account of shortness of help, they do not have the time they formerly had to operate trucks. For-hire carriers have been unable to purchase new equipment, and to get second-hand equipment only at high, and even excessive, costs, which many times they are not justified in incurring. Hartsell, the resident common carrier at Simla, now, does

not want to haul livestock and did not object to Wann's request to extend his livestock territory. He has been throwing the business to Barnhill who on account of volume offered, at times, has been unable to serve promptly. We think that the Commission, when it is so important that livestock be properly cared for and fed, livestock and feed crops must move promptly and readily to markets, necessarily must provide all the for-hire service that may be required, at the risk, perhaps, of causing some slight pecuniary loss to the carriers. In this instance, we do not believe that the extension of territory to the north to twenty-five miles, and authority to haul used household goods and farm products, including livestock, between points in the area, as extended, and farm products including livestock from and to points in said area, to and from points in the State of Colorado, will impair the efficiency of any now-authorized common carrier service, and it probably will help the farmers to get their crops and livestock moved more conveniently and promptly. The extension sought east and west cuts substantially into the territory of other carriers, who, on account of their locations, should be better able to serve than applicant.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that applicant's territory should be extended on the north to a point twenty-five miles north of Simla, with the right to transport used household goods, and farm products, including livestock, from farm to farm, town to farm, farm to town, within said area, as extended and farm products including livestock from and to farms in said area, to and from points in the State of Colorado, including Denver, without the right to compete with line haul motor vehicle common carriers between points served by them.

O R D E R

IT IS ORDERED:

That Dee Wann, Simla, Colorado, should be, and he hereby is, authorized to extend his operations under permit No. B-2560 to include the right to transport used household goods and farm products, including

livestock, from farm to farm, town to farm, and farm to town, within a radius extending twenty-five miles north, twenty-five miles south, and ten miles east and west of Pimla, and farm products including livestock, from and to farms in said area, to and from points in the State of Colorado, including Denver, without the right to serve between points served by line haul motor vehicle common carriers in competition with them.

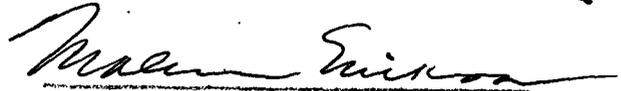
This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ANDREW M. STONER)
Box 7)
Kersey, Colorado)
.....)

PERMIT NO. C-14199

.....
May 1, 1943
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Andrew M. Stoner of Box 7 Kersey, Colorado,
....., requesting that his Permit No. C-14199 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14199, heretofore issued to Andrew M. Stoner of Box 7, Kersey, Colorado be, and the same is hereby, declared cancelled effective April 26, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showan
.....
James D. Wheeler
.....
Malcolm Erickson
.....
Commissioners.

Dated at Denver, Colorado,

this 1st day of May, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
LEWIS W. BOTTORFF)
Box 355)
New Castle, Colorado)
-----)

PERMIT NO. G-1709

May 1, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Lewis W. Bottorff of Box 355, New Castle, Colorado
-----, requesting that his Permit No. G-1709 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. G-1709, heretofore issued to Lewis W. Bottorff of Box 355, New Castle, Colorado be, and the same is hereby, declared cancelled effective April 26, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Blumenthal

Edward J. O'Connell

Malcolm Erickson

Commissioners.

Dated at Denver, Colorado,

this 3rd day of May, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ALEX WEINGARDT, 409 NORTH SECOND)
AVENUE, STERLING, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-1445 TO JOHN GARLES, 432 WEST)
MAIN STREET, STERLING, COLORADO.)

APPLICATION NO. 3035-PP-ABA

May 3, 1943.

Appearances: T. A. Stockton, Jr., Esq., Denver,
Colorado, for the Common Carrier
Division of The Colorado Meter
Carriers' Association.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing in Sterling, Colorado,
on April 13, 1943, at 9:30 o'clock A. M., due notice of the time and place
of hearing being forwarded to applicants.

Notwithstanding said notice, they failed to appear.

However, Mr. Stockton, appearing for the Common Carrier Division of
The Colorado Meter Carriers' Association, stated that he had no objection to
the transfer of said permit, provided it is in good standing.

The records and files were made a part of the record herein, and
the matter taken under advisement.

It appears that said permit is in good standing, and so far as
our files and records disclose, there is no reason why the transfer should
not be authorized.

Therefore, after careful consideration of the record, the
Commission is of the opinion, and finds, that said transfer should be
authorized.

O R D E R

IT IS ORDERED:

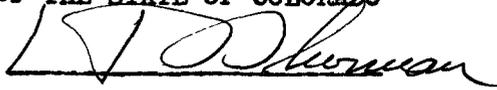
That Alex Weingardt, Sterling, Colorado, should be, and he here-

by is, authorized to transfer all his right, title and interest in and to Permit No. B-1445 to John Garles, Sterling, Colorado.

The right of transferee to operate under this order shall be dependent upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 3rd day of May, 1943.

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
COLORADO RAILROADS FOR INCREASES IN)	
INTRASTATE FREIGHT RATES AND)	
CHARGES, AND PASSENGER FARES, IN)	<u>APPLICATION NO. 5819</u>
LINE WITH INCREASES IN INTERSTATE)	
FREIGHT RATES AND CHARGES APPLIED)	
FOR IN I. C. C. DOCKET EX PARTE 148.)	

April 30, 1943.

- Appearances: Walter M. Campbell, Esq., Commerce
Attorney for The Denver and Rio
Grande Western Railroad Company;
E. G. Knowles, Esq., Denver, Colorado,
for Union Pacific Railroad Company;
J. H. Shepherd, Esq., Telephone Building,
Denver, Colorado, for The Denver and
Salt Lake Railway Company;
Douglas McHendrie, Esq., Equitable
Building, Denver, Colorado, for
The Atchison, Topeka and Santa Fe
Railway Company;
J. H. Cummins, Esq., Denver, Colorado,
for The Colorado and Southern Railway
Company and Chicago, Burlington
& Quincy Railroad Company;
G. A. Hoffelder, Chicago, Illinois,
for Chicago, Burlington & Quincy
Railroad Company;
E. D. Speer, Topeka, Kansas, for The
Atchison, Topeka and Santa Fe
Railway Company;
G. W. Carleton, 515 - 17th St., Denver,
Colorado, for Missouri Pacific
Railroad Company;
A. C. Mattson, 1200 Fidelity Building,
Kansas City, Missouri, for The Chicago,
Rock Island & Pacific Railroad Company;
A. J. Stilling, Omaha, Nebraska, for
Union Pacific Railroad Company;
F. C. Hogue, General Traffic Manager,
The Denver and Rio Grande Western
Railroad Company; George Williams
and W. M. Carey, Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company;
Truman A. Stockton, Jr., Esq., Denver,
Colorado, for The Motor Truck Common
Carriers' Association;
Chamber of Commerce, Pueblo,
Colorado;

Lowe P. Siddons, Esq., and F. H. Orgren, P. O. Box 1052, Colorado Springs, Colorado, for the Holly Sugar Corporation;
E. B. Evans, Esq., Denver, Colorado, for The Public Utilities Commission;
Monroe P. Hester, Denver, Colorado, for Great Western Sugar Company;
George Work and L. B. Fitzpatrick, Denver, Colorado, for the Colorado Milling & Elevator Company;
F. O. Sandstrom, Denver, Colorado, for the Colorado-New Mexico Coal Operators;
A. J. Baumann, Denver, Colorado, for Armour & Company;
R. W. Lentz, Denver, Colorado, Traffic Manager, for Swift & Co.;
A. Brester, Denver, Colorado, Traffic Manager, Cudahy Packing Company;
John R. Wolf, Esq., Boulder, Colorado, for the Boulder County Metal Mining Association;
D. I. McCarl, Denver, Colorado, for Colorado Potato Growers' Exchange;
F. J. Rebhan, Denver, Colorado, for American Crystal Sugar Company;
R. L. Ellis, Denver, Colorado, for Kumer Empson Company;
L. K. Wilson, Denver, Colorado, for Rocky Mountain Produce Company;
T. S. Wood, Denver, Colorado, for Public Utilities Commission;
Reginald C. Carey, Sugar City, Colorado, Vice President, National Sugar Manufacturing Company.

S T A T E M E N T

By the Commission:

On April 16, 1943, Decision No. 20816, the Commission entered its order reopening the instant matter for the purpose of determining what, if any, action should be taken by the Commission in amending, modifying, cancelling, or otherwise changing, its original Decision No. 18528, dated March 16, 1942. Said order of April 16, 1943, stemmed from the order of the Interstate Commerce Commission in Ex Parte No. 148, dated April 6, 1943, wherein certain increases on rates and charges applicable on interstate freight traffic were suspended from May 15, 1943, to January 1, 1944.

Since the entry of said order dated April 16, 1943, the Commission is in receipt of a letter from Walter M. Campbell, Commerce Attorney for The Denver and Rio Grande Western Railroad Company, which is chairman of the Colorado Committee of the Western Traffic Executive Committee of Railroads Operating in Colorado, advising the Commission that it is the desire of carriers by rail in Colorado to voluntarily suspend the increases in rates on intrastate freight traffic in Colorado to the same extent as they may be removed on interstate traffic, and for the same period of time as that covered by the Interstate Commerce Commission in Ex Parte No. 148.

In view of the above advice, the Commission is of the opinion, and so finds, that no good purpose would be served by holding hearing in the instant matter now set for May 3, 1943, at Denver, Colorado, and that the increases permitted under our original Decision No. 18528, dated March 16, 1942, should be suspended to conform with the order of the Interstate Commerce Commission of April 6, 1943.

O R D E R

IT IS ORDERED:

That the increases permitted under our Decision No. 18528, dated March 16, 1942, be, and the same are hereby, suspended on intrastate freight traffic in Colorado on and after May 15, 1943, to and including December 31, 1943, to the same extent as they have been or may be removed and suspended on interstate freight traffic by the order of the Interstate Commerce Commission in Ex Parte No. 148, dated April 6, 1943, or any supplements or amendments thereto which the Interstate Commerce Commission may prescribe.

IT IS FURTHER ORDERED, That all common carriers by railroad, parties to the original petition, operating as such within the State of Colorado, be, and they are hereby, required to publish schedules in accordance with the findings and order contained herein, upon

notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed in Section 16, of the Public Utilities Act.

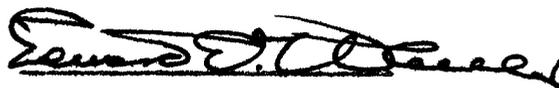
IT IS FURTHER ORDERED, That the hearing set for May 3, 1943, at Denver, Colorado, be, and the same is hereby, vacated.

IT IS FURTHER ORDERED, That this order shall become effective on the day and date hereof.

IT IS FURTHER ORDERED, That jurisdiction of instant matter be retained.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WILLIAM A. STEPHENS)
Route 3)
Grand Junction, Colorado)
.....)

PERMIT NO. C-7739

.....
May 1, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
William A. Stephens of Route 3 Grand Junction, Colorado
....., requesting that his Permit No. C-7739 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7739, heretofore issued to William A. Stephens of Route 3, Grand Junction, Colorado be, and the same is hereby, declared cancelled effective April 29, 1943

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Shuman
.....
David O. Decker
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 1st day of May, 19 43

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DAWSON CATTLE COMPANY AND
F. R. CARPENTER,
Complainants,
v.
COLORADO UTILITIES CORPORATION,
Defendant.

CASE NO. 4853.

April 27, 1943.

Appearances: F. R. Carpenter, Esq., Hayden,
Colorado, for Complainants;
Addison M. Gooding, Esq., Steamboat
Springs, Colorado, for Defendant.

S T A T E M E N T

By the Commission:

On April 17, 1943, Decision No. 20814, the Commission entered an order in the instant matter. Said order provides, inter alia, for the payment of money. However, said order is silent as to the effective date thereof. By statute, our orders become effective twenty days from date (unless otherwise ordered), except those providing for the payment of money.

After careful consideration of the record, including said order, the Commission has determined, and so finds, that said Decision No. 20814, should be amended, nunc pro tunc, to provide for an effective date thereof.

O R D E R

IT IS ORDERED:

That our order of April 17, 1943, Decision No. 20814, be, and the same is hereby, amended, nunc pro tunc, by the addition of the following paragraphs, viz.:

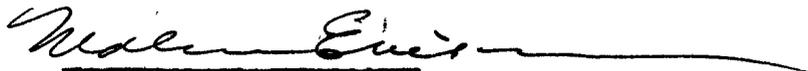
IT IS FURTHER ORDERED, That the effective date of this order shall be May 24, 1943.

IT IS FURTHER ORDERED, That except as herein clarified, said original decision shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 27th day of April, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

* * *

IN THE MATTER OF THE APPLICATION OF)
LEE SHARP, DOING BUSINESS AS)
"HUERFANO FREIGHT LINE", GARDNER,)
COLORADO, FOR AUTHORITY TO TRANSFER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 391 TO ROBERT)
WEIR, DOING BUSINESS AS "HUERFANO)
FREIGHT LINE", LA VETA, COLORADO)
-----)

APPLICATION NO. 1372-AB-A

May 1, 1943

Appearances: Lee Sharp, Gardner, Colorado
pro se;
Robert Weir, La Veta, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Stor-
age Company;
T. A. Stockton, Jr., Esq., Denver,
Colorado for the Common
Carrier Division of The Colorado
Motor Carriers' Association.

S T A T E M E N T

By the Commission:

Lee Sharp, doing business as "Huerfano Freight Line", herein seeks authority to transfer his certificate of public convenience and necessity, PUC No. 391, to Robert Weir, doing business as "Huerfano Freight Line", La Veta, Colorado.

By Decisions Nos. 2375, 6501, and 11610, said Sharp was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

freight between Redwing, Colorado, and Walsenburg, Colorado, and intermediate points, but not including points between Tioga and Walsenburg,

and a motor vehicle for-hire common carrier transportation service, on call and demand, for the transportation of:

farm products, including livestock, farm machinery, including farm equipment, used furniture and household goods (in household lots), timber and saw mill products, between points within the area (except as herein restricted), extending north to the Huerfano-Custer County Line, east to U S Highway No. 85, south to U. S. Highway No. 180, and west to the crest of the mountains, which is substantially the western boundary of Huerfano County, and from and to points in said area, to and from points in the State of Colorado, provided that the south boundary of pick-up area for commodities other than livestock shall be the township line between Township 28-South and 29-South, and south boundary of pick-up area for livestock shall be a line drawn east and west through a point five miles north of La Veta, and applicant shall not transport household goods or farm machinery between Denver and Gardner, Colorado.

At the hearing, in Trinidad, Colorado, on April 27, 1942, it appeared that the consideration for the transfer is the sum of \$500.00; that there is no outstanding unpaid indebtedness against the operation; that Mr. Weir is an experienced trucker, and, for a number of years has been associated with O. G. Copple, in a for-hire operation under Permit No. B-1891; that he does not contemplate uniting his operations under the certificate in any way with the partnership operations under the permit. He does expect to continue the line haul service between Gardner and Walsenburg, which, in the past, has been reduced by Mr. Sharp to once a week on Friday service. If volume of business justifies the action, he will increase the number of schedules per week. He will interchange at Walsenburg with all authorized carriers with whom the Huerfano Freight Line has interchange arrangements.

After 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 ORDERED:

That Lee Sharp, doing business as "Huerfano Freight Line", Gardner, Colorado, should be, and he hereby is, authorized to transfer the authority granted in Decisions Nos. 2375, 6501, and 11610 (PUC No. 391) to Robert Weir, doing business as "Huerfano Freight Line", La Veta, Colorado.

The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Shuman

Edward V. Wheeler

Walter E. Quinn

Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE GLENWOOD LIGHT AND WATER COMPANY,)
A PUBLIC SERVICE CORPORATION, DULY)
ORGANIZED AND EXISTING UNDER AND BY)
VIRTUE OF THE LAWS OF THE STATE OF)
NEVADA, AND AUTHORIZED TO DO BUSINESS)
IN THE STATE OF COLORADO, FOR AN ORDER)
AUTHORIZING THE ISSUE OF A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1818-B

May 5, 1943.

Appearances: C. H. Darrow, Esq., Glenwood Springs,
Colorado, attorney for applicant.

S T A T E M E N T

By the Commission:

The records and files disclose that on March 1, 1943, by Ordinance No. 1, Series of 1943, the City Council of the City of Glenwood Springs granted franchise to applicant, The Glenwood Light and Water Company, authorizing:

"THE RIGHT, PRIVILEGE AND AUTHORITY TO OPERATE, MAINTAIN, AND EXTEND AN ELECTRIC POWER PLANT AND ELECTRIC DISTRIBUTION SYSTEM NOW SITUATED AND LOCATED IN THE CITY OF GLENWOOD SPRINGS, COLORADO, AND TO SELL ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER PURPOSES IN SAID CITY, ADDITIONS THERETO, AND ANY AND ALL FUTURE ADDITIONS THERETO AND EXTENSIONS THEREOF."

In the instant application, said Glenwood Light and Water Company seeks a certificate of public convenience and necessity to exercise the above described franchise right. Certified copy of said ordinance is on file with the Commission.

The records further disclose that applicant heretofore has been furnishing the City of Glenwood Springs and the inhabitants thereof with electrical energy under and by virtue of former rights granted to applicant by said City of Glenwood Springs, which said franchise expired in 1941, the exercise of franchise rights thereunder having been authorized by this

Commission June 11, 1931, Decision No. 3452. The new franchise granted in March, 1943, is for a period of twenty (20) years.

It further appears from the records and files herein that applicant is a corporation duly organized and existing under and by virtue of the laws of the State of Nevada, and is duly authorized to do business within this State under and by virtue of the laws of Colorado relating to foreign corporations.

The principal office and place of business of applicant is Glenwood Springs, Colorado, and a certified copy of its Articles of Incorporation is on file with the Commission.

It is engaged generally in the business of supplying electricity to the City of Glenwood Springs and the immediate vicinity thereof.

The record further disclosed that no additional capital investment in the City of Glenwood Springs by reason of this franchise, has been made. Consent of Public Service Company of Colorado and City of Glenwood Springs to the granting of the authority herein sought has been filed with the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that formal hearing in the instant matter is not necessary, and that the authority sought should be granted upon the verified files and records herein.

O R D E R

IT IS ORDERED:

That the present and future public convenience and necessity require the acceptance of and exercise by The Glenwood Light and Water Company, applicant herein, of the franchise rights granted to it by the City Council of the City of Glenwood Springs under and by virtue of Ordinance No. 1, Series of 1943, adopted March 1, 1943, for the purpose of the sale and distribution by said applicant of electrical energy for light, heat, power, and all other purposes to which the same may be

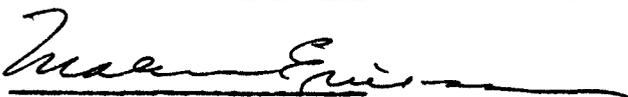
applicable, within the City of Glenwood Springs, including what is known as the "South Addition" to said city, and in all future additions and extensions of the corporate limits thereof, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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

APPLICATION NO. 6298-PP

May 5, 1943.

Appearances: Rex Poe, Holyoke, Colorado,
pro se;
Marion F. Jones, Esq., Denver,
Colorado, for E. F. Anderson.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, in Sterling, Colorado, on April 13, 1943, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock in shipments of not to exceed three head from or to Denver and sales barns at or near Sterling, Wray, or Julesburg, to or from points in the area described as five miles west, three miles north, ten miles south of Holyoke, and to the Colorado state line on the east, and grain from points in said area to mills and elevators within a radius of fifty miles of Holyoke, and to Denver, without the right to haul to or from points in Yuma or Washington Counties, and with the proviso that said permit shall be non-transferable, and that equipment used by said Poe under his permit shall be limited to equipment now in use, or similar thereto.

It appeared that applicant has a one-ton pickup, with capacity of 2400 pounds, and a two-wheel 5 x 12 trailer. He is engaged in farming and livestock raising, and, on occasions in the past, has hauled his livestock to a sales ring or to Denver, and has handled his grain to elevators. On numerous occasions, his neighbors have asked that he haul small shipments of livestock and grain for them. This he has done without compensation

as a convenience, because they have been unable to get service unless they were willing to pay for a truckload lot for movement of said shipments at the times they wanted them moved. He is willing to continue to help the neighbors, but thinks that he should have some compensation for the service. He added that it was important, especially at this time, that said commodities be moved promptly, and also on occasions it was difficult to get trucks to move even large shipments of stock or large quantities of grain.

Protestants agreed that the service probably should be authorized, with the exception of service in Yuma and Washington Counties, provided applicant were willing to limit his service to the same type that he had been performing, and to make his permit non-transferable.

As stated, applicant agreed.

After careful consideration of the record, the Commission is of the opinion, and finds, that permit, as limited, should issue.

O R D E R

IT IS ORDERED:

That Rex Poe, Holyoke, 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 livestock in shipments of not to exceed three head from or to Denver and Sales barns at or near Sterling, Wray and Julesburg, to or from points in the area described as five miles west, three miles north, ten miles south of Holyoke, and to the Colorado State Line on the east; and grain from points in said area to Denver and mills and elevators within a radius of fifty miles of Holyoke, without the right to haul to or from points in Yuma or Washington Counties.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

That permit herein granted shall be non-transferable.

That equipment used by said Poe under the authority herein granted shall be limited to equipment now in use, or similar thereto.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

* * * * *

IN THE MATTER OF THE APPLICATION OF)
ALONAH A. BETHEKE, GILCREST, COLORADO,)
FOR AN EXTENSION OF P.U.C. NO. 557.)

APPLICATION NO. 1658-A-BB
SUPPLEMENTAL ORDER

May 5, 1943.

Appearances: Marlow F. Jones, Esq., Denver,
Colorado, for applicant;
Herbert Boyle, Esq., Denver,
Colorado, for The Colorado and
Southern Railway Company;
E. G. Knowles, Esq., Denver,
Colorado, for Union Pacific
Railroad Company;
Herbert M. Mann, Esq., Greeley,
Colorado, for Miller Brothers;
Clay Apple, Esq., Greeley, Colo-
rado, for E. H. Shepherd and
William Roway;
Vernon Allen, Esq., Denver, Colo-
rado, for Tom Connell, Frank
Plass, A. W. Karr and Co.,
H. Connell, and Ed Mapes;
Walter H. Borgmann, Longmont,
Colorado, for Borgmann Brothers;
Walter Moore, Denver, Colorado,
Milk Administrator.

S T A T E M E N T

By the Commission:

On April 9, 1943, the Commission entered its order and decision, No. 23754, in the above-entitled matter.

An examination of said decision discloses that the words "call and demand" should be stricken from the fourth line of the first paragraph of the Statement contained in said decision, and also from the third line of the Order therein, inasmuch as it was not contemplated by the Commission when said order was entered that milk must move on call and demand. It was shown at the hearing that the service required ordinarily would be on schedule.

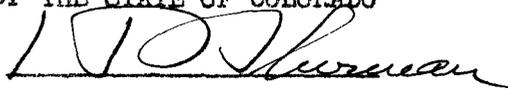
Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said decision should be amended by striking said words.

O R D E R

IT IS ORDERED:

That said Decision No. 20754, of date April 9, 1943, be, and the same hereby is, amended, nunc pro tunc, as of April 9, 1943, by striking the words "call and demand" from the fourth line of the first paragraph of the Statement contained in said decision, and the words "on call and demand" from the third line of the first paragraph of the Order thereof; that said decision, in all other respects, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
EDWARD DURAN, 1418 AIELLO, TRINIDAD,) APPLICATION NO. 6312-PP
COLORADO, FOR A REISSUE OF PERMIT)
NO. B-2693.)

May 5, 1943.

Appearances: Ed Duran, Trinidad, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
T. A. Stockton, Jr., Esq., Denver,
Colorado, for the Common Carrier
Division of The Colorado Motor
Carriers' Association.

S T A T E M E N T

By the Commission:

On November 18, 1941, by Decision No. 17893, Ed Duran, of Trinidad, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

ashes, sand, gravel and rock, between points within a radius of ten miles of, and including, Trinidad, Colorado; coal from mines within a radius of fifty miles of Trinidad to points in said area; timber from timber camps and sawmills located in the mountains west of, and within fifty miles of, Trinidad, Colorado, to points within a radius of fifty miles of Trinidad, Colorado.

On June 3, 1942, permit was revoked, on account of failure of permittee to keep effective insurance on file.

On March 12, 1943, he filed application to reinstate or reissue said permit.

The matter was heard in Trinidad, Colorado, on April 27, 1943.

There was no objection to the reinstatement of said permit

After careful consideration of the record, the Commission is

of the opinion, and finds, that said permit should be reinstated.

O R D E R

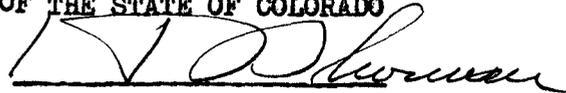
IT IS ORDERED:

That Permit No. B-2693, of Ed Duran, Trinidad, Colorado, should be, and the same hereby is, reinstated, authorizing the transportation of:

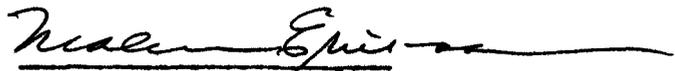
ashes, sand, gravel and rock, between points within a radius of ten miles of, and including Trinidad, Colorado; coal from mines within a radius of fifty miles of Trinidad to points in said area; timber from timber camps and sawmills located in the mountains west of, and within fifty miles of, Trinidad, Colorado, to points within a radius of fifty miles of Trinidad, Colorado.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JUAN ARCHULETA, 807 NAVAJO STREET,)
TRINIDAD, COLORADO, FOR AN EXTEN-)
SION OF PERMIT NO. B-2500.)
-----)

APPLICATION NO. 5299-PP-1E

May 5, 1943

Appearances: Juan Archuleta, Trinidad,
Colorado, pro se;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for the
Common Carrier Division of
The Colorado Motor Carriers'
Association.

S T A T E M E N T

By the Commission:

On February 8, 1941, by Decision No. 16650, Juan Archuleta was authorized to acquire Private Carrier Permit No. B-2500, of Ed Duran, which authorized 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.

Said permit was duly transferred.

He now seeks to extend his authority under said permit to include the right to transport sand, gravel, rock, and ashes between points within a radius of fifteen miles of Trinidad; timber from timber camps and mills located in the mountains west of, and within fifty miles of, Trinidad, Colorado, to points in said fifty-mile area; and cement, cement forms and contractors' equipment and supplies from

point to point on construction jobs, only, within a radius of fifteen miles of Trinidad, Colorado, without the right to perform any over-the-road service between points served by line haul motor vehicle common carriers operating on schedule.

At the hearing, in Trinidad, Colorado, on April 27, 1943 it developed that applicant has a number of customers, chiefly small building contractors for whom he desires to haul sand, gravel and rock, and also timber, occasionally, from timber camps and sawmills located west of Trinidad, and cement, cement forms and contractors' equipment and supplies from point to point on a construction job, only -- that is, he does not contemplate hauling the last-mentioned commodities between points served by line haul carriers in competition therewith.

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

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

O R D E R

IT IS ORDERED:

That Juan Archuleta, Trinidad, Colorado, be, and he hereby is authorized to extend his authority as a private carrier by motor vehicle for hire under Permit No. B-2500 to include the right to transport sand, gravel, rock, ashes, cement, cement forms, and contractors' equipment and supplies between points within a radius of fifteen miles of Trinidad, and timber from timber camps and sawmills located in the mountains west of, and within a fifty-mile radius of Trinidad, to points in said fifty-mile area, the authority granted to haul cement, cement forms, and contractors' equipment and supplies, however, being limited to the movement of said commodities from point to point on construction jobs, only, in said area, and without the right to transport said commodities between points served by line haul motor vehicle common carriers on schedule.

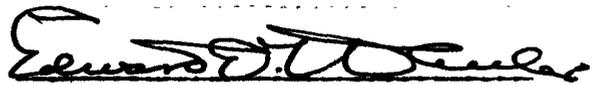
This order is made a part of the permit granted to applicant,
and shall become effective twenty days from date.

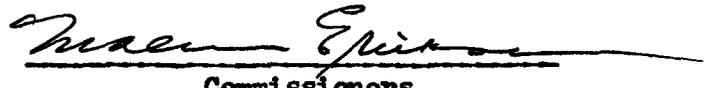
The authority herein granted is subject to all applicable
orders of The Office of Defense Transportation of the Federal Government.

The authority herein granted is in addition to the authority
to transport coal heretofore granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

hs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
G. B. OWENS, ROUTE 3, LONGMONT,)	
COLORADO, FOR A CLASS "B" PERMIT TO)	APPLICATION NO. 6250-PP
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

May 5, 1943.

Appearances: Mortimer Stone, Esq., Ft. Collins,
Colorado, for the applicant;
Truman A. Stockton, Jr., Esq., Denver,
Colorado, for McKie Transfer,
Guy Hart Farm Service, Chris Sorenson,
and Golden Transfer.

S T A T E M E N T

By the Commission:

Applicant, G. B. Owens, who has resided in Longmont since 1892, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay, grain, and feeds of all kinds, flour, salt and oyster shells between Longmont, Denver, Fort Collins, Louisville, Boulder, Niwot, Frederick, Hygiene, Lyons, and intermediate points, including farms in the vicinities of said towns.

At the hearing in Fort Collins, Colorado, on March 4, 1943, it developed that Mr. Owens has two trucks, which for a number of years he used to haul grain and other commodities he bought and sold under a Commercial Carrier Permit; that the Longmont Milling and Elevator Company, which operates a mill at Longmont, and elevators or mills at Niwot, Louisville and Frederick, requested him to haul commodities to be processed, or processed, by them; that he obtained temporary authority from the Commission or Patrolman in the district to furnish such service; that he has been asked to go to farms in the vicinity of the mills mentioned and haul grain to the Longmont mill; that, at times, he has been compelled to wait two or three hours for a load; that grain, as well as processed grains,

moves from mill to mill -- that is, between the mills located at Longmont, Niwot, Louisville, and Frederick; that processed feed is sold by the Longmont mill to farmers and to chicken ranches. It is necessary to have tight boxes on trucks, and to have the trucks equipped with doors, so that grain may be dumped from the rear. It cost him \$445.00 to equip the trucks the way the mill wanted them equipped. Mr. Owens expressed the opinion that trucks furnished by for-hire carriers were not satisfactory, or the carriers did not want to perform the service in the manner that the mill required.

Vane Golden, who has operated Golden Transfer since 1906, stated that his firm had a number of trucks which could be used for hauling grain; that he had done some hauling for the mill; that the mill had complained about the rate, and he thought that might be responsible for the company's disinclination to use his service. He conceded that Mr. Owens probably could render a more personalized service than he could; that he could extend favors which he would not be in a position to extend, principally because Owens operates his own trucks and does not have labor troubles. He stated that he would have no objection to the granting of the authority if the rate were the same as the rate charged by him, and service were limited to the mill.

Chris Sorenson stated that he had four trucks which could be prepared for service quickly; that he readied one truck for service about two months ago, but had not been asked to haul by the mill, although he had performed about six trips for others.

The evidence disclosed that the carriers do not particularly object to the granting of the authority to Mr. Owens for the transportation of grain for the milling company, only, provided that he adheres to the tariff prescribed by the Commission for said service. It is obvious that the granting of such authority will not impair the efficiency of the service of either Mr. Sorenson or Mr. Golden. They have done very little

hauling for the milling company, the milling company for the most part using its own truck. In view of the present National emergency, it is desirable to furnish ample "for hire service" in farming communities, by carriers who want to perform that type of service.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that G. B. Owens should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of flour, hay, grain and feeds, salt and oyster shells, for the Longmont Milling and Elevator Company, only, between mills of said company located at Longmont, Niwot, Louisville and Frederick, and from said mills to the customers of said milling company in Boulder and Larimer Counties and grain from farms in said counties to said mills, without the right to add to the number of his customers except upon approval of the Commission, after application and hearing had.

O R D E R

IT IS ORDERED:

That G. B. Owens, Longmont, 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 flour, hay, grain and feeds, salt and oyster shells for the Longmont Milling and Elevator Company, only, between mills of said company located at Longmont, Niwot, Louisville and Frederick, and from said mills to the customers of said milling company in Boulder and Larimer Counties, and grain for said company from farms in said counties to said mills, without the right to add to the number of his customers, except upon approval of the Commission after application and hearing had.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers,

copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. J. Sherman

Edward D. Wheeler

Wm. E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
J. J. BABB & SON, CRAIG, COLORADO,)
FOR A REISSUE OF PERMIT NO. B-1079.)

APPLICATION NO. 6301-PP

May 5, 1943.

Appearances: Sid Pleasant, Esq., Craig,
Colorado, for the applicant;
T. A. Stockton, Jr., Esq., Denver,
Colorado, for Comet Motor Express,
and Larson Transportation Company;
Winston S. Howard, Esq., Denver,
Colorado, for Leonard Gray, and
Valley Transfer.

S T A T E M E N T

By the Commission:

By Decision No. 6715, on October 9, 1935, J. J. Babb, Sr.,
and J. J. Babb, Jr., copartners, doing business as "J. J. Babb and Son,"
were granted a Class "B" private permit, authorizing the transportation
of:

lumber from sawmill at Black Mountain; coal from
mines at Mount Harris, Mount Streater, and other
points; coke, gravel, and grain (where the haul
originates at farms, only) between points within
a radius of fifty miles of Craig, with the proviso
that for hauls in competition with line haul motor
common carriers, 20% in excess of the scheduled
carriers' rates should be charged by the permit
holders.

On September 25, 1942, the said permit was cancelled, on
account of failure to keep proper insurance on file.

On February 4, 1943, John J. Babb, Jr., filed application to
reissue said permit to him.

The matter was set for hearing, and heard, at Steamboat Springs,
Colorado, on April 20, 1943.

At the hearing, John J. Babb, Jr., testified that his father died
soon after the issuance of the permit, No. B-1079; that no formal action

was taken to have the permit transferred to him, but he continued to operate under the permit until the spring of 1942; that at said time, he sold his truck to his brother, who left the state with the trucks; that, having no use for the permit, he also turned it over to his brother, who not only made no effort to have the permit transferred, but apparently left the state, did not use the permit, filed no reports thereunder, and permitted the insurance to lapse, whereupon cancellation aforementioned followed. Some time in the early part of 1943, the brother being unable or not desirous of paying the balance due on purchase price for trucks, they were re-possessed by said John J. Babb. On January 14, 1943, the witness filed a Description of Equipment with the Commission, and by letter, he was informed that permit had been cancelled on account of failure to maintain insurance on file.

Babb now has two trucks, a 1940 Chevrolet cab-over-engine, and a 1940 1½-ton Chevrolet. They are equipped with dump bodies at this time, although applicant has flat beds for each truck. Since January, he has been hauling coal from Axial for one Phelan, who operates a mine at that point, under Phelan's commercial carrier permit.

He stated that he also wanted to transport the same commodities named in the original permit; that, at times, there was considerable demand for transportation of grain by for-hire carriers, especially from farms to mills at Craig during the harvest season, and from Craig and points in Routt County to sheep camps near Maybell during the season when sheep are being fed in that section, which runs from about the middle of December to April 1; that during the same period, sheep are fed hay, which moves from ranches in Moffat and Routt counties to the feeding grounds. He has not hauled any hay for 18 months. As to lumber, he stated that he was desirous of hauling lumber, if anyone wanted lumber hauled, from a mill belonging to his uncle to Craig and ranches and farms within the fifty-mile radius named in the application. He was unable to remember any occasion when he had hauled gravel under the permit, although he wanted to retain that authority.

He also stated that he desires to serve anyone who called him, especially for the movement of grain and hay; that it would be impossible to determine in advance of the call who would want that service, because in many instances, during harvest season, and even during the sheep feeding season, shippers were unable to anticipate their wants in advance; that he expected to advertise his service to the public.

He admitted that Leonard Gray and other carriers could satisfy requirements of the community for the for-hire movement of grain, hay, lumber, and gravel, except during the rush season, but thought that at that period of the year, trucking facilities were limited.

Mr. Iles, PUC No. 717, stated that the Comet Motor Express, under its authority, was authorized to perform a line haul service, as well as a call and demand service, for the movement of all commodities between points in the area sought to be served by applicant; that it maintains 13 trucks and 2 semi trailers; that 3 of the trucks are kept to haul grain from farms to Craig, and from Craig and farms in Moffat and Routt counties to sheep camps; that, in all, eight trucks are available for call and demand service, of which about two are out of order on the average, waiting for repairs or parts; that equipment is not busy all the time, and more business could be handled, except during the grain harvest, when all trucks are busy hauling grain to the elevator in Craig; that he moves hay from the farms to Craig, and from Craig and the farms to the sheep camps during December, January, February and March; that at this time, there probably is some shortage of dump trucks for the movement of coal; that all commodities named by applicant in his application, except coal and gravel, can be hauled in trucks other than dump trucks; that the granting of the authority sought would, to some extent, curtail the revenue under his certificate, and while operation of only two trucks by applicant, if he did not increase the number, would not put Comet out of business, he might be compelled to reduce the number of trucks maintained by Comet, and he would be less able to handle peak demands; that a number of private

carriers, including Joe Stanton and Arvilla Watson, operate under Class "B" permits; that Stanton has a substantial number of trucks, of which only one is a dump body. He added that he had never seen Babb hauling grain.

Leonard Gray, PUC No. 880, who also serves the territory covered by the application, and devotes most of his time to farm service, stated that he had not engaged in grain hauling from the fields to elevators during harvest, because he was too busy handling livestock at that time; that livestock hauling was over by December 1, and except for the fact that he has been able to move hay from Routt County and points in Moffat County, grain from said counties, and cake from Craig to sheep camps in western Moffat County, his truck would be idle during the winter months; that if applicant, with the equipment he now has, or additional equipment he might purchase, took away the hay haul, which amounted to 300 tons during the last winter, it would impair the efficiency of his operation; that he has not seen anyone hauling hay or grain under the Babb permit during the last two years. He does not have any dump equipment. He has hauled lumber from Babb's uncle's mill. He now has three trucks in service, and a new one is about to be delivered to him. that during the wool haul, which is about to start, he will keep one truck available for local service, the others being used to haul wool.

H. Basil Hallquist, Manager of Valley Transfer, PUC No. 1232, at Steamboat Springs, stated that his operation is strictly a farm service; that he has four units; that in previous years, he has hauled grain and hay from Routt County to sheep camps near Maybell; that this year all hay raised in Routt County was fed there, so no hay was available for hauling; that during the winter months, he has very little to do, it being impossible to get to farms off the highway on account of snow; that service during said period is limited to movement of hay and livestock; that his trucks are in use about three days a week; that he has relied on the business to the sheep camps to tide him through the slack season; that he has not found it necessary to get additional equipment, and believes that the facilities

now available are sufficient to care for the movement of hay and grain from Routt County to the sheep camps.

An examination of our Decision No. 6715 shows that applicants desired to haul "grain from farms to elevators and loading points." Obviously, the service contemplated was during harvest season. The permit was granted to haul grain "where the haul originates at farms, only." They were not authorized to haul hay, and apparently did not contemplate hauling either grain or hay from points in Routt or Meffat Counties to the sheep camps. An examination of our report files shows that no reports were filed from February, 1942, to date. Reports filed for the months of October, 1941, to January, 1942, show no hauling under Permit No. B-1079. 31,560 pounds of grain were hauled in September, 1941; 31,610 pounds of grain in August, 1941, from farms to elevators. In June, 1941, he hauled 126 tons, 140 pounds of grain, and in May, 1941, moved 119 tons and 1400 pounds of grain. All grain moved from farms in the vicinity of Craig to the elevator at Craig. No service was performed under the permit during the months of January, February, March, April, and July, 1941. Similarly, no service was performed during any of the months of the year 1940, except that 12½ tons were hauled during July, 2½ tons during April, and 5 tons in August. The one shipment in April moved from a ranch near Axial to Craig, and the shipment in July moved from Craig to the Noble Drilling Company location near Craig, the August shipment being 9700 pounds from a farm 7 miles distant from Craig to the elevator in Craig.

It appears from the reports that Mr. Babb has not been very actively engaged in the transportation business. Apparently the for-hire part of his service has not been in much demand by his contract customers or by the public if he has been operating in the past in the same manner that he proposes to operate in the future.

It would seem that the common carrier service has been adequate — at least they have been furnishing the great bulk of the transportation

service required in the community. The carriers state that they can continue to perform that service, except possibly the movement of grain during the thrashing season and the transportation of coal.

Ordinarily, we would deny the application of Mr. Babb in its entirety, because he stated that, in effect, he wants to operate as a common carrier under private carrier authority. However, the Commission, generally, without opposition or complaint by the common carriers, has permitted private carriers, and at times non-authorized truckers, to haul grain in emergencies during the thrashing season. Also, it appears that his coal haul service really is that of a private carrier. He wants to haul for Mr. Phelan from his mine or their other mines in the territory. It would seem that authority to perform this service, at least, would cover practically all the transportation service he has performed in the past, and it would not seem to be desirable to have a permit outstanding which might be used to offer destructive competition to common carriers, which would be the situation if wider authority were granted.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that John Babb should be authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of grain, during the summer thrashing season, only, from farms in Moffat County to elevators at Craig, and coal from mines within a radius of fifty miles of Craig to points in Moffat County within said fifty-mile radius; that said application in all other respects should be denied, and that permit herein granted should bear the number "B-1079".

O R D E R

IT IS ORDERED:

That John J. Babb, Craig, 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, during the summer thrashing season, only, from farms in Moffat County to elevator at Craig, Colorado,

and coal from mines within a radius of fifty miles of Craig to points in Moffat County within said fifty-mile radius.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

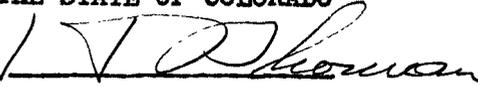
The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

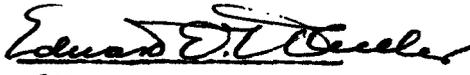
That said permit, when issued, shall bear the number "B-1079."

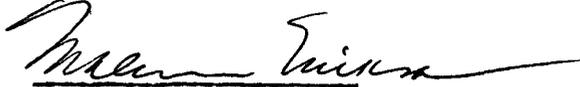
That said application, in all other respects, should be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


L. T. Sherman


Edward D. Wheeler


M. E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 5th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
CLYDE PETERSON)
1105 Palmer St.,)
Delta, Colorado)
.....)

PERMIT NO. C-8367

.....
May 4, 1943

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Clyde Peterson of 1105 Palmer St., Delta, Colorado,
requesting that his Permit No. C-8367 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-8367, heretofore issued
to Clyde Peterson of 1105 Palmer St., Delta, Colorado be,
and the same is hereby, declared cancelled effective March 22, 1943.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Showman
.....
Edward J. Wheeler
.....
Malcom Erickson
.....

Commissioners.

Dated at Denver, Colorado,

this 4th day of May, 1943

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
DEREMER & ATCHISON)
3551 Blake St.,)
Denver, Colorado)

PRIVATE PERMIT NO. B-1522

May 4, 1943

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-1522 be suspended for a period of six months from April 29, 1943.

O R D E R

IT IS ORDERED:

That De Remer & Atchison of 3551 Blake St., Denver, Colorado, be, and they are hereby, authorized to suspend operations under Permit No. B-1522 for a period of not to exceed six months from April 29, 1943.

That unless said De Remer & Atchison shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry P. Sherman
Edward J. Wheeler
William C. ...

Dated at Denver, Colorado,
this 4th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. RAYMOND WOODARD, AKRON, COLORADO,)
FOR AN EXTENSION OF APPLICATION NO.)
6024-PP TO INCLUDE THE TRANSPORTA-)
TION OF GRAIN AND FARM PRODUCTS FROM)
POINT TO POINT WITHIN A RADIUS OF)
FIFTY MILES OF AKRON, COLORADO.)

APPLICATION NO. 6024-PP-B

May 5, 1943

Appearances: C. Raymond Woodard, Akron,
Colorado, pro se;
Marion F. Jones, Esq., Den-
ver, Colorado, for E. F.
Anderson, Paul Hickman.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend his authority under his Class "B" private carrier permit to include the right to transport grain between points within a radius of fifty miles of Akron, Colorado.

He has a semi-trailer, and wants to keep the truck busy. He has been able, at times, to get some business through Mr. Anderson at Akron, who has furnished him with an emergency letter. However, the Port of Entry has objected. Mr. Woodard stated that if emergency letters can be issued by Anderson when he is unable to handle the business himself to the applicant, he would be satisfied to operate at all times other than during harvest periods under such letters. Mr. Anderson agreed that he would use applicant's trucks at times when he is unable to furnish service personally.

It appeared that the harvest extends from about July 15 to September 15. Some years it starts and ends earlier. Combining and thrashing on farms continues to December 1. Corn shelling lasts into the Spring.

Protestants indicated that they had no objections to the granting of the authority, as suggested.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted to include the transportation of grain during the period extending from July 15 to September 15 of each year between points within a radius of fifty miles of Akron, Colorado.

ORDER

IT IS ORDERED:

That G. Raymond Woodard, Akron, Colorado, should be, and he hereby is, authorized to extend his operations under his private carrier authority to include the right to transport grain during the period extending from July 15 to September 15 of each year between points within a radius of fifty miles of Akron, Colorado.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

I. D. Shuman
Edward E. Decker

William E. Quinn
Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. A. MURKE, DOING BUSINESS AS)
"MURKE OIL COMPANY," 432 NORTH)
THIRD STREET, STERLING, COLORADO,)
FOR A CLASS "A" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 6896-PP

May 5, 1943

Appearances: Marion F. Jones, Esq., Den-
ver, Colorado, for R. E.
Emswinger, A. W. Kendall,
S. A. Markley, H. M. Mel-
ton, R. B. Wilson.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing in Sterling, Colo-
rado, on April 13, 1943, at 9:30 o'clock A. M., due notice of the time
and place of hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear.

Thereupon, protestants, by their counsel, moved to dismiss
the application for lack of prosecution.

The matter was taken under advisement.

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

O R D E R

IT IS ORDERED:

That the above-styled application be, and the same hereby is,
dismissed for lack of prosecution.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Shuman

Edward E. Decker

Walter E. Eason

Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE DRAKE AND ASHLEY DRAKE,)
HAYDEN, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. A-2493 TO VERNE)
M. DECKER, HAYDEN, COLORADO.)

APPLICATION NO. 5225-PP-BEB-A

May 5, 1943

Appearances: Lawrence Drake, Hayden, Colo-
rado, pro se;
Ashley Drake, Hayden, Colo-
rado, pro se;
Verne M. Decker, Hayden, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

Ashley Drake and Lawrence Drake, on December 2, 1939, were authorized to operate as Class "A" private carriers by motor vehicle for hire for the transportation of:

coal, only, from the Ceryell Mine, south of Hayden, Colorado, to Hayden, Colorado.

They now seek authority to transfer said permit to Verne Decker, Hayden, Colorado, who was granted authority, on October 23, 1941, by Decision No. 17805, to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

coal from Sleepy Cat Mine, about nine miles south of Hayden, and from Growbar Coal Company Mine, about six miles south of Hayden, on the same road, to railroad loading point at Hayden, Colorado,

and who also asks that said transfer be authorized, and that the two permits be consolidated under the number "Permit No. A-2493."

At the hearing, in Steamboat Springs, Colorado, on April 20, 1943, it appeared that transferee now has one truck; that he has purchased

three trucks from transferors, who are "throwing in the permit" as additional consideration for the purchase of the trucks by Mr. Decker.

It also appeared that there are no outstanding unpaid obligations against said operation.

After careful consideration of the record, the Commission is of the opinion, and finds, that said transfer should be authorized, and that said transferee should be permitted to consolidate his operations under the two permits, Nos. A-2493 and A-2689, and continue the same under the number "A-2493."

ORDER

IT IS ORDERED:

That Lawrence Drake and Ashley Drake, Hayden, Colorado, should be, and they hereby are, authorized to transfer all their right, title and interest in Permit No. A-2493 to Verne M. Decker, Hayden, Colorado.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order is made a part of the permit authorized to be transferred.

That said transferred authority should be consolidated with authority under Permit No. A-2689, and operated as "Permit No. A-2493."

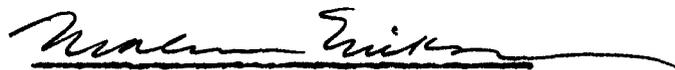
This order shall become effective twenty (20) days from date.

LEP:100

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

IN THE MATTER OF THE APPLICATION OF)
LEAMON RESSLER, DOING BUSINESS AS)
"RESSLER TRUCK LINE," 2155 LAWRENCE)
STREET, DENVER, COLORADO, FOR AU-)
THORITY TO TRANSFER PUC NO. 460 TO)
BURLINGTON TRANSPORTATION COMPANY,)
547 WEST JACKSON BOULEVARD, CHICAGO,)
ILLINOIS.)

APPLICATIONS NOS. 1487-A-BBAA
1502-AAA

IN THE MATTER OF THE APPLICATION OF)
DEAN RESSLER, DOING BUSINESS AS "RES-)
LER TRUCK LINE," 327 PINE STREET,)
STERLING, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 1115-I TO BUR-)
LINGTON TRANSPORTATION COMPANY, 547)
WEST JACKSON BOULEVARD, CHICAGO,)
ILLINOIS.)

P.U.C. No. 1115-I

SUPPLEMENTAL ORDER

May 6, 1943.

Appearances: J. L. Rice, Esq., Denver, Colorado,
for the applicants;
E. B. Evans, Esq., Denver, Colorado,
for the Public Utilities Commission
of the State of Colorado;
F. A. Stockton, Jr., Esq., Denver,
Colorado, for the Common Carrier
Division of The Colorado Motor
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:

On July 22, 1942, by Decision No. 19316, the Commission authorized
Leamon Ressler to transfer certain operating rights to Burlington Transportation
Company, said rights being described in said order as:

- "(1) All his certificates authorizing transporta-
tion of commodities generally in interstate com-
merce between Denver, Colorado and the Colorado-
Nebraska State Line, via U. S. Highway No. 6;
between Denver, Colorado, and the Colorado-Nebraska
State Line, via U. S. Highway Nos. 85 and 34; and
between Holyoke, Colorado, and the Colorado-Nebraska
State Line, via Colorado Highway No. 176; and

"(2) all the certificates and authority of transferor to transport freight in intrastate commerce in the State of Colorado (including the routes mentioned in the foregoing paragraph (1); except between Glenwood Springs and Aspen, Colorado; and except rover's permit operating in Washington and Yuma Counties, Colorado."

The Commission has been informed that Burlington Transportation Company does not desire to acquire the operating rights of Mr. Kesler between Denver and Anton, over U. S. Highway No. 36, and requests that said decision be amended to eliminate said operation from the permissive authority granted.

It would seem that such request can be granted.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that said order and decision, No. 19316, should be amended by adding the words "and excepting intrastate operating rights between Denver and Anton, over U. S. Highway No. 36" after the word "Colorado" at the end of Sub-paragraph No. (2) on Page 3 of the Order contained in said Decision No. 19316.

ORDER

IT IS ORDERED:

That said Decision No. 19316 be, and the same hereby is, amended, *nunc pro tunc*, as of date July 22, 1942, by adding the words:

"and excepting intrastate operating rights between Denver and Anton, over U. S. Highway No. 36"

after the word "Colorado" at the end of Sub-paragraph No. (2) on the third page of said Order, so that said Sub-paragraph No. (2), as amended, will read:

"(2) all the certificates and authority of transferor to transport freight in intrastate commerce in the State of Colorado (including the routes mentioned in the foregoing paragraph (1); except between Glenwood Springs and Aspen, Colorado; and except rover's permit operating in Washington and Yuma Counties, Colorado, and excepting intrastate operating rights between Denver and Anton, over U. S. Highway No. 36."

That said order, in all other respects, shall remain in full

force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. D. Thurman

Edward D. Baker

Walter E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 6th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE WINGFIELD, KIRK, COLORADO,)
FOR AN EXTENSION OF PUC NO. 1096.)
-----)

APPLICATION NO. 3848-BB

May 6, 1943

Appearances: George Wingfield, Kirk, Colo-
rado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for Paul Hickman,
E. F. Anderson.

S T A T E M E N T

By the Commission:

On October 11, 1939, Decision No. 14127, George W. Wingfield, Kirk, Colorado, was authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

farm products, farm and household equipment, livestock, coal, feeds, and building materials, from point to point within the area extending fourteen miles east, and twenty miles north, west and south of Vernon, Colorado.

On May 2, 1940, by Decision No. 15336, said authority was extended to include the right to transport:

- (a) used household goods and furniture from points within the area extending fourteen miles east and twenty miles north, west and south of Vernon to points in the State of Colorado;
- (b) commercial feeds, cinder blocks, brick and tile from Denver to points in said area, without the right to move any said commodities ordinarily handled by motor vehicle line haul carriers between points served by them;
- (c) coal from Denver and mines in the northern Colorado coal fields to Wray;
- (d) coal and building materials from Wray to points in Yuma County;
- (e) building materials, on distribution of pooled

cars, only, from Fort Morgan, Akron, Yuma, and Brush, on the one hand, to Wray, on the other; without the right to transport any of said commodities described in (a) to (c), inclusive, under the extension here granted, from points in the State of Colorado to points in the aforescribed area that are within a radius of twenty miles of U. S. Highway No. 36 - that is, from points in the State of Colorado to points in the area covered by PUC 847.

He now asks the Commission to enlarge the territory he is authorized to serve a distance of six miles on the south and six miles on the west, which would make his western boundary coincide approximately with the western boundary of Yuma County.

The application was opposed by Paul Hickman, PUC No. 1066, and E. F. Anderson, PUC No. 577.

Hickman's authority, among other things, includes the right to transport:

livestock between points in the area bounded by the Colorado-Nebraska-Kansas State Lines on the east, and extending west to a point six miles west of the Yuma-Washington County Line, and 25 miles north and 20 miles south of Wray, Colorado; livestock from and to points in said area, to and from points in the State of Colorado; farm products (except livestock) from point to point in said area, and from farms in said area to market points in the State of Colorado; used farm machinery and equipment (including used household goods and used furniture when moved in connection with farmers' effects) from farm to farm in said area, and from and to farms in said area, to and from points in the State of Colorado; stock feeds, salt, fence posts, wire, building material and general farm supplies from Yuma to farms in said area; cement from Boettcher and plaster from LaPorte to points in said area; household goods, including store and office fixtures and furniture, between points in said area on the one hand, and points east of U S Highway No. 85 on the other, without the right to haul said commodities on U S Highway No. 85 or west thereof or between towns on U S Highway 34 and Denver and intermediate points.

E. F. Anderson, PUC No. 577, is authorized to transport, among other things:

general freight from points in Washington County to points in the State of Colorado.

Messrs. Anderson and Hickman, through their attorney, Marion F. Jones, stated that they did not object to extending applicant's territory 6 miles on the south and also would consent to the granting of authority to haul from and to Yuma, to and from a strip 5 miles in width immediately adjacent on the south to said extended territory.

In support of his application, Mr. Wingfield stated that he now is living one mile east and six miles northeast of Kirk; that he no longer maintains an office, agent, or trucks at or near Vernon; that since he moved to the place near Kirk, people residing in that territory have been asking him for service. In the past, they have been going to Yuma to get trucks. Primarily, he wants to extend his territory west and north in order to get enough business at his new location to justify the maintenance of his equipment. Naturally, people who live in his neighborhood do not want to go to Yuma to get service if they can find a man near home willing to furnish it. He has never heard any complaints about Paul Hickman's service.

For himself and others, Mr. Hickman stated that he has a total of eleven trucks, four of which are used on his line haul freight service, seven being retained for service under his call and demand certificate; that said service, primarily, is a farm service; that in addition to E. F. Andersen, Martin Wilshusen is authorized to, and does, furnish for-hire service in Yuma County. In addition to common carriers who can serve all or part of the territory applicant desires to serve, a number of Class "B" private carriers have authority to haul for their contract customers. They all maintain a number of trucks, Mr. Anderson having five. He stated that, in his opinion, the service now offered is adequate; that, except during the harvest season, there is insufficient business available to keep the trucks of authorized carriers busy; that he does not believe Mr. Winfield should be permitted to move from Vernon and develop a business to the detriment of authorized carriers long in business.

Upon the record, we cannot say that the new-authorized motor vehicle common carrier service in territory which applicant seeks to serve through the proposed extension is inadequate. Unless we can say that, we cannot grant the authority sought over the objection of said carriers.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed extended operations of applicant in the territory extending six miles south of his present territory, and from and to points in the territory extending five miles south of said extended territory, to and from Yuma, and that certificate of public convenience and necessity should issue therefor; that said application, in all other respects, should be denied.

O R D E R

IT IS ORDERED:

That public convenience and necessity require the proposed extended motor vehicle operations of applicant, on call and demand, in the territory extending six miles south of and adjacent to his present territory, and from and to points in the territory extending five miles south of and adjacent to said extended territory, to and from Yuma, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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 within twenty days from date.

The applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government. That said application, in all other respects, should be denied. This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. J. Shuman

Edward D. Seal

Maun Epison

Commissioners

Dated at Denver, Colorado,
this 6th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
SI LOCKHART, STEAMBOAT SPRINGS,
COLORADO, FOR AN EXTENSION OF PER-
MIT NO. B-2082.

APPLICATION NO. 1942-PP-A-38

May 5, 1943

Appearances: Si Lockhart, Steamboat Springs,
Colorado, pro se;
T. A. Stockton, Jr., Esq., Den-
ver, Colorado, for Grand
County Transportation Com-
pany, Comet Motor Express,
Larson Transportation Company;
Winston S. Howard, Esq., Denver,
Colorado, for Valley Transfer,
Leonard Gray, R. M. and H. N.
Greeley.

S T A T E M E N T

By the Commission:

Heretofore, Si Lockhart was authorized to operate as a Class
"B" private carrier by motor vehicle for hire for the transportation of:

coal from northern Colorado coal fields to users
within a twelve-mile radius of Fort Collins, Colo-
rado; used farm machinery and equipment and live-
stock from and to farms within said twelve-mile
radius of Fort Collins, to and from sales rings
in Fort Collins, and from and to sales rings in
Fort Collins, to and from sales rings at Greeley;
farm products, including livestock, from and to
farms within a radius of twenty miles of Fort
Collins, to and from markets in said area, and
livestock in lots of not to exceed 8 head from
sales yards in said twenty-mile area to Denver.

He now seeks to extend his authority under said permit to in-
clude the right to haul farm produce, including livestock, and farm
machinery, between points within a radius of fifty miles of Steamboat
Springs, and from points in said area to Denver.

At the hearing, in Steamboat Springs, Colorado, on April 20,
1943, applicant testified that he is an auctioneer of, and dealer in,

livestock; that he is now located at Steamboat Springs, and is not actively operating under his Class "B" permit, although he is keeping it in good standing because he probably will want to use it some day in the future; that most of the auction sales he cries are held within a radius of twenty miles of Steamboat Springs, but occasionally, he may have a farm sale at a more distant point, all of which will be within said fifty-mile radius and in Moffat or Routt Counties. He does not desire to perform any service in Jackson or Grand Counties. His transportation service, chiefly, would be limited to the transportation of a few animals from farms to the sale, or the sale to farms. He has not been asked by anyone to get authority to haul livestock, but has noticed that people have been unable to get a dairy cow or other animal moved promptly after the sale, and at times, have been unable to get them moved to the sale; that Valley Transfer is the only operator available at Steamboat Springs; that it gives excellent service, except occasionally during the fall of the year; that during said period, it sometimes has been unable to handle immediately, but always gets there, it being sometimes late at night on the day service is sought, or at the latest, the following day; that he never has sought the service of Gray or any carrier other than Valley Transfer and Larson. He has noticed that M. B. Kelly, PUC No. 1210, of Slater, Colorado, and W. L. Jones, PUC No. 7980, at Dixon, Wyoming, occasionally, haul livestock. He was unable to get service from Larson on an occasion or two. He stated that his customers would be limited to ranchers who have stock to sell at the sales; that "some rancher in the fifty-mile area would call and tell him that he had a cow he wanted to send to the sale, or two or three or four or five or six cows, as the case may be. Then he would expect to go out and get that cow or cows for the sale, and then after the sale, if the purchaser asked him to haul for him, whoever the purchaser might be, he would want to be in a position to haul the cow, or cows, out to the purchaser's ranch." He admitted that that amounted to serving the public, generally, and that he would want to serve "anyone who went to the sale, and anyone who had cattle to move back;" and when asked: "At this time, can you give us a list

of the people whom you expect to serve?" He answered, "No, there would be no way of knowing."

Mr. Hallquist, in opposition, testified that he furnished a farm service in Routt County; that he has four units; that he advertises his service in the paper three times weekly; that while busy during the fall months, he attempts, during all periods of the year, to furnish service the same day requested, and always has served within twenty-four hours after call is made; that until ODT regulations became effective, he sent trucks to the sales, but cannot do so now. He presented an exhibit, showing livestock hauled to market in lots of less than 1,000 pounds from January 1, 1943, to date of hearing, April 29, 1943. It showed 29 lots, weighing from 265 pounds to 985 pounds, varying from one hog, one calf, one cow, and three sheep, to four hogs, three calves, and seven sheep. Another exhibit, showing lots of over 1,000 pounds and less than 2,000 pounds handled during the same period, being 26 in number.

He stated that during the Spring months, he has had two or three trucks idle a considerable portion of the time; that depreciation, insurance, and other costs of operation continue, even when trucks are idle; that he needs all the business he can get to maintain his service, which Mr. Lockhart stated is excellent.

The record shows that the common carrier service now available is adequate. At this time any community that can get service for the movement of one or two animals on the same day, or at least within twenty-four hours, is adequately served. It not only is desirable not to have more trucks in service than necessary, but under ODT regulations, it would not be allowed, even though a permit were granted.

However, this application should be denied for other reasons. Mr. Lockhart's testimony disclosed that he contemplates operating as a common carrier. This type of service could not be permitted under a private carrier permit. He necessarily would be compelled to limit his service to a few contract customers. The contract for service must be entered into and approved by the Commission before the service can be performed. Obviously, since he stated he would not know in advance who

would require his service, he could not make such arrangements and have Commission approval within twenty-four hours, so even though the service contemplated were desirable, and could be permitted under the permit, he would be unable to furnish the service any earlier than it could be furnished by Valley Transfer.

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

ORDER

IT IS ORDERED:

That the above-styled application be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAUL N. MOSCHETTI, 524 WEST MAIN)
STREET, FLORENCE, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 6327-PP

May 5, 1943

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal, only, from point to point within a radius of one hundred miles of Florence, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

After 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 ORDERED:

That Paul N. Moschetti, Florence, 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, only, from point to point within a radius of one hundred miles of Florence, Colorado.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments

to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and regulations of the Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

EW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. EARL TAGUE AND FRIEDA TAGUE,)
3455 GARFIELD STREET, DENVER, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 6328-PP

May 5, 1943

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of rock, sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to construction jobs within a radius of seventy-five miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicants, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

After 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 ORDERED:

That W. Earl Tague and Frieda Tague, Denver, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of rock, sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to construction jobs within a radius of seventy-five miles of said pits and supply points, ex-

cluding service in Boulder, Clear Creek and Gilpin Counties.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

The right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of this Commission.

The authority herein granted is subject to all applicable orders of The Office of Defense Transportation of the Federal Government.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. V. Thomas

Edward D. O'Connell

William E. Quinn
Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943.

■

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM H. BYERS AND JOHN WALKER, ILIFF, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.))))	<u>APPLICATION NO. 6300-PP</u>
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May 5, 1943

Appearances: William H. Byers, Iliff, Colorado,
pro se;
 John Walker, Iliff, Colorado,
pro se;
 Marion F. Jones, Esq., Denver, Colorado,
 for Lester Smith, William Blankenbeckler,
 and J. H. and F. V. Hellbusch;
 Truman A. Stockton, Jr., Esq., Denver,
 Colorado, for the Colorado Transfer and
 Warehousemen's Association

S T A T E M E N T

By the Commission:

Applicant, William H. Byers, stated that he resides about three miles northwest of Iliff, which is located twelve miles north-east of Sterling; that he has a truck, equipped with grain box and stock rack, which he uses on his farm of 320 acres; that livestock service of Blankenbeckler and Smith has been very satisfactory, except for the movement of one or two head of stock or a few hogs from farm to farm, sales, or from farm to town; that, ordinarily, he goes to Sterling on Saturday with a load of farm products or livestock that he has produced, but always has room for more, and if he could get the authority here sought, would be able to do some hauling for his neighbors, as a convenience for them; that the truck mentioned is a one and one-half ton truck, with a 12-foot stock rack, in which he can haul nine head of cows or twenty-two hogs; that, at times, he has handled mixed load of three head of cattle, eight head of hogs, and eight sheep. Grain haul chiefly is limited to

the harvesting season, although his neighbors, on occasions when he has been driving to town, have asked him to haul a load of barley to town to be ground or rolled, and returned to them after processing. In the winter, he would be able to haul cattle to Denver, although Blankenbeckler's service to that point has been satisfactory.

In opposition, testimony of Lester Smith, Delbert Hawkins, Mrs. William Blankenbeckler, and E. F. Anderson, in the Shiermeyer application, No. 1630-B, heard the same day at Sterling, was made a part of the record. They there testified that all said carriers engaged in the transportation of livestock and other farm products in the area where applicants seek authority to serve; that Smith has a semi and one truck, Hawkins has three trucks, Blankenbeckler has two trucks and a pup, Anderson has five trucks, Hellbusch has two trucks, and Maloney and Simmons, Private Carriers, have a number of trucks. They all agreed that service for movement of livestock is adequate, and that they are willing to serve at all times.

Said carriers, by their counsel, agreed that permit might issue for the transportation of grain and feed, provided it were made non-transferrable, but urged that they needed all the livestock hauling that was available, in order to maintain their equipment. Applicants are willing that permit be made non-transferrable.

Upon the record made, granting of authority to haul livestock does not appear to be in order. Applicant Byers concedes that service of Blankenbeckler and Smith is satisfactory, except for the movement of one or two head of stock or a few hogs. However, he did not indicate that he was willing to limit his service to the movement of that number in a shipment. Since there is no objection for the issuance of authority for the transportation of grain and feed, permit can issue for said service.

Therefore, after careful consideration of the record, the Commission is of the opinion, and finds, that a Class "B" permit should issue to applicants for the transportation of grain and feed

between points within a radius of ten miles of Iliff, and from and to points in said area, to and from Sterling and Denver; that the now-authorized common carrier service is adequate for the transportation of livestock; that the granting of authority for the transportation of said livestock will tend to impair the efficiency of said authorized common carrier service, and that said application to haul livestock should be denied.

O R D E R

IT IS ORDERED:

That William H. Byers and John Walker, Iliff, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of grain and feed between points within a radius of ten miles of Iliff, and from and to points in said area, to and from Sterling and Denver, Colorado, and that said permit be, and it hereby is made non-transferrable.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

The right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

The authority herein granted is subject to all applicable orders of the Office of Defense Transportation of the Federal Government.

That said application, in all other respects, should be,
and the same hereby is, denied.

This order shall become effective twenty (20) days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

L. D. Shuman

Edward D. Decker

Walter E. Ekins
Commissioners

Dated at Denver, Colorado,
this 5th day of May, 1943

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
C. J. SCHULER AND G. F. LOEBNITZ,)
DOING BUSINESS AS TELLURIDE TRANSFER,)
TELLURIDE, COLORADO, FOR AN EXTENSION)
OF CERTIFICATE NO. 60.)

APPLICATION NO. 564-BBB-BB

May 8, 1943.

Appearances: Telluride Transfer Company, by
R. S. Dunn, Telluride, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande
Western Railroad Company and
Rio Grande Motor Way, Inc.;
Cass M. Herrington, Esq., Receiver,
for Rio Grande Southern Railroad
Company.

S T A T E M E N T

By the Commission:

The above application was filed with the Commission on January 20, 1942. We are now in receipt of a communication from applicant to the effect that they have no objection to dismissing the present application without prejudice.

After a careful consideration of said request, the Commission is of the opinion, and so finds, that the instant matter should be dismissed.

O R D E R

IT IS ORDERED:

That the instant matter be, and the same is hereby, dismissed without prejudice.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
Eduard V. U. [unclear]
[Handwritten signature]
William [unclear]
Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1943.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
)
DELBERT FARRA)
Box 1179)
Arcata, California)

P U C NO. 1068

May 8, 1943

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 Certificate Number 1068 be suspended for an additional six months from May 12, 1943.

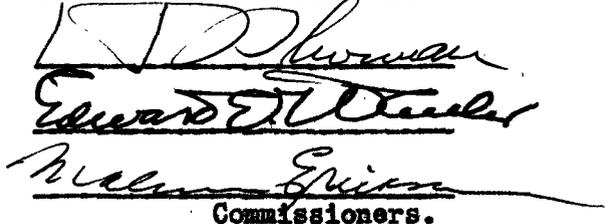
O R D E R

IT IS ORDERED:

That Delbert Farra of Box 1179, Arcata, California be, and he is hereby, authorized to suspend his operations under Certificate No. 1068 for an additional six months from May 12, 1943.

That unless said Delbert Farra shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said Certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to Certificate holders, said Certificate without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 8th day of May, 1943.